

## SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2022-0160- Greystar 290

DISTRICT: 8

ADDRESS: 8328 ½, 8350, 8352 W. US 290 Hwy and 8110 ½, 8112 Scenic Brook Drive

PROPERTY OWNER: Schmidt Investments LTD (Robert Schmidt)

AGENT: Armbrust & Brown, PLLC (Richard Suttle)

CASE MANAGER: Nancy Estrada (512-974-7617, [nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov))

REQUEST:

**Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8328 ½, 8350, 8352 W US 290 HWY and 8110 ½, 8112 Scenic Brook Drive (Williamson Creek Watershed) from neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning for Tract 1 and limited office-neighborhood plan (LO-NP) combining district zoning and single family-large lot-neighborhood plan (SF-1-NP) combining district zoning for Tract 2 to multifamily residence high density district-neighborhood plan (MF-5-NP) combining district zoning for Tract 1 and limited office-mixed neighborhood plan (LO-MU-NP) combining district zoning for Tract 2.**

CITY COUNCIL ACTION:

**September 21, 2023:**

**August 31, 2023: FIRST READING APPROVED AS STAFF RECOMMENDED.**

*VOTE: 9-0. Council Members Vela and Harper-Madison off the dais.*

ORDINANCE NUMBER:

ISSUES:

Correspondence from an adjacent property owner is attached at the back of the report.

The adjacent property owner provided an email on August 30, 2023 and removed their objection to the requested zoning change for the Greystar 290 rezoning case.

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0160- Greystar 290

DISTRICT: 8

ADDRESS: 8328 ½, 8350, 8352 W. US 290 Hwy and 8110 ½, 8112 Scenic Brook Drive

ZONING FROM: LR-MU-NP; LR-NP and LO-NP (Tract 1); LO-NP and SF-1-NP (Tract 2)

TO: MF-5-NP (Tract 1); LO-MU-NP (Tract 2)

SITE AREA: 19.30 acres to be rezoned (35.57 Total acres for overall development)

PROPERTY OWNER: Schmidt Investments LTD (Robert Schmidt)

AGENT: Armbrust & Brown, PLLC (Richard Suttle)

CASE MANAGER: Nancy Estrada (512-974-7617, [nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov))

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant multifamily residence-high density – conditional overlay – neighborhood plan (MF-5-CO-NP) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay – neighborhood plan (LO-MU-CO-NP) combining district zoning for Tract 2. The Conditional Overlay for Tracts 1 and 2 will prohibit vehicular access to Scenic Brook Drive, except for pedestrian, bicycle and emergency ingress and egress.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**July 11, 2023: APPROVED MF-5-CO-NP DISTRICT ZONING for Tract 1 and LO-MU-CO-NP DISTRICT ZONING for Tract 2 AS STAFF RECOMMENDED, BY CONSENT [J. CONNOLLY; VC HEMPEL – 2<sup>ND</sup>] (12-0) ONE VACANCY ON THE DIAS**

**May 9, 2023: APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT [J. CONNOLLY; A. WOODS – 2<sup>ND</sup>] (12-0) ONE VACANCY ON THE DIAS**

### CITY COUNCIL ACTION:

**September 21, 2023:**

August 31, 2023: *FIRST READING APPROVED AS STAFF RECOMMENDED.*  
*VOTE: 9-0. Council Members Vela and Harper-Madison off the dais.*

ORDINANCE NUMBER:

ISSUES:

Correspondence from an adjacent property owner is attached at the back of the report.

CASE MANAGER COMMENTS:

The zoning area is part of an overall area that consists of 35.57 acres and is currently undeveloped. The property is in the City of Austin's Limited Purpose Jurisdiction located on West US Hwy 290 between Thunderbird Road and Scenic Brook Drive. Currently it is zoned neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP); neighborhood commercial – neighborhood plan (LR-NP); limited office – neighborhood plan (LO-NP); and single family residence – large lot – neighborhood plan (SF-1-NP) district zoning.

Adjacent zoning is mostly single family residences on larger tracts (SF-1-NP, SF-2-NP and SF-3-NP) to the north; to the east are also single family residences on larger tracts (SF-2-NP, LR-NP, NO-NP and LO-NP); and to the west is single family residences on larger tracts (SF-1-NP, LR-MU-NP and LO-NP). To the south is undeveloped land (LR-MU-NP; LR-NP) as well as West US Hwy 290 right-of-way which is not zoned. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The area to be rezoned out of the 35.57 acres is approximately 19.309 acres within two tracts. The proposed rezoning request is for multifamily residence-high density – neighborhood plan (MF-5-NP) for Tract 1 and limited office – mixed use – neighborhood plan (LO-MU-NP) combining district zoning for Tract 2. Consistent with the updated TIA Determination worksheet, the staff recommendation includes a Conditional Overlay for both Tracts 1 and 2 prohibiting vehicular access to Scenic Brook Drive, except for pedestrian, bicycle and emergency ingress and egress. ***Please refer to Exhibit B (Applicant's Proposed Rezoning Map).***

The rezoning request for MF-5-NP and LO-MU-NP is for a proposed multifamily development with up to 343 total units - 208 multifamily units and 135 single family residences which include townhouses. The MF-5 portion of the development will be oriented towards West US 290 Hwy and will allow a maximum density of up to 54 units per acre, depending on unit size. In the MF-5 base district, the maximum height is 60' and the minimum site area for each dwelling unit is 800 square feet, for an efficiency dwelling unit; 1,000 square feet, for a one bedroom dwelling unit; and 1,200 square feet, for a dwelling unit with two or more bedrooms [LDC Section 25-2-563].

