

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0044 – Saxon Acres Residential Zoning      DISTRICT: 3

ZONING FROM: SF-3-NP      TO: SF-6-NP

ADDRESS: 316 Saxon Lane & 6328 El Mirando Street

SITE AREA: 2.9 acres

PROPERTY OWNER:  
Saxon Acres LLC (Danny Walker)

AGENT:  
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:

<b>July 28, 2020</b>	<b>Scheduled for Planning Commission</b>
July 14, 2020	Approved a Postponement request by the Applicant to July 28, 2020. [A. Azhar; J. Shieh – 2nd] Vote: 13-0.
June 23, 2020	Approved Neighborhood's request to postpone to July 14, 2020 on the consent agenda. [J. Thompson, R. Schneider – 2 <sup>nd</sup> ; P. Seeger was off the dais]. Vote: 12-0.

### CITY COUNCIL ACTION:

<b>July 30, 2020</b>	<b>Scheduled for City Council</b>
----------------------	-----------------------------------

### 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>.

All communication received for this rezoning case can be found in *Exhibit C: Correspondence Received*.

A valid petition of 20.61% has been filed by the adjacent property owners in opposition to this rezoning request. A current map and list of property owners of the petition area and the electronic signatures received to date are included in *Exhibit D: Formal Petition*.

CASE MANAGER COMMENTS:

This property is approximately 2.9 acres in size and is accessed by either Saxon Lane or El Mirando Street. It is currently zoned SF-3-NP and is not developed. Adjacent to the north, west and south of the property are tracts zoned SF-3-NP with a mixture of single family and duplex residential buildings. Across Saxon Lane to the east and southeast are tracts zone GR-NP and LR-NP. Both of these are undeveloped. See *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map* for visual context.

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. The subject property is 2.9 acres in size and on the periphery of the neighborhood. It is also approximately 465 feet (0.08 miles) from the US Highway 183 right-of-way and next to existing properties zoned GR-NP and LR-NP. Rezoning this property to SF-6-NP would provide a transition in use between the existing commercial zoning to the south and east, and residential zoning to the west and north.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3-NP	Undeveloped
North	SF-3-NP	Residential
South	SF-3-NP	Residential
East	GR-NP and LR-NP	Undeveloped
West	SF-3-NP	Residential

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

TIA: A traffic impact analysis is not triggered at this time and should be deferred until the time of site plan when final land uses and intensities are known.

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

OVERLAYS: Airport Overlay (Controlled Compatible Land Use Area) and Residential Design Standards.

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
East Austin Conservancy	SELTexas
El Concilio Mexican-American Neighborhoods	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	Vargas Neighborhood Association
Homeless Neighborhood Association	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0030 200 Montopolis 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	Approved SF-6-NP	In review
C14-2020-0039 Clovis and Kemp Rezoning	SF-3-NP to SF-6-NP	In review	In review

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's base district zoning was not rezoned (changed) during this process.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Saxon Lane	~55'	Existing	24'	1	No	No
El Mirando St.	~95'	Existing	76'	1	No	No

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the north side of the El Mirando Street cul-de-sac and south terminus of Saxon Lane, on vacant parcel that is approximately 2.92 acres in size. The property does not abut nor is it close to an Activity Corridor or Center. This project is located within the boundaries of the Montopolis Neighborhood Planning Area. Surrounding land uses includes single family housing and vacant land to the north; to the south is single family housing; to the east is a duplex, vacant land, the Citivan Neighborhood Park and Pool, and the Montopolis Community Center; and to the west are single family housing and a food processing business, located within a converted house. The proposal is to build an unknown number of condo units, at 13 dwelling units per acres.

Connectivity

A CapMetro bus stop is located 850 feet from the subject property. There are no public sidewalks located along Saxon Lane but there is an intermittent public sidewalk system along El Mirando Street. A community pool and park, a public school, a community center and a variety of retail uses are located within a half of a mile from the subject property. While mobility options are fair, the connectivity options in the area are good.

### *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), zone SF-6 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.

The Montopolis neighborhood has a mix of single-family houses and larger apartment complexes. 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.

