

April 16, 2020

To whom it may concern:

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

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

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

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

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

Our concerns are as follows:

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

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

adjacent Crestview neighborhood.

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

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

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

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

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

- **Safety**—Hardy Circle has numerous families and small children—in fact, we currently only have 12 homes on our street, and over half of the homes house families and small children. It's a family cul-de-sac with children often playing in the open with the other children on the street. I strongly feel that having up to 6 or 7 stories of apartments looming over the street will greatly reduce the children's feeling of safety. It also brings many concerns to the parents on the street.
- **Noise**—Noise pollution is one of the many factors that contribute to the disruption of the "the character of the neighborhood," as stated in our neighborhood plan and in the city development code. With the potential zoning allowing for 6 to 7 stories at the back half of the lot on 7113 Burnet Road, there is a significant opportunity for what is a seemingly small amount of noise per unit to become a rather large noise pollution issue when amplified by the many units that would overlook our street. We currently only have 12 homes on our street, and if we multiply the number of residences by 4 or 5 fold if this zoning change is made, we are dealing with a significant change in noise pollution that gets us further away from "the character of the neighborhood" that our neighborhood plan and the city development code call for developers to respect.

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

change that would set a precedent for what can be built on that lot, regardless of who eventually owns this property.

Thanks very much for your time and consideration,

Andrew and Alexa Cunningham

2019 Hardy Circle

andcunning@gmail.com

alexatcohen@gmail.com

Graham, Mark

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

Hello all,

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

Thanks to everyone for for their work on this.

Best,
Anne-Charlotte

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

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

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

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

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

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

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

Michael

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

Michael:

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

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

Maureen

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

Maureen,

Hope all is well!

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

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

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

Thank you!

Michael



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

Dear Crestview NPCT:

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

Maureen

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

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

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

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

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

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

Michael

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

Hi, Michael:

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

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

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

*** External Email - Exercise Caution ***

Maureen and Stevie,

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

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

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

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

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

Thank you again for your work during this difficult time!

Michael

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

Mark,

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

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

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

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

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

Thank you again – and have a good day!

Michael



THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED ADDRESSEE(S). THIS MESSAGE MAY BE PROTECTED BY ATTORNEY/CLIENT PRIVILEGE. IF THE READER OF THIS E-MAIL MESSAGE IS NOT AN INTENDED RECIPIENT (OR THE INDIVIDUAL RESPONSIBLE FOR THE DELIVERY OF THIS E-MAIL MESSAGE TO AN INTENDED RECIPIENT), BE ADVISED THAT ANY REUSE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL MESSAGE IS PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER AND DELETE THE MESSAGE. THANK YOU.

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

Graham, Mark

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

*** External Email - Exercise Caution ***

Hey Meredith and Mark,

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

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

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

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

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

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

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

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

Best,

Andrew

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

To whom it may concern,

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

Best,

Andrew and Alexa Cunningham

April 16, 2020

To whom it may concern:

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

We'd also like to recommend that the back half of the lot at 7113 Burnet Road, which currently has a different zoning designation than the front half of the lot, maintain its current setback and height requirements associated with the LO-CO-NP zoning to ensure that our following concerns are alleviated. We're comfortable with higher development on the front portion of the lot that is currently zoned as CS-CO-NP and CS-1-CO-NP.

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

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

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

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

Our concerns are as follows:

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

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

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

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

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

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

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

- **Safety**—Hardy Circle has numerous families and small children—in fact, we currently only have 12 homes on our street, and over half of the homes house families and small children. It’s a family cul-de-sac with children often playing in the open with the other children on the street. I strongly feel that having up to 6 or 7 stories of apartments looming over the street will greatly reduce the children’s feeling of safety. It also brings many concerns to the parents on the street.
- **Noise**—Noise pollution is one of the many factors that contribute to the disruption of the “the character of the neighborhood,” as stated in our neighborhood plan and in the city development code. With the potential zoning allowing for 6 to 7 stories at the back half of the lot on 7113 Burnet Road, there is a significant opportunity for what is a seemingly small amount of noise per unit to become a rather large noise pollution issue when amplified by the many units that would overlook our street. We currently only have 12 homes on our street, and if we multiply the number of residences by 4 or 5 fold if this zoning change is made, we are dealing with a significant change in noise pollution that

gets us further away from “the character of the neighborhood” that our neighborhood plan and the city development code call for developers to respect.

We kindly request that you take our concerns into consideration while processing this rezoning request, as rezoning would impact the daily lives of all residents adjacent to this lot. We appreciate the applicant's willingness to hear our concerns, but rezoning would be a permanent change that would set a precedent for what can be built on that lot, regardless of who eventually owns this property.