Currently the LO-NP and LR-NP portions of this property, which is approximately 8.615 acres, are subject to three public restrictive covenants (RCs). These RCs were created prior to the creation of the SOS ordinance and allow for a higher impervious cover amount as well as compliance to water quality requirements from the Austin City Code of 1981. The applicant has submitted a restrictive covenant amendment (RCA) application to amend the

requirements of these RCs. Please refer to case no. C14-85-288.79(RCA). The RCA was reviewed by the Environmental Commission in June 2023 and is a separate agenda item.

BASIS OF RECOMMENDATION:

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

For Tract 1, the multifamily residence-high density (MF-5) district is intended for multifamily and group residential use predominantly serving community needs and is located in or adjacent to residential neighborhoods. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

For Tract 2, the limited office (LO) district is intended for offices and selected commercial uses predominantly serving community needs and is located in or adjacent to residential neighborhoods. A building in a LO district may contain more than one use. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Intensive multi-family zoning should be located on highways and major arterials.*

The MF-5 tract will have its primary access to West US Highway 290.

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

Staff recommends MF-5-CO-NP and LO-MU-CO-NP zoning for the property based on the following considerations: 1) office and multifamily residential development is appropriate on West US Highway 290, a Level 5 major arterial road, 2) it is suitable for residential development, 3) a multifamily development adds to the variety of housing choices available in the area and would assist towards accomplishing housing goals while the LO will provide a transitional zoning district to the lower density residential development on Thunderbird Road, and 4) the proposed development will be more compact due to a reduction in impervious cover and improvements to water quality controls to be codified through the corresponding Restrictive Covenant Amendment application.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-MU-NP; LR-NP; LO-NP; SF-1-NP	Undeveloped
<i>North</i>	SF-1-NP; SF-2-NP; SF-3-NP	Single Family Residences on large lots and tracts.
<i>South</i>	LR-MU-NP; LR-NP	Undeveloped; W. US Hwy 290
<i>East</i>	SF-2-NP; LR-NP; NO-NP; LO-NP; SF-1-NP	Single Family Residences on large lots and tracts.
<i>West</i>	SF-1-NP; LR-MU-NP; LO-NP	Undeveloped; Single Family Residences on large lots and tracts.

NEIGHBORHOOD PLANNING AREA: Oak Hill Combined (West Oak Hill) NP Area

WATERSHED: Williamson Creek – Barton Springs Zone – Contributing Zone

TIA: Is not required

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: NO

SCHOOLS: Austin Independent School District

Oak Hill Elementary

Small Middle School

Bowie High School

COMMUNITY REGISTRY LIST:

Austin Independent School District  
Neighborhood Empowerment Foundation  
Oak Hill Neighborhood Contact Team  
Oak Hill Association of Neighbors (OHAN)  
Oak Hill Neighborhood Plan – COA Liaison  
Scenic Brook Neighborhood Association  
Sierra Club Austin Regional Group  
Thomas Springs/Circleville Alliance  
Thunderbird Neighborhood Association  
TNR BCP – Travis County Natural Resources  
Covered Bridge Property Owners Association, INC.

Austin Lost and Found Pets  
Friends of Austin Neighborhoods  
Ridgeview  
Oak Hill Trails Association  
Save Our Springs Alliance  
SELTEXAS

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0070 – 8504 W US 290 Highway	RR-NP to LR-MU-NP.	To Grant (07-14-2015)	Approved (08-13-2015)

### RELATED CASES:

C14-85-288.79(RCA): This is the associated restrictive covenant amendment case that is being considered with this rezoning case.

NPA-2021-0025.01: This is the associated neighborhood plan amendment case from Neighborhood Mixed-Use and Single -Family to a Mixed-Use designation that is being considered with this rezoning request.

A Land Status Determination was made on March 13, 2012 that excepts the property addressed as 8352 West US 290 from the requirement to plat based on the five-acre subdivision exception provided in Texas Local Government Code Section 212.004(a) (C8I-2012-0065).

### EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Scenic Brook Drive	Level 2-Collector	72'	57'	25'	No	Wide Curb Lane	No
W US 290 Hwy	Level 5-Regional Mobility	N/A	170'	59'	No	N/A	No

### ADDITIONAL STAFF COMMENTS:

#### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

#### Environmental

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

#### PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new uses proposed by this rezoning, mixed use with multifamily and single family, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acre of additional parkland, per requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). As such, land dedication shall be required, unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

The Parks and Recreation Department (PARD) would consider a new neighborhood park toward satisfying the requirement at time of permitting (whether subdivision or site plan). The surrounding neighborhood areas are currently park deficient, defined as being outside walking distance to existing parks. The dedication would satisfy the need for additional parks in a park deficient area, a specific recommendation in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, 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).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov).

#### Site Plan

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in 25-2-563 and Subchapter E 4.2.1.D.6.b.

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

### Compatibility Standards

The site is subject to compatibility standards due to the adjacent SF-1-NP zoning on the north and west property lines, as well as SF-2-NP zoning within 540 ft. to the east. The following standards apply:

- No structure may be built within 25 feet of the property line of the adjacent compatibility-triggering properties.
- No parking or driveways are allowed within 25 feet of the property line of the adjacent compatibility-triggering properties.
- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- 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-1-NP property.

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

### Austin Transportation Department – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Scenic Brook Drive. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Scenic Brook Drive according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

### Austin Water Utility

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. City Council approval of the SER is required due to the property's location within the Drinking Water Protection Zone and outside the full purpose corporate limits (LDC 25-9-35). For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

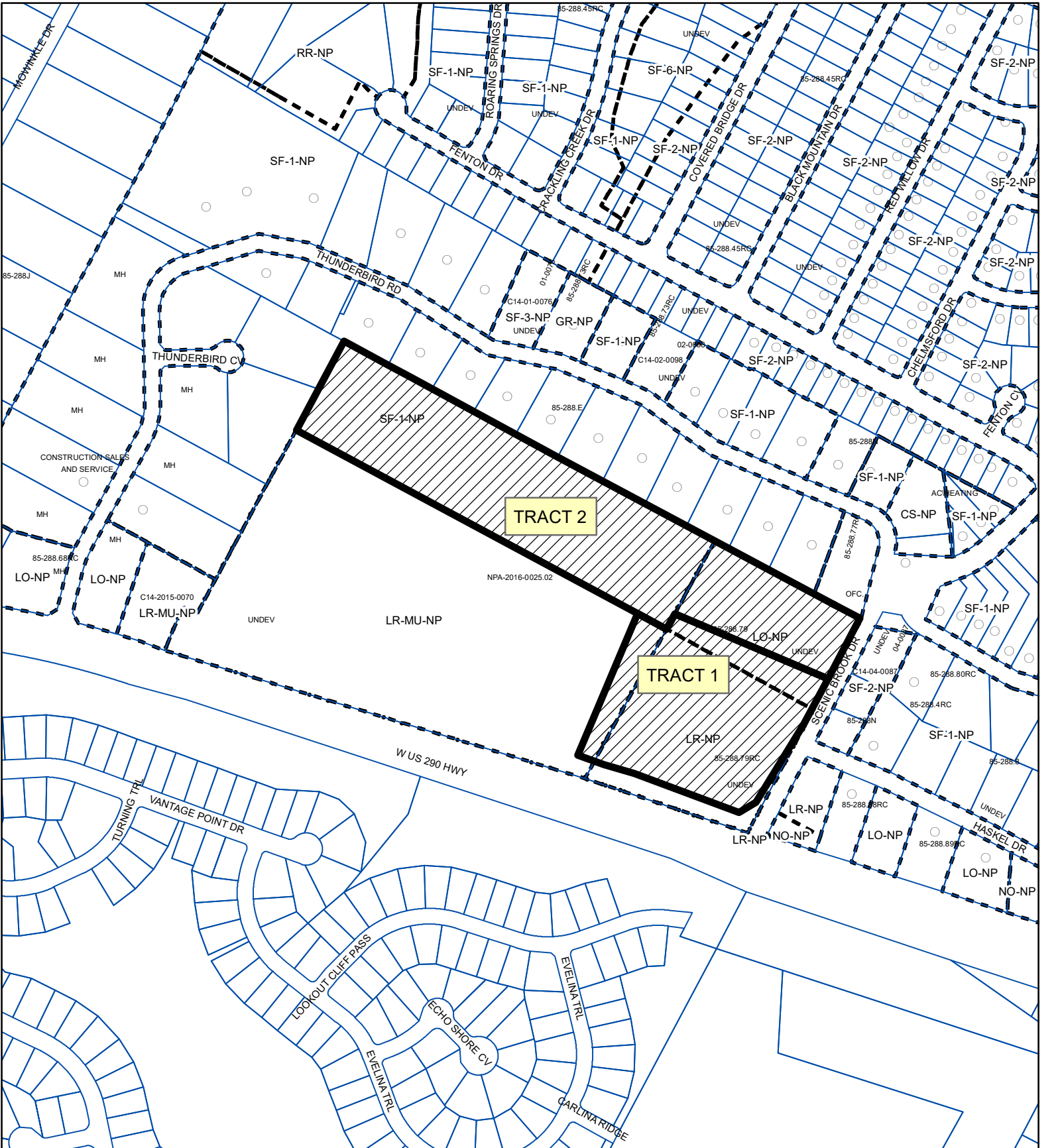
All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map  
Exhibits A-1: Aerial Map  
Exhibit B: Applicant's Zoning Map

