

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN:** North Austin Civic Association Neighborhood Plan

**CASE#:** NPA-2014-0007.01

**DATE FILED:** February 19, 2014

**PROJECT NAME:** 1005 Prairie Trl

**PC DATE:** April 22, 2014

**ADDRESS/ES:** 1005 Prairie Trail

**SITE AREA:** Approx. 16,708 sq. ft. (0.3836 acres)

**APPLICANT/OWNER:** Minh-Tu Ngoc Doan

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2014-0026

**From:** SF-2-NP

**To:** CS-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** June 29, 2000

**PLANNING COMMISSION RECOMMENDATION:** April 22, 2014: NOT RECOMMENDED (7-0-2) [J. NORTEY – 1<sup>ST</sup>; D. CHIMENTI- 2<sup>ND</sup>; M. SMITH, B. ROARK- ABSENT]

**STAFF RECOMMENDATION:** Not recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** The applicant requests a change in the future land use map from Single Family to Mixed Use. The property is located on a residential street that has high-intensity commercial uses already located on it starting from North Lamar Boulevard moving west towards this property. The neighborhood plan recommends that commercial growth be located along North Lamar and for residential areas to be protected.

Staff believes the request to change the land use to Mixed Use is not consistent with the plan because the change would increase commercial use along a residential street.

Below are sections of the neighborhood plan that do not support the applicant's request for Mixed Use.

### **Land Use, Zoning and Code Enforcement**

**Overall Goal:** Strengthened code enforcement to bring stability and improve the appearance of the neighborhood. Maintain and enhance existing zoning for future development to improve land use and the quality of life in the neighborhood. Prevent additional commercial development within the residential areas and maintain a residential core bounded by commercial and mixed-use development to maximize economic development and aesthetic appeal of all land use types.

### **Planning Principles**

1. The City should direct growth along Lamar Boulevard and away from the single-family residential areas of the neighborhood.
2. NACA supports the enforcement of building codes and City ordinances in the neighborhood.
3. Work with the City, businesses, and property owners to ensure that all properties in the neighborhood are well maintained.

**Goal 1:** Protect and enhance the existing neighborhood through code enforcement and property maintenance activities.

**Objective 1:** Improve enforcement of existing ordinances related to buildings and property.

**Objective 2:** Encourage improved residential and business property maintenance and appearance.

**Goal 2:** Establish land use and zoning for future development that will improve the quality of life for neighborhood residents and businesses.

**Objective 1:** Establish appropriate zoning and development guidelines to enhance and protect the neighborhood.

**Objective 2:** Rezone and recommend alternatives for reuse and redevelopment to protect the residential areas of the neighborhood and to direct growth along Lamar Boulevard.

**Objective 3:** Direct future growth along Lamar Boulevard and make Lamar Boulevard a "Great Street."

### *Transportation*

**Goal 2:** Protect residential areas from impacts of through traffic and improve traffic flow in the neighborhood.

**Objective 1:** Improve and make safe the flow of traffic through the neighborhood.

## **LAND USE DESCRIPTIONS**

### **Existing land Use**

**Single Family** - Single family detached or two family residential uses at typical urban and/or suburban densities.

### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing

### **Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

## **Proposed Land Use**

**Mixed Use** - An area that is appropriate for a mix of residential and non-residential uses.

### **Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses

### **Application**

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

## **IMAGINE AUSTIN PLANNING PRINCIPLES**

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and

have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.

- ***The proposed plan amendment change does not support this principle because it requires a zoning change that is too intense for a residential street and would expand the inappropriate commercial zoning that already exists.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
    - ***This property is on a residential street and not on an activity corridor, although it is within walking distance to North Lamar Boulevard which is an activity corridor where mixed use would be compatible. The proposed change to Mixed Use land use is more appropriate for North Lamar Boulevard.***
  3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***The request to change the land use to Mixed Use does not support this principle because CS-MU zoning (which triggers the Mixed Use change to the future land use map) should be located along a commercial street and not on a residential street.***
  4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The applicant's proposal to expand the existing house could be considered adding to the variety of housing choices, but would require a zoning change that is not consistent with plan's goal to protect residential areas from additional commercial uses.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***Expanding the existing commercial zoning and land uses on a residential street does not support this principle.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***This property is not located within an environmental sensitive area.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***

9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - *Not applicable.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - *If the owner were to be approved for the commercial zoning, a business could operate there thus creating jobs in the area, however, it is not an ideal location for a commercial uses being located on a residential street surrounded on three sides by residential zoning and land uses.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
  - *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
  - *Not applicable.*

**BACKGROUND:** The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use. In the associated zoning case C14-2014-0026, the applicant proposes to change the zoning on the property from SF-2-NP (Single Family Residence – Standard Lot – Neighborhood Plan) to CS-MU-NP (General Commercial Services District – Mixed Use – Neighborhood Plan).

