ZONING CHANGE REVIEW SHEET

CASE: C14-2020–0016 7113 Burnet Road DISTRICT: 7

ZONING FROM: CS-1-CO-NP, CS-CO-NP, LO-CO-NP TO: MF-6-NP

ADDRESS: 7113 Burnet Rd

SITE AREA: 4.3881 acres (191,145.64 sq. ft.)

PROPERTY OWNER:
Ronan Corporation
(Craig Hopper)

AGENT:
Armbrust & Brown, PLLC
(Michael Gaudini)

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff offers an alternative recommendation to grant Multifamily Residence (Moderate-High Density) - neighborhood plan (MF-4-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 14, 2020: ***APPROVED MF-6-NP DISTRICT ZONING AS THE APPLICANT REQUESTED***

[G. ANDERSON; A. AZHAR – 2ND] (8-4-1) C. LLANES PULIDO, R. SCHNEIDER, P. SEEGER, T. SHAW VOTED NAY; J. SHIEH – ABSTAINED

June 23, 2020: *APPROVED POSTPONEMENT REQUEST BY NEIGHBORHOOD TO JULY 14, 2020*

[J. THOMPSON; R. SCHNEIDER – 2ND] (12-0) P. SEEGER - ABSENT

CITY COUNCIL ACTION:

August 27, 2020:

July 30, 2020: ***APPROVED POSTPONEMENT REQUEST BY NEIGHBORHOOD TO AUGUST 27, 2020 BY CONSENT. VOTE (11-0)***

ORDINANCE NUMBER:

ISSUES:

There are three related land use cases: The request to change the Future Land Use Map (FLUM) from Commercial to Multi-family residential land use (NPA-2020-0017.01); The request to terminate a Restrictive Covenant (that established a 20 foot building setback on the LO-CO-NP zoned tract C14-72-032(RCT)); and this request for MF-6-NP zoning C14-2020-0016.

CASE MANAGER COMMENTS:

Applicant seeks zoning to build 360 residential units on the 4.39 acre (191,228.4 sq. ft.) parcel of land at 7113 Burnet Road. The requested zoning is multi-family residence - highest density-neighborhood plan (MF-6-NP) zoning.

Current Conditions

The site is a commercial development with a parking lot fronting Burnet Road. The buildings are set back more than 150 feet from the road. The largest tenant space is the bar closest to Burnet Road. The adjacent buildings are occupied by small businesses providing, for instance: driving instruction and martial arts coaching; coffee and kolaches; hair-cuts and massages. The site is auto oriented. With the exception of the bar, the businesses face north and are not visible from the street. There is a large multi-tenant sign only about half filled with business names and there appear to be several vacant tenant spaces. There is a free-standing building in the office zoned (east) part of the site. There are vehicles stored on that portion of the site as they are on the adjacent commercially zoned lot to the south. Landscape buffers to residences have not been maintained.

Vehicle Access and Circulation (ATD Comments)

Safe access to and from Burnet Road is provided through a Reciprocal Access Easement Agreement with the adjacent property to the north. The agreement gives the subject property access to the signalized intersection at Burnet Road and Greenlawn Parkway. Austin Transportation Department (ATD) staff reviewed the recorded Access Easement Agreement and commented:

> *"A reciprocal access easement has been created and recorded by the owner with the tract to the north of this site. This will allow for safe ingress and egress from this property at the Greenlawn Parkway, which has a traffic signal. Additional mitigations may be required at the time of site plan, when the land uses and intensities have been finalized."*

Building height, setbacks, buffers

Maximum building height with the requested multifamily residence-highest density-neighborhood plan (MF-6-NP) zoning is 90 feet. The existing general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) zoning allows 60 feet, yet most of the buildings are only one or two stories (less than 30 feet). Building height is limited at the east end

of the property by Land Development Code Compatibility Standards, which will be addressed during site plan review. Those standards reduce permitted building height and increase setbacks near family residence zone districts.

Staff is supporting multifamily residence - moderate-high density-neighborhood plan (MF-4-NP) zoning which permits up to 60 feet in height like the current zoning, though it would be lower near the family residences due to Compatibility Standards and also require increased setbacks, buffering and screening.

Future Land Use Map (FLUM)

The site is within the Crestview/Wooten Combined Neighborhood Plan boundaries. City Council approved the existing Future Land Use Map (FLUM) for the Crestview / Wooten Neighborhood in April 2004 and Council approval is required to change the FLUM.

The Future Land Use Map currently shows the subject property as commercial and an amendment changing the designation to multifamily residential is required for the proposed residential rezoning and development. An amendment to the Future Land Use Map was requested and a neighborhood meeting was held March 3, 2020 to present the request to Crestview residents (NPA-2020-0017.01).

The Crestview Neighborhood Plan Contact Team (NPCT) planned to vote on the request at a meeting in April, but was unable to meet in person because of government orders for social distancing which prohibited meetings of more than 10 people. City staff encouraged the group to consider other methods for getting the consensus of the group.

Mike Lavigne, President of the Crestview Neighborhood Association provided a letter to staff after staff reports and late backup were submitted to Planning Commission. The undated letter, on Crestview Neighborhood Association (CAN) letterhead is attached. Mike provided the substance of the letter in an oral presentation at the July 14, 2020 Planning Commission hearing. CNA offered to compromise at 75-foot limit for building height “several times” according to Mike’s letter. They supported residential uses and affordable units and requested more information about the mix of unit bedroom counts specifying a preference for as many 2-3 bedroom units as possible.

The current FLUM shows approximately the west 700 feet as commercial along with neighboring properties fronting on Burnet Road. The eastern approximately 275 feet of the subject property shown as office. That end of the property has residential uses on three sides. Two sides of the subject tract have single family zoning and uses including one and two-story detached and attached residences. The single family residences are along the north, duplexes along the east. Along the south part of the site shown as office is multifamily residences-medium density, townhomes and condominiums.

The Planning Commission approved the FLUM change from commercial to multi-family residential land use at their July 14, 2020 hearing.

Current Zoning and Use

The subject site is primarily zoned general commercial services – conditional overlay-neighborhood plan (CS-CO-NP). There is commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) zoning for the footprint of the bar, currently called the Local Post. Approximately 700 feet east of the Burnet Road property line, there is limited office – conditional overlay - neighborhood plan (LO-CO-NP) zoning.

Crestview/Wooten Neighborhood Plan: Prohibited and Conditional Uses

A City-initiated rezoning that was approved on April 1, 2004 (Ordinance No. 040401-32B) added the neighborhood plan combining district (NP) and conditional overlays (CO) on many of the lots in the 650.5 acre Crestview Neighborhood Plan area. The subject lots are listed in the Ordinance as Tracts 134, 135 and 136. Tract 134 is the CS portion; Tract 135 is the 8,800 square foot CS-1 footprint zoned portion; Tract 136 is the LO zoned portion. Part 7. (2) of the Ordinance includes the following list of conditional overlay uses prohibited in Tract 134 and 135, the portion of the property zoned CS-1 and CS.

Adult oriented businesses	*Equipment repair services*
Agricultural sales and services	*Equipment sales*
Automotive rentals	*Kennels*
Automotive sales	*Limited warehousing and distribution*
Bail bond services	*Maintenance and service facilities*
Campground	*Monument retail sales*
Commercial blood plasma center	*Outdoor entertainment*
Construction sales and services	*Pawn shop services*
Convenience storage	*Vehicle storage*

Compatibility

Another condition imposed by the same Ordinance Part 7. (27) applies to six tracts including 135 and 136:

> *A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent to a property line that adjoins an urban family residence (SF-5) or more restrictive district. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.*

C14-72-032(RCT) was filed concurrently with this case to terminate a 1972 Restrictive Covenant on the east end of the subject property in the portion zoned (LO-CO-NP).

1. *No building or any part thereof shall be located within twenty (20) feet of the north property line of said property.*

Both the "vegetative buffer" imposed by the Neighborhood Plan zoning and the restrictive covenant above were intended to reduce the impacts of the LO-CO-NP zoned tract on the adjoining residences. In the current Land Development Code, Compatibility Standards (in this case, for large sites 25-2-1063) are intended to accomplish the same thing and achieve specific results, for example: screening surface parking, mechanical equipment and dumpsters. The standards also address building height, setback and bulk. Briefly summarized, if the building setback from the residences in SF-3-NP (north and east sides of LO-CO-NP zoned tract) is less than 50 feet, the building is limited to two stories and 30 feet. If the building setback is more than 50 feet, it can be three stories and 40 feet tall. If setback even further, it can be taller. There are more required design standards and screening requirements (Article 10 of Chapter 25-2) to improve the buffer and thereby compatibility of multifamily buildings to less intense residential uses.

The commercial property south of the subject property at Burnet Road is used for vehicle storage and has a vacant freestanding building. Compatibility Standards are **not** required between the subject lot and the **commercially** zoned lots. The commercial property north of the subject property is anchored by a Tuesday Morning retail store and has inline tenants including restaurants, a bakery, hair and foot care, and a pad site with restaurant.

Core Transit Corridor

Burnet Road was identified in 2005 as a Core Transit Corridor and continues to enjoy MetroRapid bus service at frequent intervals. Along Core Transit Corridors like Burnet and in Activity Centers are where the Imagine Austin Plan envisions Austin's growth occurring. Building multi-family residences near transit service supports transit and allows more people to access that location and public transportation services.

BASIS OF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence, moderate high density - neighborhood plan (MF-4-NP) district zoning.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

   Applicant's request:

   The applicant requested MF-6-NP – **Multifamily Residence (Highest Density) district** based in part on the absence of a land area requirement for units that would enable building 360 residential units on the property (an estimated 81 units per acre).

