

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0030 – 200 Montopolis Rezoning      DISTRICT: 3

ZONING FROM: SF-3-NP      TO: SF-6-NP

ADDRESS: 200 Montopolis Drive and 6206 Clovis Street

SITE AREA: 1.32 acres

PROPERTY OWNER:      AGENT:  
Nine Banded Holdings LLC (Taylor Jackson)      Thrower Design (A. Ron Thrower)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see page 2.*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**June 23, 2020      Scheduled for Planning Commission**

### CITY COUNCIL ACTION:

**July 30, 2020      Planned to be scheduled for City Council**

### ORDINANCE NUMBER:

### ISSUES:

On May 26, 2020 the Montopolis Neighborhood Planning Contact Team (MNPCT) held their monthly meeting to discuss zoning cases in their area. They were not able to discuss this case at their meeting and have requested to postpone it to the next Planning Commission meeting on July 14<sup>th</sup>. Their postponement request is attached in *Exhibit C: MNPCT Postponement Request*.

Staff has received communication in opposition to this rezoning case, please refer to *Exhibit D: Correspondence Received*.

### CASE MANAGER COMMENTS:

The subject property is currently zoned SF-3-NP and consists of two parcels approximately 1.34 acres in total size. It can be accessed by Montopolis Drive and Clovis Street. Adjacent to the south are properties zoned SF-3-NP district zoning. These tracts contain a mixture of single-family

residential buildings. To the west are tracts also zoned SF-3-NP which are undeveloped. To the north of the subject property are tracts zoned P-NP and CS district zoning. The CS zoned property is undeveloped. The P-NP property is the northeastern portion of Roy Guerrero Metropolitan Park and is not developed. To the east across Montopolis Drive is right-of-way for the US Highway 183 and is not zoned, see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

#### BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought. Zoning changes should promote compatibility with adjacent and nearby uses.*

The applicant is requesting a base zoning district of SF-6. This district is intended as an area for moderate density single family, duplex, two family, townhouse and condominium use. It is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate. This property is on the periphery of the neighborhood. To the north of the property is a public park and property zoned CS. To the east across Montopolis Drive is US Highway 183. The majority of properties adjacent to this highway right-of-way are zoned with a commercial base district. Rezoning this property to SF-6-NP would provide a transition in use and site development standards between the commercial property to the north and single-family uses to the south.

#### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3-NP	Residential
North	P-NP	Parkland
South	SF-3-NP	Residential
East	N/A	Montopolis Drive and Highway right-of-way
West	SF-3-NP	Vacant

NEIGHBORHOOD PLANNING AREA: Montopolis Neighborhood Plan (NP Ordinance No. 010927-05)

TIA: The TIA determination is deferred until site plan submittal as final land use mix and intensities will be available with the site development application.

WATERSHED: Country Club East (suburban), Colorado River (urban)

OVERLAYS: Airport Overlay (Controlled Compatible Land Use Area), Residential Design Standards, Waterfront Setback (Secondary) and Waterfront Overlay (Montopolis River Terrace)

SCHOOLS: Allison Elementary, Martin Middle and Eastside Memorial High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Montopolis Community Alliance
Austin Neighborhoods Council	Montopolis Neighborhood Plan Contact Team
Bike Austin	Montopolis Tributary Trail Association
Bonnett Neighborhood Association	Montopolis-Ponca Neighborhood Association
Carson Ridge Neighborhood Association	Neighborhood Empowerment Foundation
Crossing Gardenhome Owners Assn. (The)	Pleasant Valley
Del Valle Community Coalition	Preservation Austin
Del Valle Independent School District	River Bluff Neighborhood Assoc.
East Austin Conservancy	SELTexas
El Concilio Mexican-American Neighborhoods	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	Southeast Austin Neighborhood Alliance
Guadalupe Neighborhood Development	Tejano Town
Homeless Neighborhood Association	Vargas Neighborhood Association
Imperial Neighborhood Association	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0044 Saxon Acres Residential Zoning	SF-3-NP to SF-6-NP	In review	In review
C14-2020-0039 Clovis and Kemp Rezoning	SF-3-NP to SF-6-NP	In review	In review
C14-2020-0038 508 Kemp Street	SF-3-NP to SF-6-NP	In review	In review
C14H-2017-0055 / NPA-2016-005.04 500 Montopolis	SF-3-NP to GR-MU- H-NP and GR-MU- NP	HLC: to grant GR- MU-H-CO-NP and GR-MU-CO-NP  PC: to grant SF-3-H- NP	Granted an indefinite postponement request by staff on 6/20/19.  Case was withdrawn.