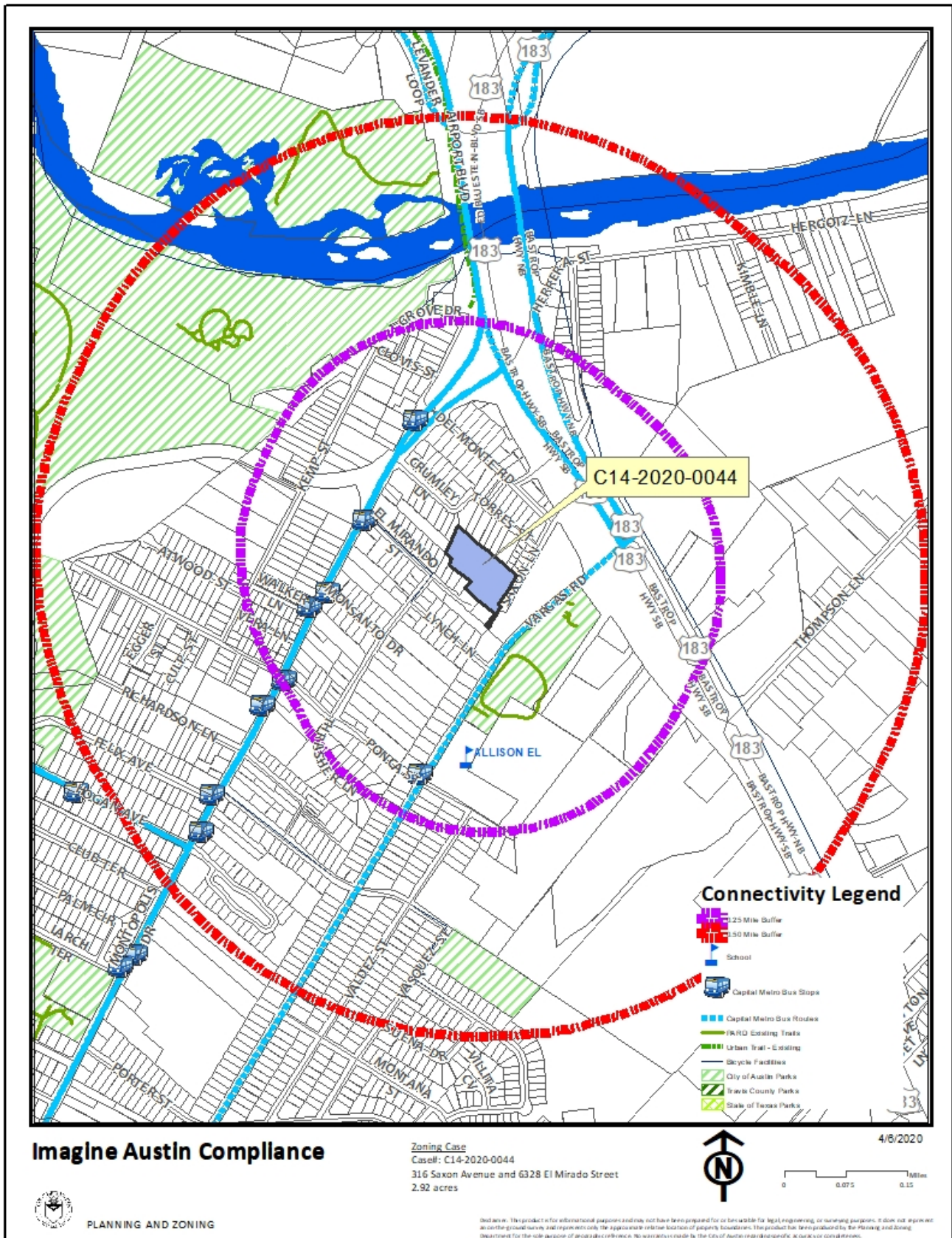
### *Imagine Austin*

The following Imagine Austin policies support the zoning change:

- 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.
- HN P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- 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.

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 new housing, this project supports the Imagine Austin Comprehensive Plan.





### Environmental

This site is located over two watersheds. It is primarily in the Suburban Watershed with a portion in the Urban Watershed. Below are the two different regulations for each watershed.

#### *Suburban Watershed:*

1. 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.
2. 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%

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.

#### *Urban Watershed:*

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
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. 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 two-year storm.
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.

### Site Plan

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

### *Compatibility Standards*

The site is subject to compatibility standards. Along the northern, western, and southern property lines, 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 property zoned SF-5 or more restrictive.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.



- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

#### *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.

#### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, identifies existing right-of-way as sufficient for Saxon Lane, but will be reviewed at the time of site plan. A traffic impact analysis is not triggered at this time and should be deferred until the time of site plan when final land uses and intensities are known.

#### 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 (SER) may be required. Be advised that this site is in an area of wastewater capacity concern and will require SER for wastewater service to evaluate capacity. 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.