   Staff recommendation:

   MF-4-NP – **Multifamily Residence (Moderate-High Density) district** is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment

centers, and in other selected areas where moderate-high density multifamily use is desirable. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The applicant proposes to build 360 multifamily residences on the property. The property is centrally located on a core transit corridor with supporting commercial facilities including groceries, personal services and entertainment. The 803 Rapid Bus stop is approximately 725 feet south and the number 3 local bus transit stop is less than 300 feet north of the site. There is good transit access to UT and the downtown employment center.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

   The demand for housing in Austin is high. Job and population growth coupled with low interest rates are credited with creating the demand. "The Texas Workforce Commission reported that the Austin region added 29,000 new jobs in the 12 months that ended in November" (2019). (reported in the Austin Statesman, Jan. 14, 2020). Housing continues to be an important community need.

3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

   With the Compatibility Standards required for multifamily residential zoning by the Land Development Code, the MF-4-NP zoning will be more compatible with adjacent and nearby uses. Setbacks are increased near the Single-Family zones and building heights are reduced. Screening is required for parking lots, mechanical equipment, and dumpsters. There is currently no evidence of the previous required "50 foot wide vegetative buffer" adjacent to the single family residences. The area is currently used as a drive aisle and vehicle storage. The new development will provide fencing and vegetative buffering as well as screening of parking, mechanical equipment and trash dumpsters. The specific measures to meet the Compatibility Standards are reviewed as part of the site plan during the broader development review process.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-CO-NP, CS-CO-NP, LO-CO-NP	Bar/Restaurant, coffee shop, personal services, auto repair, vehicle storage
North	CS-CO-NP, SF-3-NP	Retail with restaurants, retail specialty stores and freestanding restaurant, detached residences

	Zoning	Land Uses
South	MF-3-NP, GR-MU-CO-NP, GR-V-CO-NP	Car storage lot, former restaurant
East	SF-3-NP	Detached residences
West	(across Burnet Road) CS, SF-2	Car rental and sales, personal services

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan Ordinance 040401-Z-2

TIA: Deferred to site plan.

WATERSHED: Shoal Creek - Urban 70% Impervious coverage maximum in MF-4
80% Impervious coverage maximum in MF-6

OVERLAYS: ADU Approximate Area Reduced Parking Neighborhood Planning Areas: CRESTVIEW Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary Lamar Middle McCallum High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
Crestview Neighborhood Assn.
Crestview Neighborhood Plan Contact Team
Friends of Austin Neighborhoods
Homeless Neighborhood Association
NW Austin Neighbors
Neighborhood Empowerment Foundation
North Austin Neighborhood Alliance
SELTexas
Shoal Creek Conservancy
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0004 The area bounded by Anderson Lane on the north, Lamar Blvd. on the east, Burnet Road on the	Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview	To Grant	Apvd. 04/01/2004 Ord.#040401-328

Number	Request	Commission	City Council
west, Justin Lane on the south.	Neighborhood Plan and to change the base zoning district on 43 tracts of land.		
C14-2009-0065 The area bounded by Anderson Lane/US Highway 183 on the north, Justin Lane on the south, North Lamar Boulevard on the east and Burnet Road on the west.	Crestview Vertical Mixed Use Bldg (V) Zoning/ Opt-in / Opt-out process. 62.70 Acres. (City Initiated) Ordinance 20090924-091 is for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd.	To Grant	Apvd. 9/24/2009 Ord.#20090924-091

RELATED CASES:

NPA-2020-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 3, 2020.

C14-72-032 (RCT) – Request to terminate the restrictive covenant (RC) that requires a 20 foot setback to the north property line in the portion of the property zoned LO-CO-NP. Staff recommends to grant restrictive covenant termination. The RC is no longer necessary because the Land Development Code has Compatibility Standards that better accomplish the goal of buffering the single family residences.

OTHER STAFF COMMENTS:

Right-of-way per the ASMP exists for Burnet Road. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd.	~122’	120’	55’	4	Yes	Yes	Yes

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards. Along the north and east property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

Additional design regulations will be enforced at the time a site plan is submitted.

Overlays

SP 5. FYI – This site is located within the Crestview Neighborhood Plan and the Crestview/ Wooten Combined NPA. Additional comments may be generated during the site plan review process.

Austin Water Utility

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

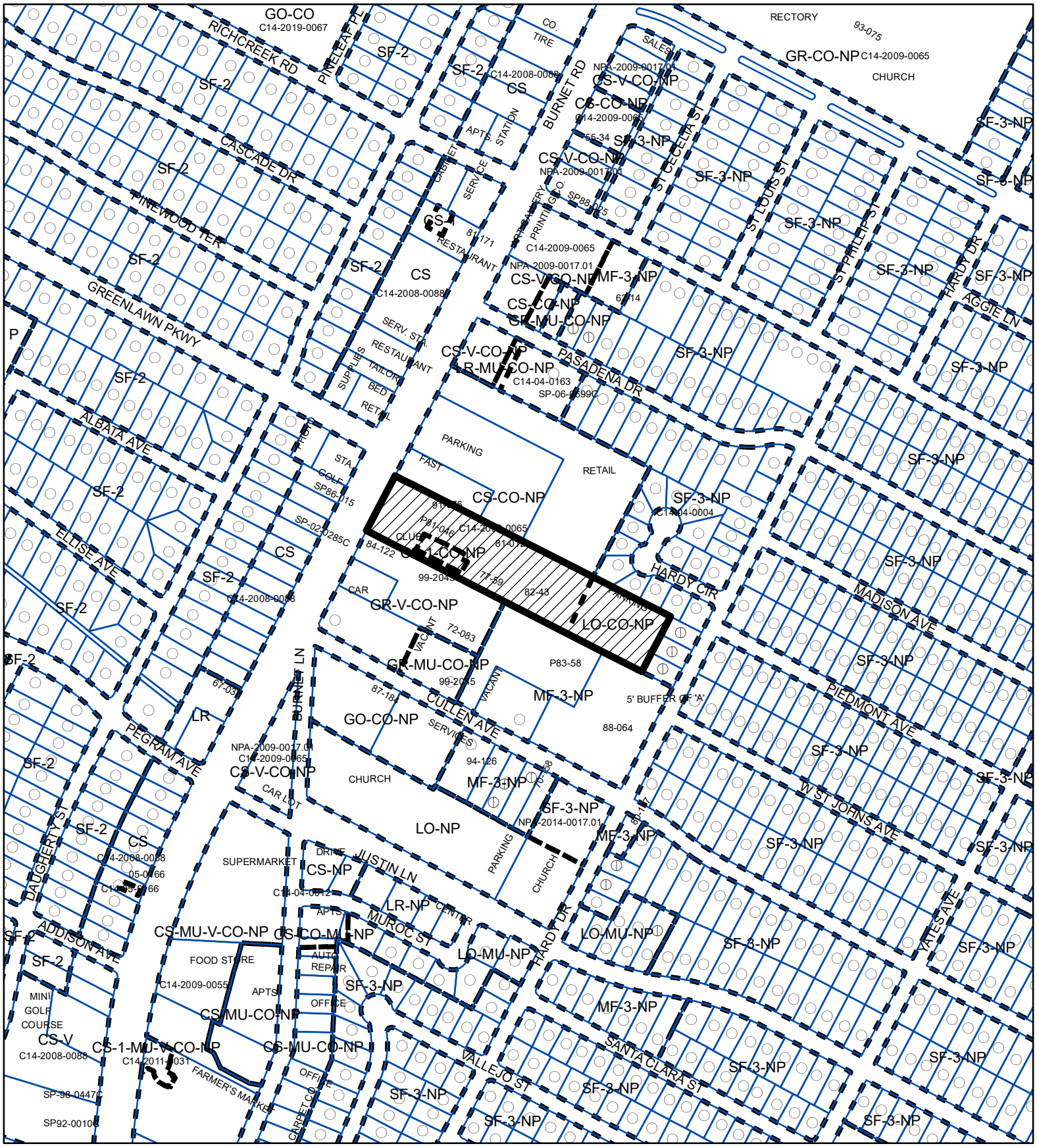
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

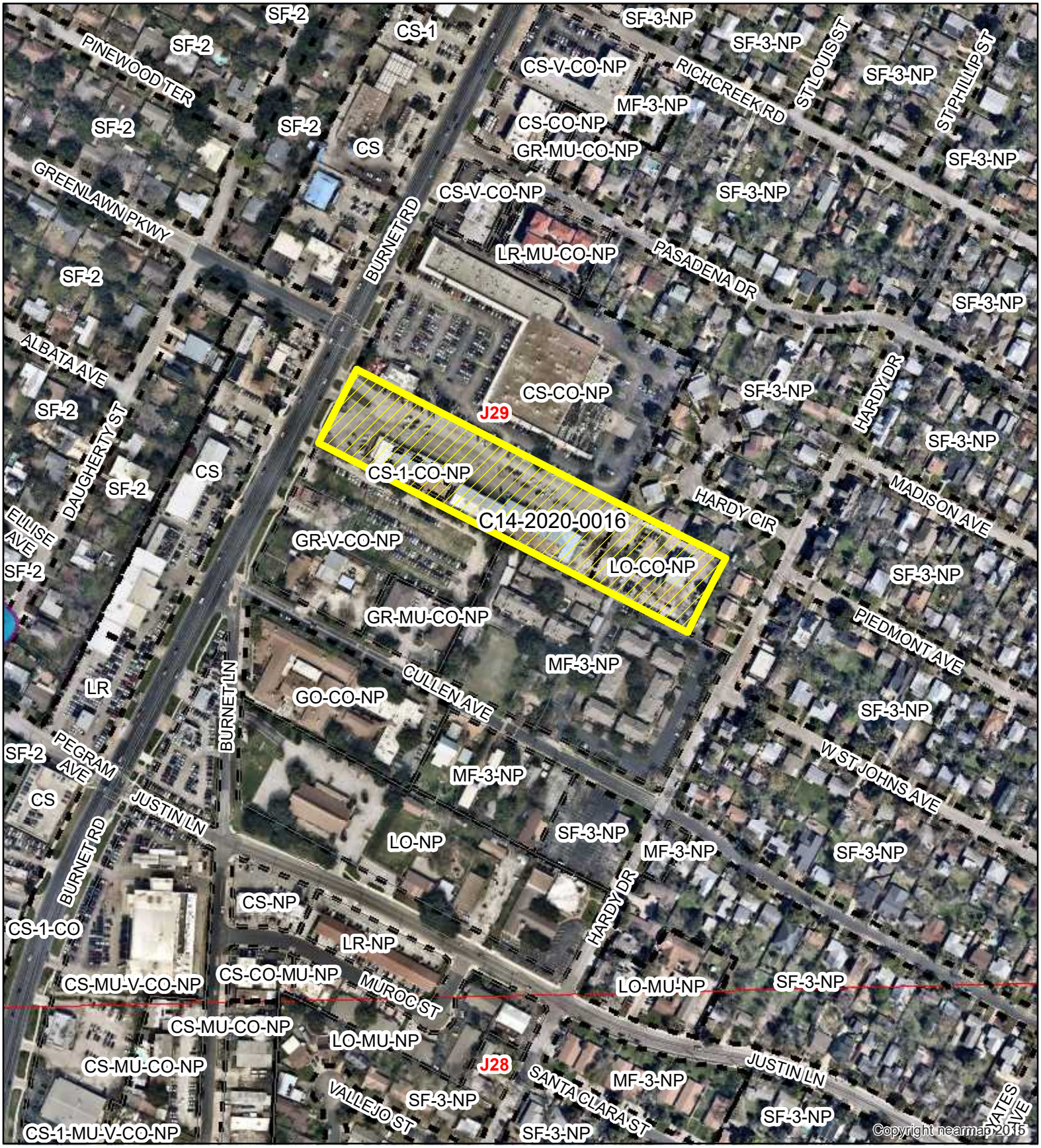
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Correspondence


