

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: North Austin Civic Association

CASE#: NPA-2018-0007.01

DATE FILED: February 28, 2018 (In-cycle)

PROJECT NAME: Mechanic Shop

PC DATE: May 8, 2018

ADDRESS: 10809 Newmont Road

DISTRICT AREA: 4

SITE AREA: 0.3907 acres

OWENR/APPLICANT: Tuan Anh Huyah

AGENT: Bang Huyah

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: *Mixed Use

*(*Note: Original application was for Commercial land use, but was revised on April 18, 2018 by the applicant to request Mixed Use land use)*

Base District Zoning Change

Related Zoning Case: C14-2018-0023

From: SF-2-NP

To: CS-MU-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: June 29, 2000

PLANNING COMMISSION RECOMMENDATION:

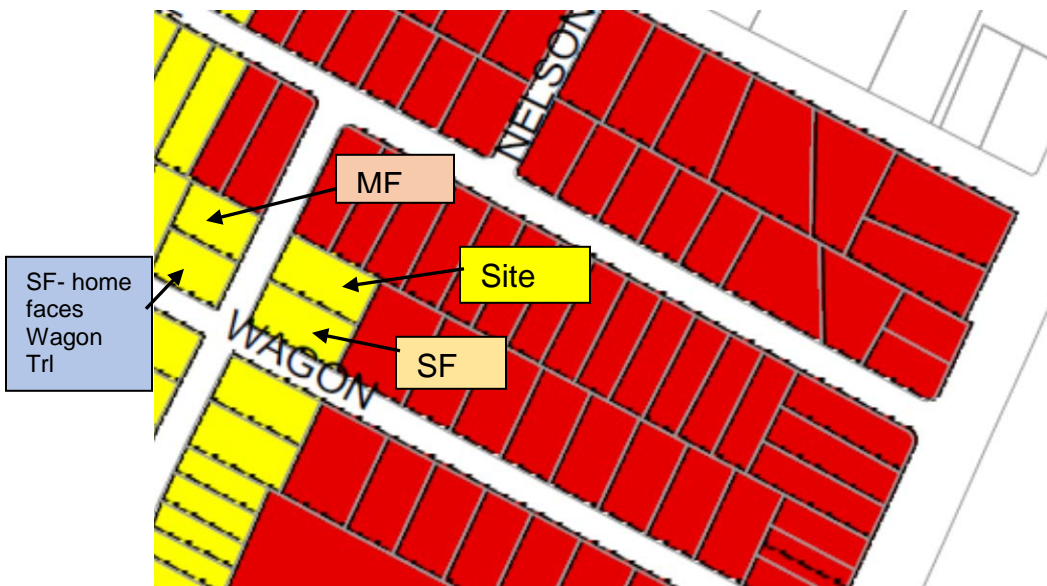
May 8, 2019 -

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request for the Mixed Use land use in this location because staff envisions the last remaining single

family lots (this property and the one directly to the south) that back up to commercial zoning and land uses will transition to a commercial uses as well.

The Goals, Objectives and Recommendations in the plan document tends to have a heavy focus on code enforcement issues in the planning area. There are recommendations to protect the residential areas from commercial uses which would not tend to support this plan amendment change, but staff feels these last two single family lots within this commercial block will transition to commercial to complete the block.



Neighborhood Plan

1. 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.

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.

Action 18. Rezone the parcels within the area bounded by North Lamar Boulevard, Kramer Lane, Newmont Road and Sagebrush Drive from Limited Industrial (LI) to Commercial Services (CS) to protect the single family residences in this area. (See Proposed Land Use Map) Primary Implementers: DRID

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

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~~ **family areas** shall 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 options~~ **family options** (Duplex, Secondary Apartment, Single Family Attached, Two ~~Family Residential~~ **Family Residential**) appropriate for this type of infill development.

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 ~~yfarials~~ 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 ~~of family (Duplex),~~ Secondary Apartment, Single Family Attached, Two ~~if family Residential~~ appropriate for this type of infill development.

