

From: Nathalie Frensley <

Sent: Monday, October 2, 2023 6:33 PM

To: Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Michael Whellan <>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Moses, Dana <Dana.Moses@austintexas.gov>; Barton-Holmes, Christine <Christine.Barton-Holmes@austintexas.gov>; Adrian, Leah <Leah.Adrian@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>

Cc: Hans Magnusson

Subject: C14-2023-0077 Request for Postponement Extension for Staff to Answer Neighbor Questions

External Email - Exercise Caution

Monday, October 2, 2023

To: Zoning and Platting Commissioners Smith, Greenberg, Acosta, Thompson, Fouts, Floyd, Johnson, Boone, Flores, Stern, and Garrett; Mr. Andrew Rivera, Ms. Dana Moses

CC: Mr. Michael Whellan, Armbrust & Brown PLLC

From: Allandale Neighborhood Association, Nathalie Frensley (Corresponding Sender: Board Member) and Hans Magnusson (President)

Re: Request for Postponement Extension to October 17th IOT give City Staff time to answer Neighbor Compatibility Questions Prior to Hearing C14-2023-0077 (Allandale Car Wash Redevelopment)

Good afternoon, Commissioners –

We are writing to request an extension of our neighborhood postponement to October 17th. This extension will allow City staff the necessary time to address our questions regarding compatibility across various ordinances, overlays, and bonus programs before the upcoming hearing on this case. We submitted our questions to the staff on September 20th, the day after the commission granted our initial postponement (attached). However, on Friday, September 29th, we were informed that the staff would be unable to provide answers until after the hearing (attached). **We are eager to proceed but believe it is prudent to ask for this postponement extension, considering our questions were submitted thirteen days prior to the October 3rd Zoning and Platting Commission hearing.**

We understand that the Owner is operating on a tight timeline for this rezoning. It's important to note that **granting a one-meeting postponement extension will not impact the November 9th hearing date for this case at City Council.** We ensured our postponement extension request would not cause undue

delay for the owner by consulting with Mr. Rivera. Consequently, this request for postponement must not be perceived as adversarial.

Granting a one-meeting postponement extension alleviates pressure on overtaxed City staff. Austin's rapid growth has resulted in an increased workload for planning staff, making it essential to provide them with sufficient time to address complex issues. We understand that the crush of caseload has resulted in this particular case having a bumpy start due to noticing defects. We rely on the staff to assist us in interpreting the intricate and multilayered Land Development Code. As neighbors, only City staff can validate whether we are correctly understanding and interpreting codes and ordinances. While we anticipated timelier responses to our questions, it is evident that the staff needs additional time.

Granting a one-meeting postponement extension for the ZAP hearing results creates the opportunity for more thoughtful deliberation and discussion. It is better for policymaking to have deliberation and discussion as early as possible in the process. ZAP hearings offer more opportunity for discussion and questions than City Council hearings, by intent and process design.

This rezoning case is complex for us as it sets aside the City's 2008-2009 VMU Opt-in/Opt-out effort, necessitating a revisiting of settled questions concerning the shallow depth properties on the west side of Burnet Road. Moreover, we are committed to a win-win outcome, and **the response we are preparing is not a simplistic rejection of the rezoning request but a conditional overlay alternative to accompany it.** Consequently, having city staff answer our detailed questions is crucial for our civic aims.

We greatly appreciate the neighborhood postponement that you granted us earlier, and we have made productive use of this time. Between September 19th and October 1st, neighbors who received notice participated in an additional meeting with the Applicant and Owner (the first was on September 14th). Eight main neighbor group meetings have been conducted, and a smaller ordinance study group has dedicated many dozens of hours to compiling and studying relevant codes and ordinances to respond wisely and constructively to the Applicant's rezoning request.

In every rezoning request, there are four distinct actors: the Applicant and Owner, City Staff, Neighbors, and Elected and Appointed Officials. City staff, due to their role in interpreting codes and ordinances, noticing rezonings, and serving as points of contact for the general public to clarify specialized and detailed information, play a crucial role in the rezoning process. **As civically engaged neighbors, we require the information that only city staff can provide to engage productively with the Applicant and Owner, as well as with appointed and elected officials in the rezoning process.**

We genuinely appreciate your consideration of the reasons and circumstances motivating our request for a postponement extension.

Sincerely,

Nathalie Frensley | | 512 589 9344

Hans Magnusson | | 512 522 8773

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Nathalie J. Frensley, Ph.D.