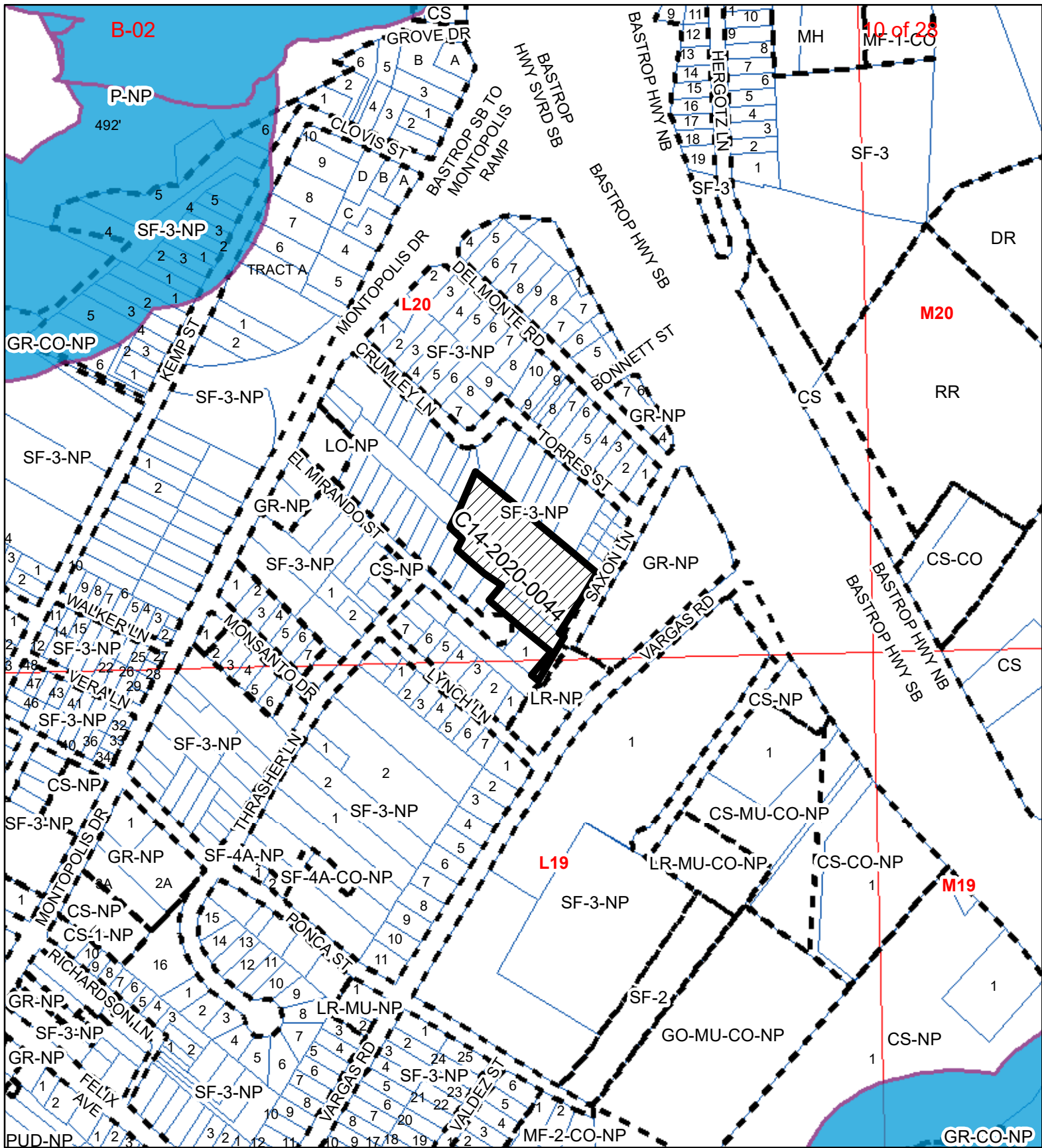
#### INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map





Exhibit C: Correspondence Received

Exhibit D: Formal Petition



## Saxon Acres Residential Zoning

Exhibit A

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

ZONING CASE#: C14-2020-0044  
 LOCATION: 316 SAXON LANE  
 6328 EL MIRANDO ST.  
 SUBJECT AREA: 2.924 ACRES  
 GRID: L20  
 MANAGER: KATE CLARK



1" = 400'

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.







**Clark, Kate**

---

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

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

Hello Kate Clarek: 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)

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

June 18, 2020

To: Kare Clark, Planning Commissioners & Austin City Council Members

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

Re: Opposition to upzoning for the following properties: 1013 & 1017 Montopolis/C-14-2020-0029; 200 Montopolis/C-14-2020-0030; 6201 Clovis & 301 Kemp St/C-14-2020-0039; 200 Montopolis/C-14-2020-0030; 316 Saxon Lane and 6328 El Mirando Street/C-14-2020-0044.

The Montopolis Neighborhood Plan Contact Team met on May 26<sup>th</sup>, 2020 at the Southeast Health and Wellness Center. No representative from Ron Thrower, of the Thrower Design Group appeared at the meeting, who are the representatives for all the above zoning cases. They refused to attend the Contact meeting because they were not comfortable coming to the Montopolis community. The meeting was being held at one of the most sanitized locations, Southeast Health and Wellness Center and the room was huge enough to have social distance. They sent backup material on the day of meeting at 4:13pm.