GO-CO
C14-2019-0067
RICHCREEK RD
PINELEAF PL
SF-2
CASCADE DR
PINEWOOD TER
GREENLAWN PKWY
ALBATA AVE
ELLISE AVE
PEGRAM AVE
DAUGHERTY ST
ADDISON AVE
MINI GOLF COURSE
CS-V
C14-2008-0088
CS-1-MU-V-CO-NP
C14-2011-0031
SP-98-0447C
SP92-0010C
FARMER'S MARKET
CS-MU-V-CO-NP
CS-MU-CO-NP
FOOD STORE
C14-2009-0055
APTS
CS-MU-CO-NP
OFFICE
OFFICE
CARRELL CT
SF-3-NP
AUTO REPAIR
LR-NP
CENTER
MUROC ST
LO-MU-NP
JUSTIN LN
DRIVE
SUPERMARKET
CS-NP
C14-04-0012
APTS
CAR LOT
CS
C14-2008-0088
05-0066
C14-05-0166
CS-V-CO-NP
NPA-2009-0017.01
C14-2009-0065
CHURCH
BURNET LN
87-184
67-03
LR
GO-CO-NP
SERVICES
99-2045
VACANT
72-083
GR-MU-CO-NP
99-2045
VACANT
MF-3-NP
5' BUFFER OF 'A'
88-064
CULLEN AVE
94-126
MF-3-NP
LO-NP
PARKING
CHURCH
SF-3-NP
NPA-2014-0017.01
MF-3-NP
CAR
GR-V-CO-NP
VACANT
72-083
LO-CO-NP
99-2045
77-89
82-43
CS-CO-NP
84-122
CLUB
P81-046
C14-2009-0065
81-070
CS-CO-NP
SF-3-NP
C14-04-0004
PARKING
FAST
RETAIL
CS-CO-NP
SP86-015
SP-02-0285C
GOLF
STA
CS
C14-2008-0088
SERV. STA.
RESTAURANT
SUPPLIES
TAILOR
BED
RETAIL
CS-V-CO-NP
LR-MU-CO-NP
C14-04-0163
SP-06-0599C
PASADENA DR
CS-V-CO-NP
CS-CO-NP
GR-MU-CO-NP
MF-3-NP
62-14
NPA-2009-0017.01
C14-2009-0065
CS
81-171
RESTAURANT
CABINET SERVICE
CS-V-CO-NP
NPA-2009-0017.01
SP88-0025
ART GALLERY
PRINTING CO.
CS-CO-NP
C14-2009-0065
55-34
CS-V-CO-NP
NPA-2009-0017.01
CS
C14-2008-0088
APTS
STATION
CO.
TIRE
SALES
SF-2
SF-2
SF-2



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 300'

7113 Burnet Rd.

EXHIBIT B

ZONING CASE#: C14-2020-0016
LOCATION: 7113 Burnet Rd.
SUBJECT AREA: 4.3881 ACRES
GRID: J29
MANAGER: MARK GRAHAM

CITY OF AUSTIN FOUNDED 1839

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

April 16, 2020

To whom it may concern:

Our names are Andrew and Alexa Cunningham, and we live at 2019 Hardy Circle. Our property faces the back half of the lot at 7113 Burnet Road, about 100 yards away. We have multiple concerns about the code change proposed for the lot at 7113 Burnet Road.

The first concern involves the existing zoning that was implemented to ensure that the back half of the lot remains zoned for “an office that serves the neighborhood or community needs and that is located in or adjacent to residential neighborhoods”, and that it is “designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment,” to quote the existing LO zoning designation for the lot.

Our second concern involves how changing the zoning of the lot at 7113 Burnet Rd changes the intent of the Crestview-Wooten Neighborhood plan. The zoning changes do not adhere to the neighborhood plan, and the neighborhood plan was created by us through authority given by the City of Austin to reflect the sentiments of the people that live in the neighborhood.

The third concern involves potential safety concerns for the families and children of our street. We feel that a large, multi-story building overlooking a cul-de-sac compromises the safety of the children playing on the street.

The last concern involves noise. Currently we have 12 homes on our cul-de-sac. By changing the zoning of the lot at 7113 Burnet Road, there is a high probability that noise pollution will greatly increase.

Our concerns are as follows:

- **Height—**The height of the building is our biggest concern. The current zoning of the back half of the lot at 7113 Burnet Road (which touches residential properties on Hardy Circle and Hardy Drive) is LO-CO-NP, which has a maximum height of 40 feet. The LO designation ensures that a property is used for “an office that serves the neighborhood or community needs and that is located in or adjacent to residential neighborhoods”. Furthermore: “Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.”

  Changing this lot to a zoning designation of MF-6 is a dramatic shift in how this land is used, and one that does not “ensure that the use is compatible and complementary in scale and appearance with the residential environment.” Under the MF-6 designation, buildings built on the back half of the lot at 7113 Burnet Road could be over twice as tall, and even taller with city allowances, destroying the compatibility of that building with the

adjacent Crestview neighborhood.

Furthermore, the shift from a modest zoning of 40 feet, with a spirit of integrating any construction with the look and feel of the neighborhood, to 90 feet or more greatly reduces property values for any nearby property on Hardy Drive or Hardy Circle. We bought our house three years ago with our life savings. We saw it as a long term investment for our family. With the possibility of a large-scale 6 to 7 story development going up on the back half of the lot at 7113 Burnet Rd, we fear that we may lose money on our home.

- **The Crestview-Wooten Neighborhood Plan**—The vision of the Crestview-Wooten Neighborhood plan is as follows:

  > Preserve the character of the neighborhood by encouraging owner-occupied single-family housing offering diversity, pride of ownership, and a sense of community. Promote small neighborhood-oriented businesses and services where appropriate. Maintain and encourage accessible, quiet, clean, safe, and pedestrian and bike friendly neighborhoods, with tree-lined streets and a park-like feel.

  Furthermore, the third goal of the plan is as follows:

  > Any new development or redevelopment should respect and complement the single-family character of the neighborhood.

- **Safety**—Hardy Circle has numerous families and small children—in fact, we currently only have 12 homes on our street, and over half of the homes house families and small children. It's a family cul-de-sac with children often playing in the open with the other children on the street. I strongly feel that having up to 6 or 7 stories of apartments looming over the street will greatly reduce the children's feeling of safety. It also brings many concerns to the parents on the street.

- **Noise**—Noise pollution is one of the many factors that contribute to the disruption of the "the character of the neighborhood," as stated in our neighborhood plan and in the city development code. With the potential zoning allowing for 6 to 7 stories at the back half of the lot on 7113 Burnet Road, there is a significant opportunity for what is a seemingly small amount of noise per unit to become a rather large noise pollution issue when amplified by the many units that would overlook our street. We currently only have 12 homes on our street, and if we multiply the number of residences by 4 or 5 fold if this zoning change is made, we are dealing with a significant change in noise pollution that gets us further away from "the character of the neighborhood" that our neighborhood plan and the city development code call for developers to respect.

We kindly request that you take our concerns into consideration while processing this rezoning request, as rezoning would impact the daily lives of all residents adjacent to this lot. We appreciate the applicant's willingness to hear our concerns, but rezoning would be a permanent

change that would set a precedent for what can be built on that lot, regardless of who eventually owns this property.
Thanks very much for your time and consideration,

Andrew and Alexa Cunningham
2019 Hardy Circle
andcunning@gmail.com
alexatcohen@gmail.com

Graham, Mark

From: Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>
Sent: Monday, June 8, 2020 12:15 PM
To: Michael Gaudini
Cc: Meredith, Maureen; Graham, Mark; Greathouse, Stevie; Dugan, Matthew; Walters, Mark; Mike Lavigne
Subject: Re: 7113 Burnet -- Case Timeframe

Hello all,
Just wanted to clarify the neighborhood position here. We've received some feedback from neighbors that there are concerns about the current proposal, and we'd like for there to be some interface between neighbors and developers, so that neighbors can be sure to be heard and Michael's client can address concerns and modify the proposal accordingly. However, this would not replace the necessary contact team meeting. I'm not a member of that group, so the contact team still needs to take this up at a separate public meeting, at a time they're comfortable scheduling based on current COVID statistics.

Thanks to everyone for for their work on this.

Best,
Anne-Charlotte

. . . . . .