From: Anne G <>

Sent: Tuesday, October 3, 2023 9:26 AM

To: Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Cc: Nathalie Frensley <>; David <>

Subject: C14-2023-0077 Request for Postponement Extension for Staff to Answer Neighbor Questions

External Email - Exercise Caution

Dear Commissioners Smith, Greenberg, Acosta, Thompson, Fouts, Floyd, Johnson, Boone, Flores, Stern, and Garrett, and Mr. Andrew Rivera,

I am writing to support the Request for postponement of the 7320 Burnet Road hearing (ZAP Item 8 Postponement Request C14-2023-0077) that has been submitted by the Allandale Neighborhood Association.

I live near the property in question. I've been working with my neighbors to understand the city code and how it relates to this particular property and applicant's request. It's complex! After spending many hours pouring through the code, I and my neighbors have collected our best understanding, but questions remain. Our Allandale Neighborhood Association board member Nathalie Frensley asked for clarification from the city, providing detailed questions starting back on Sept. 20, 2023. The city let us know they cannot answer until after tonight's Oct. 3, 2023 hearing.

We are carefully crafting a response to the application that balances our deepest concerns against the applicant's goals. We are desperately awaiting clarifications. Please, grant us the requested postponement so that we can utilize the city's clarifications to understand the complex zoning situation and achieve the best outcome we can for all parties.

Thank you for your time and consideration of this request.

Sincerely,
Anne Gattiker, Ph.D.
Council District 7

From: Carolyn Dallmeyer <>

Sent: Tuesday, October 3, 2023 8:55 AM

To: Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>

Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: C14-2023-0077 Oct 3, 2023 Postponement Extension

I am in support of a postponement extension of the October 3, 2023 hearing before you regarding Zoning changes for CF-2023-0077 (Allandale Car Wash) redevelopment.

The codes with its restrictions, allowances, and exceptions to the rule are very difficult to understand for those of us unfamiliar with the Commission and City Council workings.

We, the neighbors, respectfully request time to receive and review answers to questions asked in September by Nathalie Frensley of the Allandale Neighborhood Association on our behalf.

Thank you for your consideration.

Carolyn Dallmeyer
7307 Daugherty Street
Austin, Texas 78757

From: Amanda Almond <>

Sent: Tuesday, October 3, 2023 8:21 AM

To: Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: Oppose C14-2023-0077 as is; Conditional Overlay Requirements Alternative

External Email - Exercise Caution

Dear Zoning and Platting Commissioners Smith, Greenberg, Acosta, Thompson, Fouts, Floyd, Johnson, Boone, Flores, Stern, and Garrett; Mr. Rivera,

I am the owner and one of the occupants of the home 7303 Daugherty Street that is directly adjacent to 7320 Burnet Road. I intend to support the applicant's rezoning request if the attached provisions are agreed to and met by the applicant.

For context, we purchased our home two years ago during the 2021 housing craze. I understand others' desire to be in the neighborhood as well as the current housing crisis. I support and embrace affordable housing but at the right scale. I think our conditions are fair and highlight a way to build a VMU without too drastically disrupting existing residents of our sense of privacy and quality of life.

The lot of 7320 Burnet Road is very shallow at only 200 feet compared to many other lots on the eastern side that have been rezoned, such as 7113 Burnet and 6801 Burnet Road. 7320 Burnet also shares a property line with SF-2 homes, which highlights how disruptive this development will be to those adjacent. Due to the unique conditions of this lot, I strongly believe it is best for all to maintain VMU1 compatibility standards.

My husband and I intend to start our family in this home within the next year, with our child's nursery window facing the backyard and this development. A sound buffering fence would greatly help reduce noise and be crucial for us and our baby as we transition to parenthood. As for the setback requests, building heights, window placement and lighting requirements, these requests not only come from our own personal sense of privacy but first and foremost that of our future children.

Our last reason for requesting VMU1 compatibility standards is the solar panel rebate program. We would like to bring our child into a world in which we have sustainable solar panels on our roof to demonstrate the value of reducing our carbon footprint. For this to be possible, the building needs to be human scale. If a VMU2 were allowed, we are concerned that due to the large height allowance, it would cause lack of sunlight during the morning hours that would essentially void us from the benefits we value.

Overall, we want to support a structure that can provide housing to those in need while still allowing existing residences to maintain our quality of life and right to privacy.

