

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0044, 7113 Burnet Road

DISTRICT: 7

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

ADDRESS: 7113, 7115 Burnet Road

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

PROPERTY OWNER:

CSW Cart, Inc., (Robert O'Farrell)

AGENT:

Armbrust & Brown, PLLC
(Michael Gaudini)

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

STAFF RECOMMENDATION:

The 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 on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 25, 2021:

May 11, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO MAY 25, 2021, BY CONSENT*

[G. COX, A. AZHAR 2ND] (12-0) CHAIR SHAW - ABSENT

CITY COUNCIL ACTION:

June 10, 2021:

ORDINANCE NUMBER:

ISSUES:

There are three related land use cases: The Neighborhood Plan Amendment, case NPA-2021-0017.01 to change the FLUM from Commercial to Multi-family residential land use; case C14-72-032(RCT), the request to terminate the Restrictive Covenant that established a 20 foot building setback on the LO-CO-NP zoned tract; and this request for MF-6-CO-NP zoning, case C14-2021-0044.

CASE MANAGER COMMENTS:

Applicant seeks zoning to build 330 residential units on the 4.3881 acre (191,145 sq. ft.) parcel of land at 7113 and 7115 Burnet Road. The requested zoning is multi-family residence - highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. The CO would establish a 20-foot building setback from the rear property line.

Current Conditions

The site is a commercial development with a parking lot fronting Burnet Road. Multiple 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 18, 2021 to present the request to Crestview residents (NPA-2021-0017.01).

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.

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

Compatibility

Another condition imposed by the same Ordinance Part 7. (27) applies to six tracts in the neighborhood plan, 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.

Restrictive Covenant

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.
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 330 residential units on the property.

The recommendation from Inclusive Planning staff is to amend the Future Land Use Map from commercial to multifamily residential. The recommendation from Zoning staff is to permit multifamily residential uses, with MF-4 standards.

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 330 multifamily residences on the property. The property is centrally located on a MetroRapid 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 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. New development will be required to 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 review process.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-CO-NP, CS-CO-NP, LO-CO-NP	Bar/restaurant (Local Post Pub), offices, personal care, food sales, auto storage
North	CS-CO-NP	Retail (Tuesday Morning), restaurant, food sales
South	GR-V-CO-NP, MF-3-NP	Vacant restaurant, auto sales/storage, Multifamily residences (townhomes & stacked flats)
East	SF-3	Detached residences
West	CS, SF-2	Auto sales/service,

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
- Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary Lamar Middle McCallum High

NEIGHBORHOOD ORGANIZATIONS

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

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 west, Justin Lane on the south.	Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land.	To Grant	Apvd. 04/01/2004 Ord.#040401-328
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 / Optout process. 62.70 Acres. (City Initiated) for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd.	To Grant	Apvd. 9/24/2009 Ord.#20090924-091

Number	Request	Commission	City Council

RELATED CASES:

C14-2020-0016 – Essentially the same request with different applicant. Request for MF-6-NP. Case withdrawn by property owner after approvals at Planning Commission and First Reading of City Council.

NPA-2020-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 18, 2020.

C14-72-032 (RCT) – This case is refiled under the same case number. The Planning Commission approved termination of the Restrictive Covenant on July 14, 2020. The request was withdrawn before City Council action. The request is 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 recommendation is 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 residences.

LEGAL DESCRIPTION

Lot 1, Ronan Subdivision

OTHER STAFF COMMENTS:

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

SP1. Any development which occurs in an SF-6 or less restrictive zoning district which is located <540 feet from property in an SF-5 or more restrictive zoning district will be subject to residential compatibility development regulations.

SP2. The site is subject to residential compatibility standards along the northerly and easterly property lines:

- 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 north/eastern property line adjacent to Hardy Circle and Hardy Drive SF properties. 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.

INFO: Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

INFO: Site plans are required for any new development other than single-family or duplex residential.

Parks and Recreation Department

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6-CO-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Austin Water Utility

AW1. 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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.

ATD Engineering

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Burnet Road. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

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.