Number	Request	Commission	City Council
C14-2013-0107  600 Kemp Street Rezoning	SF-3-NP to SF-6-NP	Denied request	Denied request (3/20/14)  (Valid petition)

RELATED CASES:

C14-01-0060: Montopolis Neighborhood Plan rezoning (Ordinance No. 010927-28). This property was rezoned during this process from CS to SF-3-NP.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Montopolis Drive	Unknown	20'	Level 1	None	None	No
Clovis St	53'	26'	Level 1	None	None	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

The subject property for this rezoning case is not located near or along an Activity Corridor or Center. The 1.37-acre property, which contains two residential units, is located on the west side of Montopolis Drive, which is adjacent to US Highway 183 and located within the boundaries of the Montopolis Neighborhood Planning Area. Surrounding land uses includes a vacant lot and two bike trails to the north; to the south is a townhouse development and single-family housing; to the east is US Highway 183; and to the west the Roy Guerrero Metropolitan Park. The proposed use is a 16-unit condominium project.

*Connectivity*

A public sidewalk is only located in front of the townhouse development along this portion of Montopolis Drive. A CapMetro Transit Stop is located approximately 500 feet from the subject property. The Roy Guerrero Metropolitan Park is located immediately adjacent to the subject property, along with two bike trails. The mobility and connectivity options are fair and lacks neighborhood serving goods and services in the area.

*Montopolis Neighborhood Plan*

The Montopolis Future Land Use Map classifies this portion of Montopolis Drive as Single Family. For all plans adopted prior to January 2002 (the Montopolis Plan was adopted in 2001),

the SF-6 zoning district is permitted in the “Single Family” land use designation. The following goal, objections and actions are taken from the Montopolis Plan.

- Goal 2: Create Homes for all Stages of Life within Montopolis. (p 14)
  - Objective 4: Enhance and protect existing single family housing.
    - Action 12: Preserve the existing Single Family uses and zoning in the older, established areas of Montopolis.
    - Action 13: Preserve residential zoning in the interior of East Montopolis to allow for new homes to be built.
    - Action 14: Preserve Single Family zoning in the interior of South Montopolis.
  - Objective 5: Create multiple housing types of varied intensities.

Based on the policies above, this proposed townhouse/condo project supports the Montopolis Neighborhood Plan because it provides new housing and housing choice of a varied intensity.