The Montopolis Neighborhood Plan Contact Team **opposes** the zoning change for all the above listed properties!

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 508 Kemp was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

After emerging successful against the forces of rapacious development at the Montopolis Negro School in 2018, the Montopolis community is once again being besieged by profit-seeking real estate developers with little to no regard for the community's fragile natural and cultural environment, or its iconic history.

Montopolis, also known as "Poverty Island," has a per capita income of \$16,226, a Median Family Income of \$31,875, and a poverty rate of 33% according to 2018 American Community Survey data. Accordingly, we guard our existing SF-3 owned property jealously, as we are a community of families.

The Austin Human Rights Commission has declared gentrification to be a human rights violation. We call upon the Planning Commission and Austin City Council to reject this gentrifying up zoning in the name of racial justice and reconciliation. Montopolis has too much history and culture to be sliced up by the forces of unscrupulous real estate development in this fashion. The highest and best use of our land is protection, not speculation.

**Clark, Kate**

---

**From:** Sofia Ojeda  
**Sent:** Friday, June 12, 2020 6:50 PM  
**To:** Clark, Kate  
**Subject:** Case Number C14-2020-0044

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

The owner's at 6321 Crumley Lane, Austin Tx 78741 **OBJECT** to the subject property being re-zoned.

Case Number: C14-2020-0044

Contact: Kate Clark

Public hearing: June 23, 2020, Planning Commission

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



**Clark, Kate**

---

**From:** Bezner, Janet R  
**Sent:** Thursday, June 18, 2020 1:45 PM  
**To:** Clark, Kate  
**Subject:** Rezoning Concern

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

Dear Ms. Clark,

I am writing to provide input for the Planning Commission meeting next week about the following properties, which are adjacent and near a property I own at 204 Montopolis:

**B-15 (C14-2020-0030 - 200 Montopolis Rezoning, District 3)**  
**B-16 (C14-2020-0029 - Montopolis Acres Rezoning, District 3)**  
**B-17 (C14-2020-0039 - Clovis and Kemp Rezone, District 3)**  
**B-18 (C14-2020-0044 - Saxon Acres Residential Zoning, District 3)**  
**B-19 (C14-2020-0038 - 508 Kemp Street, District 3)**

As you are probably aware, a developer has applied to rezone these lots to an SF-6 designation, which we oppose. The lots are currently zoned SF-3, which we believe is appropriate to preserve single family housing in the neighborhood. We are concerned if the lots are rezoned it will lead to increased traffic, increased property taxes, and greater density and crowding, further stressing our natural resources.

Thank you,  
Janet Bezner and Nancy Lesch  
204A Montopolis  
Austin, TX 78741  
571-234-2841

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

**Clark, Kate**

---

**From:** Hedda Elias  
**Sent:** Friday, June 19, 2020 12:07 PM  
**To:** Clark, Kate  
**Subject:** Zoning Montopolis Neighborhood

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

Dear Planning Commission Members,

In reference to: B-15, B-16, B-17, B-18, B-19

Part of being the anti-racist city that Austin claims to be is to seek out and listen to the voices of the people who live in the neighborhoods affected by development. Listen to how they are struggling to pay the taxes. Listen to how their children cannot afford to keep the house they grew up in. Listen to the Montopolis Contact team. Listen to their plan. Listen to our neighbors who took time out of their days to sign these petitions.

If you are really committed to the ideals of being equitable and anti-racist, you will ask this community how we want to develop and not pay it lip service. Because we do have a plan to keep the people in their homes who have lived here for generations. We do have a plan to help each other repair our houses. We do have a plan to build more affordable housing.

Help us. Don't help the developers who in their proposal will sell this new housing for \$400 a square foot. That is not something I can afford. That is definitely not something my neighbors, with a median income of \$35,000 can afford. We are surrounded by 3 petitions to build townhomes all on the route my daughter practices riding her bicycle on each day. On our tiny street with no sidewalks. These developers did not come speak to the Montopolis Contact team.

We are talking about the gentrification that is happening right now. My husband grew up 2 blocks from where we built our house. Our house is built on land we bought in 2012 for \$65,000. Our property taxes are \$9000 a year. As 2 teachers, we have an income more that most of our neighbors, yet it is difficult for us to pay our taxes. This will make it impossible for us to protest our property values. Impossible to build affordable housing on our street, as we have planned.

Please do your part.