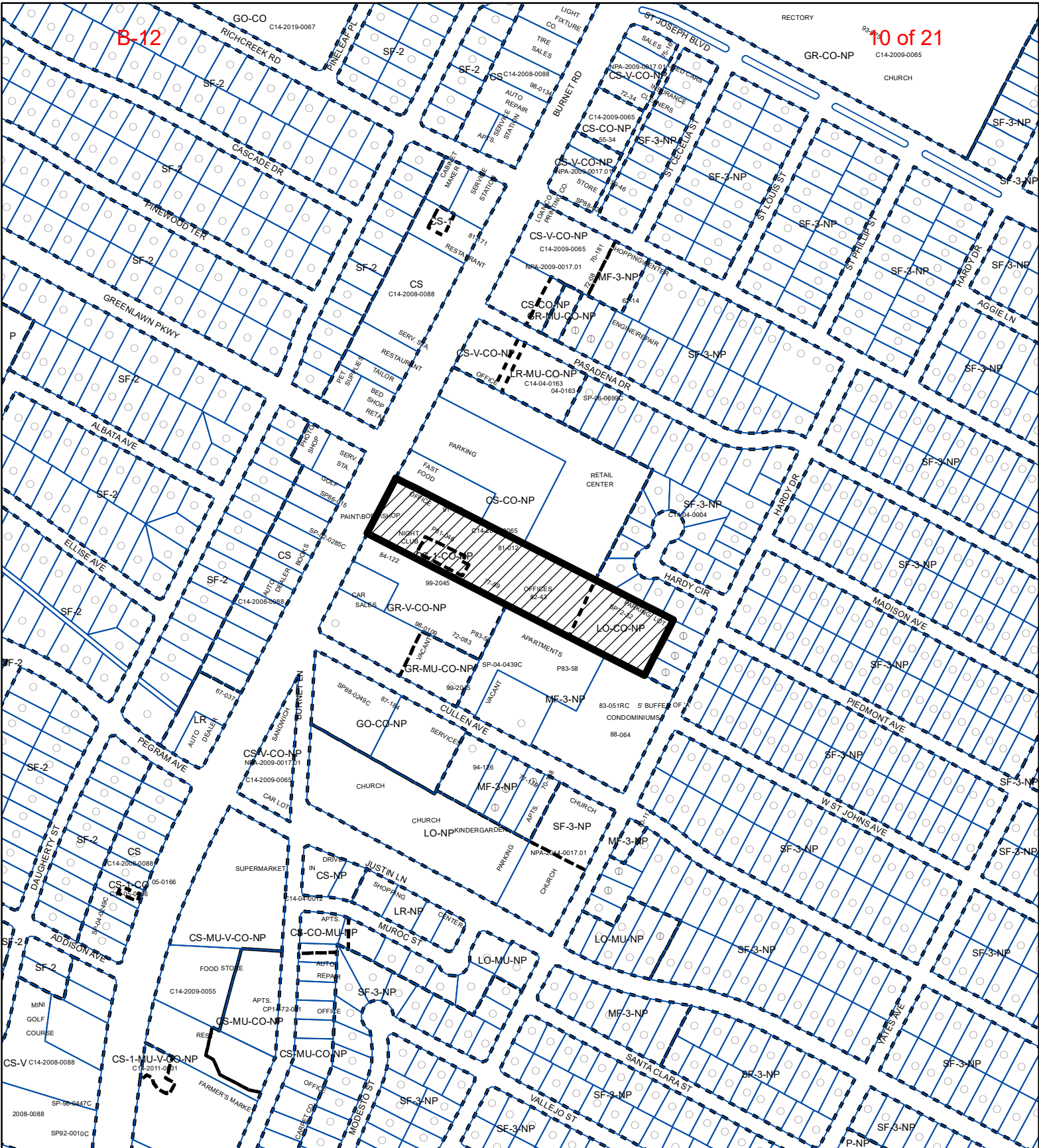
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd	121'	120'	56'	3	Yes	Yes	Yes


INDEX OF EXHIBITS TO FOLLOW


Exhibit A: Zoning Map


Exhibit B: Aerial Map

Exhibit C: Educational Impact Statement (EIS)