PROPOSED LAND USE ON THE PROPERTY

Mixed Use - An area that is appropriate for a mix of residential and non ~~residential~~

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live ~~space for~~ 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

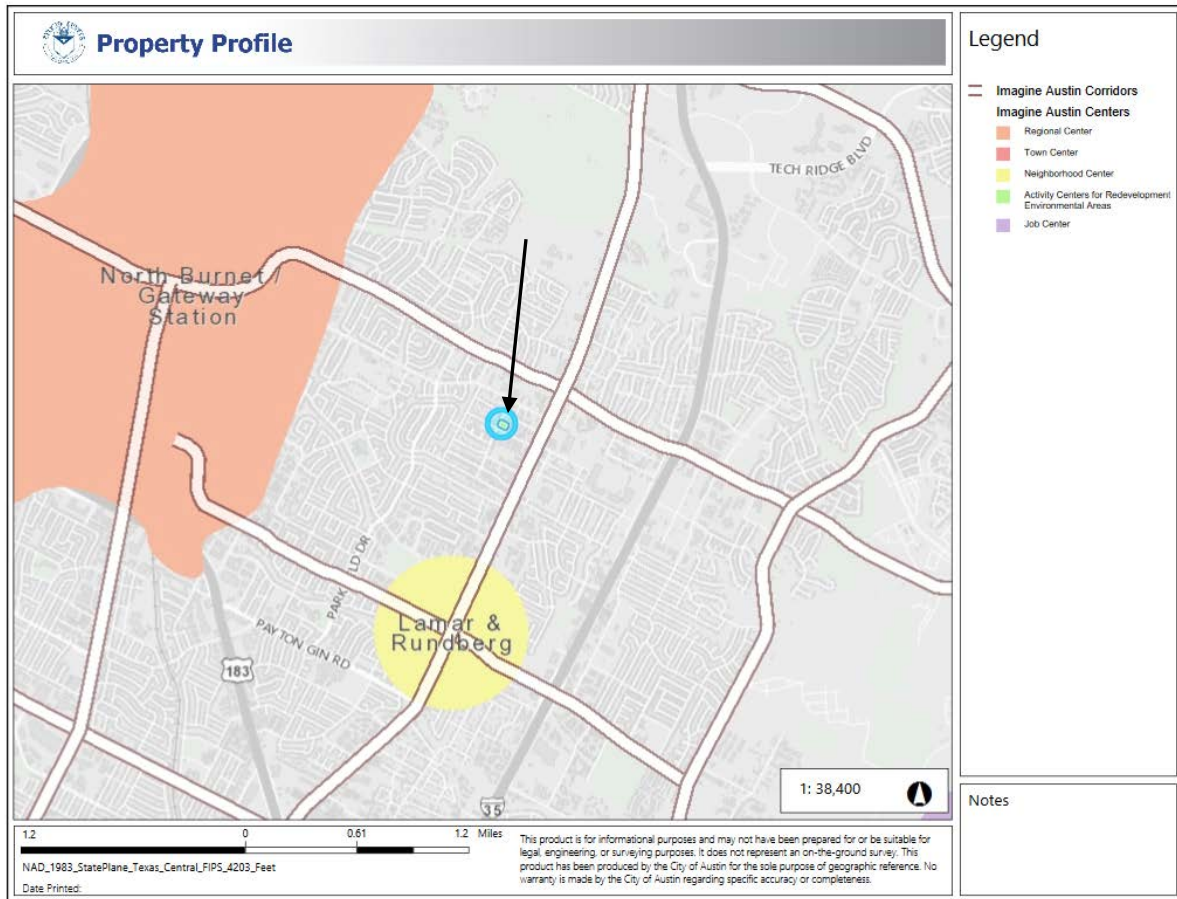
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed ~~use along the~~ neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood 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.