Applicant's Summary Letter

Correspondence



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**ZONING**

**ZONING CASE#: C14-2022-0160**

**EXHIBIT A**

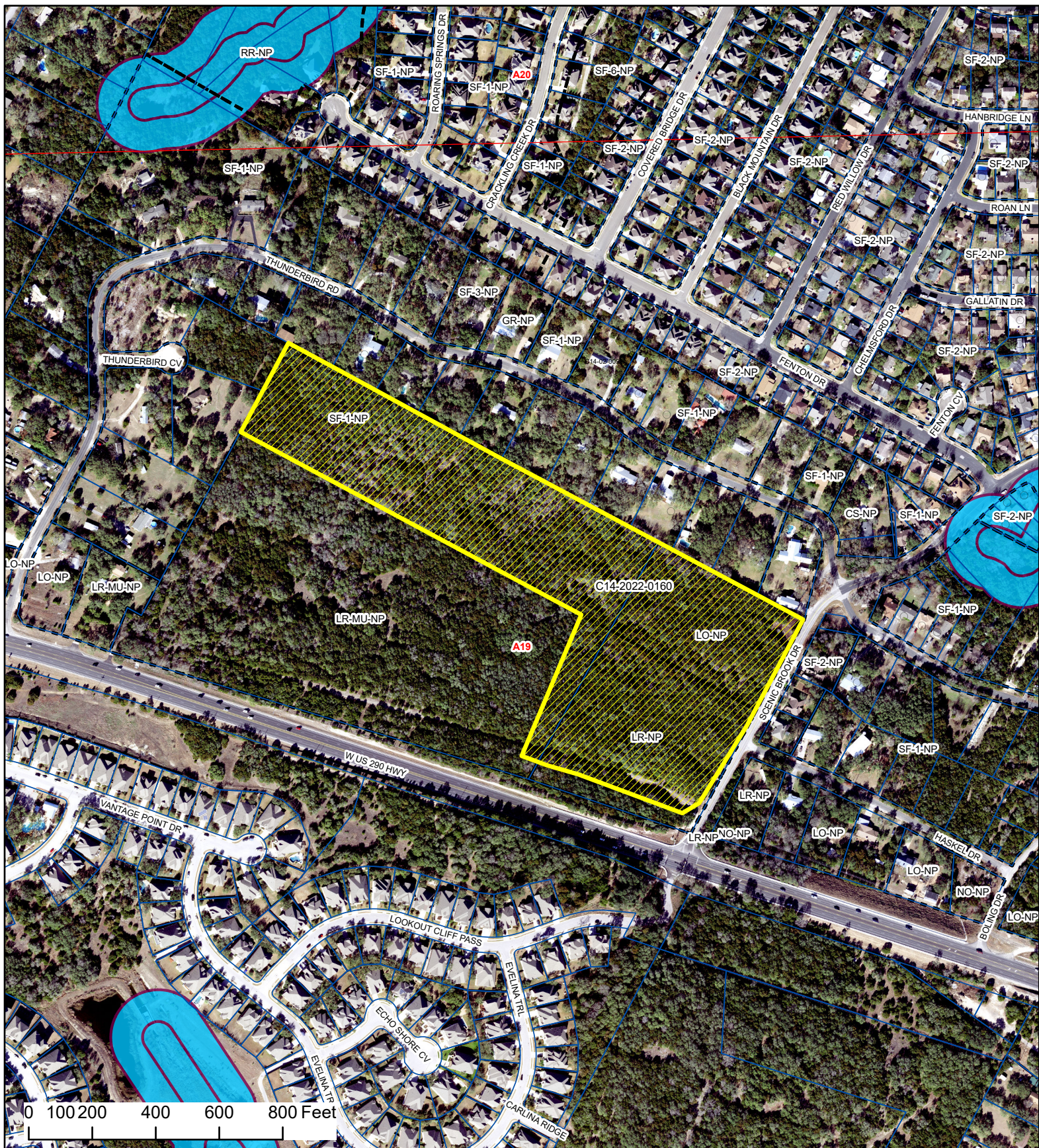


1" = 400'

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.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