Thank you for your time and careful consideration of our conditional overlay requirements.

Amanda Almond

Council District 7

Date: October 1, 2023

To: Zoning and Platting Commission, City Council, City Staff and Applicant
From: Patrick Stephen Almond 7303 Daugherty Street, Austin, TX 78757

Re: Oppose C14-2023-0077 as is; Conditional Overlay Requirements Alternative

This letter is an attempt to express my concerns about the impact of the rezoning request for 7320 Burnet Avenue, Austin Texas. I say an attempt because I am not an attorney, realtor, or builder. Therefore, in this letter, I may misspeak or use the wrong terms when describing the property, zoning request, or the like. I humbly ask the commissioners for their patience, understanding, and forgiveness in this regard.

I come to you today as a concerned, noticed neighbor and owner of 7303 Daughtery, a property directly adjacent to the proposed project. A property my wife and I purchased with our daughter, Amanda, and her husband, Lucas about two years ago. A property that took years of searching and saving to find and acquire. A property whose value will be directly affected if the rezoning is approved. This impact will not just be monetary but will also negatively affect my family's quality of life, their safety, their privacy, access to their home, their ability to use their backyard, their access to sunlight, and their ability to take advantage of programs afforded to other Austonians. Programs that we will be paying for with our taxes, but cannot take advantage if this rezoning is approved (i.e., solar panels).

This issue has previously been negotiated under the City's Vertical Mixed-Use (VMU) Opt-in/Opt-out plan back in 2007-08. At that time, 7320 Burnet was one of the properties *excluded* due to its shallow depth and lot dimensions. These dimensions have not changed. So why are we considering this again? Isn't it still too shallow for VMU? In addition, there are utility easements on the east side of residential properties adjacent to this proposed rezoning. The utility work associated with proposed redevelopment of this lot will be very disruptive to adjacent properties. I understand that Burnet is a major corridor for development and lends itself to dense housing. Some point out there are similar projects in various stages of construction already on Burnet. But on close inspection, these other projects are not at all like the proposed project at 7320 Burnet. On point, these other dense housing projects are (1) on much larger pieces of property, (2) have fewer units/sq ft, (3) have much larger setbacks, (4) and lower heights. These are all good reasons why City Commissioners may conclude (1) the property is too small and allow it to be considered too shallow for VMU use (like it did in 2007-2008), (2) the unit density is too high and scale back the number of units allowed on the property, (3) the setbacks are too small and increase them to be similar to other dense housing projects along Burnet, or (4) decrease the height of the building, again to make it more consistent with other similar buildings along Burnet. These changes will have many positive effects. First, it will make the project more palatable for the homeowners. Second, it will make it more consistent with other high-density housing along Burnet. Finally, it will still increase the number of housing units in Austin.

If the Commissions approve the rezoning request, I would consider supporting the request if and only if the following provisions are agreed to and met by the applicant. This Conditional Overlay requirements address the realities of lot shallowness and adjacent single-family residences. My neighbors and I ask the City to require a Conditional Overlay as part of the re-zoning; the Conditional Overlay conditions and qualifications will be incorporated into site planning of buildings and structures constructed at 7320 Burnet, and the Conditional Overlay consists of the following conditions and qualifications.

The Applicant and Owner will agree to not ask for variances, exemptions, and/or waivers without securing the agreement of noticed neighbors and to follow the City of Austin's Land Development Code (LDC) of Ordinances (ordinance) in effect as of September 26, 2023, and pending the final ruling of current (as of September 26, 2023) lawsuits against the City regarding the land development code.

1. Maximum setback and height/stories as prescribed by VMU1 requirements of the Ordinance, and to include *minimum* rear setback of 25’.
2. A sound buffering fence of the maximum height allowed by City code along the west property line.
3. Lighting: Adequate screening of lighting (exterior, interior and vehicular) shall be required between all structures built on 7320 Burnet and adjacent properties. Property will be developed in accordance with dark skies requirements of Commercial Design Standards/Subchapter E, Section 2.5 (Exterior Lighting).
4. Owner/Applicant to follow subchapter E, Article 4, Design Standards, Table D of the ordinance for the project along the western property boundary adjacent to single family residences. All Design Regulations in LDC 25-2-1067 and LDC 25-2-Subchapter E- 4.3.3 as of September 26, 2023 will be followed and implemented.
5. Drainage: Owner and applicant agrees to design for on-site storm water management and flood prevention, per City Ordinance code, rather than paying fee-in-lieu.
6. Transportation and Parking: Provide at *minimum*, 60% parking per VMU1.
7. Rooftop Activity: Applicant and owner agrees to having no occupiable roofs or terraces.
8. Residential units facing west will have windows only and no doors. Windowsills shall be no lower than 44’’ measured from the finished floor.
9. Tenets will not include bars, adult entertainment, open air music venues, emergency medical services, 24 hour convenience stores, homeless shelters, pot shops, and drug rehab centers.