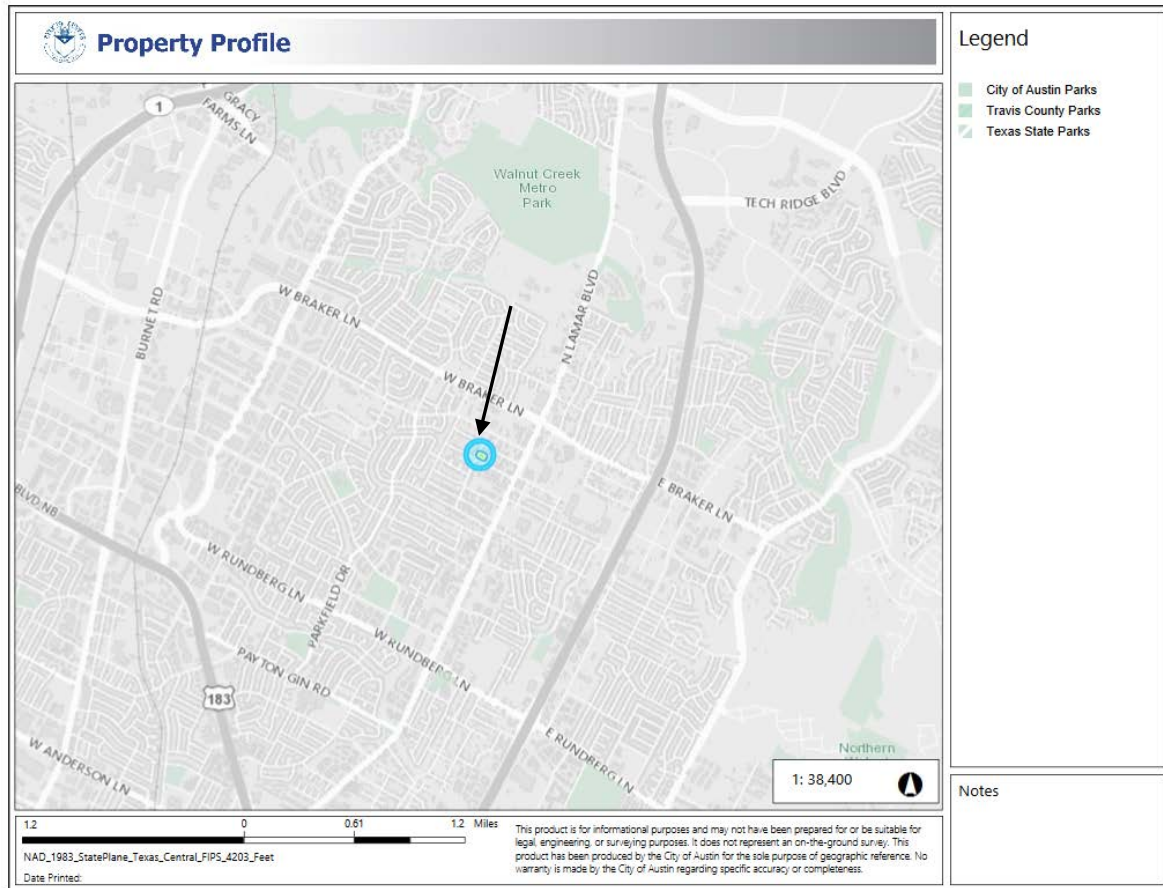
IMAGINE AUSTIN PLANNING PRINCIPLES

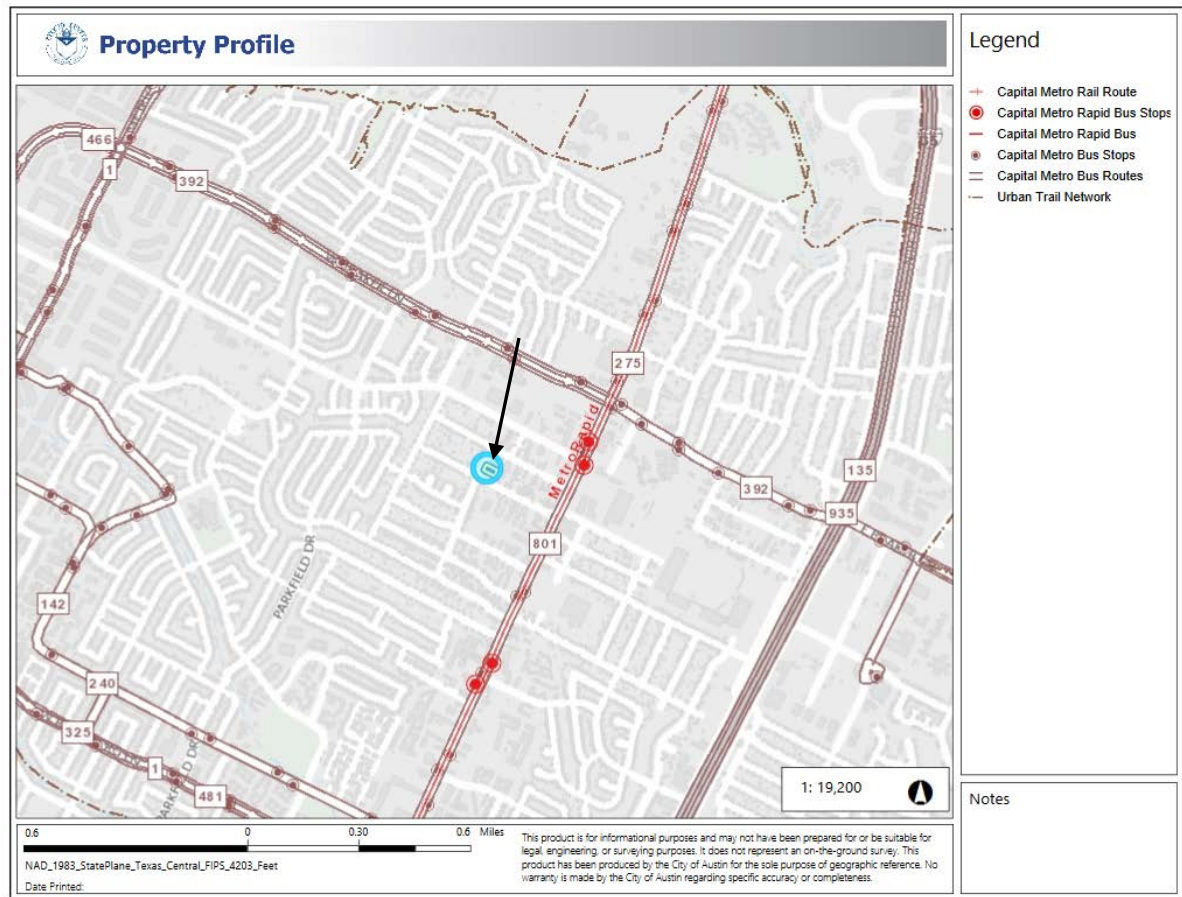
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The applicant's request for Mixed Use land use and GR-MU zoning would allow for residential uses on the property, which is located near public transportation and commercial uses. McBee Elementary School is located to the north of the property on Kramer Lane.***
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.
 - ***The property is located within walking distance to Capital Metro bus routes along North Lamar Boulevard, which is an Activity Corridor as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***Although the property is not located along an activity corridor, it is located in a commercial block of properties with few remaining residential uses on this***