On the plan amendment application the owner states the proposed use is for a plant nursery, however, at the plan amendment meeting he stated the purpose of the zoning change to CS-MU-NP would be to build an extension to his home for which he needs the higher impervious cover to accomplish this. The impervious cover for SF-2 – Single Family Residence – Standard Lot zoning district is 45% and the impervious cover for CS – General Commercial Service is 95%.

The property has a number of Code Enforcement issues that are described in more detail in the zoning case report.

**PUBLIC MEETINGS:** The ordinance-required plan amendment meeting was held on March 25, 2014. Approximately 180 meeting notices were mailed to property owners and utility account holders located within 500 feet of the property, in addition to neighborhood groups and environmental organization who requested notification for this area. Eighteen people attended the meeting.

After city staff gave a brief introduction regarding the applicant's request and the planning process in general, the applicant made the following presentation.

Minh Doan, the owner/applicant, said he does not want a commercial use like the commercial uses down the road from his property. He wants to build a 9,000 sq. foot house, but he needs the higher impervious cover that is allowed in the commercial zoning. His existing impervious cover limits him to 45% for single family lot. He has a site plan waiting for approval at the City, but he needs the zoning changed so he can move forward. He said his front yard is clean and he promises to keep the neighborhood clean.

After his presentation, the following questions were asked:

**Q. You're just a single person, why do you want to add more square footage to you home?**

A. The City only allows an addition to your house that is no more than 50% of the existing structure. I want add more than 50% so my mother can move in with me.

**Q. What about traffic?**

A. I won't add traffic to the street.

**Q. When you bought the house and moved in, big trucks brought in bricks and building material and then the Code Enforcement cited you. What are you building? Did you get fined?**

A. Yes, I got fined.

**Q. Why didn't you get a permit before you starting building?**

A. I saw the same kind of buildings in the neighborhood so I thought I could do it on my property. The previous owner parked trucks on the property so I thought it was commercial property.

**Q. Are you building a home or a commercial building?**

A. No, I don't want to start a business, but I might want to also have a green house, too.

**Q. Why were you cited for building a commercial building on the lot? And weren't you doing auto repairs on the property?**

A. I made the building, for a garage, out of steel for safety and the steel is stronger than wood. I do auto repair for my friends. My dad kicked me out and I needed a place to store my stuff. Code Enforcement said the building in the back that I built was a commercial building.

**Q. Where to you plan to build the house?**

A. Behind my house.

**Q. You said you also own the vacant property two lots down that are currently used as parking.**

A. I eventually want to build on that lot.

**Q. Will you add another story to your house?**

A. Yes.

**Q. We want to keep our neighborhood quiet.**

A. I won't bring a major impact to the neighborhood.

**Q. Isn't it your house with the mirror ball in the backyard? It's not appropriate for our neighborhood and it bothers me.**

A. Yes, it's my mirror ball.

**Q. You act as if you've been respectful to the neighborhood, but you're not.**

A. I don't intend to bother you, but my friends come over and party with me.

**Q. We're still confused about what you want to do with the property. First you say you don't want a commercial business, and then you say maybe you'll have a commercial business. Please just tell us what you really want to do with the property.**

A. I want to build a big house. I want to build what the neighborhood has.

**Q. How high to you plan to build the second story?**

A. Twenty-four feet in height is what I propose to build.

**Q. Do you have the blue print of what you plan to build?**

A. Yes. My engineer will show it to you.

**Q. What business do you want to do?**

A. I'm not sure what I want to do.

**Q. Why not just buy a commercially zoned lot?**

A. My neighbor has a commercial use on his lot that's right next to mine.

**Q. You park you cars on the grass and we don't like it.**

A. I want to pave the driveway some more so I don't have to park on the grass.

The meeting adjourned at 7:30 p.m. after all the questions were asked.