These qualifications and conditions are additional to the City of Austin staff recommendation to prohibit the following uses: Vehicle Storage, Construction Sales & Services, Pawn Shop, and Limited Warehouse and Distribution.

Upon acceptance of the above noted items in a City of Austin Conditional Overlay for Case # C14-2023-0077, 7320 Burnet Road, I intend to support the proposed rezoning as outlined herein. I believe that these conditions of approval will provide the neighborhood with reasonable protections, while allowing the Owner and Applicant to develop a mixed use multi-family project within north-central Austin.

I ask that the Zoning and Platting Commission and City Council support these carefully crafted conditions and qualifications by adding them to the Applicant’s requested re-zoning. Your help in this endeavor is greatly appreciated.

P. Stephen Almond, MD, MBA

-----Original Message-----

From: Stephanie Ryan < >

Sent: Monday, October 2, 2023 11:11 PM

To: Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Stern, Lonny - BC <BC-

Lonny.Stern@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Oppose C14-2023-0077 as is; Conditional Overlay Requirements Alternative

External Email - Exercise Caution

Dear Zoning and Platting Commissioners and Mr. Andrew Rivera,

Please find attached for your consideration a Conditional Overlay request by noticed neighbors on Case # C14-2023-0077 for property located at 7320 Burnet Rd. I am opposed to the rezoning request and staff recommendation as submitted, but do ask for your understanding and support for the alternative proposal outlined in the enclosed letter.

In 2008, the Allandale Neighborhood Association (ANA) filed an opt-out application from VMU program eligibility for large portions of Burnet Road's western frontage. Council approved the application and excluded the parcels identified by the ANA, including the 7320 Burnet Rd property, from the Vertical Mixed-Use program.

The reasons for exclusion of this property from VMU eligibility have not changed. These are principally the very shallow lot depth of 200' and the lot's location adjacent to single-family residential properties, including mine. As such, much of the western frontage of Burnet Rd. continues to be unsuited for large structures immediately backing to neighbors' yards.

I have invested most of my life's earnings into my property, and as a single mother considered myself so fortunate to have purchased a modest home in a lovely neighborhood. I am concerned not only with possible effects on my property value, but losing some sense of privacy and quiet in a bustling city which I and other affected neighbors have enjoyed to date.

As a middle-income state retiree, I can certainly appreciate the value of affordable housing units offered under the VMU program, but request the Commission understand the need for, and fairness of, requesting this balance between a large multi-family housing structure and my SF-2 property.

This request follows one sent earlier this evening for a two-week hearing postponement on this case for reasons noted in that previous email. Thank you for your earnest consideration of this Conditional Overlay request.

Sincerely,
Stephanie Ryan
District 7

From: Rachel Adelman <>
Sent: Monday, October 2, 2023 9:01 PM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Cc: Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>
Subject: Additional Information to Consider for C14-2023-0077

Date: October 2, 2023

To: Zoning and Platting Commission, City Council, City Staff and Applicant

From: Rachel Adelman, 2505 Pinewood Terrace, Austin, TX 78757

Re: Additional Information to Consider for C14-2023-0077

I've lived in Allendale since 1973 and watched my neighborhood grow and change significantly over the years. Allendale was always a beautiful community with lovely mid-century ranch homes, large gorgeous trees, and most importantly, a quiet and safe family friendly place to call home. I became concerned when I received the recent notice that the City wants to change the zoning of 7320 Burnet Road, Genie Car Wash. The change is very near my family home at 2505 Pinewood Terrace; I am about 400 feet from 7320 Burnet Road. I do not want this proposed development to compromise the magic of Allendale. I am asking that you support the Allendale NA's recommendations for this development - in the very least, please give us ample time to understand the proposed changes.

