

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0128 – ALPHA .95

DISTRICT: 3

ZONING FROM: CS-NP

TO: CS-MU-NP, as amended

ADDRESS: 2404 Thrasher Lane

SITE AREA: 0.95 acres

PROPERTY OWNER:

Alpha Builders Group, Inc. (Gino Shvetz)

AGENT:

Husch Blackwell, LLC (Nikelle Meade)

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

STAFF RECOMMENDATION:

Staff recommends general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. The CO would be for a maximum of 10 residential units. For a summary of the basis of staff's recommendation, see page 2-3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 25, 2022 Scheduled for Planning Commission.

November 9, 2021 Approved applicant's request to indefinitely postpone on the consent agenda. Vote: 9-0. [Vice Chair Hempel – 1st, Commissioner Cox – 2nd; Commissioner Llanes Pulido abstained; Commissioners Flores, Praxis and Schneider were absent].

October 12, 2021 Approved applicant's request to postpone to November 9, 2021 on the consent agenda. Vote: 9-0. [Commissioner Schneider – 1st, Commissioner Shieh – 2nd; Commissioner Praxis was off the dais; Vice Chair Hempel and Commissioners Azhar and Connolly were absent].

September 28, 2021 Approved neighborhood's request to postpone to October 12, 2021 on the consent agenda. Vote: 10-0. [Commissioner Azhar – 1st, Commissioner Schneider – 2nd; Commissioners Cox, Praxis and Shieh were absent].

CITY COUNCIL ACTION:

To be Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition to this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

Natural Gas Pipeline on the Property

The Austin Fire Department (AFD) used the *Railroad Commission of Texas (TxRRC) GIS Viewer* to identify a 12.4-inch diameter natural gas pipeline owned by the Texas Gas Service on the property. The pipeline is currently abandoned but could be returned to service at a future date. If it were to be returned to service, that process would need to comply with 49 CFR Part 192, *Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards*.

AFD staff has reviewed the proposed rezoning request and did not find any hazardous materials of concern in the vicinity. The natural gas pipeline is not subject to the Hazardous Pipeline provisions in the city's Land Development Code. AFD has no regulatory authority for the operation or location of natural gas pipelines.

On November 9, 2021 staff received a petition opposing the rezoning of this property. **The current petition percentage is 20.66%, making this a valid petition.** Please see *Exhibit D: Formal Petition*, for a map of the petition area, list of property owners within the petition buffer and signatures received.

On November 10, 2021 staff received a letter from the applicant's co-agent requesting to amend the rezoning request from SF-6-NP to CS-MU-NP, please see *Exhibit E: Amended Rezoning Request*.

CASE MANAGER COMMENTS:

This property is undeveloped and approximately 0.95 acres in size. It is located on the northwestern side of Thrasher Lane. Adjacent zoning to the south consists of CS-NP, to the west is CS-NP and GR-MU-CO-NP and to the north is SF-3-NP. Across Thrasher Lane to the east is CS-MU-NP, please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

Per the applicant's amended rezoning request, they are now asking to rezone to CS-MU-NP. The future land use map (FLUM) designates this property as "commercial" and therefore requires a neighborhood plan amendment (NPA) to be considered with the rezoning request. Please refer to case no. NPA-2021-0005.01.

BASIS OF RECOMMENDATION:

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

This property is adjacent to CS-NP district zoning to the south and SF-3-NP district zoning to the north. Rezoning this property to CS-MU-CO-NP with a maximum of 10 units would provide a transition in land use and site development intensity between these properties.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

This property was requested to be rezoned in 2017 (C14-2017-0098). The applicant of that case requested to rezone from CS-NP to CS-MU-NP and later amended their request to SF-5-CO-NP. Staff recommended a CO to limit the maximum number of units to 9. In addition to that case, there have been three rezoning cases in this area that have access to Thrasher Lane (C14-2011-0169, C14-2016-0070 and C14-2017-0125, please see *Area Case Histories* section below). The most recent of these two cases brought up concerns about additional development of land uses more intense than what SF-6 would allow and, in both cases, prohibited access to Thrasher Lane in some way. Rezoning this property to CS-MU-CO-NP with a maximum of 10 units would be consistent with past treatment of this property and others in the area.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-NP	Undeveloped
North	SF-3-NP	Single-family residential
South	CS-NP	Multi-family residential
East	CS-MU-NP	Multi-family residential
West	GR-MU-CO-NP	Multi-family residential

NEIGHBORHOOD PLANNING AREA: Montopolis

TIA: A TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: Carson Creek Watershed

OVERLAYS: Airport Overlay (Controlled Compatible Land Use Area), Residential Design Standards, Select Sign Ordinances and Wildland Urban Interface (Proximity Class - Within 1.5 miles of a Wildland Area).