We are counting on you,

Hedda and Noe Elias  
304 Kemp Street

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

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2020-0044**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: July 30, 2020, City Council**

Mark Cullivan

Your Name (please print)

4315 Crumley Ln.

Your address(es) affected by this application

*[Signature]*

Signature

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

6.27.20

Date

Daytime Telephone: 512 826 8156

Comments: We encourage growth in our neighborhood, but not at this scale, and not in our back yard where it eliminates the PRIVACY we have and had when we initially purchased our home. This proposed development may benefit the current owner's bank account, but DEVALUES our quality of life and living as the actual occupants of this space.

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0044  
Contact: Kate Clark, 512-974-1237  
Public Hearing: July 30, 2020, City Council

FRANK T. MONREAL

Your Name (please print)

AUSTIN, TX

209 BONNETT ST

78741

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Frank T. Monreal

7-1-20

Signature

Date

Daytime Telephone: 512-636-6807

Comments:

BONNETT NEIGHBORHOOD ASSOC  
PRESIDENT

Frank T. Monreal

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2020-0044**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: June 23, 2020, Planning Commission**

FRANK T. MONREAL

Your Name (please print)

209 BONNETT ST TX 78741 AUSTIN

Your address(es) affected by this application

Frank T. Monreal

Signature

6-15-20

Date

Daytime Telephone: 512-636-6807

Comments: THIS ZONING IS AGAINST THE  
MONTOPOLEIS FLUM MAP AND DOES  
NOTHING FOR WHAT IS NEEDED IN  
THIS CITY LIKE AFFORDABLE HOUSING

BONNETT NEIGHBORHOOD PRESIDENT  
ASSOCIATION

Frank T. Monreal

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**Kate.Clark@austintexas.gov**

July 10, 2020

Dear Austin Planning Commission and Austin City Council,

I am writing to oppose the zoning change requests across Montopolis (case numbers below) and to support my neighbors and community leaders who also strongly oppose them.

(C14-2020-0030 - 200 Montopolis Rezoning)

(C14-2020-0029 - Montopolis Acres Rezoning, 1013/1017 Montopolis)

(C14-2020-0039 - Clovis and Kemp Rezone, 301 Kemp)

(C14-2020-0044 - Saxon Acres Residential Zoning, El Mirando St.)

Please help fight racial inequality and irreversible harm to our neighborhood by listening to its residents community leaders who continue to speak clearly against these entitlements and zoning changes as well as Austin's history of racial inequity in land-use.

Montopolis is a mostly black and minority family-owned neighborhood fighting to protect its SF-3 zoning and green spaces. We're asking for your support in opposing these changes. There are currently valid petitions against all of these cases.

The Montopolis Neighborhood Plan already allows for more density, commercial, multi-family, and mixed-use, than any other part of Austin and specifically designates areas for this type of development. There is no need to destroy existing SF-3 neighborhood streets when there are plenty of empty SF-6 lots along appropriate traffic corridors that have yet to be developed.

The developers who are asking for these entitlements (all white) have lawyers who use language like "underutilized" and "neglected" to describe these neighborhoods. This language devalues the thriving community who already lives here and overlooks black and minority homeownership.

The developers' lawyers argue that your giving them entitlements will somehow make things more affordable through supply-side trickle-down reasoning. This is an extremely limited view that completely discounts all the negative effects that will occur to the ecology, community, and history of this vulnerable area.

We know these new developments won't be affordable for the current residents of this neighborhood or attract more diversity in any way, and the developers make no enforceable promise to do so.

These changes would overcrowd our peaceful residential streets with cars,



and add more pavement and flooding throughout an ecologically sensitive preserve and the Colorado River.

Adding this much density will accelerate gentrification and rapidly dilute diversity in this important and vulnerable part of town. The city's own statistics show how this has happened throughout Rainey, Holly, and the rest of East Austin. Up-zoning to SF-6 is like putting gasoline on the fire.

Our community leaders have built into their plan an allowance for SF-3 so that a current culture of single family dwellings can continue to thrive and grow well into the future. While growth is inevitable, it can still be done thoughtfully and deliberately, which is why the Montopolis Neighborhood Plan has allowed for special infill options such as "cottage lots" and "small lot amnesty" as well as the use of ADUs. These are already welcome compromises currently in place to address density. No more compromises are needed.