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

$$1'' = 400'$$

ZONING

ZONING CASE#: C14-2021-0044

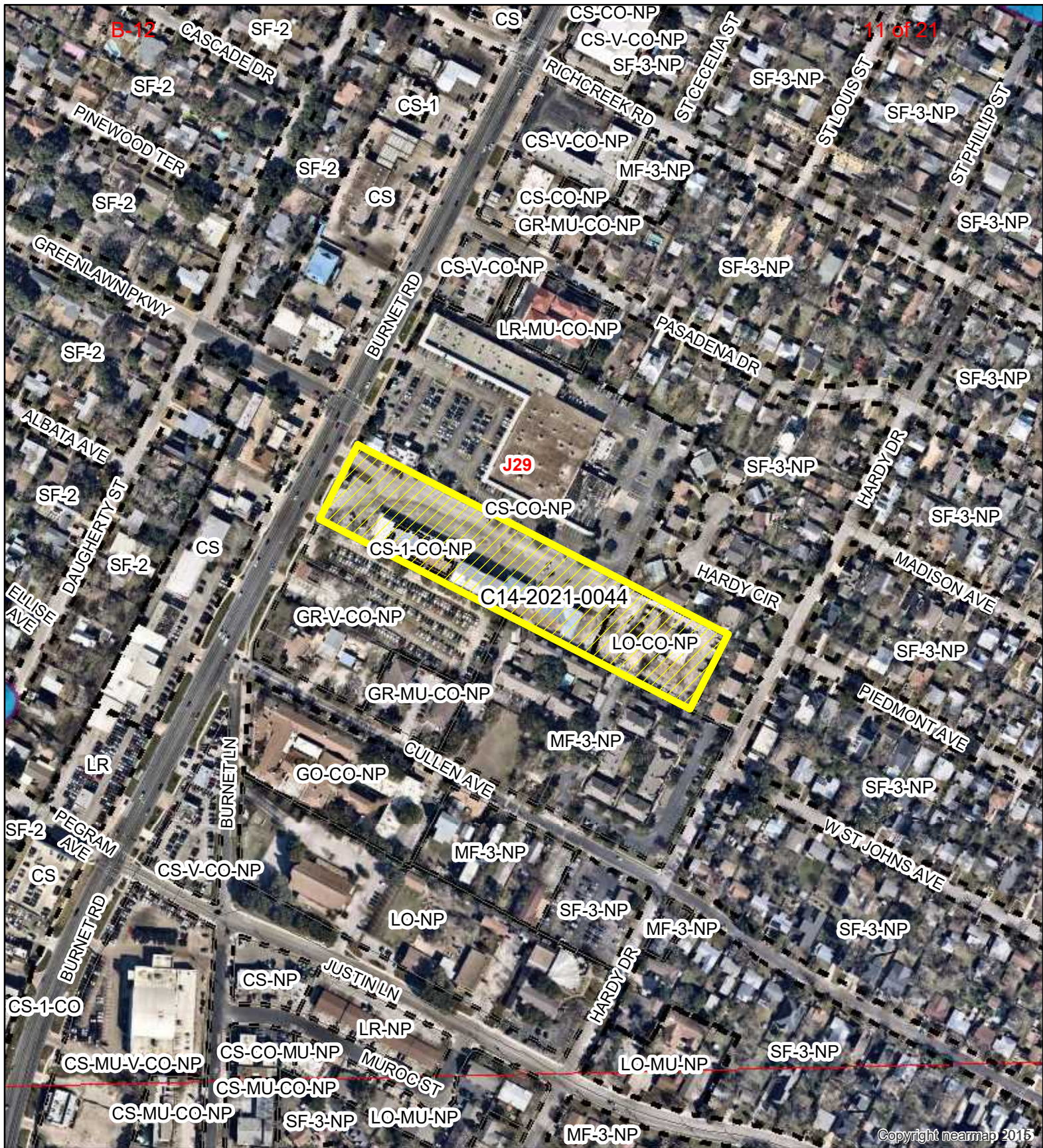
Exhibit A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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7113 Burnet Road Zoning

Exhibit B

ZONING CASE#: C14-2021-0044
 LOCATION: 7113 & 7115 Burnet Rd
 SUBJECT AREA: 4.39 Acres
 GRID: J29
 MANAGER: MARK GRAHAM



N



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 300'

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.



