

## 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 (41,382 square feet)

PROPERTY OWNER:

Alpha Builders Group, Inc. (Gino Shvetz)

AGENT:

Husch Blackwell, LLC (Nikelle Meade)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@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:

**March 8, 2022**

February 22, 2022	Approved a Postponement to March 8, 2022. Vote: 7-5, Vice-Chair Hempel and Commissioners Flores, Llanes Pulido, Praxis, Thompson voted nay; Commissioner Connolly abstained.
February 8, 2022	Approved a postponement to February 22, 2022. Vote: 11-0. [Commissioner Shieh – 1 <sup>st</sup> , Commissioner Cox – 2 <sup>nd</sup> ; Commissioner Connolly not present for passage of the consent agenda; Commissioner Praxis was absent.
January 25, 2022	Approved Planning Commission's postponement to February 8, 2022 on the consent agenda. Vote: 10-0. [Commissioner Shieh – 1 <sup>st</sup> , Vice-Chair Hempel – 2 <sup>nd</sup> , Commissioner Praxis was off the dais, Commissioners Howard and Mushtaler were absent].
November 9, 2021	Approved applicant's request to indefinitely postpone on the consent agenda. Vote: 9-0. [Vice-Chair Hempel – 1 <sup>st</sup> , Commissioner Cox – 2 <sup>nd</sup> ; 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 – 1<sup>st</sup>, Commissioner Shieh – 2<sup>nd</sup>; 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 – 1<sup>st</sup>, Commissioner Schneider – 2<sup>nd</sup>; 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*.

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*.

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.

#### *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 close to the north side of the property. The pipeline is currently abandoned but could be returned to service at a future date. *Please see Texas Railroad Commission's GIS attributes table following Exhibit B.* 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.

CASE MANAGER COMMENTS:

1<sup>st</sup> 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*.

The Applicant originally requested SF-6-NP zoning and amended the rezoning request to CS-MU-NP in November 2021. 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 and was withdrawn prior to Council action (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 Conditional Overlay (-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 – Suburban

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](mailto: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

The single family residence constructed in 2015 at the terminus of Carson Ridge and the multifamily residential project approved in mid-2014 and constructed to the east of the Thrasher Lane terminus present a challenge to making a planned connection through the subject tract. Austin Transportation Department staff is not requiring the dedication of Carson Ridge through the property with the rezoning case, although the alignment is still in the Austin Strategic Mobility Plan. ATD is still interested in looking at the possibility, although it is dependent on how the subject tract and the tract south of it redevelop.

#### *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](mailto: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