SOUTHERN COMBUSTION CREATIVE
design + branding + digital + strategy
southerncombustion.com
512.797.5034

On Jun 8, 2020, at 12:01 PM, Michael Gaudini <MGaudini@abaustin.com> wrote:

Spoke with Anne-Charlotte this morning (copying her and Mike on this to keep them in the loop), and she is working on organizing a virtual meeting with Crestview folks for Wednesday, which I think will be helpful in discussing our proposed compromise plan. I am hopeful that that will be a helpful and productive meeting.

To answer your question – yes, we want to stay on track for July 30 City Council meeting.

I think we've been willing to put in work on this on the front end and recognize some of the coronavirus issues that had delayed us – but I also need to be attentive to my client's need to actually get on a Planning Commission agenda and on City Council. This is especially important since Council deals with the budget in August, so not hitting July 30 isn't just a delay of a week or two – it would mean an additional month, at least.

I think if we're noticed for June 23, we can agree to a postponement to July 14 for PC, as that would keep us on track for a July 30 City Council meeting. But we cannot agree to postponing us beyond the July 14 PC meeting, for the reasons outlined above. I think this is a reasonable request because we're having a virtual meeting this week and this timeline gives us additional time throughout the process. From today, this timeline would give us five weeks before a July 14 PC date, seven weeks before first reading at Council, and at least eleven weeks or more before second/third reading at Council.

I think this is a reasonable timeline that both accomplishes the dual purpose of keeping us on track while also providing ample time if there is any additional follow-up needed after this week's discussion.

Michael

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Monday, June 8, 2020 11:18 AM
To: Michael Gaudini <MGaudini@abaustin.com>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>; Dugan, Matthew <Matthew.Dugan@austintexas.gov>; Walters, Mark <Mark.Walters@austintexas.gov>
Subject: FW: 7113 Burnet -- Case Timeframe
Importance: High

Michael:
Anne-Charlotte from the Crestview NPCT just left me a voicemail message referencing your email below saying the Crestview NPCT is not ready to schedule the cases for PC/CC because they are "not there yet" with the Applicant regarding the agreement.

Is your intention to move forward with June 23/July 14 PC and July 30 CC hearing dates even though it sounds like the Crestview NPCT will object to this?

Maureen

From: Michael Gaudini [mailto:MGaudini@abaustin.com]
Sent: Wednesday, June 03, 2020 3:14 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>
Cc: 'Mike Lavigne' <mglavigne@gmail.com>; 'Anne-Charlotte Patterson' <annecharlotte@southerncombustion.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Dugan, Matthew <Matthew.Dugan@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: RE: 7113 Burnet -- Case Timeframe

Maureen,

Hope all is well!

To keep you in the loop, we have circulated a proposed compromise package to neighborhood leadership and other interested stakeholders related to our case. I have attached it here so y'all have it available in case you receive questions about it; I am also happy to answer any questions about it, as well.

I would also request that City staff schedule our item for the Planning Commission. While I understand that this has been a difficult time for everyone, we believe that it is reasonable that we be put on a track to get us to Council at the July 30 Council meeting. Scheduling us for Planning Commission will be helpful in raising awareness to the case and of the compromise package proposed for neighborhood consideration and, hopefully, support.

Please let us and neighborhood leadership know if we should expect this case to be scheduled for Planning Commission and on what date.

Thank you!

Michael

Michael Gaudini
Land Development Consultant
Armbrust & Brown, PLLC
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
(512) 435-2378 - Direct
(512) 435-2360 - Facsimile
mgaudini@abaustin.com
www.abaustin.com



From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Wednesday, April 29, 2020 2:35 PM
To: austinchip@hotmail.com; mglavigne@gmail.com
Cc: Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan <MWhellan@abaustin.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>
Subject: Crestview NPCT Rec: NPA-2020-0017.01_7113 Burnet Rd.

Dear Crestview NPCT:

Given the on-going social distancing recommendations, City staff would be comfortable with the Crestview NPCT meeting remotely and/or voting by e-mail to develop its recommendation, so that this case can move forward to Planning Commission along with a recommendation from the Neighborhood Plan Contact Team. While we recognize that the Crestview Bylaws do not currently address remote meetings, many Contact Teams around the City have had success with remote decision making. Please let us know how you would like to proceed, or if you have any questions about how to most effectively conduct a remote Neighborhood Plan Contact Team Meeting

Maureen

Maureen Meredith, Senior Planner
City of Austin, Planning and Zoning Dept.
Mailing Address: P.O. Box 1088 (78767)
Physical Address: 505 Barton Springs Rd, 5th Floor
Austin, Texas 78704
Phone: (512) 974-2695
Maureen.meredith@austintexas.gov

From: Michael Gaudini
Sent: Wednesday, April 22, 2020 8:59 AM
To: 'Meredith, Maureen' <Maureen.Meredith@austintexas.gov>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>
Cc: 'Mike Lavigne' <mglavigne@gmail.com>; 'Anne-Charlotte Patterson' <annecharlotte@southerncombustion.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Dugan, Matthew <Matthew.Dugan@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: RE: 7113 Burnet -- Case Timeframe

Keeping everyone on the thread – if the broader request is about having another meeting to discuss the case with neighborhood stakeholders, we're on board with getting that done generally. Throughout the process, we've been interested in developing a consensus to garner neighborhood support and still are; and so even though we did fulfill the pre-PC community meeting Code requirement, we're interested and available to attend another meeting virtually and continue that conversation in the hopes of achieving a mutually agreeable consensus and earning neighborhood support.

I think that type of meeting can be accomplished prior to PC's May meetings. I'm also confident it could be done in a way that includes all interested stakeholders. While virtual meetings are not ideal, I think they have become the necessary alternative to in-person meetings given the public health concerns we are currently facing as a community.

However, if staff's request is to put the case on an indefinite hold until quarantine ends – I can't ask our client to do that. Because he has the property under contract but does not control it, significant delays cause major issues with stakeholders on our side of the equation (seller and investors). I know that's our problem to manage, not the City's – but I mention it to explain why we can't agree to push this case off into the far future while PC continues to meet.

I think there's a reasonable pathway forward, and we're ready to work on that.

Michael

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Tuesday, April 21, 2020 5:44 PM
To: Michael Gaudini <MGaudini@abaustin.com>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>
Cc: 'Mike Lavigne' <mglavigne@gmail.com>; 'Anne-Charlotte Patterson' <annecharlotte@southerncombustion.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Dugan, Matthew <Matthew.Dugan@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: RE: 7113 Burnet -- Case Timeframe

Hi, Michael:
Unlike some NPCTs, the Crestview NPCT bylaws do not have a provision in their bylaws that allows them to meet or vote remotely, so we have been holding off scheduling the hearing to allow for the NPCT to develop its recommendation. We will be looking at options for how to move forward because of this.
Maureen

From: Michael Gaudini [mailto:MGaudini@abaustin.com]
Sent: Tuesday, April 21, 2020 11:13 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Greathouse, Stevie <stevie.greathouse@austintexas.gov>
Cc: 'Mike Lavigne' <mglavigne@gmail.com>; 'Anne-Charlotte Patterson' <annecharlotte@southerncombustion.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Dugan, Matthew <Matthew.Dugan@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: RE: 7113 Burnet -- Case Timeframe

*** External Email - Exercise Caution ***

Maureen and Stevie,

Hope y'all had a good weekend and are staying healthy!

We had a conference call this morning with Mark and Wendy to discuss the status of our 7113 Burnet Rd. case, and the pathway to getting on an agenda (see my prior email below). They indicated y'all had an outstanding question on that front. We were fortunate that the community meeting required under Section 25-1-806 was held on March 3, prior to the full onset of coronavirus that we're still managing as a community. We're also available and willing to help with a follow-up virtual meeting, if there's interest.

As we know, this is all new territory for everyone – and we've worked to stay on top of our statutory requirements so that we are able to stay on a trajectory to get to Planning Commission on a reasonable timeframe, which seems like that may be a May meeting at PC. In terms of meeting the City's processes and statutory requirements, I believe we should be on track – and Mark and Wendy (on the zoning case side) asked us to reach out to y'all (on the planning case side) on this.

With that in mind: are there any Code requirements that you believe would prevent us from preparing the NPA case for Planning Commission? I know we're at least a couple weeks out at this point – just trying to stay want to be on top of things since notice will need to go out, etc.

We can jump on a call to discuss, as well.

Thank you again for your work during this difficult time!

Michael

From: Michael Gaudini
Sent: Tuesday, April 14, 2020 3:48 PM
To: Graham, Mark <Mark.Graham@austintexas.gov>
Cc: 'Mike Lavigne' <mglavigne@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Maureen.Meredith@austintexas.gov' <Maureen.Meredith@austintexas.gov>
Subject: 7113 Burnet -- Case Timeframe

Mark,

Hope all is well, and that you had a good weekend!

Wanted to reach out and touch base on the timeframe for the 7113 Burnet case going forward. It is still a very delicate time for the City of Austin, and we very much appreciate that. We very much appreciate the huge strides the City has made so far in terms of adapting its processes and services for our social

distancing reality. I also know that staff is still troubleshooting the 'new normal' of how our boards and commissions meetings will be managed for the immediate future, and that the goal will be to get to a place where our land use commissions can resume hearing discussion cases.

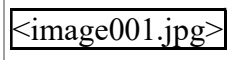
To that end, in thinking through how to approach managing our application during this difficult time, I think my guiding principle is that we would ask to be treated in the same way as other discussion cases. So, once the City resumes scheduling discussion cases for Planning Commission, we would ask that our case similarly be noticed and placed on a Planning Commission agenda. I think this is generally a reasonable guiding principle, and am available to discuss further, as well.

In the meantime, I remain available to answer questions and provide information related to our case.

Thank you again – and have a good day!