block. Staff envisions the remaining few lots that are adjacent to commercial uses will transition to commercial as well.

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 request for the Mixed Use land use and the GR-MU-CO-NP zoning could allow for residential uses.*
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - *The property has commercial uses directly to the north and east, with a multifamily use across the street to the west.*
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.
 - *The property is not located in an environmentally 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 directly applicable.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Not directly applicable.*
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.*







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on February 28, 2018, which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

The applicant proposes to change the land use on the future land use map (FLUM) from Single Family to Mixed Use land use. The original application was for Commercial land use, but after the community meeting, at the encouragement of members of the North Austin Civic Association Neighborhood Plan Contact Team, the applicant amended his plan amendment application to request Mixed Use land use. Members of the planning contact

team suggested the Mixed Use overlay to allow the property owner the opportunity to build residential units on the property because some team members expressed concern about losing a residential opportunities if the property were to be rezoned to CS-NP.

The applicant also proposes to change the zoning on the property from SF-2-NP to CS-MU-CO-NP. Zoning staff is recommending GR-MU-CO-NP. For more information on the zoning case, see the staff report for C14-2018-0023.

PUBLIC MEETING: The ordinance-required community meeting was held on April 12, 2018. Approximately 253 meeting notices were mailed to people who live or own property within 500 feet of the property. Three people attended the meeting (members of the NACA NPCT), in addition to one city staff member and the owner's agent.

Bang Huynh, the applicant's agent, said the property owner is his brother who has been renting a space on Ferguson Road to operate his auto repair business. He is currently paying about \$1000 month for rent, but was informed by his landlord that the rent would increase to \$2000 month, which will make it difficult for him to operate his business. Because of this, he would like to rezone the property he owns at 10809 Newmont Road so he can open his mechanic shop at this location.

After his presentation, the following questions were asked:

Q. Does his family live at this location?

A. No. His family lives down the road.

Q. What type of mechanic work does he do? Any auto painting?

A. He doesn't do auto painting. He does oil changes and brake jobs, that kind of work.

Q. Will there be much noises from the equipment on his property? We already get complaints from people who live near auto-type businesses, especially when they use the compressor.

A. There is noise from compressors. He has a carport in the back that he would like to enclose, do so he could use that time of equipment in there.

Q. Who would be involved in any changes to the infrastructure of the property to mitigate and noise and fumes?

A. If we get the rezoning, we will comply with all city regulations.

Q. How many cars will he have on the property?

A. He doesn't have a large business, it's just him working there, so maybe five cars a day.

Q. Is the property fenced?

A. Yes, it's fenced on all sides.

Q. Have you talked to the single family home-owner to the south of you? We would like to know if she's OK with your proposed zoning change. If she's OK with it, it would help you.

A. Yes, we have. We actually would like to purchase her property as well. We will talk to her to see if we can get a letter of support. (*Note: The letter of support from this property owner is on page 17*).

Q. Will there be auto sales and/or rentals?

A. Occasionally someone might want him to help him sale a vehicle they don't want, but it wouldn't be a large part of his business.