Texas Railroad Commission's GIS Attributes Table

Exhibit C: Correspondence Received

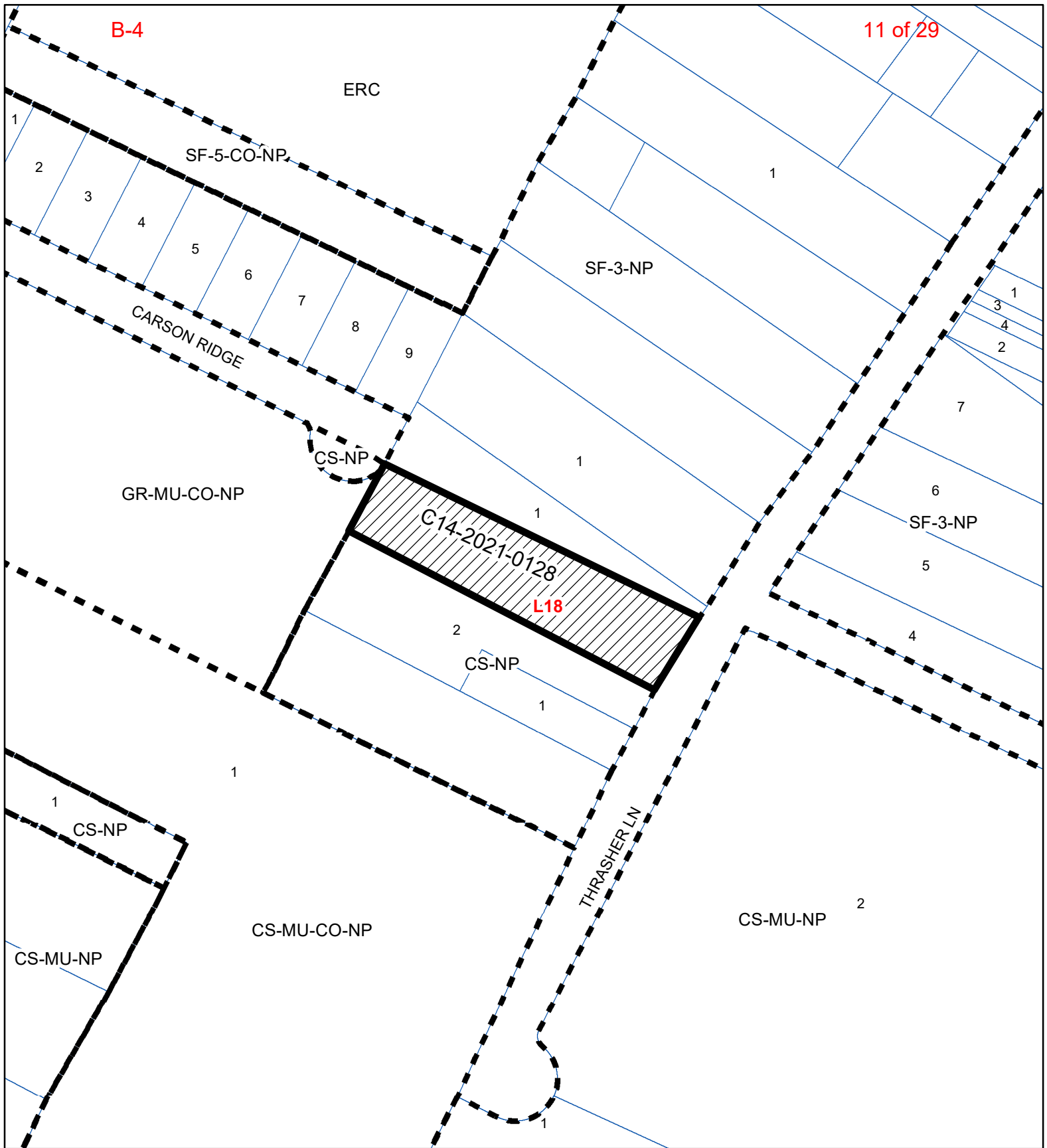
Exhibit D: Formal Petition

Exhibit E: Amended Rezoning Request

Questions and Answers

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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.



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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

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-  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



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## GIS Identify Results - Pipeline Attributes

<b>COUNTY_FIPS</b>	453
<b>OPERATOR</b>	TEXAS GAS SERVICE COMPANY
<b>COMMODITY DESCRIPTION</b>	NATURAL GAS, TRANSMISSION
<b>SYSTEM NAME</b>	9034
<b>SUBSYSTEM NAME</b>	FROM #03883 CONVERTED TO DISTRIBUTION
<b>DIAMETER</b>	12.75
<b>P5 NUMBER</b>	845951
<b>T4PERMIT</b>	06422
<b>T4PERMIT MILES</b>	12.11
<b>STATUS</b>	Abandoned
<b>INTERSTATE</b>	No
<b>CONTACT PHONE NUMBER</b>	(512) 407-1529

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.



MONTOPOLIS  
COMMUNITY DEVELOPMENT CORPORATION

# THE THRASHER HILL COMMUNITY VILLAGE

COMMUNITY-LED AFFORDABLE PLACEMAKING WITH  
HISTORICAL CONSCIOUSNESS AND CULTURAL  
INTEGRITY

[WWW.MONTOPOLIS.ORG](http://WWW.MONTOPOLIS.ORG)

SEPTEMBER, 2019

The Montopolis CDC proposes to construct twelve one and two-bedroom homes on a one acre property located at 2404 Thrasher Lane in Austin's historic Montopolis neighborhood. All of the homes will be constructed beyond S.M.A.R.T. housing requirements to at least an Austin Energy Greenbuilding *Four Star* standard, with one structure built to comply with the *Passivhaus* standard, the first such home in Austin built to this rigorous energy efficiency and interior air quality standard. Four of the homes will be built for senior and/or disabled citizens and will include wheelchair ramps and other ADA accommodations for the mobility impaired. The Montopolis CDC is requesting \$1.8 million dollars in land acquisition and pre-development funding for this initiative.