Michael

Michael Gaudini
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Graham, Mark

From: Andrew Cunningham <andcunning@gmail.com>
Sent: Tuesday, May 5, 2020 1:26 PM
To: Meredith, Maureen; Graham, Mark; Alexa Cohen; Mike Lavigne; Anne-Charlotte Patterson
Subject: Rezoning process for 7113 Burnet Road

*** External Email - Exercise Caution ***

Hey Meredith and Mark,

I just wanted to check in and see where we were in the process of rezoning the lot at 7113 Burnet Road. I have a few concerns around the community meeting we've had and the process we've gone through.

I also want to add that this isn't directed to either of you, as I know you're just following procedure. This is more a comment on the process in general, and I have no idea who to pass this feedback along to.

I know at the state level open meetings are protecting, with the intent being that everyone has continued access to any information being disseminated or decisions being made. Part of that process is the burden of notice. People need to know what and when things are happening.

I've been concerned with how residents near the lot at 7113 Burnet Road were brought into the rezoning process halfway through, and at that they were all notified without much lead time to attend a community meeting, that for many that work, was difficult to make.

Zoning changes affect the daily lives of many people. They impact their feeling of safety, the investment they have in their homes, and, most importantly, their happiness in their home and in their neighborhood.

I was pretty surprised by how quiet and how passive the process how been, and how little those that will be impacted have been engaged. Since then, I've also felt like the process has mostly focused on fast-tracking changes for the developer without much empathy for impacted residents.

At this point, the process is nearing its end for the rezoning changes at 7113 Burnet Road, and I'm not expecting to dramatically change anything with that process. I am however hoping that in the future, the city considers some of the aforementioned points.

Ultimately the city government is elected by residents and should have its constituents interests in mind. No matter how people feel about development, ensuring an open process with open meetings and transparent information sharing is vital to that.

Best,

Andrew

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To whom it may concern,

We've enclosed in this packet a letter outlining our concerns about the development at 7113 Burnet Rd as well as a letter and packet outlining the developers response to our concerns. At this time it appears that the developers have addressed our concerns in their response. Assuming that all of their proposals are binding, and that what they've committed to do is part of a restrictive covenant and not just a proposal from them, they have our support. Our only current concern is that they are able to not honor their commitment after the zoning change is approved.

Best,

Andrew and Alexa Cunningham

7113 Burnet Rd. Compromise Proposal – Overview

The applicant has proposed a compromise plan to incorporate neighborhood feedback and earn a letter of support.

- In developing this proposal, the applicant reviewed feedback residents provided at three community meetings and through direct correspondence, including feedback related to:
  - *Compatibility*, including height and setbacks adjacent to single-family.
  - *Quality of Life*, including dumpster placement, lighting, and noise.
  - *Affordability*, including the possibility of income-restricted units.
  - *Fence Maintenance* for the fence separating the property from adjacent condos.
  - *Green and Open Space*, including the possibility of incorporating green elements.

This proposal responds directly to community feedback regarding height and buffering near single-family, dumpster placement, fence maintenance, affordability, and more (See Figure 1).

- The proposal *expands* the area that is subject to a 40 ft. height limit (See Figure 2) and provides a landscape buffer with an 8 ft. fence, shade trees, and understory trees.
- Residents at The Allandale Condominiums raised concerns related to past tenants on the site. The applicant has committed to maintaining fencing, and the residential nature of the project would reduce issues associated with living next to a bar.
- This proposal would help the community and the City meet affordable housing goals by providing the first income-restricted units built in Crestview.[1]

This proposal allows increased height on the Burnet Road-fronting portion of the site, which is balanced by *decreased* development intensity in most other respects, including:

- Lower allowable height near single-family lots (40 ft. of height within 200 ft.);
- Lower overall allowable impervious cover (from 88 percent to 80 percent);
- Lower overall allowable building cover (from 83 percent to 70 percent);
- Lower achievable vehicular trip generation; and
- Change from bar and other allowable higher-intensity commercial uses to residential.

The applicant looks forward to discussing this proposal and would like to request consideration of a neighborhood letter of support to document this compromise plan.

[1] *According to an analysis of Austin Affordable Housing Inventory data.*

FIGURE 1. SUMMARY OF PROPOSED ITEMS

SUBJECT	PROPOSAL
Height	7113 Burnet will comply with compatibility standards, and additionally will limit height as follows: • 40 ft. within 200 ft. of single-family lots *(current 40 ft. limitation ends at 100 ft.)*. • 85 ft. overall maximum height limit.
Green Buffers and Screening	7113 Burnet will go beyond landscaping requirements and provide a landscaped buffer area along any property line shared by a single-family lot. This landscaped buffer area will consist of an 8 ft. fence as well as shade trees and understory trees.
Fence Maintenance	7113 Burnet will ensure ongoing maintenance of any fencing provided along property lines.
Dumpster Placement	7113 Burnet will provide trash enclosures and staging internal to the building/garage.
Exterior Lighting	7113 Burnet must use exterior lighting that is hooded or shielded to reduce light pollution in accordance with Code.
Affordable Housing	7113 Burnet will provide 10 percent of the total number of units at an affordability level of 60 percent of Median Family Income (MFI).
Mobility	7113 Burnet will provide internal circulation that allows tenants to access the Greenlawn/Burnet controlled intersection and will reduce the number of vehicular access points ("curb cuts") on Burnet Road in order to provide a safer pedestrian environment.

Notes:

- *Height: Limiting to 40 ft. of height within 200 ft. of single-family lots more restrictive than what is already allowed on the site today.*
- *Fencing: 8 ft. fencing (as opposed to the standard 6 ft. fence) requires sturdier, higher-quality materials for construction.*
- *Trees: Utilizing shade trees provides more effective visual screening and sturdier, more resilient trees.*

FIGURE 2. PROPOSED VS. EXISTING 40 FT. HEIGHT LIMIT

The proposal expands the area subject to the 40 ft. height limit to be within 200 ft. of single-family lots, providing additional compatibility.

Existing Height Limit: 40 ft. or Lower



Proposed Height Limit: 40 ft. or Lower



FIGURE 3. CURRENT ZONING VS. PROPOSED ZONING

These charts show the maximum the City allows today (left) compared to the maximum the available in MF-6 zoning with the proposed conditional overlay (right). They do not represent specific building proposals.

Figure 1. Entitlement Comparison: Current and Proposed Zoning

Zoning District	Under Current Zoning	Under Proposed Zoning
Zoning	LO-CO-NP/CS-CO-NP/CS-1-CO-NP	MF-6-CO-NP
Height [1]		
Within 25 ft. from Single-Family	Vegetative Buffer	Landscaped Buffer
25 to 50 ft.	Vegetative Buffer	30 ft. / 2 stories [2]
50 ft. to 100 ft.	40 ft. / 3 stories	40 ft. / 3 stories
100 ft. to 200 ft.	40 ft. to 50 ft. [3]	40 ft.
At 300 ft.	60 ft.	60 ft.
At 400 ft. and Beyond	60 ft.	85 ft.
ITE Vehicular Trip Generation [4]	2,160 to 3,752 trips	1,960 trips
Coverage		
Impervious Cover	88% [5]	80%
Building Cover	83% [5]	70%
Floor-to-Area Ratio	1.6 [5]	N/A
Setbacks [2]		
Front Setback	10 ft.	15 ft.
Rear Setback	50 ft.	25 ft. [2]
Back Lot Side Setbacks		
Back Lot Side Setback – Northern	50 ft.	25 ft.
Back Lot Side Setback – Southern	5 ft.	5 ft.
Front Lot Side Setbacks	0 ft.	5 ft.
Permitted Uses		
Residential	Not Permitted	Permitted
Commercial	Permitted	Not Permitted
Bar/Club	Permitted	Not Permitted
Voluntary Affordability Commitment[6]	-	10% at 60% MFI

[1] Under both current and proposed zoning, the property would be subject to compatibility standards. These compatibility standards allow for different levels of height depending on the distance from single-family. Compatibility generally allows up to 30 ft. or two stories for structures between 25 ft. and 50 ft. of a triggering property line and up to 40 ft. or 3 stories between 50 ft. and 100 ft. from a triggering property line. Between 100 ft. and 300 ft., the applicant receives an additional 1 ft. of height per 10 ft. of setback, and beyond 300 ft. the applicant receives an additional 1 ft. of height per 4 ft. of setback. The calculations are provided in the table above.

[2] Although no building is planned between 25 ft. to 50 ft. from single-family property lines, a fire lane will be required to be constructed in this space.

[3] The height at 200 ft. from a triggering property varies, depending on the current zoning. The portion currently zoned LO-CO-NP would allow up to 40 ft. whereas the portion currently zoned CS-CO-NP and CS-1-CO-NP would allow up to 50 ft.

[4] ITE trip generation is the standard used by the City to determine the number of vehicular trips daily. The 1,960 daily trips estimated for an MF-6 project is based on a 360-unit apartment building, which is what the applicant is proposing. The 2,160 to 3,752 trips under existing zoning is a conservative estimate of what is achievable under current entitlements. The existing structure is 35,202 sf, roughly 21,825 sf of which is currently active. Under ITE, if a new 21,825 sf commercial development (replacing only the active commercial space available today) were built, it would generate 2,160 trips. However, if a 50,000 sf commercial project were constructed instead, it could generate up to 3,752 trips. These are conservative estimates. A significantly larger commercial project is possible under existing site development standards, in which case the trip generation figures would be much higher. For instance, a project with 150,000 sf of office and 50,000 sf of retail would generate 5,325 trips whereas one with 250,000 sf of office and 50,000 sf of retail would generate 6,333 trips – both of which would be well below the 1.6 FAR allowed.

[5] Impervious cover, building cover, and floor-to-area ratio allowed on the property currently is calculated by taking into account the different zoning categories applied across the site. Currently, CS-1-CO-NP and CS-CO-NP would allow 95 percent impervious and building cover and 2 FAR whereas LO-CO-NP would allow 70 percent impervious cover, 50 percent building cover, and 0.7 FAR.

[6] The applicant has committed to providing 10 percent of units at 60 percent MFI, the level the City requires for Vertical Mixed-Use (VMU) projects, if he is able to achieve an MF-6 project. The current zoning does not allow any residential and provides no opportunity for affordability.