PROJECT NAME: 7113 Burnet Road

ADDRESS/LOCATION: 7113, 7115 Burnet Road

CASE #: C14-2021-0044

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
 Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 330 STUDENTS PER UNIT ASSUMPTION
 Elementary School: 0.01 Middle School: 0.005 High School: .009

IMPACT ON SCHOOLS

The student yield factor of 0.024 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multifamily complexes built within the area.

The 330-unit multifamily development is projected to add approximately 8 students across all grade levels to the projected student population. It is estimated that of the 8 students, 3 will be assigned to Brentwood Elementary School, 2 to Lamar Middle School, and 3 to McCallum High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Brentwood ES (110%), and above the optimal utilization at Lamar MS (127%), and McCallum HS (131%). Please note, the Brentwood campus is currently under construction and a modernized school at a larger capacity is scheduled to open in SY 2022-23, which will bring the 5-year projected enrollment well within the optimal utilization. Lamar and McCallum will continue to utilize portables to accommodate their enrollment, and the district will need to consider strategies to address overcrowding for the long-term.

TRANSPORTATION IMPACT

Students within the proposed development attending McCallum HS will qualify for transportation. Students attending Brentwood ES or Lamar MS will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 4.16.2021

Executive Director:

DocuSigned by:
 Ben Wilson
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DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Brentwood

ADDRESS: 512 E. Huntland Drive

PERMANENT CAPACITY: 585*

MOBILITY RATE: -1.3%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	549	656	659
% of Permanent Capacity	94%	112%	113%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	542	639	642
% of Permanent Capacity	93%	109%	110%

*The Brentwood campus is currently under construction and a modernized school at a larger capacity is scheduled to open in SY 2022-23.

MIDDLE SCHOOL: Lamar

ADDRESS: 6201 Wynona St.

PERMANENT CAPACITY: 1,008

MOBILITY RATE: +14.4%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,075	1,185	1,187
% of Permanent Capacity	107%	118%	118%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,230	1,281	1,283
% of Permanent Capacity	122%	127%	127%

HIGH SCHOOL: McCallum

ADDRESS: 5600 Sunshine Drive

PERMANENT CAPACITY: 1,596

MOBILITY RATE: +4.8%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,752	2,008	2011
% of Permanent Capacity	110%	126%	126%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,836	2,081	2,084
% of Permanent Capacity	115%	130%	131%

C14-2021-0044; NPA-2021-0017.01

Members of the Crestview Neighborhood Association Executive Council and the Planning Commission:

The majority of the owners on Hardy Circle and Hardy Drive most affected by the above-referenced zoning change proposals DO NOT consent to current discussions with the Applicant, and specifically the recent draft of the Restrictive Covenant (attached) for the following reasons:

The applicant is requesting a zoning change to MF-6-CO-NP that would allow a 360-unit apartment complex with a maximum height of 90 feet on Burnet Road. Most importantly, it would stand right in the heart of the Crestview and Allandale neighborhoods. There are many serious concerns that are unique to this particular development location that make it highly incompatible with the surrounding areas.

INCOMPATIBILITY - MF-6 multi-family high-density zoning is incompatible with the historical single-family home Crestview neighborhood. The proposed development would be the tallest building between Downtown and the Domain. This property currently abuts the Crestview single-family home neighborhood from all sides. The back lot, known as 7113 Burnet Road, abuts Hardy Circle (a 12-home cul-de-sac), single family homes on Hardy Drive, and the single family homes, apartments, and condos on Cullen Avenue.

The existing LO-CO-NP zoning 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.” Changing the zoning of the lot at 7113 Burnet Rd changes the intent of the Crestview-Wooten Neighborhood plan. The proposed zoning changes do not adhere to the neighborhood plan, and the neighborhood plan was created by its residents through authority given by the City of Austin to reflect the sentiments and necessities of the people that live in and own property in the neighborhood.