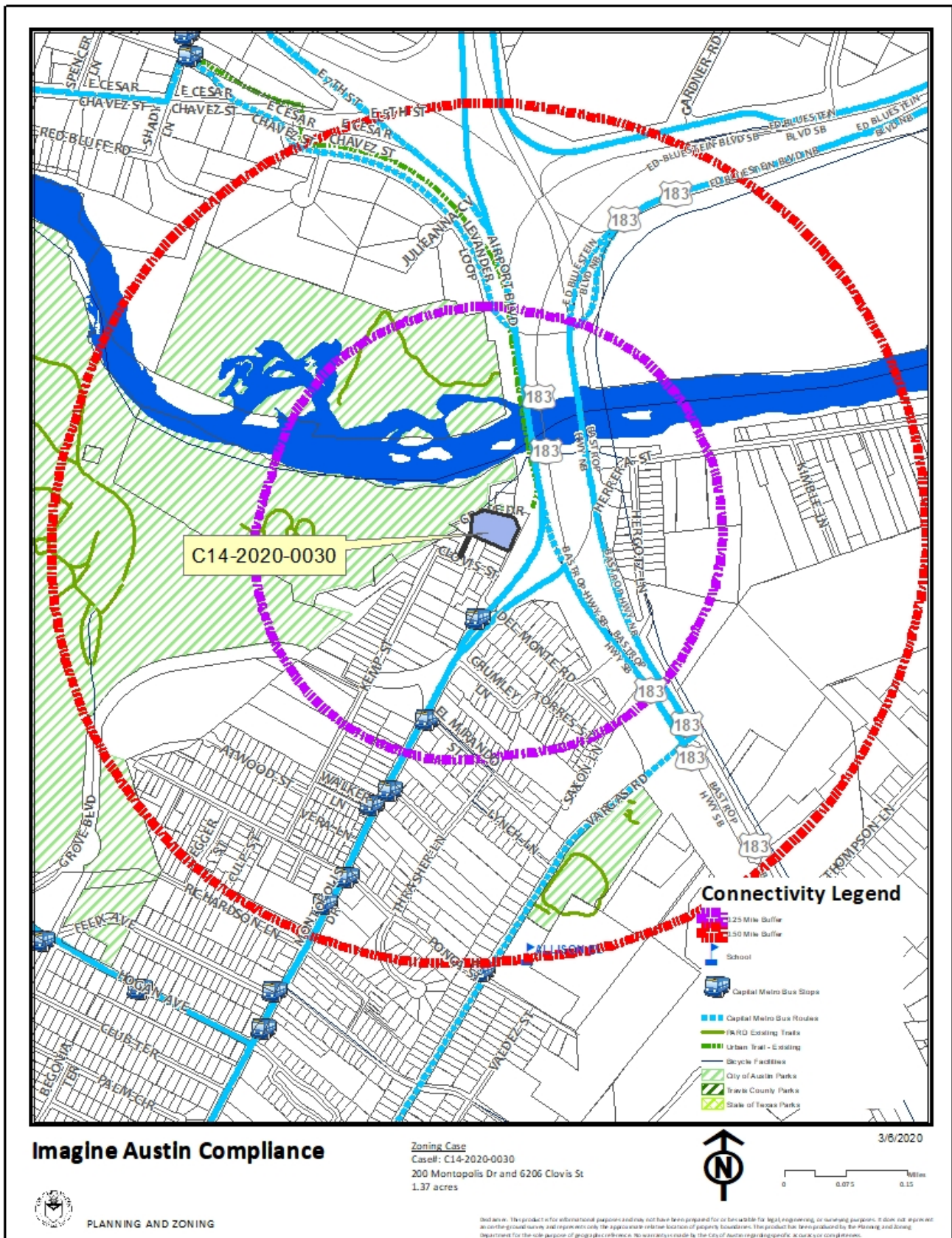
#### *Imagine Austin*

The following policies are relevant to this case:

- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.
- HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.

The Austin Strategic Housing Blueprint, which is an amendment to Imagine Austin, includes goals for affordable housing in every City Council district. While this applicant has not identified this as an affordable housing project, it will provide additional missing middle housing. Based on Imagine Austin and Montopolis Neighborhood Plan policies that supports a variety of housing types and the policies above, this project supports the Imagine Austin Comprehensive Plan.





### Environmental

This site is in two watersheds (suburban and urban). Below are the two watersheds and their respective rules/requirements.

#### *Suburban portion of site:*

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm onsite.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### *Urban portion of site:*

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and onsite control for the 2-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Site Plan

Site plans will be required for any new development other than single-family or duplex residential. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Additional design regulations will be enforced at the time a site plan is submitted.

#### *Compatibility Standards*

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

The site is subject to compatibility standards due to adjacency of SF-3-NP to the south and west. The following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- Landscaping or screening is required along the south and west property lines in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) 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 property in an SF-5 or more restrictive zoning district.



### *Airport Overlay*

This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing. Additional comments may be generated during the site plan review process.

### *Demolition and Historic Resources*

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### *Waterfront Overlay and Waterfront Setbacks*

The project is within the Montopolis River Terrace Waterfront and is subject to the Waterfront Overlay District regulations. [25-2-175 and 25-2-737]. The boundaries of the site appear to be within the Secondary Setback, but closer review may reveal it to be within the Primary Setback.

### *Residential Design Standards Overlay*

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

### Transportation

The traffic impact analysis (TIA) determination is deferred until site plan submittal as final land use mix and intensities will be available with the site development application. At the time of submittal of any site plan on the Property, a TIA is required if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day.

### 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. 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 TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: MNPCT Postponement Request

Exhibit D: Correspondence Received

B-17

11 of 16

BASTROP HWY SVRD SB

G

CS

E

492'