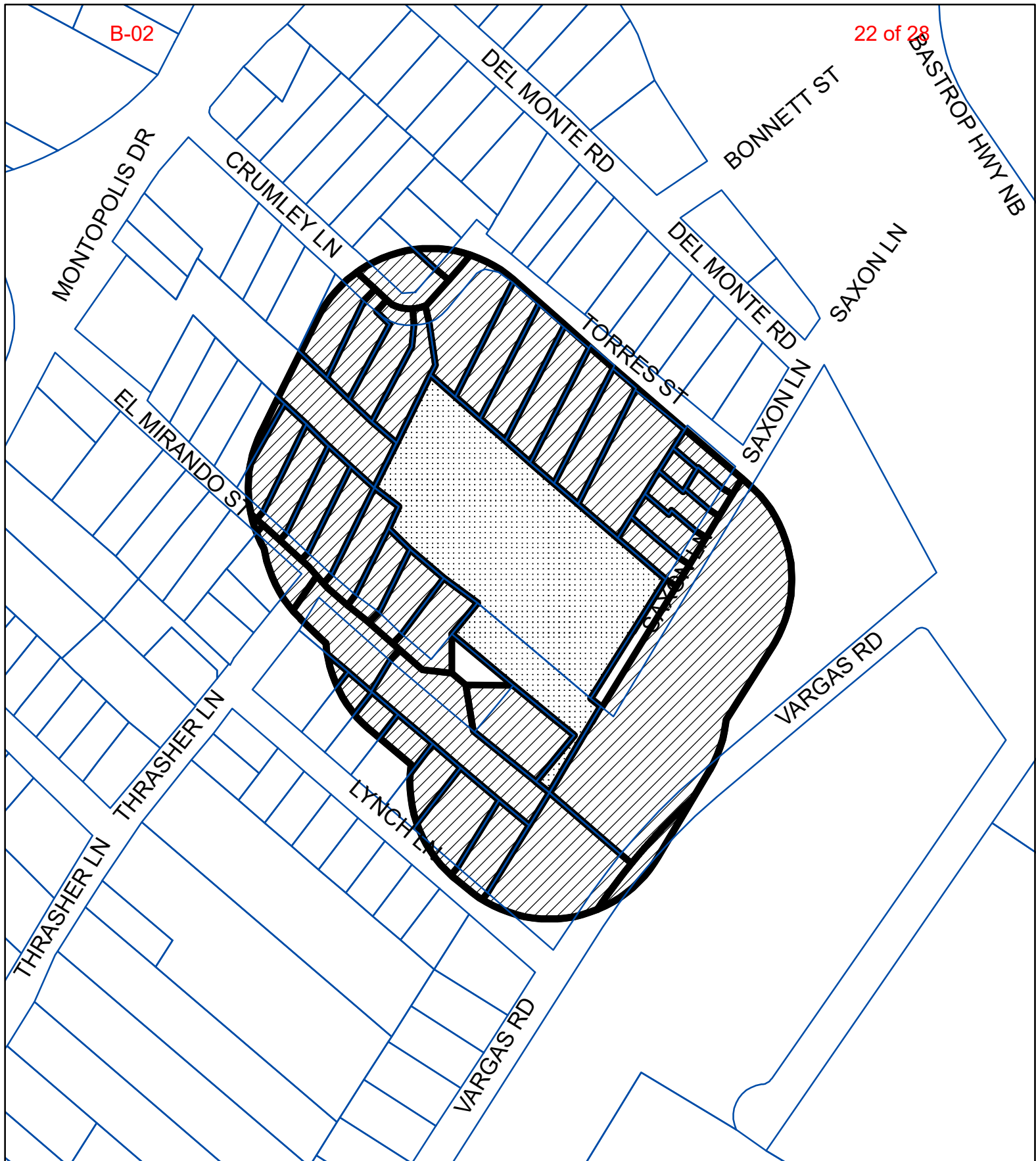
Developers could instead add density to the proposed SF-3 lots by re-platting using the tools already agreed to within the Montopolis Neighborhood Plan.

You are likely already familiar with the history of inequity in land-use in Austin. Please help protect Montopolis by voting against these entitlements, and encouraging developers to use the tools already available or to seek out lots in areas already zoned for this use.

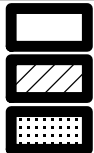
I invite all of you to come take a walk down Kemp Street in the coming weeks. Here you'll find families with young children playing, neighbors taking long walks and chatting in the streets and supporting one another. You'll find our neighbor Miss Annie, who is 105 years old, out in her front yard every day. A colony of whitetail deer graze in the meadows at dawn and dusk, and rare birds migrate through our nature preserve. Call us. We would be happy to show you around with

Our community has come together time and time again to protect our peacefully thriving neighborhood from big development which would cause irreversible harm. It's time to listen to them.

