

**From: Mehdi Zarchi & Elham Tarkashvand**

**Date: January 31<sup>st</sup>, 2023**

**To: Sherri Sirwaitis**

**Subject: Case Number C14-2022-0142 – Birgani notice of application for rezoning**

**Hello Ms. Sirwaitis,**

**I am in support of Mr. Birgani for rezoning his property to GR-MU**

**I want to thank you for letting us to submit comments about Mr. Birgani property for rezoning (Case number C14-2022-0142)**

Mehdi Zarchi and my wife, Elham Tarkashvand are the owners of Lot4 and 5 of Indian Oaks subdivision which is locally known as 12601 Blackfoot Trail and 12603 Blackfoot Trail Austin Texas 78729 for more than 26 years. My properties are located about 60 to 70 feet away on the Eastside of Mr. Birgani's property for rezoning with Case #C14-2022-042.

**We appreciate for letting us to submit comments regarding Mr. Birgani's property for rezoning Case number C14-2022-0142**

**We** carefully reviewed your 58 pages report (The case manager's report) which called **ZONING CHANGE REVIEW SHEET**, for January 17<sup>th</sup>, 2023, the Zoning and Platting Commission public hearing and recommendation. We also met with Mr. Birgani several times. We made sure to make comments based on the facts and not to be biased. Please see our following comments.

- 1. Traffic impact on Blackfoot trail due to Mr. Birgani's GR-MU rezoning:** On the pages 45 and 47 of your report, according to City of Austin traffic impact analysis (TIA) done by Mr. Justin Good from Austin Transportation Department and Mr. Birgani propose

to use an easement through lot 2 of Indian Oaks 2 Subdivision. This eliminates traffic impact associated with nonresidential vehicles on the Blackfoot Trail (The neighborhood street). **We do not see any negative impact.**

**2. Building height and size of the proposed rezoning:** From pages 11 and 12 of your report, based on environmental and compatibility limitations on the small property for rezoning, the height can not be more than 30' to 40' feet height. On page 47 of your report, Mr. Birgani is proposing only two-story building (Commercial at ground level and residential on second level) which is compatible with many of neighbor's two storey' houses including mine at 12603 Blackfoot Trial with 35' feet height limit. **We do not see any negative impact.**

**3. Effect of Mr. Birgani's proposed building on characteristic of the Indian Oaks neighborhood:** from pages 14 and 15 of your report, On the Eastside of my properties, there are two large, developed properties, the property adjacent to our two properties which is zoned as CS-CO and Extra Space Storage. They are extended more than 800 feet in the Indian Oaks neighborhood, as a matter of fact **there is a gate from Extra Space Storage to South Sioux Trial in the middle of Indian Oaks neighborhood** and about 100 feet from **Mr. Glen McGuire's** property at 12609 Blackfoot trail Austin Texas 78729. It is fair to say that these properties and the gate may have some negative effect on characteristics of the Indian Oaks neighborhood. **By comparison, we do not see Mr. Birgani's small property for GR-MU rezoning could have a negative effect on the neighborhood's characteristics.**

**4. Effect of Mr. Birgani rezoning on value of the neighbors' properties:** During 1996, when we purchased our properties, we noticed Mr. Birgani's commercial building. We searched and found out that Mr. Birgani's properties are in the **Indian Oaks 2 Subdivision**. The subdivision with its 4 lots is not part of Indian Oaks subdivision. We understood that the Indian Oaks 2 Subdivision had been established since 1985, they can be used for non-residential (Commercial) purposes, too. We made the choice to purchase a house next to a commercial subdivision; **we understood that purchasing a home next to a commercial area does not give us any right to demand any restriction on the commercial area such as Indian Oaks 2 Subdivision.** From pages 14, 15 of your report, we have not seen any negative impact on value of our two properties due to these four commercial lots of **Indian Oaks 2 Subdivision** on Westside, CS-CO on the Eastside, the Research Park's recently rezoned with case # C14-2021-0012 on the Southside of our or Apple Factory within 2 miles of our properties. **As a matter of fact, these and other commercial developments have increased the value of our properties.**

**5.** From pages 14 and 15 of your report, the established retail business at 6610 McNeil Drive (lot 2 Indian Oaks 2 subdivision) on the Westside of our properties has no difference than the gas station/convenience store at the corner of McNeil Drive and Corpus Christi Drive. Not any teenager can purchase anything from this store. **As a matter fact, no one less than 21 years of age can purchase any product from this shop.**

**6. Compatibility and consistency of Mr. Birgani's rezoning with other streets on Northside of McNeil Drive:** From page 20 to 29 and page 47 to 53 of your report, From 183 to Parmer Ln on the Northside of McNeil Drive there are five main streets San Felipe Blvd, Los Indios Trail, Blackfoot Trail, Dakota Ln and corpus Christi

Drive. They are extending and have access to neighborhoods from McNeil Drive; all have commercial district of GR-CO. on them and with access to neighborhoods' streets but from page 47 to 53 Mr. Birgani propose doesn't have any access for vehicles associated with commercial use of the property to the Blackfoot trail (Neighborhood street). Please look at the intersection McNeil Drive and Corpus Christi, you will see Gas station/convenience store and next to it is GR-CO (Auto shop). The GR-CO is adjacent to SF1 and two neighborhood's streets. By comparison, Mr. Birgani rezoning request is very compatible and consistent with other commercial properties in each of these 5 neighborhoods.

Sincerely,

Mehdi Zarchi & Elham Tarkashvand