Q. We heard from members of our planning contact team that they are concerned about losing the opportunity for housing. Would you be interested in amending your application to add the Mixed Use to the zoning and the change the land use request to Mixed Use land use?

A. I will talk to my brother and let you know. (*Note: The application was amended to request Mixed Use land use and CS-MU-NP zoning*).

After this discussion, the attendees, who are members of the NACA NPCT, and Mr. Huynh agreed to a conditional overlay to prohibit the following uses from the CS – General Commercial Services zoning district:

- 1) Adult-Oriented Business
- 2) Bail Bond Services
- 3) Drop-off Recycling Collection Facilities
- 4) Hotel/Motel
- 5) Kennels
- 6) Pawn Shop Services
- 7) Pet Services
- 8) Restaurant – General.

CITY COUNCIL DATE: June 14, 2018

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from Agent Amending Applications

April 18, 2018

From:
Tuan Huynh
1104 Prairie Trl.
Austin, TX 78758

Re: 10809 Newmont Rd, Austin, TX 78758

NPA Amendment Request: Single Family to Mixed Use

Dear NPA Administrators:

This is in regard to a NPA application for the property located at 10809 Newmont Rd., Austin, TX 78758. The original request was to change the land use from Single Family to Commercial. However, per our meeting with the NACA members on April, 12, 2018 hosted by the plan amendment planner, the members felt more comfortable if the property is classified as Commercial/Mixed Use in case the property would be converted to Apartment/Condo in the future. As such, **I would like to request an NPA amendment to the land use application from Single Family to Mixed Use.**

Thank you for your assistance in this matter. Please don't hesitate to contact my agent, Bang Huynh, ph#(512)-983-2410, should you have any questions or concerns.

Sincerely,



Tuan Huynh
Ph#(512) 656-7299

April 15, 2018

From:
Tuan Huynh
1104 Prairie Trl.
Austin, TX 78758

Re: 10809 Newmont Rd, Austin, TX 78758

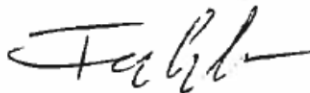
Rezoning Amendment Request: SF-2-NP to CS-MU-NP

Dear Planning and Zoning Administrators:

This is in regard to a rezoning application for the property located at 10809 Newmont Rd., Austin, TX 78758. The rezoning request was to change the property from Single Family (SF-2-NP) to Commercial (CS-NP). However, per our meeting with the NACA members on April, 12, 2018 hosted by the plan amendment planner, the members felt more comfortable if the property is classified as Commercial/Mixed Use in case the property would be converted to Apartment/Condo in the future. As such, **I would like to request an amendment to the rezoning application from Single Family (SF-2-NP) to Commercial/Mixed Use (CS-MU-NP).**

Thank you for your assistance in this matter. Please don't hesitate to contact my agent, Bang Huynh, ph#(512)-983-2410, should you have any questions or concerns.

Sincerely,



Tuan Huynh
Ph#(512) 656-7299

Neighborhood Plan Amendment

SUMMARY LETTER

Dear Planning and Zoning Team,

My brother, Tuan Huynh, is a mechanic and wishes to be able to operate out of his property located at 10809 Newmont rd, Austin, TX 78758. He has been working at T&T Auto, ~~Auto~~ located at 601 Ferguson Dr, Austin, TX 78753. However, he has been informed that his rent will not be renewed for next month. So, he is desperately needing a place to work and take care of his family. He had purchased this property located at 10809 Newmont rd with the hope of being able to work out of it someday. He had attempted to apply for a rezoning of the property from residential to commercial last year, however, due to his limited english he did not go through the proper process and there was no official application made. Any assistance you can provide to help him rezone his property from residential (SF-2) to commercial (C5) is greatly appreciated.

Sincerely,
BANG HUYNH, Designated Agent
(512) 983-2410

Letter from Support from the North Austin
Civic Assn. (NACA) NPCT

From: D Johnson

Sent: Thursday, April 19, 2018 8:57 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; afbaker@cdubois2651@; superstar.salon@; znp7@; grcity@; melinda.schiera@; frankhlm@; davib1@; kdunlap78@; robertoperez_jr@; Bluestone@

Cc: Bang Huynh (bhuynh@) <bhuynh@ >; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Re: 10809 Newmont_Amended Applics

Maureen

The NACA Contact Team has voted on this rezoning. We agree with changing to the Mixed Use zoning.

We would prefer if the following businesses could be prohibited due to proximity to single family homes.