The architecture for the homes will be based upon the designs of famed "Katrina Cottage" architect Marianne Cusato (<http://www.mariannequsato.com>) which also serve as the basis for similar cottage villages constructed by the Cypress CDC ([www.cypresscdc.com](http://www.cypresscdc.com)) in Louisiana, Florida and elsewhere. In addition to being simple to construct, Ms. Cusato's designs are also designed to be of high quality and flexible. For instance the one-bedroom shotgun homes can easily be upgraded to two-bedrooms by their owners.

Montopolis is a flood-prone neighborhood with significant challenges posed by intensifying development; prudence dictates that attention be paid to construction standard of the highest possible quality that go well beyond minimum code or S.M.A.R.T. housing standards. Ms. Cusato's designs are highly regarded for the role they have played in disaster recovery along the Gulf Coast, and their traditional yet high-design standards are compatible with the vernacular and formal architecture of the historic Montopolis Community (McGhee 2014: 72).

A prototype/pilot already exists. Constructed in 2010 and located in Montopolis, the Katrina Cottage below was built to the Austin Energy Greenbuilding *Four Star* standard and is located adjacent to the subject property at 2316 Thrasher Lane. A tour of the structure and its environs can be arranged upon request.

#### Site Location

The property is located in the southern portion of the Montopolis neighborhood planning area, a traditionally rural location that marked a borderland area between Montopolis and Del Valle. It is located adjacent to a historically significant property that was until recently owned by Felix and Amanda Benavides, who settled the area in the early 1950's and were important community leaders in the late 1960's and early 1970's (McGhee 2014: 77).

Over the past five years the area has been heavily impacted by development. Existing ecosystems have been destroyed; there have been dramatic flora and fauna losses, and substantial increases in impervious cover, among other impacts. Additionally, the site is located a few lots from the Thrasher Lane mobile home park, which resulted in the displacement of over a dozen families. It is the hope of the Montopolis CDC that the proposed project will be constructed at a price point that can facilitate the return of these displaced families back to their neighborhood, should they so choose.

#### Market Dynamics

Mainly due to increases in real estate speculation and the construction of short term rentals, tax records show that property values in Montopolis show dramatic increases. For instance the Travis County Appraisal District valuation of the New Jerusalem Baptist Church, located near the intersection of Riverside Drive and Thrasher Lane increased from \$136,034 in 2013 to \$1,109,909 in 2018, an increase of over 800% in five years. The dilapidated church was cited

by the city's code enforcement department for numerous health violations in 2016 and was subsequently demolished in 2018.

The J.P. Morgan Chase funded Urban Land Institute study of Montopolis reports similar findings. The Community Village will create more opportunities for increases in homeowner value/equity and a greater opportunity to reduce income/wealth inequality in an area of Montopolis predominantly occupied by single family homesteaders. It will also enhance community stability.

The University of Texas study "Uprooted" also contains a chapter analyzing Montopolis and defines it as a community with a high susceptibility to gentrification. Because the Urban Land Institute and University of Texas studies, among others, are well known, and in order to conserve resources and reading time, they will not be reproduced here.

### People

Montopolis was founded in 1830 and nearly became the capital of the Republic of Texas. It is perhaps the most historic part of our state that nobody knows about. In the 1960's it was dubbed "Poverty Island" by Rev. Fred Underwood, a crusading priest from the Dolores Parish who pioneered the provision of education, transportation, healthcare, housing and social services during the War on Poverty era. According to the most recent census statistics available, Montopolis remains a predominantly Hispanic community (78% of the population) with a significant African-American history as the site of the Burditt's Prairie Freedmen's Community as well. The per capita income is \$16,226, and the Median Family Income is \$31,875, about half the amount in Austin and Travis County. The poverty rate is 33%.