From:	Anne-Charlotte Patterson
To:	Rivera, Andrew
Cc:	Graham, Mark
Subject:	Fwd: Speaker Sign-Up Jun 23 PC - 7113 Burnet Rd
Date:	Monday, June 22, 2020 12:00:10 PM
Attachments:	PC Public Participation Page.pdf

Hi Andrew & Mark,
I'm signing up to speak on items 9,10, 11 before the planning commission tomorrow evening.

Anne-Charlotte Patterson, Crestview Neighborhood Association VP
1305 Richcreek Rd.
512.797.5034
In favor of postponement.

If for some reason the postponement isn't granted, then I'll also speak on the items themselves. I think I would be listed as neutral. We are not in favor of the developer's request for MF-6 zoning in light of the staff recommendation for MF-4. But MF-4 could be acceptable, we just need more time really to review the staff report.

Let me know if you have everything you need for me to be officially signed up.

Thanks for everything you do!

Anne-Charlotte

. . . . . .

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512.797.5034

Begin forwarded message:

From: "Meredith, Maureen" <Maureen.Meredith@austintexas.gov>
Subject: Speaker Sign-Up Jun 23 PC - 7113 Burnet Rd
Date: June 19, 2020 at 11:06:18 AM CDT
To: Chip Harris <austinchip@hotmail.com>, "'mglavigne@gmail.com'" <mglavigne@gmail.com>, "'sheryl sherman (Taulbee)'" <sherylmsherman@gmail.com>, Michael Whellan <MWhellan@abaustin.com>, Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>, Michael Gaudini <MGaudini@abaustin.com>
Cc: "Graham, Mark" <Mark.Graham@austintexas.gov>

To All:

Please see the speaker sign-up instructions for the June 23 PC hearing.

Please forward this to anyone you think would be interested.
Maureen

From: Meredith, Maureen
Sent: Thursday, June 18, 2020 5:12 PM
To: Chip Harris <austinchip@hotmail.com>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov; Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>
Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

It's been received.
Thanks.
Maureen

From: Chip Harris [mailto:austinchip@hotmail.com]
Sent: Thursday, June 18, 2020 12:48 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov; Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>
Subject: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

*** External Email - Exercise Caution ***

Maureen,

On behalf of the Crestview Neighborhood Plan Contact Team (CNPCT), I would like request a postponement for three cases currently scheduled for the Planning Commission's meeting on Tuesday, June 23rd, 2020. Those cases are as follows, all with an address of 7113 Burnet Road:

NPA-2020-0017.01
C14-2020-0016
C14-72-032

My request is to postpone these cases from the June 23rd, 2020 Planning

Commission meeting to their meeting on July 28th, 2020. Please confirm receipt of this postponement request and inform me if there are any other actions that need to be taken.

Thank you,

Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team
512-458-2488

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Graham, Mark

From: Chip Harris <austinchip@hotmail.com>
Sent: Tuesday, May 19, 2020 12:23 AM
To: Michael Gaudini
Cc: Meredith, Maureen; mglavigne@gmail.com; sheryl sherman (Taulbee); Graham, Mark; Brinsmade, Louisa; Pool, Leslie; Greathouse, Stevie; Dugan, Matthew; Rhoades, Wendy; MWhellan@abaustin.com
Subject: Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I just wanted to check back with you about the compromise package that you've proposed. I haven't received a response from you since I sent my request in an email last week (see below), but I realize that you've probably been very busy lately. Please forward the details of the package to me at your convenience.

Thank you,
Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team

From: Chip Harris <austinchip@hotmail.com>
Sent: Wednesday, May 13, 2020 12:39 AM
To: Michael Gaudini <MGaudini@abaustin.com>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Stevie Greathouse (COA CT) <stevie.greathouse@austintexas.gov>; Matthew.Dugan@austintexas.gov <Matthew.Dugan@austintexas.gov>; Wendy Rhoades (COA - Cullen Ofc) <wendy.rhoades@austintexas.gov>; austinchip@hotmail.com <austinchip@hotmail.com>
Subject: Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I would like to address the status of the project at 7113 Burnet Road. As you know, in my capacity as Facilitator of the Crestview Neighborhood Plan Contact Team (CNPCT), I had scheduled a meeting for March 24th, 2020 for the contact team members to discuss the proposed NPA and zoning change for the property, but it was cancelled due to the city of Austin's March 17 announcement limiting meetings to 10 people or less.

I've been informed that you have proposed a compromise package. If convenient, please forward that information to me and I will reach out to those folks that have shown an interest in the development to obtain their feedback and report back to you.

Thank you,
Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team

From: Pool, Leslie <Leslie.Pool@austintexas.gov>
Sent: Sunday, March 22, 2020 9:25 PM
To: Chip Harris <austinchip@hotmail.com>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Michael Gaudini <MGaudini@abaustin.com>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>
Subject: Re: Crestview NPCT Rec?: 7113 Burnet Rd

Hi Chip, thanks for including me in your response. I agree that, given current circumstances, community events relating to 7113 Burnet Road should be postponed.

I hope you all are taking good care, staying healthy, and managing as well as possible in these challenging days.

Best,

Leslie

Leslie Pool
Council Member, District 7
Austin City Council
512.978.2107

On Mar 22, 2020, at 9:13 PM, Chip Harris <austinchip@hotmail.com> wrote:

*** External Email - Exercise Caution ***

Dear Maureen Meredith,

Thank you for your email.

On March 17, the city of Austin issued an order prohibiting gatherings of more than 10 people through at least May 1, 2020. As a result of this gathering prohibition, the Crestview Neighborhood Plan Contact Team (CNPCT) will not be able to hold the March 24th, 2020 meeting that had been previously scheduled and had been announced at the March 3, 2020 meeting that you held at the Episcopal Church of the Resurrection.

The agenda for that March 24th meeting of the CNPCT was to discuss the proposed NPA and zoning changes for 7113 Burnet Road and to vote on recommendations on those proposed changes.

Given the circumstances we find ourselves in regarding the coronavirus and the prohibition of gatherings of more than 10 people, I'm hopeful that you will postpone the April 14th PC and the May 7th CC hearing dates in order to allow the CNPCT an opportunity to both provide a meeting notice to its members and to hold a meeting to discuss the proposed changes. Please keep me informed.

Thank you,

Chip Harris, Facilitator
CNPCT
512-458-2488

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Wednesday, March 18, 2020 5:03 PM
To: austinchip@hotmail.com <austinchip@hotmail.com>; mglavigne@gmail.com <mglavigne@gmail.com>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Michael Gaudini <MGaudini@abaustin.com>
Subject: Crestview NPCT Rec?: 7113 Burnet Rd

Dear Crestview NPCT:
We are aiming to have the NPA and zoning case for 7113 Burnet Road on the **April 14 PC hearing** and the **May 7 CC hearing** dates. Our case reports are due on **April 7 at 4:30 p.m.** If you'd like your letter of recommendation added to staff reports, please email it to me and Mark no later than that date and time. If we get it after then, it won't be in the staff reports, but we can distribute it at the public hearing on April 14.

At this point, I haven't heard if the public hearings will be cancelled or not, so I will continue to move forward until I hear otherwise. I will keep you posted if anything changes.

Please let me know if you have any questions.

Maureen

Maureen Meredith, Senior Planner
City of Austin, Planning and Zoning Dept.
Mailing Address: P.O. Box 1088 (78767)
Physical Address: 505 Barton Springs Rd, 5th Floor
Austin, Texas 78704
Phone: (512) 974-2695
Maureen.meredith@austintexas.gov

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

From: lucille Santillo
To: Graham, Mark
Subject: Case C14-72-032 (RCT)
Date: Sunday, June 21, 2020 5:48:11 PM

*** External Email - Exercise Caution ***

I object to this to this amendment request to terminate a Restrictive Covenant that requires 20 foot wide building setback along the north property line. This restriction is necessary for the homes on that side.

Lucille Santillo
2000 Cullen Av unit 16
Austin, Tx 78757
512-4591478
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From: lucille Santillo
To: Graham, Mark
Date: Saturday, June 27, 2020 10:44:59 AM

*** External Email - Exercise Caution ***

I wanted to let you know that I approve and support the position that the planning staff has recommended. It is much more acceptable to my neighborhood and I hope the city council will honor this recommendation.

This is what I found.

MF-4 is significantly different than MF-6.
MF-4 has a height limitation of 60'; MF-6 allows 90'
MF-4 allows up to 54 units per acre; MF-6 allows an unlimited number of units
(Note: under MF-4, given the site is 4.39 acres, only 237 units could be built, not the 360 units that the developer wants
There are many other differences like impervious cover, FAR, etc etc.

From the staff report:

Page 1

Staff offers an alternative recommendation to grant Multifamily Residence (Moderate-High Density)-conditional use -neighborhood plan(MF-4-CO-NP) district zoning. For a summary of the basis of staff's recommendation, see case manager comments below.

Page 5

2.The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

Page 8

OTHER STAFF COMMENTS:Right-of-way per the ASMP exists for Burnet Road. ATD staff does not recommend the proposed zoning for multi-family residence-highest density as it would create significant traffic conflicts, especially in the peak periods.

Link to staff report: http://www.austintexas.gov/edims/document.cfm?id=342264

lucille santillo, owner
2000 cullen Av #16
Austin, TX 78757
CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

From: Bernadette Dodd
To: Graham, Mark
Subject: 7113 Burnet Road property concern
Date: Monday, June 29, 2020 12:40:43 PM

*** External Email - Exercise Caution ***

Mr. Graham,
I own a condo at The Park at Crestview, 2000 Cullen Ave, Austin, TX 78757, and have lived at this location for eight years. I am writing to support the MF-4 plan for this property instead of the MF-6 plan.

I prefer the MF-4 plan due to the lower number of units allowed (54 vs the unlimited number of units allowed by MF-6) and the height limitation. The traffic on Burnet Road is already very busy and the unlimited number of units is a major concern. Also, the lower height limitation is needed since there are houses directly behind this property.