CS-MU-NP with conditional overlay: no Adult-oriented business, Bail bond Services, Drop-off Recycling Collection facilities, Hotel/Motel/Transient Boarding, Kennels or Pet Services, Pawn Shop Services, Restaurant-General

Sincerely
Dawn Johnson
Chair, NACA Contact Team

Letter of Support from property owner to the south

April 15, 2018

From:
Mary Ochoa
10807 Newmont Rd
Austin, TX 78758

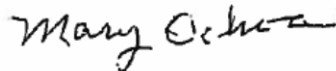
Re: 10809 Newmont Rd, Austin, TX 78758

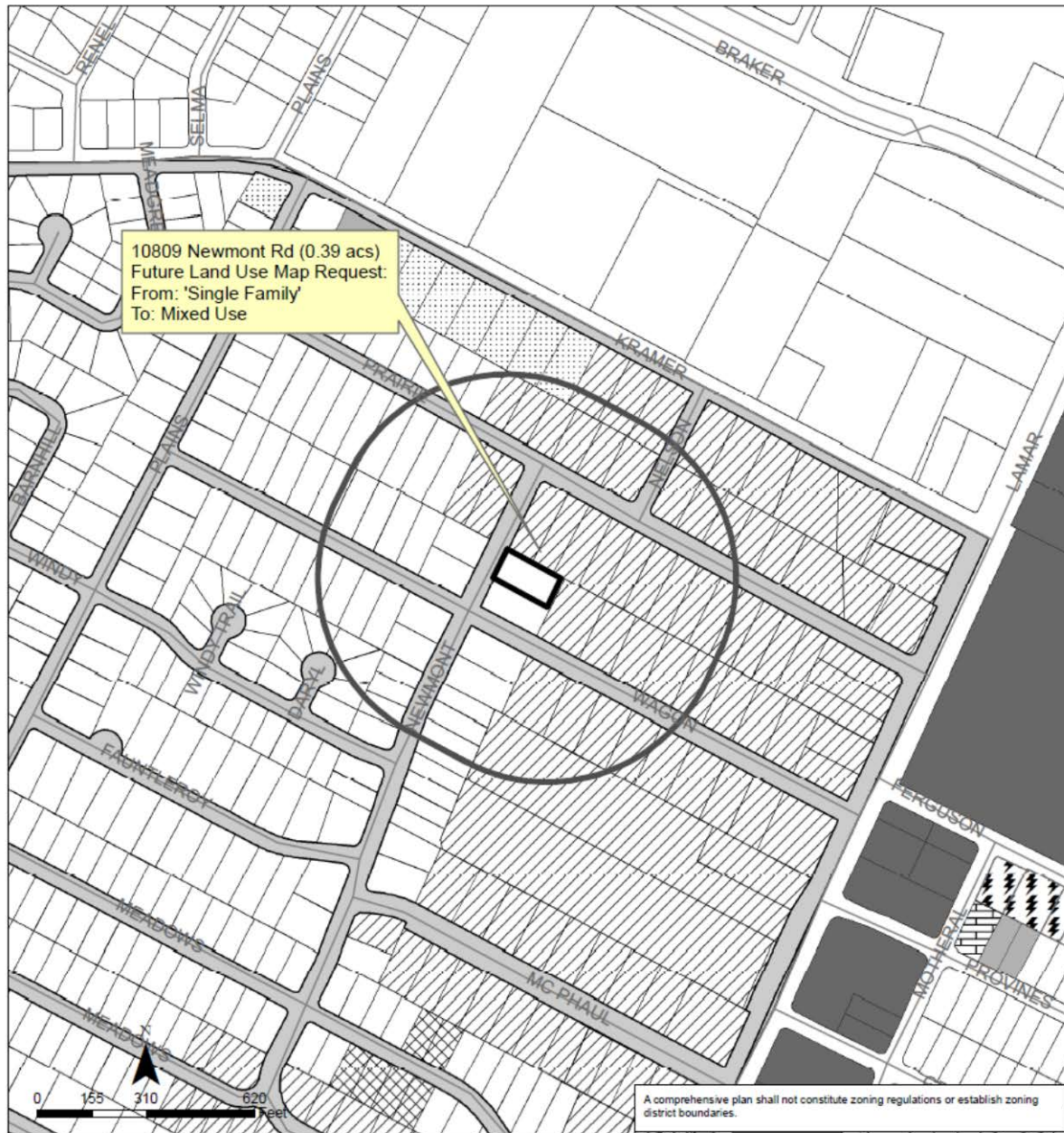
Dear NACA Committee:

I have been informed that my next door neighbor has applied for a rezoning application to convert his house located at 10809 Newmont Rd, Austin, TX 78758, into a mechanic shop. This letter is to inform you know that I do not have any issues with his rezoning application.