The North Austin Civic Association Planning Contact Team does not support the plan amendment request for Mixed Use. Please see their letter on page 9-10.

Comment forms from people within 500 feet are located at the back of this report.

**CITY COUNCIL DATE:** May 22, 2014

**ACTION:** Pending.

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov



**Letter from the NACA PCT**

March 31, 2014

Ms. Maureen Meredith

Senior Planner, Plan Amendment

Planning Development Review Department

City of Austin

RE: NPA Case #: NPA-2014-0007.01

Zoning Case #: C14-2014-0026

Dear Ms. Meredith:

The North Austin Civic Association Neighborhood Plan Contact Team (Team) attended the public meeting on March 25, 2014 at the Little Walnut Creek Library. The Team members attending were:

Angela Baker

Karen Dunlap

Gabe Rojas

Brian Almon

Virginia Almon

Mr. Minh Doan is requesting for his property at 1005 Prairie Trail a proposed zoning change from SF-2-NP to CS-MU-NP and a proposed plan amendment from Single Family to Mixed Use. The Team heard comments from the applicant and his neighbors who live on Prairie Trail. Mr. Doan, as stated in the application, wants the change to install a plant nursery.

However, Mr. Doan stated at the meeting in response to questions from his neighbors that he does not want to operate a business but is only requesting the change in zoning to accommodate a 9,000 square foot house for his mother who will be residing with him in the future. The current zoning will only allow a maximum building coverage of 40 percent of the lot size. Mr. Doan lot is 16,708 sq. ft. which would allow a building coverage of only 6,683 sq. ft.

Several comments were made regarding the impact of a commercial zoning for this property. If it received a commercial zoning, it would allow many types of businesses that are not compatible with a residential neighborhood. The properties on Prairie Trail east of Mr. Doan's property are zoned commercial, but the properties west of Mr. Doan's property are zoned residential. The commercial properties were in-place when the neighborhood plan was adopted in 2000 by the City Council.

In the NACA neighborhood plan, one of the critical development issues (page 7 of the Plan) states that "the neighborhood wants to preserve and protect the single-family and multifamily areas of the neighborhood especially from incompatible and encroaching industrial and commercial uses." Mr. Doan's application would violate this desire of the neighborhood.