**Created: 4/7/2023**



## Greystar 290

## EXHIBIT A-1



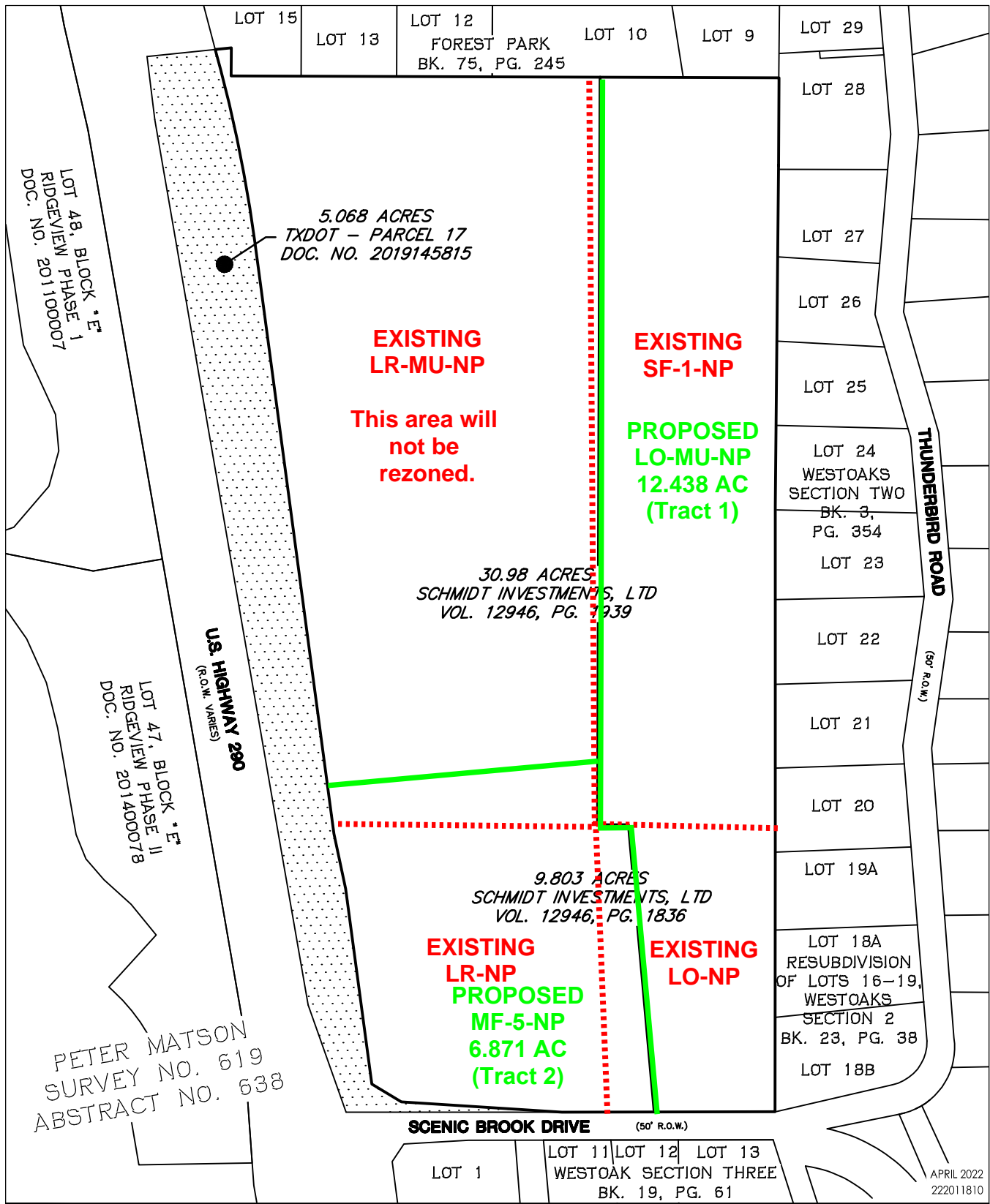
- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

ZONING CASE#: C14-2022-0160  
 LOCATION: 8112 Scenic Brook Dr;  
 8352 West US 290  
 SUBJECT AREA: 19.3 Acres  
 GRID: A19  
 MANAGER: Nancy Estrada



This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

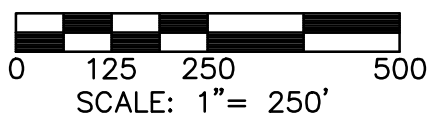
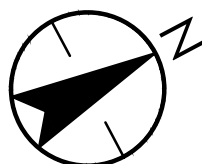
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Client/Project  
**GREYSTAR**  
**US 290/ SCENIC BROOK**

Figure No.  
**SHEET 1 OF 1**

Title  
**PROPOSED ZONING EXHIBIT**

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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AUSTIN, TEXAS 78701-2744  
512-435-2300

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Jewels Cain  
(512) 435-2318  
*jcain@abaustin.com*

June 28, 2022

Jerry Rusthoven  
Housing and Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, TX 78702

Re: Rezoning Application for 8112 Scenic Brook Drive and 8352 W. US 290 Hwy  
(TCAD Parcel No. 0408480108 and No. 0408500105) and Restrictive Covenant  
Amendment Application for 8112 Scenic Brook Drive in Austin, Travis County,  
Texas (TCAD Parcel No. 0408480108) (the "Application")

Dear Mr. Rusthoven:

This firm represents and this letter is submitted on behalf of the owner for the above Application. The site proposed for redevelopment in connection with this Application consist of 35.57 acres. Of that area, 19.309 acres is being proposed for rezoning (the "Property"). The area to be rezoned is described in Exhibit A and Exhibit B. The Property is located in the City of Austin Limited Purpose Jurisdiction. Field notes are being submitted with this Application to define the footprint of the existing and proposed zoning request.