P-NP

GROVE DR

C14-2020-0030

L20

SF-3-NP

MONTOPOLIS DR

BASTROP SB TO  
MONTOPOLIS RAMP

MONTOPOLIS  
TO BASTROP  
NB RAMP

GR-NP



1" = 100'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

### 200 MONTOPOLIS REZONING

ZONING CASE#: C14-2020-0030

LOCATION: 200 Montopolis Dr; 6206 Clovis St

SUBJECT AREA: 1.34875 ACRES

GRID: L20

MANAGER: KATE CLARK

Exhibit A



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Copyright Nearmap 2015

**200 MONTOPOLIS REZONING****Exhibit B**

ZONING CASE#: C14-2020-0030

LOCATION: 200 Montopolis Dr; 6206 Clovis St

SUBJECT AREA: 1.34875 ACRES

GRID: L20

MANAGER: KATE CLARK



1" = 100'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER



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**Clark, Kate**

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**From:** Susana Almanza  
**Sent:** Wednesday, June 10, 2020 9:59 AM  
**To:** Clark, Kate  
**Subject:** MNPCT Postponement Request

\*\*\* External Email - Exercise Caution \*\*\*

Hello Kate Clark: The Montopolis Neighborhood Plan Contact Team is requesting a postponement for the following Cases. These case will be reviewed at our next scheduled MNPCT meeting scheduled for June 29th, 2020 at 6 pm at the Southeast Health and Wellness Center.

1. 6328 El Mirando Street from SF-3 to SF-6 Applicant Ron Thrower
2. 200 Montopolis Dr. from SF-3 to SF-6 Applicant Ron Thrower
3. 1013 Montopolis Dr. from SF-3 to SF-6 Applicant Ron Thrower
4. 6201 Clovis & 301 Kemp St. from SF-3 to SF-6 Applicant Ron Thrower

I had a series of email discussions with Ron Thrower's representative, Victoria Hasse. She did not want to come to Montopolis due to COVID-19. On May 18th, I requested that she email the materials of the zoning cases so that the MNPCT could review them and have a discussion at the May 26th scheduled meeting. and then send questions. I didn't receive the materials until the day of the meeting on May 26th at 4:13 pm.

I was in meetings in the afternoon that day, and didn't see her email to late a night. Sending the materials a couple of hours before our meeting is not acceptable.

Sincerely, Susana Almanza, President MNPCT

PODER  
P.O. Box 6237  
Austin, TX 78762-6237  
[www.poder-texas.org](http://www.poder-texas.org)

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**Clark, Kate**

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**From:** Eric Dillaman  
**Sent:** Tuesday, June 16, 2020 10:10 AM  
**To:** Clark, Kate  
**Subject:** Re: Case Number C14-2020-0039

I am writing in **opposition** to [C14-2020-0030 \(200 Montopolis Rezoning\)](#), [C14-2020-0038 \(508 Kemp Street\)](#), and [C14-2020-0039 \(Clovis and Kemp Rezone\)](#).

I am somewhat shocked to learn of the scope of the proposed zoning changes for our neighborhood; it feels like a concerted and coordinated effort by developers to shred the very fabric of our community in order to maximize their return on investment. Those of us who bought homes or land in the area, investing a life's worth of savings, did so knowing that this would be an SF-3 zoned residential neighborhood. The three streets in question: Kemp St, Clovis St, and the small offshoot of Montopolis apart from the main thoroughfare of the same name are narrow, have no city sidewalks, and I already worry about the safety of pedestrians and bikers. There is a blind hill that exists right next to [C14-2020-0039](#) which was almost the scene of a serious accident a year ago when a car came over the top when my young son and I were walking back to our house and almost hit us (again, no continuous sidewalks). By increasing the density of these lots, we will be substantially increasing the vehicle traffic on infrastructure that is not designed to handle it.

I realize that the staff has recommended rezoning of [C14-2020-0030](#) and [C14-2020-0039](#), but I wonder if they have come out and understood what this neighborhood is like, short of looking at it on paper. This type of dense development is extremely out of character with the reality on the ground. I think it would only take a quick drive around the neighborhood to see that this type of zoning is not in the character, design, and function of this neighborhood.

Additionally, the new construction on Montopolis & 183 was conceived poorly for those of us on the west side of Montopolis Dr. We used to be able to turn north onto Montopolis Dr. towards 183 from the Clovis/Montopolis intersection. However, the new design has put a median in the way to block a left turn. That means the only way out of the neighborhood to go north of the river is through Clovis and Kemp Sts. All of the traffic from these new dense condo builds would, therefore, be routed onto our streets. In morning traffic, it is already very difficult to turn north onto Montopolis from the streets that feed out of our neighborhood. There is one long light that backs up (Ponca), but has no protected left turn. Frequently only one car can make the turn out of our neighborhood in a light cycle. There are some mornings when it takes about *ten minutes* just to turn out of the neighborhood when traffic is heavy! This is without the added density that this new zoning would inflict upon us.