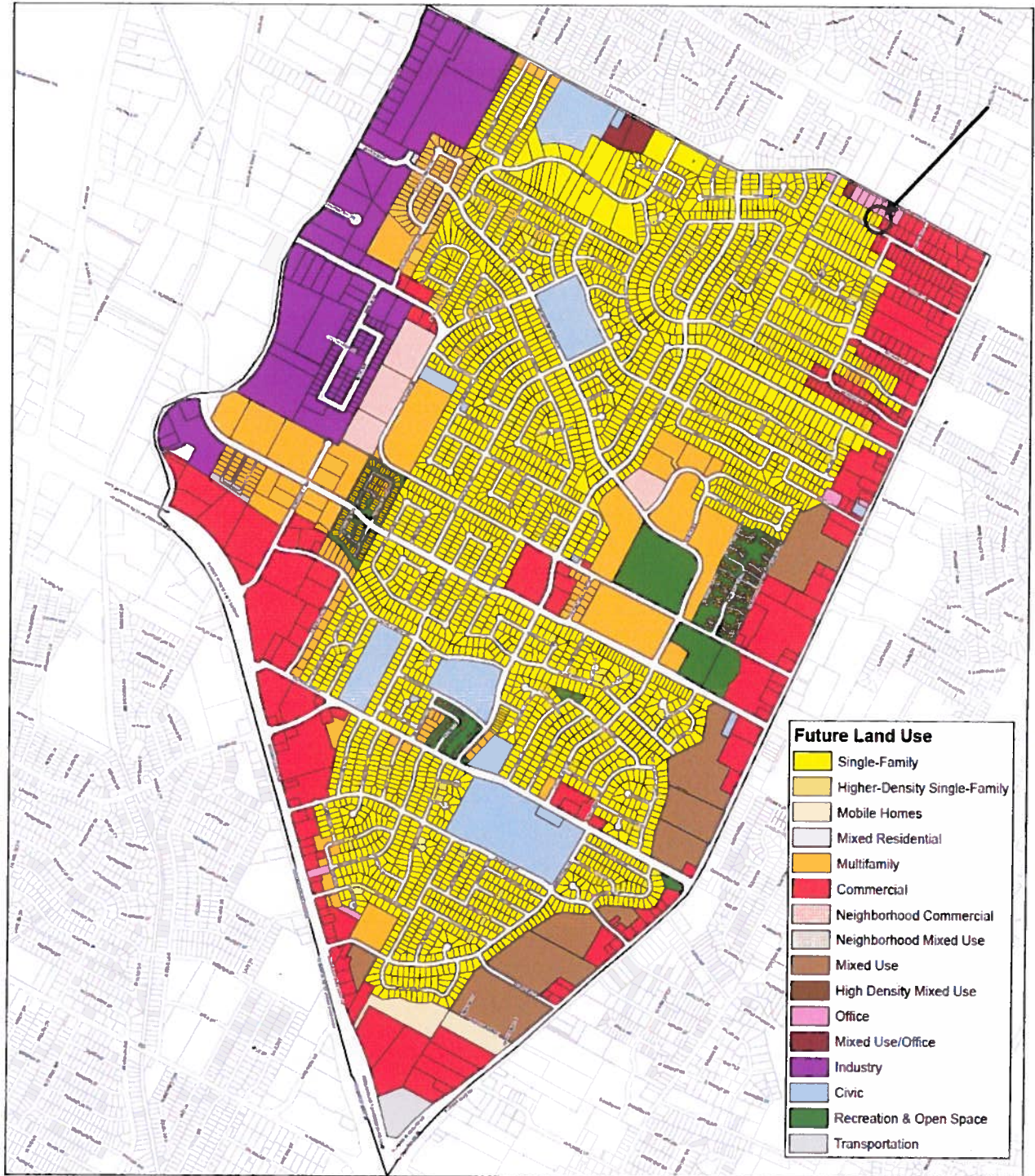
In conclusion, a vote of the contact team was conducted at the end of the meeting and all the members present did not support the request of Mr. Doan to change the zoning and amend the neighborhood plan. Two members of the team voted by email, Le Trong voted for and Dawn Johnson voted against the rezoning and plan amendment.