The Property is zoned Limited Office – Neighborhood Plan (LO-NP), Neighborhood Commercial – Neighborhood Plan (LR-NP), Neighborhood Commercial – Mixed Use – Neighborhood Plan (LR-MU-NP) and Single Family Residence Large Lot – Neighborhood Plan (SF-1-NP). The Property is currently undeveloped. The request is to rezone a portion of the Property from LO-NP, LR-NP, LR-MU-NP and SF-1-NP to Limited Office – Mixed Use – Neighborhood Plan (LO-MU-NP) ("Tract 1") and Multi-Family Residence High Density – Neighborhood Plan (MF-5-NP) ("Tract 2") to allow for a mixed residential project consisting of single family and multifamily units.

The Property is located within the Oak Hill Combined Neighborhood Plan. A Neighborhood Plan Amendment Application was submitted on March 12, 2021 to request a Mixed-Use designation for the Property under Case No. NPA-2021-0025.01 and has been indefinitely postponed until the zoning request can catchup. The Property is currently designated on the Future Land Use Map (FLUM) partially for Neighborhood Mixed-Use and partially for Single-Family.

Communication with the direct neighbors along Thunderbird Road regarding a private restrictive covenant is ongoing to address concerns with the proposed development of the Property. Additional outreach to communities registered for this area is underway.

A Traffic Impact Analysis (TIA) has been deferred to site plan. The TIA Determination signed by Justin Good on May 25, 2022 is included in the submittal package.

Three restrictive covenants were recorded in association with City of Austin case number C14-85-288.79 and apply to 8.6149 acres of the Property as shown on Exhibit C. The chart below provides a summary of the restrictive covenant document numbers. All three restrictive covenants have the exact same language with the exception of one which has a different FAR limitation than the other two. A restrictive covenant amendment application is being submitted concurrently with the zoning application for all three restrictive covenants. The purpose of the restrictive covenant amendment application is to remove the maximum FAR limitations and replace the language related to the Comprehensive Watershed Ordinance with current standards as defined in the Save Our Springs Initiative. Redlines for each of the restrictive covenants is included with this submittal package.

<b>Document Number</b>	<b>Date Recorded</b>	<b>Acres</b>	<b>FAR Limitation</b>
Volume 10028, Page 342 [This document may need to be terminated since it was replaced by the one below.]	12/29/1986	6 acres	Maximum of 0.20
Volume 10028, Page 338	12/29/1986	3.802 acres	Maximum of 0.25
Volume 10416, Page 860	9/15/1987	6 acres (same area as above)	Maximum of 0.20

A Service Extension Request is currently in review for the 35.57 acre site that is proposed for development and will require City Council approval due to the Property being located in the City of Austin Limited Purpose Jurisdiction within a drinking water protection zone.

ARMBRUST & BROWN, PLLC

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Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2318.

Respectfully,

**ARMBRUST & BROWN, PLLC**

A handwritten signature in dark ink, appearing to read "Jewels Cain", is positioned above the printed name.