Lastly, this type of development is out of touch and character with the socioeconomics of the neighborhood. Montopolis is one of the last places in Austin where there is real ethnic and socioeconomic diversity. That is because people have not yet been priced out of their homes by large developments such as this, and the increasing tax burdens that they bring. In a time where we are beginning, as a city, to come to grips with some of the racist policy and zoning decisions that have plagued the city's development decisions in the past (think Clarksville & the East of I-35 plan), this type of development is anathema to real community need, desire, want, or benefit. A development that would spring from a zoning change like this benefits few people-- the owner and developer-- at the expense of all other people in the neighborhood.

I sincerely hope that you take Staff's recommendation to deny the zoning change to [C14-2020-0038](#), and break with Staff's recommendation by denying the change to [C14-2020-0030 \(200 Montopolis Rezoning\)](#) and [C14-2020-0039 \(Clovis and Kemp Rezone\)](#).

Thanks for you time,



Eric Dillaman

On Mon, Jun 15, 2020 at 11:46 AM Clark, Kate <[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)> wrote:

Good Afternoon Mr. Dillaman,

Below is a list of cases that are within the Montopolis Neighborhood Area that are planned to be heard next Tuesday, June 23<sup>rd</sup> at Planning Commission and their status. I have also included a PDF of the maps for each case for your reference. If you would like to oppose the rezoning of any of these cases, please send me an email (can be one email, doesn't have to be separate ones) stating the case number and your opposition. My case backup is due tomorrow and I would like to include it in my backup.

- C14-2020-0029 (Montopolis Acres Rezoning)
  - Applicant Request: SF-3-NP to SF-6-NP;
  - Staff Recommendation: To recommend the rezoning request;
  - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14<sup>th</sup>; and
  - City Council Meeting: Planned to be scheduled for July 30<sup>th</sup>.
- C14-2020-0030 (200 Montopolis Rezoning)
  - Applicant Request: SF-3-NP to SF-6-NP;
  - Staff Recommendation: To recommend the rezoning request;
  - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14<sup>th</sup>; and
  - City Council Meeting: Planned to be scheduled for July 30<sup>th</sup>.
- C14-2020-0038 (508 Kemp Street)
  - Applicant Request: SF-3-NP to SF-6-NP;
  - Staff Recommendation: To recommend denial of the rezoning request;
  - Montopolis Neighborhood Plan Contact Team Recommendation: Pending; and
  - City Council Meeting: Planned to be scheduled for July 30<sup>th</sup>.
- C14-2020-0039 (Clovis and Kemp Rezone)
  - Applicant Request: SF-3-NP to SF-6-NP;
  - Staff Recommendation: To recommend the rezoning request;
  - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14<sup>th</sup>;
  - City Council Meeting: Planned to be scheduled for July 30<sup>th</sup>.
- C14-2020-0044 (Saxon Acres Residential Zoning)
  - Applicant Request: SF-3-NP to SF-6-NP;
  - Staff Recommendation: To recommend the rezoning request;
  - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14<sup>th</sup>; and
  - City Council Meeting: Planned to be scheduled for July 30<sup>th</sup>.

I verified with staff that you cannot sign up to speak on an item for next week's Commission meeting until the agenda is posted. This should be sometime on Friday morning, usually around 10:00 AM. **You must register to speak by noon on Monday, June 22<sup>nd</sup>.** I will send you information on how to sign up on Friday after the agenda is posted.

As for the statistics you requested, we do not track how often Council approves a rezoning case when there is a valid petition, nor do we track how often Planning Commission recommends something different than Staff. We do track the approval of Council cases to the number of cases Staff recommends. This fiscal year (started October 1, 2019) Council has approved 92.6% of the cases that Staff has recommended. For the last fiscal year, the percentage of Council approved cases to Staff recommended cases was 88.89%.

I have also attached some information on Zoning Petitions. If you wish to start one I suggest contacting Susana Almanza ( [REDACTED] ) prior to doing so. She requested this same information from me last week. These petitions can sometimes take time and effort to coordinate, I wouldn't want you to duplicate the effort if she has already started one.

I understand that this is a lot of information. If you would like to have another call later this week if you have any questions after reading through it, please let me know.

**Kate Clark, AICP, LEED AP**

*Senior Planner*

**City of Austin | Planning and Zoning Department**

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