Sincerely yours,

T. Brian Almon

Chairman

North Austin Civic Association Neighborhood Plan Contact Team



## North Austin Civic Association Neighborhood Plan

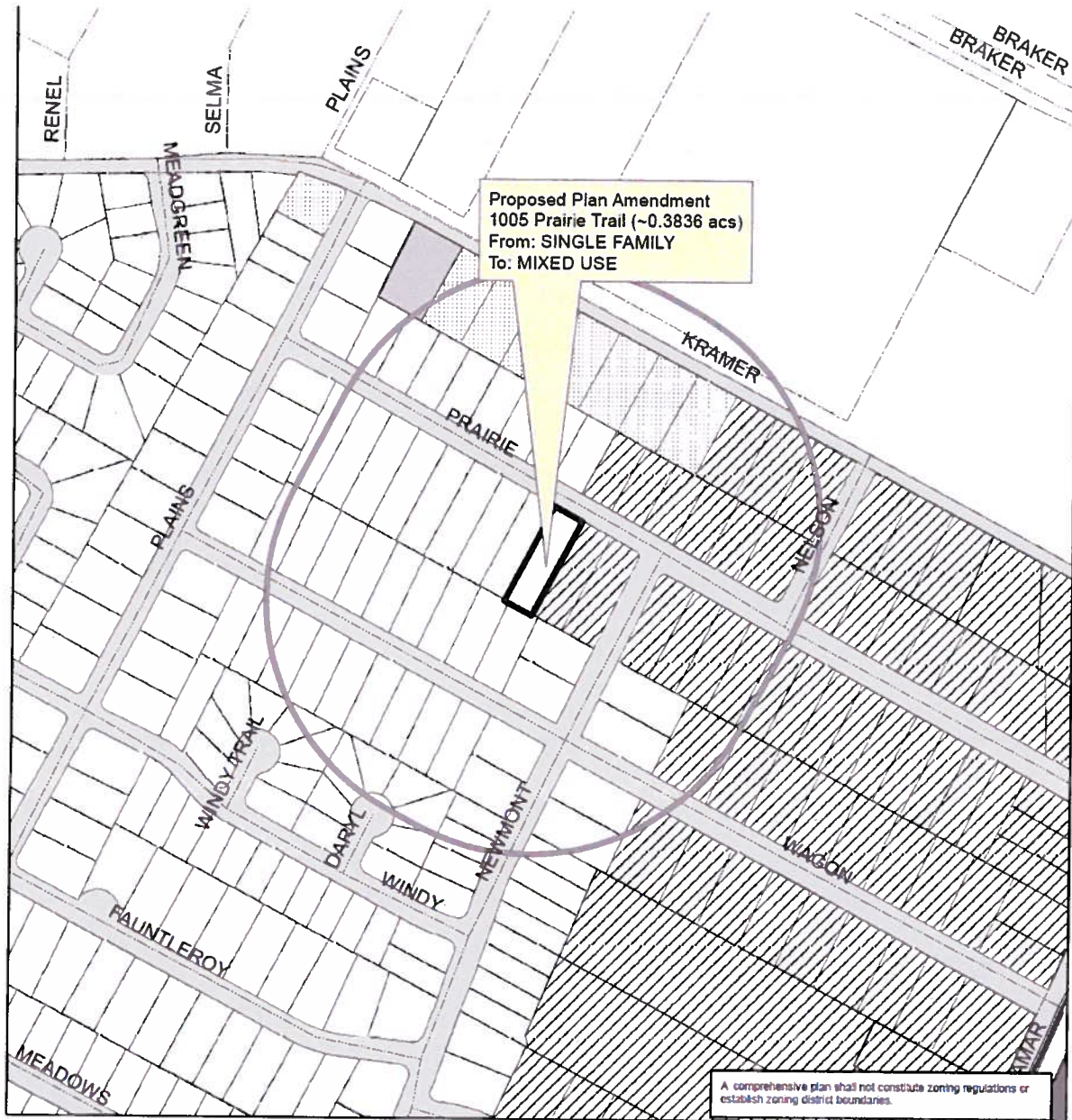
Future Land Use Map  
Adopted June 2000  
Last Amended 1/24/2011

Planning & Development Review Department

A comprehensive plan shall not  
constitute zoning regulations or  
establish zoning district boundaries.