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

NEIGHBORHOOD ORGANIZATIONS

Austin Lost and Found Pets

Austin Neighborhoods Council

Carson Ridge Neighborhood Association
 Crossing Gardenhome Owners Assn. (The)
 Del Valle Community Coalition
 Del Valle Independent School District
 East Riverside Corridor Staff Liaison
 Friends Of Austin Neighborhoods
 Homeless Neighborhood Association
 Montopolis Community Alliance

Montopolis Neighborhood Plan Contact
 Team (MNPCT)
 Montopolis Tributary Trail Association
 Neighborhood Empowerment Foundation
 Pleasant Valley
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0125 2514 Thrasher	CS-CO-NP to CS-MU-NP	Approved CS-MU-CO-NP; CO included a prohibition of residential use within the 1000 foot “Praxair Buffer”; access to Thrasher lane was restricted to 300 trips and Right-of-Way dedication for the extension of Thrasher lane required at the time of site plan.	Approved CS-MU-CO-NP; CO included a prohibition of residential units within an area as determined by AFD; a maximum of 300 trips per day and vehicular traffic associated with residential use of the property to/from Thrasher Lane is prohibited except for pedestrian, bicycle, and emergency ingress and egress. Access to the property for all vehicular traffic associated with a residential use shall be from other adjacent public streets or through other adjacent property. (3/8/18).
C14-2016-0113 2509 Montopolis Drive	CS-NP to CS-MU-NP	Approved CS-MU-CO-NP; CO was to prohibit dwelling units within 1000 feet of the northern boundary due to hazardous materials near the property.	Approved CS-MU-CO-NP and Commission recommended (6/22/17).

Number	Request	Commission	City Council
C14-2016-0070 Thrasher Lane Lots 2500, 2508 & 2514 Thrasher Lane	CS-NP to CS-MU-NP	Approved CS-MU-CO-NP on Tract 1 and CS-CO-NP on Tract 2; CO included limiting site development standards to SF-6 if accessing Thrasher Lane, CS-MU development standards is allowed if vehicle access is not to Thrasher Lane and a maximum of 300 trips per day for Tract 1, and a set of prohibited land uses for both tracts.	Approved CS-MU-CO-NP on Tract 1 and CS-CO-NP on Tract 2; CO included a set of prohibited land uses, a maximum of 300 trips per day, and for any use on the property permitted in a district more intense than SF-6 vehicular access is prohibited on to or from Thrasher Lane and must be taken through other public streets or adjacent property.
C14-2015-0099 2407-2409 Montopolis Drive	CS-NP to CS-MU-NP	Approved CS-MU-CO-NP; CO was to prohibit a set of land uses.	Approved CS-MU-CO-NP as Commission recommended (12/10/15).
C14-2011-0169 CSK Austin 7016 E. Ben White Boulevard	LI-NP and CS- NP to CS-MU-NP	Approved CS-MU-NP.	Approved CS-MU-NP as Commission recommended (4/5/12).
C14-2009-0092 Carson Ridge Development 6503 Carson Ridge	CS-NP to GR-MU-NP, as amended	Approved GR-MU-CO-NP; CO was to limit number of trips.	Approved GR-MU-CO-NP as Commission recommended (1/28/10).

RELATED CASES:

NPA-2021-0005.01: This is the NPA case being considered with this rezoning application.

C14-2017-0098 & NPA-2017-0005.03 (Affordable Dream Homes): the applicant requested to rezone from CS-NP to CS-MU-NP. Applicant later amended their request to SF-5-CO-NP; the CO was to limit the number of units on site to a maximum of 10. Planning Commission approved SF-5-CO-NP; CO was to limit maximum number of units to eight, minimum of 10 feet between

each building and to provide pedestrian and bicycle access to Carson Ridge Drive. This case was postponed at City Council twice and ultimately withdrawn by the applicant.