Sincerely,

Mary Ochoa





North Austin Civic Association Neighborhood Planning Area NPA-2018-0007.01

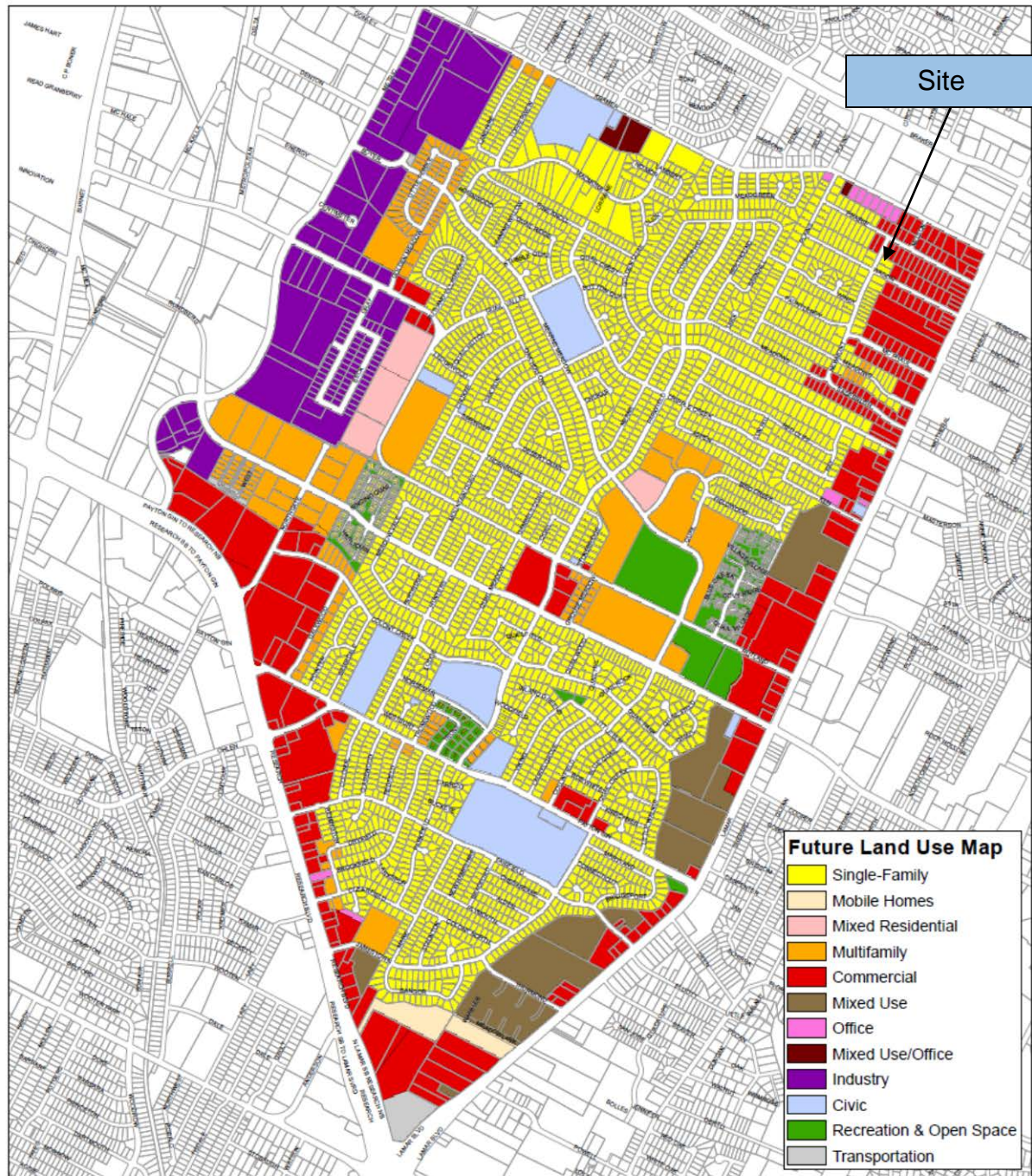
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City of Austin
Planning and Zoning Department
Created on 4/23/2018, by: meredithm

Future Land Use

	500 ft. Notif. Boundary		Neighborhood Mixed Use
	Subject Property		Mixed Use
	Single-Family		Office
	Multi-Family		Mixed Use/Office
	Commercial		Civic
	Neighborhood Commercial		Transportation