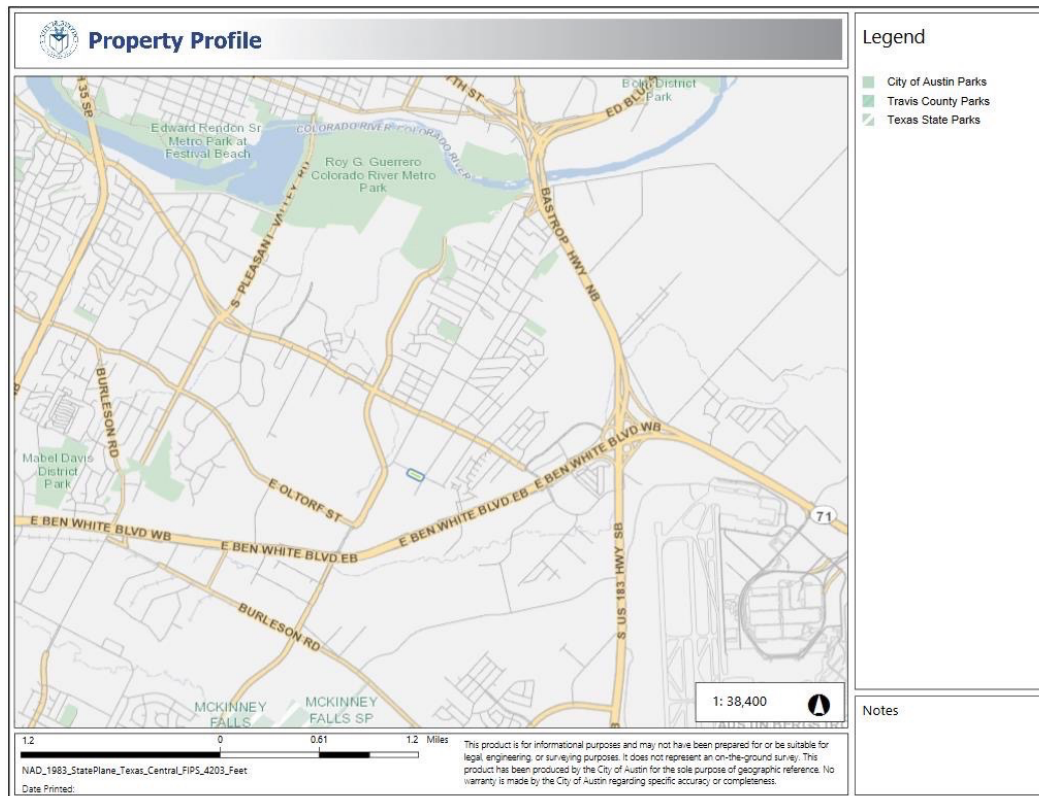
The Montopolis CDC is the successor to the organization of the same name that was founded in 1988 to advance the community development interests of the neighborhood. It is also a successor to Montopolis Community Center, Inc. which was founded in 1965 by Father Underwood as one of the first Community Action Agencies in Austin during the War on Poverty. The leadership of the Montopolis CDC, including its board and officers, is 100% comprised of People of Color residing in the Montopolis community. It is the only organization applying for City of Austin funding assistance where this is the case.

The president of the Montopolis CDC is Fred L. McGhee, an archaeologist, author, educator, general contractor and Navy veteran. Dr. McGhee built one of the first AEGB *Five Star* certified homes in Austin and is an extensively credentialed greenbuilder and sustainability expert with over 25 years of experience in the military, non-profits, and in the private sector. In addition to formal credentials by the U.S. Greenbuilding Council ([www.usgbc.org](http://www.usgbc.org)), the Building Performance Institute ([www.bpi.org](http://www.bpi.org)), The American Rainwater Catchment Systems Association ([www.arcsa.org](http://www.arcsa.org)) and other organizations, Dr. McGhee is also a founding board-member of Austin's Passive House Alliance chapter and is well known domestically and abroad for his advocacy on behalf of the implementation of the standard at historically significant public housing sites. Dr. McGhee has an extensive record of public service in Austin, and is a former member of the city's Board of Adjustment, Community Development Commission, and the 2012 Charter Revision Committee that produced a districts-based city council. He also has an extensive non-profit background, and serves as president of Preserve Rosewood ([www.preserverosewood.org](http://www.preserverosewood.org)) and Vice President of the Burditt Prairie Preservation Association ([www.burdittprairie.org](http://www.burdittprairie.org)). He is also a U.S. Soccer Federation licensed youth soccer coach and is coach of the Montopolis Mantas youth soccer team.