Thank you,

Bernadette Dodd
Phone 512-771-9271

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

From:	Graham, Mark
To:	Michael Gaudini; "Chip Harris"
Cc:	Michael Whellan; "mglavigne@gmail.com"; "sheryl sherman (Taulbee)"; Anne-Charlotte Patterson; Brinsmade, Louisa; Rivera, Andrew; Meredith, Maureen; "Andrew Cunningham"; Alexa Cunningham
Subject:	RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd
Date:	Wednesday, July 1, 2020 5:35:00 PM

Michael,

The Planning Commission granted the postponement for all three cases to the July 14th meeting. Unfortunately the July 30, 2020 City Council meeting is full and we've been directed to not add additional zoning cases that that agenda. We can notice for the August 27 Council agenda after the Planning Commission meeting.

Mark Graham

From: Michael Gaudini <MGaudini@abaustin.com>
Sent: Wednesday, July 1, 2020 5:04 PM
To: 'Chip Harris' <austinchip@hotmail.com>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; 'Andrew Cunningham' <andcunning@gmail.com>; Alexa Cunningham <alexatcohen@gmail.com>
Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

*** External Email - Exercise Caution ***

Hadn't heard back on any dates or the like, so just checking back in. Thanks!

Michael

From: Chip Harris <austinchip@hotmail.com>
Sent: Monday, June 22, 2020 5:29 PM
To: Michael Gaudini <MGaudini@abaustin.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>
Subject: Re: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Thank you Michael.

Chip

From: Michael Gaudini <MGaudini@abaustin.com>
Sent: Monday, June 22, 2020 4:49 PM
To: 'Chip Harris' <austinchip@hotmail.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>; 'Andrew Cunningham' <andcunning@gmail.com>; Alexa Cunningham <alexatcohen@gmail.com>
Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Yes, that is my understanding. Sounds good!

Maureen/Mark/Andrew – we agree to the request for a July 14 postponement; let me know if you need anything else on our end.

We really appreciate coming together on a postponement timeline – I have broad availability before July 14 for a virtual meeting and am available to help with that. I'm hopeful that we can figure out a path to neighborhood support or non-opposition, and I look forward to working together on that.

Thank you!

Michael

From: Chip Harris <austinchip@hotmail.com>
Sent: Monday, June 22, 2020 4:22 PM
To: Michael Gaudini <MGaudini@abaustin.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>
Subject: Re: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Michael,

Thank you for responding. I'm modifying the date of my postponement request to the planning commission from July 28th to July 14th. My understanding is that with the change in my request, postponement of items B9, B10 and B11 until the commission's July 14th meeting will become a consent vote at the commission's 6/23/20 meeting. Is that your understanding?

Chip

From: Michael Gaudini <MGaudini@abaustin.com>
Sent: Sunday, June 21, 2020 6:04 PM
To: 'Chip Harris' <austinchip@hotmail.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov <wendy.rhodes@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>; Andrew Cunningham <andcunning@gmail.com>; 'Alexa Cunningham' <alexatcohen@gmail.com>
Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Chip,

Requests for postponement are decisions, which is authority that the Contact Team bylaws reserves for the Contact Team as a body. As you know, the Crestview Neighborhood Plan Contact Team has in the past found itself in a position wherein correspondence from the officers at that time indicated that they could not request a postponement because there was not clear direction from the Contact Team as a body on whether to do so. The City's template for Contact Team bylaws also accounts for this, as it contains model provisions that would explicitly allow an Executive Committee to "act for the NPCT in matters specifically delegated to it" and to "act for the NPCT between regular meetings on any matter deemed urgent." Crestview's bylaws do *not* include this language and provide no specific delegation of authority for decisionmaking.

However, I think the focus on procedure and postponements has distracted us from the content of both our application and our proposed compromise plan. I would propose that we re-orient our discussion to the substance of the case and work together on a process that allows the community to focus on that substance. We believe that Planning Commission and Council will find the substance of our overall request compelling, and are confident the substance of our proposed compromise plan strikes an optimal balance that can mitigate neighborhood concerns while meeting our needs.

Regarding your conditions on the postponement request, please see below:

- **That the Council only consider 1st reading at their July 30th meeting and leave the**

hearing open. Yes, as noted in my prior email, we could agree to this.

- **That 2nd reading by Council be scheduled after August 31 and be for 2nd reading only – with 3rd reading to held at a later date**. The next meeting after the July 30 Council meeting is the August 27 Council meeting. The August 27 Council meeting will occur roughly 37 weeks after the first time we appeared before Crestview residents to discuss our project, roughly 29 weeks after we filed our case, roughly 25 weeks after the City-hosted community meeting, and roughly 12 weeks after you received our compromise proposal. We believe four weeks between first and second reading is a reasonable timeframe, and a request beyond that seems punitive in nature. We cannot agree to this.

- **That the Planning Commission does not add or recommend development rights in addition to, above or beyond those listed in the June 3, 2020 compromise plan that you sent me**. As you know, the Planning Commission is an independent entity consisting of 13 members nominated by individual Council Members and appointed by the City Council. I have no control over what they do. In terms of the applicant, if the neighborhood issues a letter of support or non-opposition contingent on a set of agreed-upon conditions, then we will commit to seeking development rights that are consistent with those conditions, as I have outlined prior.

It sounds from the above that you cannot agree to our request that we go forward at both the July 28 Planning Commission meeting and the July 30 Council meeting. Let me know if I've misunderstood. Regardless of whether we agree on the postponement date, we certainly will have time to complete our discussion on the underlying rezoning.

Thank you.

Michael

From: Chip Harris <austinchip@hotmail.com>
Sent: Saturday, June 20, 2020 7:49 PM
To: Michael Gaudini <MGaudini@abaustin.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>
Subject: Re: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Michael,

Thank you for your suggestion - and your patience. We disagree on the Facilitator's ability to request a postponement on behalf of the CNPCT. It's a procedural move intended to maintain the future options of the CNPCT and their opportunities to hold meetings to discuss your client's zoning case. The city has never questioned the CNPCT Facilitator's requests in these matters.

Regarding your proposal: If the applicant in these three cases agrees to a postponement at Planning Commission from June 23 to July 28, then I, as an individual, would be amenable to waiving my right to request a postponement of first reading at Council on July 30, 2020 under the following conditions:

That the Council only consider 1st reading at their July 30th meeting and leave the hearing open, and

That 2nd reading by Council be scheduled after August 31 and be for 2nd reading only - with 3rd reading to held at a later date, and

That the Planning Commission does not add or recommend development rights in addition to, above or beyond those listed in the June 3, 2020 compromise plan that you sent me.

Please let me know if this is acceptable to you.

Thank you,

Chip

From: Michael Gaudini <MGaudini@abaustin.com>
Sent: Friday, June 19, 2020 12:54 PM
To: 'Chip Harris' <austinchip@hotmail.com>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov <wendy.rhodes@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>; Andrew Cunningham <andcunning@gmail.com>; 'Brinsmade, Louisa' <Louisa.Brinsmade@austintexas.gov>; 'Rivera, Andrew' <Andrew.Rivera@austintexas.gov>
Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113

Burnet Rd

Thanks, Chip!

Andrew Rivera let me know earlier today that due to a quirk in process, a case may be noticed for a Council meeting that occurs only a few days after the Planning Commission meeting, as long as it is not sent out in the same notice (Andrew – please correct me if I misunderstood).

My understanding had been that July 14 was the last date possible for us to hit July 30 for first reading at Council – but based on what Andrew described, my new understanding is that it is technically possible to go to PC on July 28 and still make Council on July 30 for first reading.

With this new information, I am open to consider potentially agreeing to your request (as an individual, as the Contact Team has not taken action on a postponement request) that PC postpone our case July 28. However, as you know, our goal is to make first reading at City Council on July 30 – and my concern is that if I agree to July 28 outright, the two-day turnaround between PC and Council will be used as a club to postpone us beyond July 30, which would drag us through the budget process, which is what we're trying to avoid.

So, I would make the following request in good faith: if you would agree not to request Council postpone us from first reading on July 30, we would agree to postpone to the July 28 PC meeting. In this scenario, July 30 would only be first reading at City Council, *and* we could agree to keeping the public hearing open.

I believe this is a win-win for the following reasons:

- For you, it would meet your request to have PC on July 28.
- For us, it would meet our concerns about wanting to hit first reading on July 30, prior to budget.
- For residents generally, it would provide more clarity regarding the case timeline (instead of having to follow various postponements and meetings) and would provide even more opportunity for a virtual neighborhood meeting prior to PC and Council.
- For Planning Commission and City staff, they wouldn't have to utilize meeting time on a discussion postponement.

I think this is a good way to meet everyone's needs simultaneously – and then we could start immediately on scheduling a neighborhood meeting to facilitate a neighborhood conversation during which the neighborhood can consider the cases and hopefully vote on a position. I believe we've worked hard to incorporate feedback from residents in a potential compromise package – and I believe the neighborhood should have the opportunity to decide on whether to move forward with this proposal (re-attached here), rather than it ending up being left on the table through inaction.

Let me know if you would be amenable to agreeing to not request a postponement of first reading at Council on July 30 (understanding it would only be first reading and the public hearing would remain open) if we agree to a July 28 PC date. I understand that you are unable to take action on postponement requests on behalf of the Contact Team as a body (as per the bylaws, a Contact Team

vote with a quorum of 12 members is required in order to take action to make a decision as a Contact Team), but I would be open to agreeing in good faith to the above with you as an individual.

Thanks!

Michael

From: Chip Harris <austinchip@hotmail.com>
Sent: Thursday, June 18, 2020 12:48 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov; Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan <MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson <annecharlotte@southerncombustion.com>
Subject: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 - 7113 Burnet Rd

Maureen,

On behalf of the Crestview Neighborhood Plan Contact Team (CNPCT), I would like request a postponement for three cases currently scheduled for the Planning Commission's meeting on Tuesday, June 23rd, 2020. Those cases are as follows, all with an address of 7113 Burnet Road:

NPA-2020-0017.01
C14-2020-0016
C14-72-032

My request is to postpone these cases from the June 23rd, 2020 Planning Commission meeting to their meeting on July 28th, 2020. Please confirm receipt of this postponement request and inform me if there are any other actions that need to be taken.