C14-01-0060 (Montopolis Neighborhood Plan): This was the Montopolis Neighborhood Plan rezoning case (Ordinance No. 010927-28). This property's base zoning district was rezoned from SF-2 to CS-NP during this process.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Thrasher Road	64'	30'	Level 2	No	None	No
Carson Ridge	78'	33'	Level 1	No	None	No

OTHER STAFF COMMENTS:

Environmental

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

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

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.

6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.
7. 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.

PARD Review

PR1: Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be considered, as well as any remaining fees in-lieu.

The surrounding neighborhood area currently lacks connectivity to two new parks, Thrasher Pocket Park and Carson Ridge Pocket Park. The development as proposed will require parkland dedication for the new residential units that will serve this neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection along the north side of the property, from Carson Ridge to Thrasher Lane, toward satisfying the requirement at time of permitting (whether subdivision or site plan). The connection would require a minimum 15-foot-wide area for a trail. Such a connection would improve neighborhood connectivity and pedestrian access to two existing parks, thereby satisfying a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan

- SP1. The site may be subject to compatibility standards depending on how it's developed. Projects built to SF-5 standards do not trigger compatibility; projects built to SF-6 standards do. Along the north property line, the following standards apply:
- a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. No parking or driveways are allowed within 25 feet of the property line.
 - e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- SP2. Additional design regulations will be enforced at the time a site plan is submitted.
- SP3. This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited.

Transportation

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 92 feet of right-of-way for Thrasher Road and 60 feet of right-of-way for Carson Ridge. It is recommended that 46 feet of right-of-way from the future centerline should be dedicated for Thrasher Road and 30 feet of right-of-way from the future centerline should be dedicated for Carson Ridge according to the Transportation with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

- AW1. 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

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: Correspondence Received

Exhibit D: Formal Petition

Exhibit E: Amended Rezoning Request

B-6

10 of 16

ERC

SF-5-CO-NP

SF-3-NP

CARSON RIDGE

CS-NP

GR-MU-CO-NP

C14-2021-0128

L18

CS-NP

SF-3-NP

THRASHER LN

CS-MU-NP

CS-MU-CO-NP

CS-NP

CS-MU-NP

N



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 150'

ALPHA .95

ZONING CASE#: C14-2021-0130
LOCATION: 2404 Thrasher Ln
SUBJECT AREA: .961 Acres
GRID: L18
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.

B-6

11 of 18

ERG

SF-5-CO-NP

SF-3-NP

CARSON RIDGE

CS-NP

GR-MU-CO-NP

C14-2021-0128

L18

SF-3-NP

CS-NP

CS-NP

CS-MU-CO-NP





THRASHER LN

CS-MU-NP

CS-MU-NP

Copyright nearmap 2015



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

1" = 150'

ALPHA .95

Exhibit B

ZONING CASE#: C14-2021-0130
LOCATION: 2404 Thrasher Ln
SUBJECT AREA: .961 Acres
GRID: L18
MANAGER: KATE CLARK



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.