## North Austin Civic Association Neighborhood Plan NPA-2014-0007.01

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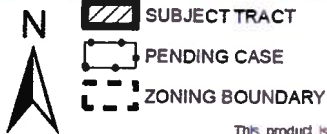
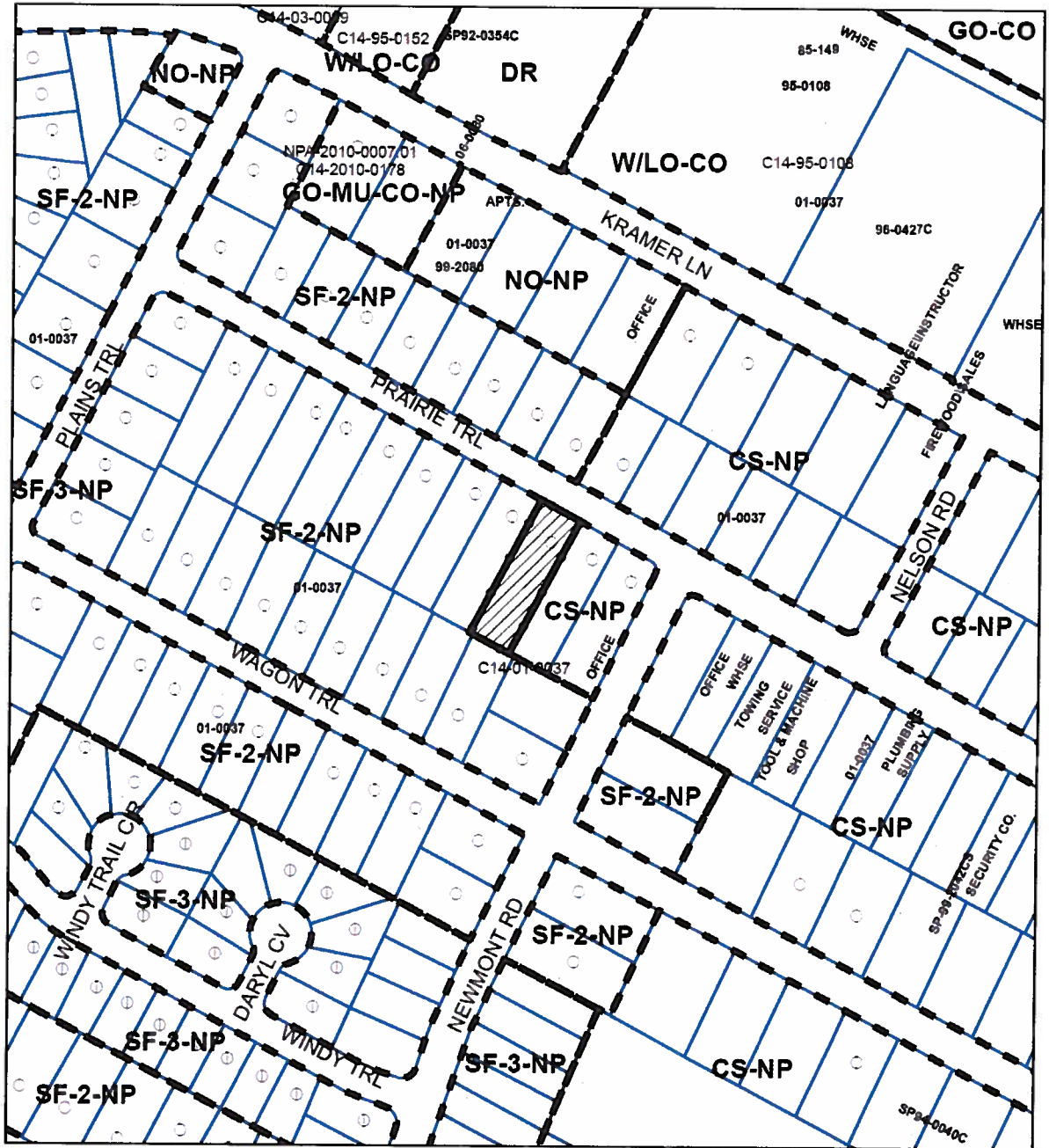
City of Austin  
Planning and Development Review Department  
Created on April 9, 2014\_M Meredith

0 110 220 440 Feet



### Legend

- Core Transit Corridors
- 500ft notification boundary
- NPA CASES
- Commercial
- Mixed Use
- Mixed Use/Office
- Office
- Single-Family
- Transportation



1" = 200'

**ZONING**  
CASE#: C14-2014-0026

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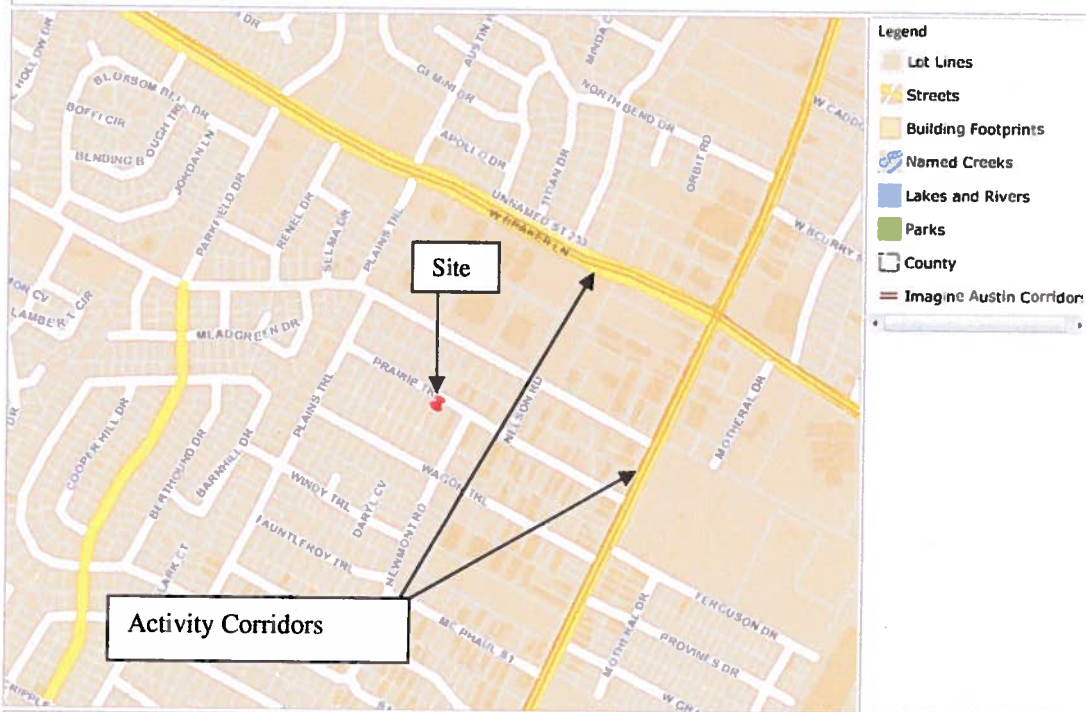