Sincerely,  
Peter Simonite  
621 Kemp St.  
Austin, Texas 78741  
5126332928



N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

**PETITION**

Case#: C14-2020-0044

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 CTM 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****C14-2020-0044**

Date: 6/30/2020

Total Square Footage of Buffer: 466922.4895

Percentage of Square Footage Owned by Petitioners Within Buffer: 20.61%

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
0303170535	6312 EL MIRANDO ST AUSTIN 78741	BARRERA BALDOMERO A JR	yes	1042.67	0.22%
0303170567	6325 TORRES ST AUSTIN 78741	BENITES DANIEL	yes	10531.66	2.26%
0303170521	6325 TORRES ST AUSTIN 78741	BENITES PAULA TORRES	yes	10533.87	2.26%
0303170532	6318 EL MIRANDO ST 78741	CANADA DIJON &	no	7690.47	0.00%
0305180202	505 VARGAS RD 78741	CITY OF AUSTIN	no	4128.49	0.00%
0303170563	306 SAXON DR 78741	CITY OF AUSTIN	no	3932.34	0.00%
0303170531	6320 EL MIRANDO ST 78741	COX JAMES WILLIAM	no	8211.09	0.00%
0305180406	6506 LYNCH LN 78741	CRUZ ANGEL A	no	8719.31	0.00%
0305180406	6506 LYNCH LN 78741	CRUZ ANGEL A	no	26537.54	0.00%
0303170547	6315 CRUMLEY LN 78741	CULLIVAN MARK EDMUND	yes	8046.81	1.72%
0305180413	501 THRASHER LN 78741	GERACI PROPERTIES LLC	no	12929.36	0.00%
0305180412	6400 LYNCH LN 78741	GERACI PROPERTIES LLC	no	689.15	0.00%
0305180414	EL MIRANDO ST 78741	GERACI PROPERTIES LLC	no	24239.55	0.00%
0303170530	6320 1/2 EL MIRANDO ST AUSTIN 78741	GONZALES DAVID ESPINO JR	no	8567.18	0.00%
0304160306	6319 EL MIRANDO ST AUSTIN 78741	GREEN CART HOLDINGS LLC THE	no	5492.10	0.00%
0305180411	6404 LYNCH LN AUSTIN 78741	GUERRERO GLORIA	no	1861.49	0.00%
0303170550	6321 CRUMLEY LN 78741	GUZMAN THEODORO M JR &	yes	8706.17	1.86%
0305180408	6410 LYNCH LN 78741	HISBROOK REAL ESTATE LLC	no	5188.83	0.00%
0303170566	312 SAXON LN AUSTIN 78741	MARTINEZ VICTOR & ROSA F	no	5569.90	0.00%
0303170561	310 SAXON LN AUSTIN 78741	MENDOZA SILVERIO R	yes	4878.06	1.04%
0303170560	SAXON LN 78741	MENDOZA SILVERIO R	no	2121.52	0.00%
0303170564	308 SAXON LN 78741	MENDOZA SILVERIO R	no	2748.12	0.00%
0303170620	6304 TORRES ST AUSTIN 78741	MENDOZA THERESA MONREAL	no	2243.85	0.00%

0303170548	6317 CRUMLEY LN AUSTIN 78741	MONREAL MARGARET & JOSE RAMIREZ	yes	7403.37	1.59%
0303170522	6401 TORRES ST 78741	OJEDA ANNIE	no	10016.09	0.00%
0303170523	6403 TORRES ST AUSTIN 78741	OJEDA ANNIE	yes	9827.22	2.10%
0303170519	6321 TORRES ST AUSTIN 78741	OJEDA SATURNINA MONREAL & JUANITA MONREAL	yes	16862.06	3.61%
0303170549	6319 CRUMLEY LN AUSTIN 78741	RAMIREZ JOSE	no	8635.32	0.00%
0305180409	6408 LYNCH LN AUSTIN 78741	SALINAS LEROY	no	3481.80	0.00%
0305180407	6500 LYNCH LN 78741	SALMAC CONST & EXCAVATING LLC	no	11278.81	0.00%
0303170529	6322 EL MIRANDO ST 78741	SEPEDA JUANITA C	no	6177.78	0.00%
0305180410	6406 LYNCH LN 78741	SOLIS ESTEBAN	no	2557.10	0.00%
0303170553	314 SAXON LN 78741	SUBURBAN INVESTMENTS LLC	no	4755.75	0.00%
0303170539	415 MONTOPOLIS DR	TEXAS CONFERENCE ASSOCIATION OF	no	15723.27	0.00%
0303170533	6316 EL MIRANDO ST AUSTIN 78741	TIJERINA GUADALUPE	no	8010.66	0.00%
0303170520	6323 TORRES ST AUSTIN 78741	TORRES OLGA & REYNALDO	no	10707.92	0.00%
0303170621	6300 TORRES ST AUSTIN 78741	TORRES REYNALDO & OLGA	no	8282.44	0.00%
0303170557	6326 EL MIRANDO ST AUSTIN 78741	TURNER PATRICIA F ETAL	no	9974.04	0.00%
0304200402	400 VARGAS RD 78741	VARGAS PROPERTIES I LTD &	no	101358.42	0.00%
0303170534	6314 EL MIRANDO ST 78741	VELASQUEZ GILBERT & DORIS	no	7608.81	0.00%
0303170524	6405 TORRES ST 78741	VERASTEGUI MARY HELEN &	yes	18418.26	3.94%
0303170701					
0303170702	6324 EL MIRANDO ST A	HELMERS BRIAN & LORI			
0303170703	6324 EL MIRANDO ST B	GALLARDO ADRIAN	no	7621.47	0.00%
0303170801					
0303170802	6332 EL MIRANDO ST A	HUANG KAI Y			
0303170803	6332 EL MIRANDO ST B	SFC SOFTWARE FACTORY LLC	no	14791.35	0.00%
<b>Total</b>				<b>458101.48</b>	<b>20.61%</b>