Thanks very much for your time and consideration,

Andrew and Alexa Cunningham

2019 Hardy Circle

andcunning@gmail.com

alexatcohen@gmail.com

7113 Burnet Rd. Compromise Proposal – Overview

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

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

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

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

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

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

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

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

FIGURE 1. SUMMARY OF PROPOSED ITEMS

SUBJECT	PROPOSAL
Height	7113 Burnet will comply with compatibility standards, and additionally will limit height as follows: <ul style="list-style-type: none"> • 40 ft. within 200 ft. of single-family lots (<i>current 40 ft. limitation ends at 100 ft.</i>). • 85 ft. overall maximum height limit.
Green Buffers and Screening	7113 Burnet will go beyond landscaping requirements and provide a landscaped buffer area along any property line shared by a single-family lot. This landscaped buffer area will consist of an 8 ft. fence as well as shade trees and understory trees.
Fence Maintenance	7113 Burnet will ensure ongoing maintenance of any fencing provided along property lines.
Dumpster Placement	7113 Burnet will provide trash enclosures and staging internal to the building/garage.
Exterior Lighting	7113 Burnet must use exterior lighting that is hooded or shielded to reduce light pollution in accordance with Code.
Affordable Housing	7113 Burnet will provide 10 percent of the total number of units at an affordability level of 60 percent of Median Family Income (MFI).
Mobility	7113 Burnet will provide internal circulation that allows tenants to access the Greenlawn/Burnet controlled intersection and will reduce the number of vehicular access points (“curb cuts”) on Burnet Road in order to provide a safer pedestrian environment.

Notes:

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

FIGURE 2. PROPOSED VS. EXISTING 40 FT. HEIGHT LIMIT
The proposal expands the area subject to the 40 ft. height limit to be within 200 ft. of single-family lots, providing additional compatibility.



FIGURE 3. CURRENT ZONING VS. PROPOSED ZONING

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

Figure 1. Entitlement Comparison: Current and Proposed Zoning

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

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

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

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

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

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

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

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

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

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

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

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

Thanks for everything you do!

Anne-Charlotte

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

Begin forwarded message:

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

To All:

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

Please forward this to anyone you think would be interested.

Maureen

From: Meredith, Maureen

Sent: Thursday, June 18, 2020 5:12 PM

To: Chip Harris <austinchip@hotmail.com>

Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov;
Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan
<MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl
sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson
<annecharlotte@southerncombustion.com>

Subject: RE: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032
- 7113 Burnet Rd

It's been received.

Thanks.

Maureen

From: Chip Harris [<mailto:austinchip@hotmail.com>]

Sent: Thursday, June 18, 2020 12:48 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Cc: Graham, Mark <Mark.Graham@austintexas.gov>; wendy.rhodes@austintexas.gov;
Michael Gaudini <MGaudini@abaustin.com>; Michael Whellan
<MWhellan@abaustin.com>; 'mglavigne@gmail.com' <mglavigne@gmail.com>; 'sheryl
sherman (Taulbee)' <sherylmsherman@gmail.com>; Anne-Charlotte Patterson
<annecharlotte@southerncombustion.com>

Subject: Postponement request: NPA-2020-0017.01, C14-2020-0016 & C14-72-032 -
7113 Burnet Rd

*** External Email - Exercise Caution ***

Maureen,

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

NPA-2020-0017.01

C14-2020-0016

C14-72-032

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

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

Thank you,

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

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

Graham, Mark

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

Michael,

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

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

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

Michael,

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

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

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

From: Pool, Leslie <Leslie.Pool@austintexas.gov>

Sent: Sunday, March 22, 2020 9:25 PM

To: Chip Harris <austinchip@hotmail.com>

Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Michael Gaudini <MGaudini@abaustin.com>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>

Subject: Re: Crestview NPCT Rec?: 7113 Burnet Rd

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

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

Best,

Leslie

Leslie Pool
Council Member, District 7
Austin City Council
512.978.2107

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

*** External Email - Exercise Caution ***

Dear Maureen Meredith,

Thank you for your email.

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

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

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

Thank you,

Chip Harris, Facilitator
CNPCT
512-458-2488

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

Dear Crestview NPCT:

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

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

Please let me know if you have any questions.

Maureen

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

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

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

*** External Email - Exercise Caution ***

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

Lucille Santillo
2000 Cullen Av unit 16
Austin, Tx 78757
512-4591478

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

From: [Lisa Doggett](#)
To: [Graham, Mark](#)
Subject: 1509 Endfield Road Case Number: C14-2020-0048
Date: Sunday, June 21, 2020 7:32:01 PM

*** External Email - Exercise Caution ***

Dear Mr. Graham,

As the homeowner at 1309 Marshall Ln, Austin, TX 78703, I wanted to voice my strong objection to the rezoning of 1509 Endfield Road Case Number: C14-2020-0048 from MF-3-NP to NO-MU-NP . The property in question is just over 400 feet from my house, where I have lived with my family since 2008.

I am very concerned that rezoning this property will increase the likelihood that our family-friendly, historic neighborhood will become more congested, more commercial and will no longer be a safe or pleasant place to live. I have two children, and I am concerned about increased traffic and the wellbeing of our family and neighbors. We have expected our neighborhood to remain residential, and this change in zoning threatens the atmosphere and safety of our community.

Thanks for your consideration.

Lisa Doggett, MD
512-731-7552

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