Thank you,

Chip Harris, Facilitator
Crestview Neighborhood Plan Contact Team
512-458-2488

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Dear Planning Commission,

I'm writing on behalf of the Crestview Neighborhood Association Executive Committee regarding item B6-7-8 on the agenda for the July 14th meeting..

Before Covid-19 shut everything down, we (CNA and some neighbors) had a couple of meetings with the developer and his agent (Michael Gaudini) to discuss their exploring options for that property. The first meeting was in January but was requested too late to be included on our published agenda. We allowed them to come anyway and speak though because there wasn't any previous notice to the community there wasn't much turnout.

At that time the biggest request of us seemed to be whether we would support a change from Commercial to Multi-Family. This was exciting to the neighborhood as a whole and brought us to the table hoping to work out a deal to both create a large amount of housing where there was none previously, along a corridor and near transportation.

At that time (and in subsequent meetings), most of the usual concerns with the current occupants such as ill placed dumpsters with poorly timed disposal pick-ups, inadequate fencing and the lack of compatibility standards under the current zoning were quickly appeased.

We encouraged the developer and the neighbors immediately behind the property to talk about potential concerns regarding height over their backyards and reduction in privacy. They did discuss this, and the developer produced a "compromise package" in June, pushing the start of 40 feet a little further than they could do it by right under current compatibility standards. We appreciated the willingness to talk, and it kept us at the table.

As you will see in your back-up material on page 10, at the March 3 public meeting we were told the height of the front of the building would be "60-75 feet" at that time. Here is what was asked:
Q. The current zoning of CS allows a maximum height of 60 ft. The proposed zoning of MF-6 allows up to 90 feet.
A. We don't want the 90 feet that would be allowed under the MF-6. We maybe need 60-75 feet with five to six floors.

Mid March through April was, admittedly, a down time for our communication as a neighborhood association. We didn't have a lot of pressing items on our plate and were unclear as to what was going to be prioritized by the city. Clearly, this became a priority in May.

CRESTVIEW NEIGHBORHOOD ASSOCIATION

After Covid-19 made it difficult to meet, we continued conversations, congenially, by phone. Michael and I spoke very often, and I conveyed our conversations to our executive committee, which now meets by Zoom as often as is necessary.

I've expressed our concerns over several factors, namely the height of the structure since it seemed it was now going to be well over 80 feet despite previous assertions. I've offered 75 feet as a compromise position several times. That seemed like enough entitlement to get well over 300 units on the property and still provide the paltry 10% affordable housing they set as a goal. They did not budge meaningfully.

We've also yet to see any recent drawings of what they would like to do with the MF-6 entitlement, any copies of drafts of restrictive covenants to enforce the compatibility compromise, any sense of what the size of affordable units would be or the overall mix of unit bedroom counts (we'd prefer as many 2-3 bedroom units as possible).

While I understand that the site planning process will dictate much of the final product, we find it unlikely they don't have a sense of what they are going to ask for.

We genuinely went into this process with the hopes of being able to support a large-scale multi-family project in our neighborhood. We are disappointed that our offer to work together to support a shorter tower was unheeded.

We enjoy working with Michael Gaudini and don't blame him personally for this. But at this time the most height we could support at this location would be 75 feet along the front of the property (Burnet Road). We've tried several times to get there, but we just haven't yet.

Thank you for attention and consideration of our plea.

Sincerely,

Mike Lavigne
President, Crestview Neighborhood Association

TO: Mark Graham, Department of Planning and Zoning, City of Austin
Michael Gaudini, Armbrust & Brown/ Ronan Corporation

FROM: Property Holders of Record for Hardy Circle

July 18, 2020

To All Stakeholders,

We, the undersigned, represent the supermajority of property holders on Hardy Circle, which is immediately adjacent to the proposed development at 7113 Burnet Road currently under consideration by the City of Austin Planning and Zoning Department (Case Number C14-2020-0016)

We would like to highlight the following aspects of the proposed development and ask that we discuss options to better tailor this development to our community's needs at the upcoming City Council Public Hearing on July 30, 2020:

1. Height restrictions on the back half of the lot – see Exhibit 1
2. Setback restrictions at the north fencing line and immediately adjacent to Hardy Circle
3. Increased cut through traffic necessitating the expansion of the current sidewalks on Pasadena, Cullen, and the length of Hardy Drive
4. Sound and light buffer zones in the back half of the development
5. Overall neighborhood compatability as related to the above points

We welcome the construction of more housing in Austin, particularly the ability to allow more families access to the schools, amenities, and vibrant neighborhood community that our area currently enjoys. We look forward to finding ways to work constructively with all parties to help Crestview continue to thrive in the years to come.

Sincerely,

Alexa Cunningham	2019 Hardy Circle
Andrew Cunningham	2019 Hardy Circle
Mark Bissada	2005 Hardy Circle
Corey Crow	2009 Hardy Circle
Theresa Crow	2009 Hardy Circle
Ian Villamin	2011 Hardy Circle
Katy Manganella	2011 Hardy Circle
Steven Pressley	2013 Hardy Circle
Louise Tedford	2013 Hardy Circle
Robert Deegan	2016 Hardy Circle
Paige Deegan	2016 Hardy Circle
Emily Westcott	2002 Hardy Circle
Jake Wegmann	2007 Hardy Circle
Lori Wegmann	2007 Hardy Circle
Lainie Armstrong	2004 Hardy Circle
Matthew Armstrong	2004 Hardy Circle


Distance until 90 ft.
of height
PASADENA DR
HARDY CIR
MADISON AVE
HARDY DR
PIEDMONT AVE
Distance until 60 ft.
of height

EXHIBIT 1

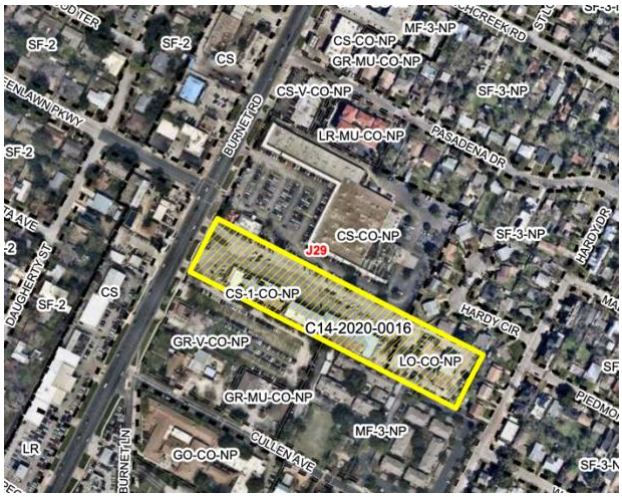
Re: C14-2020-0016, 7113 Burnet Road

Dear Mayor and Austin City Council Members:

The Brentwood Neighborhood Association supports the staff recommendation of MF-4 for the zoning request at 7113 Burnet Road (Case C-14-2020-0016). We would also support an agreement that no variances to the compatibility standards be given.

Traffic:
This tract is mid-block on Burnet Road. The only access is through curb-cuts on Burnet Road with no signal. The signal at the tract abuts the property to the north, but a permanent agreement would have to be made with that property; an additional traffic signal cannot be placed at this tract's egress due to the proximity of the existing signal. Austin Transportation Department says: "There are three curb cuts accessing Burnet Road. Depending on time of day and day of week, full access to and egress from the property may be difficult… ATD staff does not recommend the proposed zoning for multi-family residence-highest density as it would create significant traffic conflicts, especially in the peak periods."

Precedent and Location:



The current zoning allows 60 feet of height, which staff-supported MF-4 zoning would allow. Since there are no tracts zoned for 90' feet of height between 45th Street and Anderson Lane on Burnet Road, this could be viewed as a "spot" zoning request, singling out this parcel for special entitlement different from the surrounding properties. This property extends deep into the neighborhood with a limited frontage on Burnet Road, so would have a significant impact to the community. A zoning of MF-4 is much more compatible with existing development. Though this area of Burnet Road is zoned for 60' in height, most is developed as one-story commercial business, and many are "local businesses". There are several newer apartment/condo developments along Burnet Road; all have been successfully built with a height of 60 feet. Note that "The Pearl" at 1301 Koenig Lane was rezoned to MF-6 with the support of the Brentwood Neighborhood Association, but with a conditional overlay of a 45-foot height limit, and it is limited to 70% impervious cover. Among other community benefits, The Pearl dedicated on-site parkland to the City of Austin at the corner of Woodrow and Koenig.

We understand that the developer of 7113 Burnet Road is not willing to limit height, which is grossly incompatible with the surrounding area. We therefore ask you to support the staff recommendation of MF-4.

Brentwood Neighborhood Association Steering Committee

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/planning.

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: C14-2020-0016
Contact: Mark Graham, 512-974-3574
Public Hearing: July 30, 2020, City Council

Patricia Carr
Your Name (please print)

☐ **I am in favor**
☑ **I object**

2104 Cullen Ave #107
Your address(es) affected by this application

Patricia Carr — 7-24-20
Signature — *Date*

Daytime Telephone: 512-371-3421

Comments: I have two objections to the MF-6 zoning. (1) the 7 stories possible with a 90' entitlement dwarfs our adjacent 2-story Condo complex, where I live. That height is incompatible and compromises our privacy (2) The estimated 360 units will add an intolerable traffic burden to Burnet Rd, which is already over capacity.

I do support a zoning change to MF-4, which meets city policy goals while respecting neighborhood standards.

If you use this form to comment, it may be returned to:
City of Austin, Planning & Zoning Department
Mark Graham, Case Manager
P. O. Box 1088, Austin, TX 78767

Or email to:
mark.graham@austintexas.gov