The Vice President of the Montopolis CDC is Susana Almanza, an internationally known environmental justice advocate and founding member and Director of PODER (People

Organized in Defense of Earth and her Resources), a grassroots environmental, economic and social justice organization. An Austin native, Ms. Almanza has spent her life organizing for the advancement of the underprivileged in the neighborhoods of East Austin and beyond. Ms. Almanza has served on the City of Austin's Parks and Recreation Board, the City's Planning Commission, Environmental Board and the Community Development Commission, and is a former two-time candidate for the Austin City Council.

The Secretary of the Montopolis CDC is Noé Elias, a neighbor to the Steen family whose homestead is also located on Kemp Street. A native of Montopolis, Mr. Elias is a public



school teacher with Austin ISD and was a leading member of the grassroots volunteer coalition that preserved the Montopolis Negro School.

The Treasurer of the Montopolis CDC is Lisa Goddard, an award-winning digital marketing and intranet expert. In addition to being a founding member of HotJobs.com, Goddard has extensive non-profit experience in Austin, including at the Capital Area Food Bank of Texas, the Seton Healthcare Network, the Sustainable Food Center, and at University Federal Credit Union, among others.

### Worker Empowerment and Local Preference

Montopolis and Del Valle are home to many members of the Central Texas region's construction workforce. The Montopolis CDC considers it an integral aspect of its community development efforts to facilitate the ability of these hardworking individuals to be able to construct high quality affordable housing near to where they live and at a

prevailing wage. Furthermore, in greenbuilding its product to the highest standards, the Montopolis CDC also furnishes meaningful job skills training that will be in increasing demand as the real estate industry inevitably embraces Passive House inspired carbon reduction methods. Moreover, as a community *based* grassroots organization, it is the policy of the Montopolis CDC to offer client as well employment preference to people living in the organization's service area.

#### On-Site Agriculture, Environmental Stewardship, and Rainwater Catchment

According to the USDA's Food Access Research Atlas and Sarah Stein-Lobovits' 2015 urban GIS analysis of food insecurity in Austin, Montopolis and Del Valle have been food deserts for many years. The Montopolis CDC envisions the drafting of a future site plan for the community village that will embrace many of the tenets of Frank Lloyd Wright's *organic architecture*, including the on-site growing of fruits and vegetables, small-scale animal husbandry, multi-generational "back to nature" programs led by seniors and others living at the village, and similar initiatives.

#### Development Team

- 1.) Montopolis Community Development Corporation  
2316 Thrasher Lane  
Austin, TX 78741  
[www.montopolis.org](http://www.montopolis.org)
- 2.) Furman + Keil Architects  
1211 East 11th Street, Suite 200  
Austin, TX 78702  
<http://www.fkarchitects.net>
- 3.) LOC Consultants, LLP  
Sergio Lozano, P.E.  
Terry Ortiz, P.E.  
1715 E. 7th Street  
Austin, TX 78702  
<http://locconsultant.com>
- 4.) Realty Austin,  
Albert Allen, LEED AP, GRI  
3801 N Capital of Texas Hwy J-180  
Austin, Tx 78746  
[www.livingwellinaustin.com](http://www.livingwellinaustin.com)

#### Financial Capacity Statement

The principals of the Montopolis CDC are Austin public figures of long standing, with decades of service to the community. In his capacity as President of the city's only African-American and disabled veteran owned and operated archaeological and environmental consulting firm, Dr. McGhee has also served as a consultant or sub-

consultant on numerous City of Austin projects. In the past his firm has been certified as an MBE/DBE by the city's Small and Minority Business Resources department, and has also been certified as a HUB by the State of Texas, a HUBZone business by the Small Business Administration, and as a Service Connected Disabled Veteran business by the U.S. Department of Veterans Affairs.