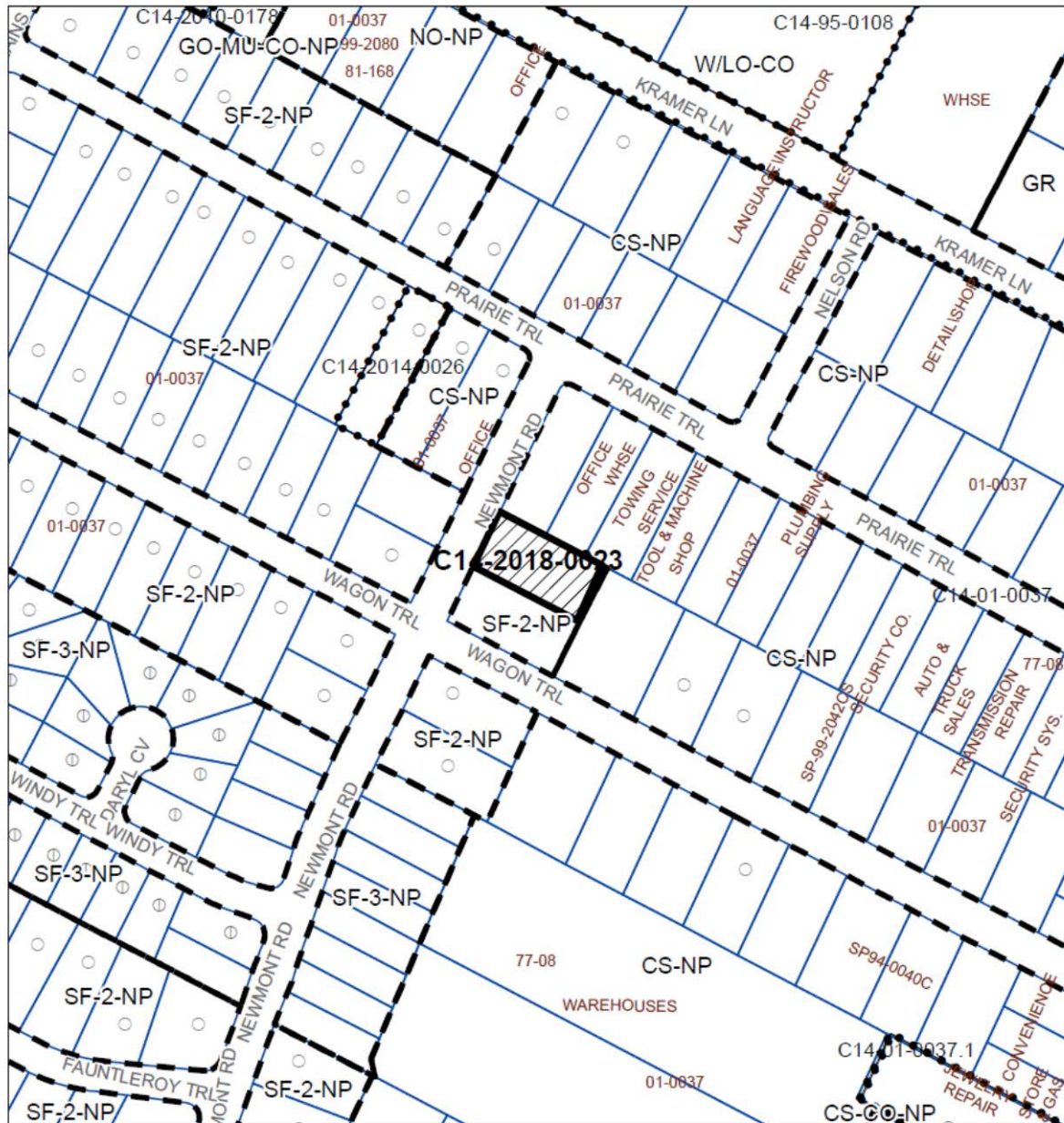
North Austin Civic Association Neighborhood Plan

Future Land Use Map
Adopted June 2000
Last Modified 1/06/2015

Planning & Zoning Department

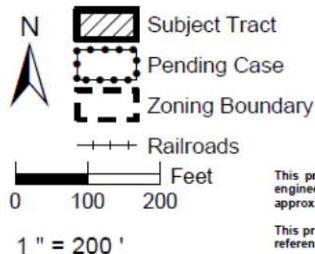
A comprehensive plan shall not
constitute zoning regulations or
establish zoning district boundaries.





ZONING

Case #: C14-2018-0023



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Created: 3/16/2018