HEIGHT - A massive multi-story building overlooking the adjacent streets compromises the privacy of all of the families living nearby. This project would compromise the safety of the children playing in the streets and cul-de-sac. This project would compromise the privacy of families using their backyards at all times. For homes immediately adjacent to the property, this project compromises the privacy of families even being able to live inside their homes - for fear of the apartment units looking down from the multiple stories in through their windows.

TRAFFIC - The current proposal suggests that residents of the 360-unit complex would be able to ingress and egress Burnet Road via an easement with the adjacent property to use its traffic light. The amount of use with only one traffic light between a 360-unit apartment complex and a shopping center would overwhelm this concentrated area. There currently is not a traffic light at 7115 Burnet Road, so people would also be attempting to leave the lot from its driveway in addition to the adjacent traffic light. This will cause further disruption and traffic hazards. One can only expect it to simply be a matter of time before the property owner looks for other ways to create means of ingress and egress to solve this problem. Therefore, it is highly likely that the property owner will attempt to coerce property owners on Hardy Circle and/or Hardy Drive to sell their homes - only to demolish them and pave a new road to link to the apartment complex property. This would destroy the neighborhood feel and compatibility and bring a surge of new traffic throughout the neighborhood.

PROXIMITY - The current proposal would allow for building at an encroaching distance of 25 feet from the property lines of homeowners. The incredibly close proximity of a 360-unit apartment complex to single

family homes allows for serious concerns regarding loss of privacy, noise disruption, and safety. A much greater distance is both justifiable and necessary to protect the rights of home owners in such a vulnerable circumstance.

PARKING - Even if adequate parking is maintained by the project, there is potential for a parking crisis to overwhelm the nearby Crestview and Allandale neighborhoods. People would be forced to park on nearby Hardy Circle, Hardy Drive, Pasadena Drive, and Cullen Avenue in Crestview. People would also be forced to park in nearby Allandale streets - Greenlawn Parkway, Albata Avenue, Pinewood Terrace, and Daugherty Street. This increased parking congestion and foot traffic would cause obvious safety, compatibility, and comfortability concerns.

NOISE POLLUTION - The last concern involves noise. By changing the zoning of the lot at 7113 Burnet Road, there is a high probability that noise pollution will greatly increase and bleed into the adjacent streets. The sound of vehicles for residents of 360 units coming in and out at all hours of the day and night, residents hanging out on their balconies, residents walking their pets, and other various activities would cause disruption and discomfort to nearby property owners. This significant increase in noise pollution would dramatically affect "the character of the neighborhood" that our neighborhood plan and the city development code call for developers to respect.

PRECEDENCE - If this proposal is granted, developers will continue to build and expand their 90-foot commercial empires throughout the Crestview-Allandale neighborhoods, irreparably changing these historical neighborhoods forever. Although growth and change are exciting prospects, it is of most importance that city leaders and developers foster a mindset that respects the considerations and rights of current residents whose lives will be directly impacted by these changes.

Restrictive Covenant proposal language (in the Alternative)

In the event that the Planning Commission and City Council decide that they want to approve the Applicant's proposals, the residents of Hardy Circle and Hardy Drive present the following demands for the language of the Restrictive Covenant:

Beneficiaries of the Restrictive Covenant be ALL individually-named property owners within 200 feet of 7113 Burnet Road AND the Crestview Neighborhood Association.

All lighting be downward facing lighting only, and not be placed within 25 feet of the property boundaries.

No external swimming pools on the property.

No external parking on the property.

No lanes of travel within 50 feet of property boundary lines, except for any emergency fire lane required by the City. The emergency fire lane will be equipped with posted signage designed for "Emergency Use Only."

No balconies with a floor - aka Juliet Balconies only - until 100 feet from the boundary lines.

No commercial businesses along boundary lines.

Landscaped Buffer of trees along boundary lines must be installed - prior to Certificate of Occupancy with mature trees with at least 10 feet in height.

No structure above 30 feet (2 stories) may be built within 100 feet of boundary lines, with this height restriction extending out to 200 feet from boundary lines.