PETITIONDate: June 15, 2020

File Number: C14-2020-0044

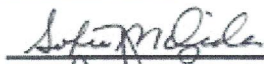
Address of Rezoning Request: 316 Saxon Lane &amp; 6328 El Mirando Street

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-NP Family Residence district.

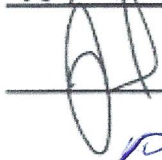
The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 316 Saxon Lane & 6328 El Mirando Street was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Sofia M. Ojeda

6321 Crumley Lane, Austin, Tx 78741



THEODORE M. GUZMAN JR 6321 Crumley Ln, Austin, TX 78741

Paula Benites Paula Benites 6325 Torres ST. Austin TX 78741

Bruce Fell BRUCE FELL 6408 Dec Monte Rd  
Executor of Estate

Mary Manor Mary Manor 6311 El Mirando Austin TX 78741

Albina Johnston ALBINA JOHNSTON 407 MONTOPOLIS

Contact Name: FRANK T. MONREAL Phone Number: 512-636-6807



Date: 6-15-20

File Number: C14-2020-0044

Address of Rezoning Request: 316 Saxon Lane &amp; 6328 El Mirando Street

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-NP Family Residence district**.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 316 Saxon Lane & 6328 El Mirando Street was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

Frank T. Monreal FRANK T. MONREAL 209 BONNETT ST. AUST. TX

Saturnine Monreal Ojeda Saturnina Monreal Ojeda 6321 Torres St.

F. D. Patterson F. D. Patterson 208 Bonnett St Austin TX 78741

Daniel Benites Daniel Benites 6325 Torres ST. Austin TX 78741

Annie M. Ojeda Ojeda Annie M. 6403 Torres St

Mark Cullivan Mark Cullivan 6315 Crumley Ln. ATX 78741

Kourtney Moon Kourtney Moon 6315 Crumley Ln Austin TX 78741

Margaret Monreal Margaret Monreal 6317 Crumley Ln 78741

Manghela Verastegui Manghela Verastegui 6405 Torres St 78741

Contact Name: FRANK T. MONREAL Phone Number: 512-636-6807



Date: 6-15-20

File Number: C14-2020-0044

Address of Rezoning Request: 316 Saxon Lane &amp; 6328 El Mirando Street

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-NP Family Residence district.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 316 Saxon Lane & 6328 El Mirando Street was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

<u>Susie Avalos</u>	<u>SUSIE AVALOS</u>	<u>6309 EL MIRANDO</u>
<u>Blanca Cantu</u>	<u>LEONARDO CANTU</u>	<u>6313 EL MIRANDO</u>
<u>Baldo Banera</u>	<u>Baldo Banera</u>	<u>6312 EL MIRANDO ST.</u>
<u>AMANDA CANTU</u>	<u>AMANDA CANTU</u>	<u>6312 EL MIRANDO ST.</u>
<u>Esmeralda Sanchez</u>	<u>Esmeralda Sanchez</u>	<u>6314 EL MIRANDO ST</u>
<u>L</u>	<u>Executor of Estate</u> <u>Loretta A. Menchaca</u>	<u>6307 EL MIRANDO ST</u>

Contact Name: FRANK T. MONREAL Phone Number: 512-636-6807

PETITIONDate: 6-15-20

File Number: C14-2020-0044

Address of Rezoning Request: 316 Saxon Lane &amp; 6328 El Mirando Street

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-NP Family Residence district.

The Montopolis Neighborhood Plan was completed under City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27<sup>th</sup>, 2001. The property at 316 Saxon Lane & 6328 El Mirando Street was approved as SF-3-NP. We ask that the Austin City Council respect the adopted Montopolis Neighborhood Plan.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

<u>Sylvia Verastegui</u>	<u>Sylvia Verastegui</u>	<u>6405 Torres Austin, TX 78741</u>
<u>Silverio Mendoza</u>	<u>Silverio Mendoza</u>	<u>310 Saxon Ln. Austin, TX 78741</u>
<u>Matilda Mendoza</u>	<u>Matilda Mendoza</u>	<u>310 Saxon Ln. Austin, TX 78741</u>

Contact Name: FRANK T. MONREAL Phone Number: 512-636-6807