Allendale has charming narrow streets with heritage trees creating a beautiful canopy. This is not an adequate space for large trucks and traffic, which are unavoidable side effects of a construction site. Last spring, I ordered some roofing materials from Lowe's to cover my outdoor patio. The materials arrived in a large delivery truck that could not safely maneuver onto Pinewood Terrace. The truck had to park around the corner and deliver my roofing panels with 5 separate trips by forklift. This was just one isolated instance with some home improvement supplies. With a nearby construction zone, this type of problem will be a regular occurrence and hazardous situation.

As I understand it, the applicant wants permission to build a multi story building close to our homes. We do not want to stop progress, we are simply asking that the new development fit into the existing charm and beauty of the neighborhood by adopting a Conditional Overlay that includes items like setbacks, sound buffer fencing, Drainage, Parking, and designs which limit rooftop access and balconies looking into adjacent homes. I'm asking you to support working with the neighborhood so people on my street can better understand what it will mean for our quality of life. Please consider the

problems Austin homeowners have in trying to understand all these new changes in zoning and grant our request for a postponement.

Thank you for considering this request. My neighbors and I hope you'll help us have the time we need to participate fully in this important rezoning.

Respectfully,
Rachel Adelman

Council District 7

From: Carolyn Dallmeyer <

Sent: Monday, October 2, 2023 8:52 PM

To: Greenberg, Betsy - BC <bc-Betsy.Greenberg@austintexas.gov>; Thompson, Carrie - BC <BC-Carrie.Thompson@austintexas.gov>; Acosta, Cesar - BC <BC-Cesar.Acosta@austintexas.gov>; Boone, Scott - BC <BC-Scott.Boone@austintexas.gov>; Flores, Alejandra - BC <BC-Alejandra.Flores@austintexas.gov>; Floyd, William - BC <bc-William.Floyd@austintexas.gov>; Fouts, David - BC <BC-David.Fouts@austintexas.gov>; Garrett, Kendra - BC <BC-Kendra.Garrett@austintexas.gov>; Johnson, Ryan - BC <BC-Ryan.Johnson@austintexas.gov>; Stern, Lonny - BC <BC-Lonny.Stern@austintexas.gov>; Smith, Hank - BC <bc-Hank.Smith@austintexas.gov>

Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: C14-2023-0077 Neighbors' Conditional Overlay Requirements

Date: October 1, 2023

To: Zoning and Platting Commission, City Council, City Staff and Applicant

From: Carolyn Dallmeyer

7307 Daugherty Street, Austin, Tx 78757

Re: Oppose C14-2023-0077 as is; Conditional Overlay Requirements Alternative

I am a noticed neighbor who will be strongly affected by this rezoning request. I live within the boundaries of the Allandale Neighborhood Association (ANA), which negotiated under the

City's Vertical Mixed-Use (VMU) Opt-in/Opt-out plan in 2007-2008. 7320 Burnet is one of the properties then excluded due to its shallow depth lot dimensions. The depth dimensions of 7320 Burnet Road have not changed since that time. There are utility easements on the east side of residential properties adjacent to this proposed rezoning. The utility work associated with proposed redevelopment of this lot will be very disruptive to adjacent properties.

Nonetheless, I am willing to support the applicant's rezoning request if the following provisions are agreed to and met by the applicant. This Conditional Overlay requirements address the realities of lot shallowness and adjacent single-family residences. My neighbors and I ask the City to require a Conditional Overlay as part of the re-zoning; the Conditional Overlay conditions and qualifications will be incorporated into site planning of buildings and structures constructed at 7320 Burnet, and the Conditional Overlay consists of the following conditions and qualifications.

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1. Maximum setback and height/stories as prescribed by VMU1 requirements of the Ordinance, and to include minimum rear setback of 25'.
2. A sound buffering fence of the maximum height allowed by City code along the west property line.
3. Lighting: Adequate screening of lighting (exterior, interior and vehicular) shall be required between all structures built on 7320 Burnet and adjacent properties. Property will be developed in accordance with dark skies requirements of Commercial Design Standards/Subchapter E, Section 2.5 (Exterior Lighting).
4. Owner/Applicant to follow subchapter E, Article 4, Design Standards, Table D of the ordinance for the project along the western property boundary adjacent to single family residences. All Design Regulations in LDC 25-2-1067 and LDC 25-2-Subchapter E-4.3.3 as of September 26, 2023 will be followed and implemented.
5. Drainage: Owner and applicant agrees to design for on-site storm water management and flood prevention, per City Ordinance code, rather than paying fee-in-lieu.
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7. Rooftop Activity: Applicant and owner agrees to having no occupiable roofs or terraces.
8. Residential units facing west will have windows only and no doors. Window sills shall be no lower than 44'' measured from the finished floor.