As a rebooted organization after a long period of dormancy, the Montopolis CDC is energetically soliciting private and foundation funding for the Community Village initiative, which a commitment by the City of Austin would help to facilitate. As a new organization, founded in January 2019, no certified audit is as yet available.



Existing Community Prototype





Conceptual Renderings



## REFERENCES

Austin Community Design Center and Guadalupe Neighborhood Development Corporation  
2017 Right to Remain: Montopolis.

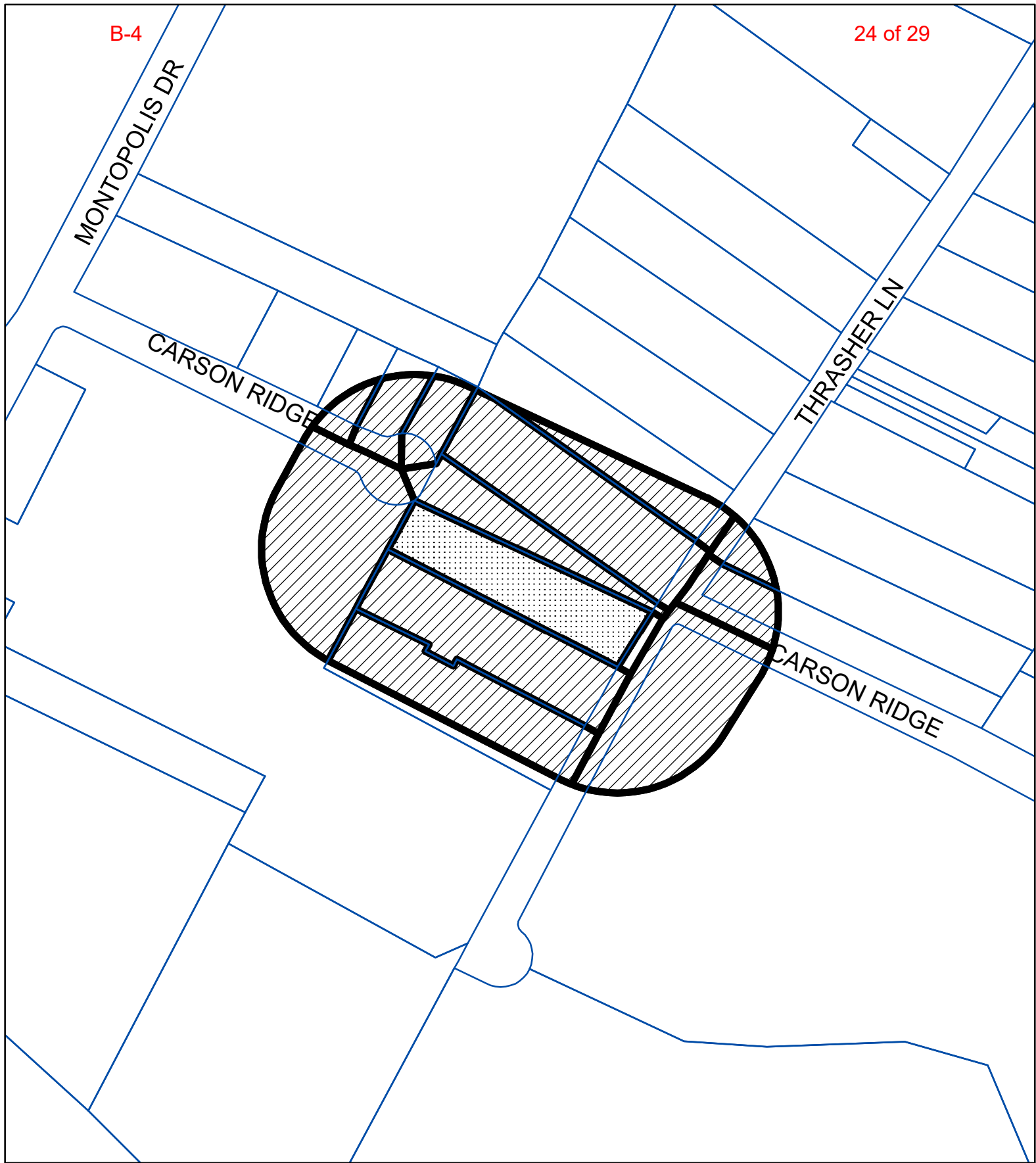
Green, Jarrid with Thomas M. Hanna  
2017 Community Control of Land and Housing. Washington, D.C.: Democracy Collaborative