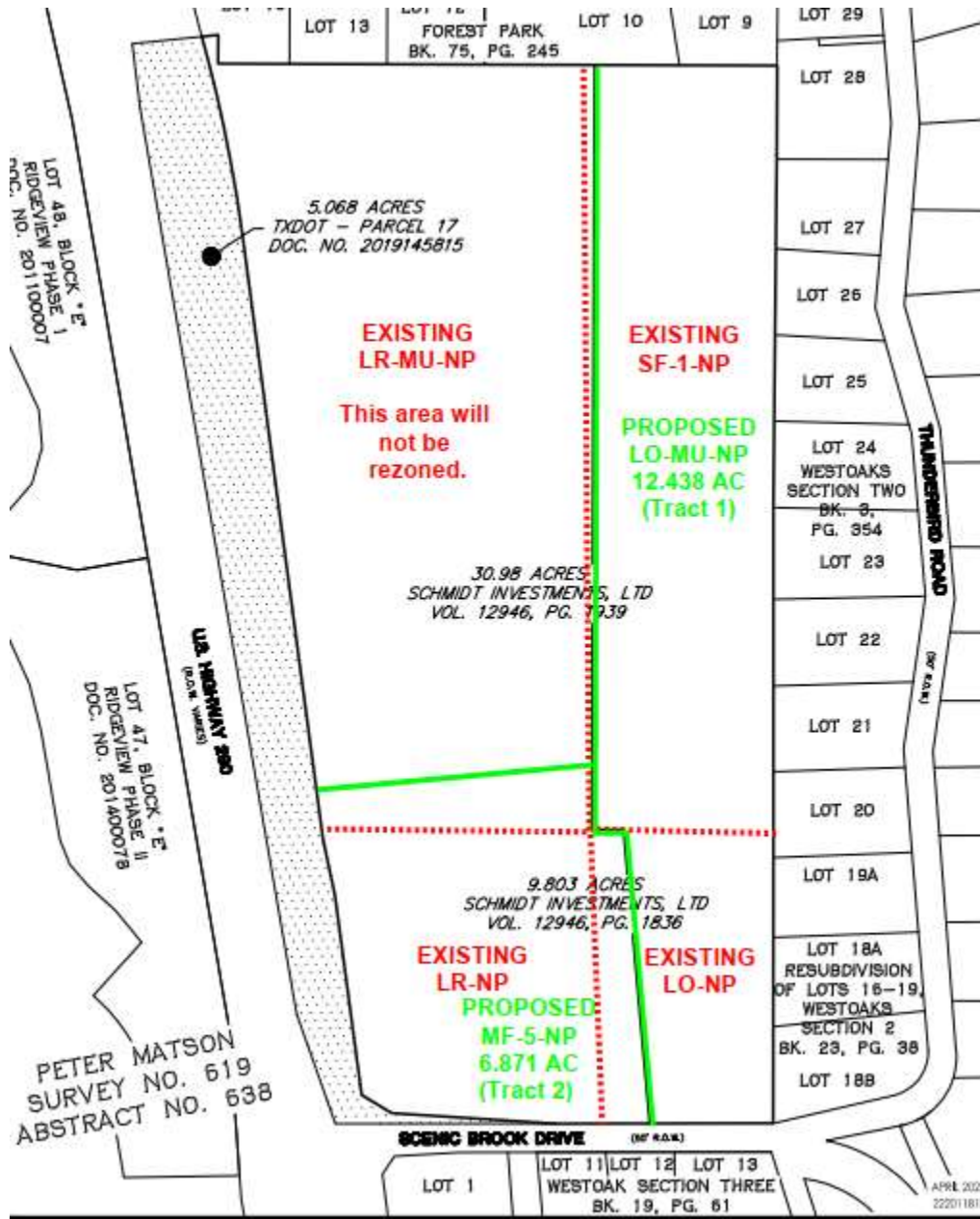
Jewels Cain  
Land Development Consultant

cc: Joi Harden, Housing and Planning Department  
Richard Suttle, Armbrust and Brown, PLLC

**Exhibit A**

<b><u>Existing</u></b>		<b><u>Proposed</u></b>	
<b>Zoning</b>	<b>Acres</b>	<b>Zoning</b>	<b>Acres</b>
LO-NP	3.799	Tract 1 LO-MU-NP	12.438
SF-1-NP	9.647		
LR-MU-NP [Majority of this area is not included in the rezoning request]	17.261	Tract 2 MF-5-NP	6.871
LR-NP	4.863		
TOTAL:	<u>35.57 acres</u>	TOTAL:	<u>19.309 acres</u>

**Exhibit B**



**Exhibit C**



Date: May 8, 2023

Project Name: Greystar 290 & Scenic Brook

Case Number: C14-2022-0160

Contact: Nancy Estrada, email: nancy.estrada@austintexas.gov

Public Hearing: May 9, 2023, Planning Commission

Subject: I/We object to proposed zoning change in Case C14-2022-0160

cc: Jennifer Bennett, Jennifer.Bennett@austintexas.gov  
Kennedy Higgins, kennedy.higgins@austintexas.gov  
Maureen Meredith, Maureen.meredith@austintexas.gov  
Wendy Rhoades, wendy.rhoades@austintexas.gov  
David Baker

Hello Nancy, et al,

Thank you for your notification dated April 28, 2023. We received it last week.

I have called in multiple times over the past year and spoken with Housing and Planning Department contacts in the City of Austin, who have been very helpful. We also intended meetings of neighbors on Thunderbird Road (our neighborhood does not have a formal Home Owners Association) and traded emails and even shared a video call with Greystar.

My husband, David Baker (cc'ed on this) and I, Melanie Guthrie, object to the proposed zoning change noted above. We bought our house at 8721 Thunderbird Rd in 1999. A few years later, we bought the adjoining property at 8800 Thunderbird Cove, which abuts directly with the proposed development of numerous rental properties proposed by Schmidt Investments and Greystar Development.

There are several reasons we fell in love with and purchased our home. We loved the large lots on Thunderbird Road. We loved the feel of being in the country without being too far from the City. Privacy was a major deciding factor to purchase, as I believe it is for many on our street. The house was the right size for retirement as well, and we envisioned selling the Thunderbird Cove land to a homeowner who would want to buy it, build their own dream home and have the pride of home ownership. In fact, because of the current zoning and numerous covenants and grandfather clauses on the land, we felt safe knowing that should Austin continue to grow and spread that the land behind us – so close to the homes and neighbors on Thunderbird, might be developed into single family homes for sell so others could have the pride of home ownership and take care of their properties, enjoying their own yards and privacy. We never dreamed it would be proposed that numerous rental properties – not purchased homes being taken care of by proud owners – would line the back our lots and backyards, some tall enough to overlook directly into home owner's backyards. So much for privacy.