These qualifications and conditions are additional to the City of Austin staff recommendation to prohibit the following uses: Vehicle Storage, Construction Sales & Services, Pawn Shop, and Limited Warehouse and Distribution.

Upon acceptance of the above noted items in a City of Austin Conditional Overlay for Case # C14-2023-0077, 7320 Burnet Road, I intend to support the proposed rezoning as outlined herein. I believe that these conditions of approval will provide the neighborhood with reasonable protections, while allowing the Owner and Applicant to develop a mixed use multi-family project within north-central Austin.

I ask that the Zoning and Platting Commission and City Council support these carefully crafted conditions and qualifications by adding them to the Applicant's requested re-zoning. Your help in this endeavor is greatly appreciated.

Date: October 1, 2023

To: Zoning and Platting Commission, City Council, City Staff and Applicant

From: Stephanie Ryan, 7305 Daugherty St., Austin TX 78757

Re: Oppose C14-2023-0077 as is; Conditional Overlay Requirements Alternative

I am a noticed neighbor who will be strongly affected by this rezoning request. I live within the boundaries of the Allandale Neighborhood Association (ANA), which negotiated under the City's Vertical Mixed-Use (VMU) Opt-in/Opt-out plan in 2007-2008. 7320 Burnet is one of the properties then excluded due to its shallow depth lot dimensions. The depth dimensions of 7320 Burnet Road have not changed since that time. There are utility easements on the east side of residential properties adjacent to this proposed rezoning. The utility work associated with proposed redevelopment of this lot will be very disruptive to adjacent properties.

Nonetheless, I am willing to support the applicant's rezoning request if the following provisions are agreed to and met by the applicant. This Conditional Overlay requirements address the realities of lot shallowness and adjacent single-family residences. My neighbors and I ask the City to require a Conditional Overlay as part of the re-zoning; the Conditional Overlay conditions and qualifications will be incorporated into site planning of buildings and structures constructed at 7320 Burnet, and the Conditional Overlay consists of the following conditions and qualifications.

The Applicant and Owner will agree to not ask for variances, exemptions, and/or waivers without securing the agreement of noticed neighbors, and to follow the City of Austin's Land Development Code (LDC) of Ordinances (ordinance) in effect as of September 26, 2023, and pending the final ruling of current (as of September 26, 2023) lawsuits against the City regarding the land development code.

1. Maximum setback and minimum height/stories as prescribed by VMU1 requirements of the Ordinance, and to include minimum rear setback of 25'.
2. A sound buffering fence of the maximum height allowed by City code along the west property line.
3. Lighting: Adequate screening of lighting (exterior, interior and vehicular) shall be required between all structures built on 7320 Burnet and adjacent properties. Property will be developed in accordance with dark skies requirements of Commercial Design Standards/Subchapter E, Section 2.5 (Exterior Lighting).
4. Owner/Applicant to follow subchapter E, Article 4, Design Standards, Table D of the ordinance for the project along the western property boundary adjacent to single family residences. All Design Regulations in LDC 25-2-1067 and LDC 25-2-Subchapter E- 4.3.3 as of September 26, 2023 will be followed and implemented.

5. Drainage: Owner and applicant agree to design for on-site storm water management and flood prevention, per City Ordinance code, rather than paying fee-in-lieu.
6. Transportation and Parking: Provide at minimum, 60% parking per VMU1.
7. Rooftop Activity: Applicant and owner agrees to having no occupiable roofs or terraces.
8. Residential units facing west will have windows only and no doors. Window sills shall be no lower than 44" measured from the finished floor.

These qualifications and conditions are additional to the City of Austin staff recommendation to prohibit the following uses: Vehicle Storage, Construction Sales & Services, Pawn Shop, and Limited Warehouse and Distribution.

Upon acceptance of the above noted items in a City of Austin Conditional Overlay for Case # C14-2023-0077, 7320 Burnet Road, I intend to support the proposed rezoning as outlined herein. I believe that these conditions of approval will provide the neighborhood with reasonable protections, while allowing the Owner and Applicant to develop a mixed use multi-family project within north-central Austin.

I ask that the Zoning and Platting Commission and City Council support these carefully crafted conditions and qualifications by adding them to the Applicant's requested re-zoning. Your help in this endeavor is greatly appreciated.