CITY OF AUSTIN DEVELOPMENT WEB MAP

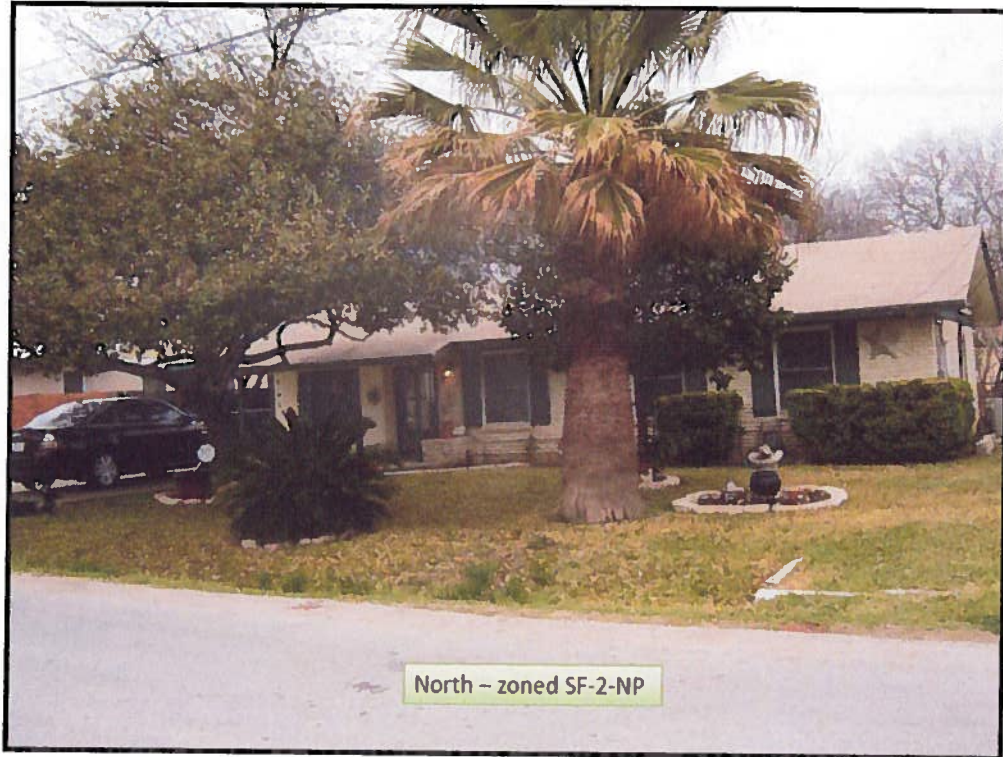


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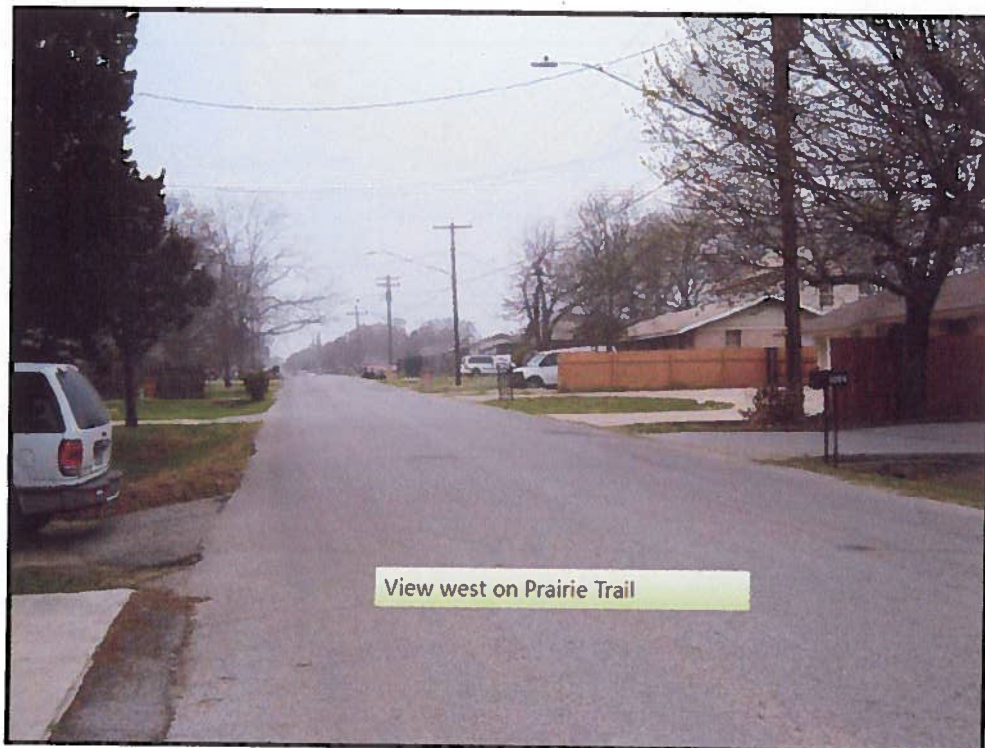












## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Development Review Department  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0007.01

Contact: Maureen Meredith

Public Hearing: Apr 22, 2014, Planning Commission

May 22, 2014, City Council

FRID R. PERALES

Your Name (please print)

1006 PRAIRIE TRAIL

Your address(es) affected by this application

*FRID R. PERALES* 4-14-14

Signature

Date

Comments:

I BOUGHT PURCHASED THIS PROPERTY IN 1968 AND SEEN ALL FAMILIES ENJOY THE NEIGHBORHOOD. IT MAKES A BIG DIFFERENCE WHEN ONE PROPERTY CHANGES TO BUSINESS USE (NON-RESIDENTIAL USES). ~~THAT~~ YOU HAVE MACHINE WORKING NEXT TO YOUR HOME. HOW WOULD YOU LIKE THIS KIND OF ARRANGEMENT NEXT TO YOUR HOME.

☐ I am in favor  
☒ I object

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Case Number: NPA-2014-0007.01

Contact: Maureen Meredith

Public Hearing: Apr 22, 2014, Planning Commission

May 22, 2014, City Council

Jesse Maniccia

Your Name (please print)