I can't speak for my neighbors, but I can speak for our property and land we own on Thunderbird Rd and Cove and why we oppose the rental properties. We know that Greystar did not build but manages

Ocotillo, a rental development down the road just East of us on US 290. Ocotillo, built in 2016, is not directly abutting a neighborhood, as the proposed Greystar/Schmidt property would be.

Our concerns:

We bought this property to support our retirement, thinking it would be developed into a dream home for someone's family, a family who would take pride in home ownership. Instead, with the proposed changes the rental property would likely degrade our land value, as who would want to build a nice, new home on a big lot directly next to dozens of rental properties? Ocotillo, built in only 2016, is already looking weathered. A development like the one being proposed is going to deflate our property value and create monetary issues for us when we are too old to work. Given we are both in our sixties, this is a rapidly approaching situation.

Perhaps 10 years ago (maybe slightly less or more), some land was sold and an engineering firm built a single story business on the property between Graceland Grocery and Thunderbird Rd., on the East side of the church. Because of a grandfather clause protecting ours and our neighbors' properties, many of us had to sign off to authorize that land to be rezoned. That building was single story, stone and wood, and fit beautifully into the neighborhood. Unfortunately, it's since been torn down for the impending Parkway. But it was well built and never became an eyesore or a traffic issue.

I can only imagine what would happen to our land on Thunderbird Cove if the numerous rental properties were built. The increased traffic, for one. I know I would want to go and explore the nearest open space to play, which will likely be our property. Exploring, or a variety of other activities. I could see our privacy vanishing quickly. I have lived in rental properties before, but it was never abutting directly with a neighborhood and there was usually parkland and outdoor areas and amenities provided for relaxation and activities.

Aside from reducing its value for the reasons mentioned above, and the caveat of the grandfather clause, there is also something else that perplexes me about this situation. Why would the owner not want to build single family homes so that others could enjoy home ownership, in a market where single family homes for sale are so desperately needed? Why not build homes for purchase instead, and build rentals in areas where there is plenty of space for the amenities required for a happy rental complex, and not subjecting the current neighborhood owners to resale, privacy, security and even lighting concerns?

Greystar contacted us about the potential for purchasing our land for trail area, as we were told the local Parks Department was concerned that there was not enough greenspace available. In a situation where the Parks Dept. would be responsible for the upkeep and safety requirements for a trail/park space, where reasonable accommodations for privacy and safety were met, we are willing to listen to options. We have had some brief emails with Greystar but have not had any recent updates or confirmation from Greystar on PARD's position.

Thank you for listening.

Kind regards,

Melanie Guthrie and David Baker, 8721 Thunderbird Rd & 8800 Thunderbird Cove, Austin, TX 78736

## PUBLIC HEARING INFORMATION

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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.

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Case Number: C14-2022-0160

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 11, 2023, Planning Commission

Ridley Vickers

Your Name (please print)

7802 Scenic Brook Dr

Your address(es) affected by this application (optional)

Ridley Vickers

Signature

☐ I am in favor  
☒ I object

7/4/2023

Date

Daytime Telephone (Optional):

Comments: Leave as single family large tract!!

Stop changing the nature of Oak Hill! Enough!

We want/need family only to maintain neighborhood.

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

City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)

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**Case Number:** C14-2022-0160

**Contact:** Nancy Estrada, 512-974-7617

**Public Hearing:** July 11, 2023, Planning Commission

Regina Vickers  
Your Name (please print)

☐ I am in favor  
☒ I object

7802 Scenic Brook Dr  
Your address(es) affected by this application (optional)

Regina Vickers  
Signature

7/4/2023  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_  
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\_\_\_\_\_

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**City of Austin, Planning Department**

**Nancy Estrada**

P. O. Box 1088, Austin, TX 78767

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Case Number: C14-2022-0160

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 11, 2023, Planning Commission

Person: Powell Trust

Your Name (please print)

8618 Thunderbird Road

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)

Amy C. Person

7/4/23

Signature

Date

Daytime Telephone (Optional):

512 431-6379

Comments:

The density on our street  
is already a problem.  
Adding this huge addition  
will result in chaos

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

City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)

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Case Number: C14-2022-0160

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 11, 2023, Planning Commission

*Elizabeth Luce*

Your Name (please print)

☐ I am in favor  
☒ I object

*8600 Thunderbird Rd*

Your address(es) affected by this application (optional)

*Elizabeth Luce*

Signature

*7/2/2023*

Date

Daytime Telephone (Optional):

Comments:

*If there was a green space between the development and the neighborhood (see green edit on maps) I would possibly be more in favor.*

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

City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767




Or email to:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)





1" = 400'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## Restrictive Covenant Amendment

### CASE#: C14-85-288.79(RCA)

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.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



**Created: 11/16/2022**