To: Kate Clare, Housing & Planning Department

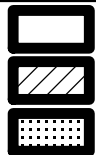
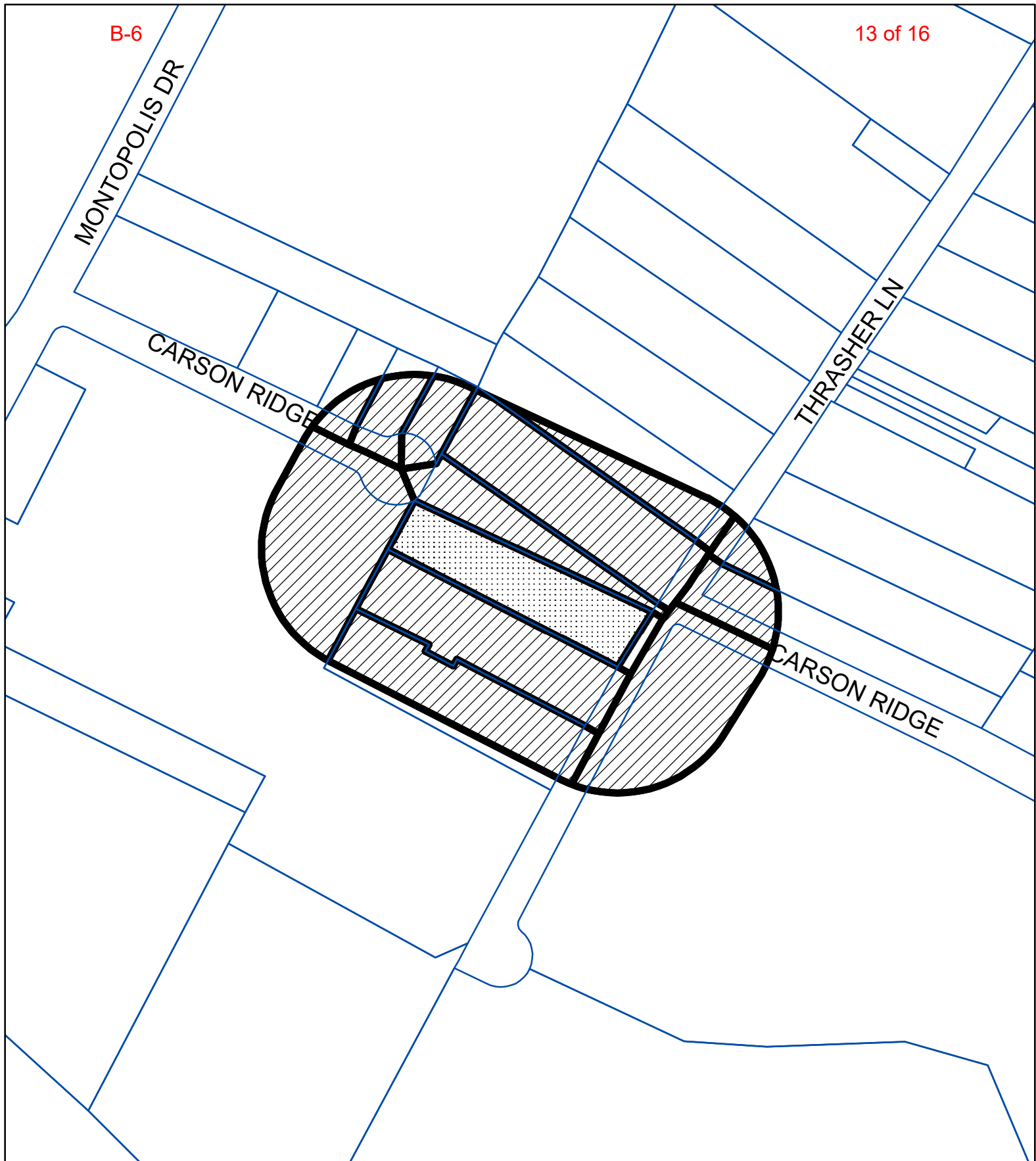
From: Susana Almanza, President-Montopolis Neighborhood Plan Contact Team

Date: November 2, 2021

Subject: Opposition Zoning & Plan Amendment of 2404 Thrasher Lane, Case #C14-2021-0128 & NPA-2021-0128

The Montopolis Neighborhood Plan Contact Team met on September 27, 2021. The Montopolis Neighborhood Plan Contact Team opposes the re-zoning and Neighborhood Plan Amendment (NPA) for the property located at 2404 Thrasher Lane. This development will bring more gentrification to a poverty area with most people of color. The Montopolis neighborhood plan area falls within the area that Project Connect Anti-Displacement area calls for protection. The University of Texas Uprooted Report (2018) also calls for the protection of the Montopolis community.

We request that the Planning Commission and the Austin City Council deny the NPA and re-zoning for 2404 Thrasher Lane.