1000 Kramer Lane

Your address(es) affected by this application

*Jesse Maniccia* 4/14/14

Signature

Date

Comments:

residential areas should not transition to 'commercial' simply to accommodate FAR or impervious cover desires

☐ I am in favor  
☒ I object

# **PUBLIC HEARING COMMENT FORM**

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

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Case Number: NPA-2014-0007.01  
 Contact: Maureen Meredith  
 Public Hearing: Apr 22, 2014, Planning Commission  
 May 22, 2014, City Council

☐ I am in favor  
☒ I object

Your Name (please print)  
RONALD E. WARDEN

1103 PRAIRIE TR.

Your address(es) affected by this application

Ronald E. Warden

Signature

Date

4-28-14

Comments: ALREADY TO MUCH TRAFFIC & NOISE  
ON PRAIRIE TR. SPEED BUMPS INSTALLED IN  
FRONT OF MY HOUSE "HOLDING MY APPEAL"  
HAVE CAUSED MORE NOISE & POLLUTION FROM  
WRECKERS - FREIGHT TRUCKS AND OTHER VEHICLES  
HAVE BEEN HOME DIANER AT 1103 PRAIRIE TR.  
SINCE MARCH 1968. THIS IS A S-F RESIDENTIAL  
AREA, DONT NEED ANYMORE COMMERCIAL  
BUSINESS ON MY STREET. CREEPING TOWARD  
MY HOME. THANK YOU VERY MUCH!!