McGhee, Fred L.  
2016 A People's Plan to Preserve Austin's Public Housing. Austin: Preserve Rosewood.  
2014 *Austin's Montopolis Neighborhood*. Charleston, SC: Arcadia Publishing.

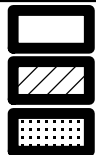
Stein-Lobovits, Sarah  
2015 Food Insecurity in the City of Austin: A GIS Analysis of Structural Indicators.

Way, Heather, Mueller, Elizabeth and Wegmann, Jake  
2018 Uprooted: Residential Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It.

Witliff, James  
2017 Land Development Feasibility Analysis Letter to Octavian Herescu and Michael Vasquez, dated July 13, 2017.



N



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%
<b>Total</b>				<b>326419.75</b>	<b>20.66%</b>



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**

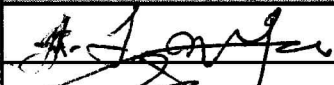

We, the undersigned owners of property located within 200 feet of the property that is the subject of this zoning case oppose the requested zoning change because:

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](mailto: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](mailto:Kate.Clark@austintexas.gov) and [Maureen.Meredith@austintexas.gov](mailto: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

B9 /10

Chair Shaw / Staff response in blue.

Does applicant agree with staff recommendation for CO? **RESPONSE:** Yes, the Applicant is in agreement with the Staff recommendation for a maximum of 10 units.

The backup material state the following regarding the natural gas pipeline on site: *"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."*

What are the compliance requirements within these federal regulations? **RESPONSE:** If a natural gas pipeline operator returns an existing steel pipeline into service, 49 CFR 192.14 requires the pipeline operator prepare and implement the following procedures:

1. The design, construction, operation, and maintenance history of the pipeline must be reviewed by the pipeline operator and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.
2. The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.
3. All known unsafe defects and conditions must be corrected in accordance with this 49 CFR 192.14.
4. The pipeline must be tested in accordance with the requirements in 49 CFR 192.501 to substantiate the maximum allowable operating pressure permitted by the Pipeline Operating Plan. See 49 CFR 192.601. The test pressure is calculated based on the pipe and fittings mechanical properties, method of assembly, and previous test measurements and comply with the permissible pressure & material strength limits in 49 CFR 192.
5. Each pipeline operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of 49 CFR 192.

How did the property get zoned CS when the Neighborhood Plan designates this area as single family? **RESPONSE:** This property was rezoned as part of the Montopolis Neighborhood Plan rezonings adopted by Council on September 27, 2001 (C14-01-0060 – portion of Tract 76). Until that time the property had been zoned SF-3.

The maps provided show Carson Ridge stopping before this property but extending from Thrasher Lane to Maxwell Lane. However, google maps does not show that Carson Ridge is actually developed between Thrasher and Maxwell. Thrasher Lane is essentially a dead end street with limited connectivity. Traffic to the properties zoned CS must pass through a large residential (SF3) neighborhood.

Are there plans to improve connectivity to the CS properties by extending Carson Ridge from Montopolis to Maxwell? **RESPONSE:** Although this property is not included in the East Riverside



Corridor Regulating Plan, the plan does show the extension of Carson Ridge Road from Montopolis Drive to E. Ben White Boulevard. This property is adjacent to property aligned with the other portions of the Carson Ridge right-of-way. Recently, a house was constructed on that property making a roadway connecting Carson Ridge to Thrasher a challenge.

Is it common zoning practice to have a large amount of commercially zoned areas at the end of dead end residential street? **RESPONSE:** No, this is not a common practice. It was discussed and implemented at the time of the Montopolis Neighborhood Plan rezonings.