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2021-0128

Exhibit D



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

1" = 200'

Case Number:

PETITION**C14-2021-0128**

Date: 11/9/2021

Total Square Footage of Buffer: 328656.5851

Percentage of Square Footage Owned by Petitioners Within Buffer: 20.66%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0310140171	2408 THRASHER LN 78741	AUSTIN CRE LLC	no	46384.31	0.00%
0310140223	2311 THRASHER LN AUSTIN 78741	CRUZ MARIA DE LOURDES	no	5715.63	0.00%
0315110201	THRASHER LN 78741	DIAZ MARTIN & ESTEFANA	no	40105.37	0.00%
0312160303	7000 E BEN WHITE BLVD	HOUSING AUTHORITY OF AUSTIN	no	51049.22	0.00%
0312160801	6412 CARSON RDG 78741	KOOL BREEZE PROPERTY INVESTMENTS LLC	no	10226.23	0.00%
0310140150	2316 THRASHER LN 78741	MCGHEE FRED L & LISA P GODDARD	yes	52388.05	15.94%
0312130115	MONTOPOLIS DR 78741	MONT APARTMENTS LLC THE	no	54475.76	0.00%
0310140169	6510 CARSON RDG 78741	ONOFRE ROMAN FRANCISCO J &	no	22853.72	0.00%
0310140134	2312 THRASHER LN 78741	RAMIREZ BENITO & JUAN & MARIA	yes	15510.36	4.72%
0310140222	2317 THRASHER LN AUSTIN 78741	ROJAS MANUEL & ELVIA O	no	13065.43	0.00%
0312160601	Address Not Found				
0312160602	6502 CARSON RDG A	COOK HARRISON T			
0312160603	6502 CARSON RDG B	GALANTE JACOB	no	9983.68	0.00%
0312160401	Address Not Found				
0312160402	6408 CARSON RDG A	HOMAN KEITH			
0312160403	6408 CARSON RDG B	ACOSTA-PILAR ANDRES	no	4661.98	0.00%
Total				326419.75	20.66%

Date: 11/8/21Case Number: NPA-2017-0005.03Address of Rezoning Case: 2404 Thrasher Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

REASON FOR PROTEST



We, the undersigned owners of property located within 200 feet of the property that is the subject of this zoning case oppose the requested zoning change because:

This area of Montopolis consists of single family homesteads. The existing commercial zoning of this lot (and adjacent lots) was enacted despite the fact that there were families living there at the time (for decades), another shameful example of land use racism by the City of Austin.

We believe the 15-20 cottage units being proposed for the site by the Montopolis CDC on a 100% affordable non-profit basis is a better proposal. We also consider it important that the board and staff of the Montopolis CDC consists of 100% People of Color residing in the Montopolis community.

In addition, the CDC's proposed cottages would be more in keeping with our neighborhood character and history than the current owner's townhomes concept geared toward Oracle or Tesla employees. Lastly, the current property owner refuses to negotiate in good faith and was very disrespectful and insulting at our one meeting, even accusing us of "discrimination" against *them* for suggesting that the community *itself* could build something better. This is not an effective way to approach a low income community of color that has been victimized by discrimination for much of its history.

The families displaced from the Thrasher Lane mobile home park, among others, should be given an opportunity to return to the community, and the Montopolis CDC should be given the opportunity to secure funding to realize its proposal. A proper commitment to equity and justice demands nothing less.

Property Owner Signature	Printed Name	Address or Tax ID Number
	Fred L. McGhee & Lisa P. Goddard	2316 Thrasher Lane
	Ramiro Benitez	2312 Thrasher Lane

Date: 11/8/21Contact Name: Fred L. McGheePhone Number: (512) 275-6027

HUSCH BLACKWELL

Micah J. King

111 Congress Avenue, Suite 1400

Austin, Texas 78701-4043

Direct: 512.479.3468

micah.king@huschblackwell.com

November 10, 2021

Maureen Meredith, Senior Planner
Kate Clark, Senior Planner
City of Austin Housing and Planning Department
1000 E. 11th Street, Suite 200
Austin, TX 78702

Via Email To: Kate.Clark@austintexas.gov and Maureen.Meredith@austintexas.gov

RE: Amendment to the Rezoning and Plan Amendment Applications for Case Numbers NPA-2021-0005.01 and C14-2021-0128 (the “Cases”) for Property Located at 2404 Thrasher Lane (the “Property”)

Dear Maureen and Kate:

I am writing on behalf of our clients, Marina and Gino Shvetz (Alpha Builders Group), the applicants in the above-referenced Cases. By this letter, we respectfully amend the applications as follows to:

- a. Rezone the Property from CS-NP to CS-MU-NP; and
- b. Amend the Future Land Use Map the (“FLUM”) designation of the Property from “Commercial” to “Mixed Use”.

Thank you for your assistance and consideration.

Sincerely,



Micah J. King