

Dear Commissioners:

The Park Ridge Owners Association (“Park Ridge”) asks that you consider the following information prior to the zoning hearing on the subject property (the “Property”) that will be held next Tuesday, June 16. I will not have adequate speaking time to provide you with the background history on this matter that the neighbors believe is very important to your deliberations.

2007 Ordinances and Covenants

In 2007, the neighbors in Park Ridge that were adjacent to this property and board members began discussions with the former owner regarding uses we believed would provide disruption and intrusion into our daily lives and our right to peaceful enjoyment of our homes. We were unable to reach accord on the uses we wished to restrict, with restaurant uses (both limited and general) being at the very top of our list of prohibited uses. At the first zoning hearing, several of the commissioners voiced their belief that there was sufficient cause to delay ruling on the matter at the first hearing, and the Chair of that commission, the legendary Ms. Betty Baker, formed a "task force" of commissioners, Applicant and neighborhood representatives. The following list of prohibited uses is contained in Ordinance Nos. 20070503-047 and 20070503-048 (the "Cullen and Slaughter Ordinances") and was agreed upon by Applicant and the Neighborhood as a result of the task force meetings. It was and remains our position that restaurants, especially fast food restaurants, would be detrimental to our neighbors whose properties are adjacent. After a round of kumbaya at the second hearing, the Commission ruled and the property was encumbered by the following list of prohibited uses pursuant to the Cullen and Slaughter Ordinances.

F The following uses are prohibited uses of the Property

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| Automotive rentals | Automotive repair services |
| Automotive sales | Automotive washing (of any type) |
| Bail bond services | Bed and breakfast residential (Group 1) |
| Bed and breakfast (Group 2) | Club or lodge |
| Commercial off-street parking | Drop-off recycling collection facility |
| Exterminating services | Funeral services |
| Funeral services | Hotel-motel |
| Indoor entertainment | Indoor sports and recreation |
| Off-site accessory parking | Outdoor entertainment |
| Outdoor sports and recreation | Pawn shop services |
| Residential treatment | Restaurant (general) |
| Restaurant (limited) | Service station |
| Theater | Urban farm |

Current Application to Remove Restaurants from Prohibited Use.

Fast forward to 2020, and a new Applicant, who purchased the property at least five years ago, is seeking to rezone the property, and seeks to remove only restaurant uses from the prohibited

list. Literally **nothing** has changed since 2007 that would make a restaurant use now attractive to Park Ridge neighbors. We have the same homes, many of the same owners, and the old and new homeowners of those residences still object to restaurant uses being adjacent to their homes.

Applicant advises that its proposed tenant will be a fast food fried chicken chain restaurant called "Raising Cane's Chicken Fingers." Their sole function is fried chicken, and some of their locations are open until **3:30 a.m.** The recommendation for approval of the zoning request is because the restaurant will be one lot away from any home. However, what has not been addressed is that the Property has topography that is higher than Park Ridge, so the smells, sights and sounds will be above, and thereby on top of our neighborhood. No landscaping border that is not at least 100 feet high will prevent the sights, sounds and smells from emanating into our neighborhood.

There is no use in the ordinance that is less compatible with a neighborhood than a fast food restaurant that is open until the wee hours of the morning. Ironically, a Chik Filet (another fried chicken fast food chain) is directly across the street from the Property and has two lanes of traffic wrapped around its building at all open hours. Constant traffic through a drive-through window is not neighborhood friendly.

The ordinances and covenants under which the Property is encumbered contain other restrictions that would make it nearly impossible for a fast food restaurant to be in compliance with, including lighting, dumpster placement and landscaping buffer. Applicant was aware of the restrictions when it purchased the property several years ago.

Access to Property at Cullen and Slaughter

Access to the Property will be via Slaughter Lane and Cullen Lane. Slaughter is one of Austin's most dangerous and aptly named thoroughfares in Austin, and contains three of the City's most dangerous intersections (I-35, Congress, Cullen and Menchaca). Cullen at Slaughter is NUMBER 7 on the most deadly list. The number of businesses that are now using Cullen as an access road is astonishing, considering it is a substandard two lane road with no improvements other than a turn lane at one of the newer access points. A fried chicken fast food restaurant is not neighborhood friendly or environmentally friendly, especially not for the Park Ridge neighbors.

Imagine Austin

References to the guidelines in Imagine Austin is being used to recommend approval for the removal of the prohibited use. To quote, Imagine Austin believes "a community is "complete" when it provides access by foot, bike, transit and car to jobs, shopping, learning, open space, recreation, and other amenities and services. That means no matter what part of Austin you live in—north, south, east, west, or central—nearby amenities help you **in the pursuit of your desired quality of life.** Simultaneously, we want complete communities that preserve identity, culture, and sense of place.

The plan states: *These communities will be for Austinites of all ages. They will provide environments that support children at every stage of their development, young adults beginning their professional lives and families, and seniors aging gracefully in the neighborhoods where they raised their families.*

If Imagine Austin is to be used as the framework for our neighborhood, it needs to be used in its totality. Slaughter Lane is not walker friendly and crossing at any intersection is done at your own risk and peril. Indeed, in images, from iterations of Imagine Austin, people are shown dining at quaint little bistros with outside tables, near locally owned custom boutiques. Unfortunately, that Austin is not reachable for many of its citizens and it is not the reality that Slaughter Lane has become.

Plea

The neighbors and members of the board of Park Ridge are tax-paying citizens who ask that you deny the request for removal of restaurant uses on the Property by an out-of-town investor Applicant. If every Commissioner cannot come to consensus on denial after learning the history, we ask that you delay ruling on the matter in the same vein as the wise commissioners before you so that we may look for a way to move forward that will not be detrimental to our neighborhood. The current rezoning request does not protect us and allowing a fast food restaurant frying chicken from sunrise to sunrise would negatively impact our quality of life, our right to peaceful enjoyment of our homes, and would undoubtedly negatively affect our property values. Imagine Austin should also apply to our neighborhood.

We will be happy to discuss in more detail at the hearing.

Kind regards,

Susan Hambright, a representative of the
Park Ridge Owners Association Board of Directors
and on behalf of and with the Neighbors Adjacent to the Property.