

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0023 (Mechanic Shop)

P.C. DATE: May 8, 2018

ADDRESS: 10809 Newmont Road

DISTRICT AREA: 4

OWNER/APPLICANT: Tuan Huynh

AGENT: Bang Huynh

ZONING FROM: SF-2-NP **TO:** ~~CS-NP~~ CS-MU-NP* **AREA:** 0.3907 acres

*On April 17, 2018, the applicant submitted a letter to the staff stating that he would like to amend his rezoning request to add an MU, Mixed Use Combining District (Please see Attachment A).

SUMMARY STAFF RECOMMENDATION:

The staff recommends GR-MU-CO-NP, Community Commercial -Mixed Use-Conditional Overlay-Neighborhood Plan Combining District zoning. The conditional overlay would prohibit Bail Bond Services, Drop-off Recycling Collection Facility, Hotel/Motel, Pawn Shop Services, Pet Services, and Restaurant (General) uses on the property.

PLANNING COMMISSION RECOMMENDATION:

5/08/18: Approved staff's recommendation of GR-MU-CO-NP zoning (12-0, S. Oliver-off dais); J. Schissler-1st, C. Kenny-2nd.

DEPARTMENT COMMENTS:

The site under consideration is developed with a single family house on a 17,018 sq. ft. lot. The property to the north is zoned CS-NP and is developed with office/warehouse uses. To the south, there is SF-2 zoning with a single family residence. The lots to the east are zoned CS-NP and are used for an automotive sales use and an insurance business. The lots to the west are zoned SF-2 and developed with a multifamily residential use and single family residences. The applicant is requesting CS-MU-NP zoning so that he can redevelop the site with an automotive repair business.

The staff recommends GR-MU-CO-NP zoning at this location because the site under consideration meets the intent of the GR and MU zoning districts. The proposed rezoning will promote consistency and orderly planning because GR-MU-CO-NP zoning would provide a transition from the intensive commercial uses and zoning (CS-NP) to the north and east to the residential zoning (SF-2) and uses to the south and west. The Community Commercial-Mixed Use Combining District will allow for the applicant to redevelop the site with a mixture office, commercial and residential uses to provide additional services in this area. The proposed conditional overlay reflects the list of prohibited uses that were voted on and proposed by the North Austin Civic Association Contact Team.

The neighborhood planning staff is recommending a proposed FLUM change from Single Family to Mixed Use for this site in related case, NPA-2018-0007.01.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Single Family Residence
<i>North</i>	CS-NP	Office/Warehouse
<i>South</i>	SF-2-NP	Single Family Residences
<i>East</i>	CS-NP	Automotive Sales (Auto Master Auto Sales, Enriquez Insurance)
<i>West</i>	SF-2-NP	Multifamily, Single Family Residences

AREA STUDY: North Lamar Area Study**TIA:** Not Required

North Austin Civic Association Neighborhood Plan

WATERSHED: Little Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 NACA Neighborhood Plan Contact Team
 North Austin Civic Association
 North Growth Corridor Alliance
 SELTEXAS
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0178 (ABBA Wig Salon: 1105 Kramer Lane)	NO-NP to GO-MU-NP	12/14/10: Approved the staff's recommendation of GO-MU-NP zoning, with CO to limit the development intensity for the site to less than 2,000 vehicle trips per day, would permit Personal Services as the only 'GO' district use and permit all other 'NO' district uses, and would limit the property to 'NO' district site development standards. The Commission added a condition to limit the size of the proposed sign on the property to 4 ft. x 4 ft. through a public restrictive covenant that	1/1311: Approved GO-MU-CO-NP combining district zoning, with conditions on all 3 readings (7-0); Martinez-1 st , Morrison-2 nd .

		will be signed prior to 3 rd reading of the case at City Council (6-0, Reddy, Chimenti, and Hernandez-absent); Dealey-1 st , Kirk-2 nd .	
C14-06-0113	NO to LR	7/18/06: Approved staff's rec. for LR zoning by consent (6-0, Baker, Martinez, and Gohil-absent)	8/24/06: Approved LR zoning on all 3 readings
C14-06-0030	NO-NP to GO-MU-NP	4/25/06: Approved GO-MU-CO-NP zoning with conditions: 1) 200 vehicle trip limit, 2) 'NO' district site development standards, 3) Personal Services as the only permitted 'GO' district use, allowing all other 'NO' district permitted uses (8-0); J. Reddy-1 st , C. Galindo-2 nd .	8/24/06: Approved LR on all 3 readings (7-0)
C14-05-0097	GR-CO to GR-CO	8/16/05: Approved staff rec. of GR-CO, with condition that TIA to be met before 3 reading, by consent (8-0, K. Jackson-absent)	9/29/05: Approved GR-CO, with TIA conditions in a public RC (7-0); all 3 readings
C14-03-0182	GO to CS	2/03/04: Approved staff alternate rec. of GR-CO, with conditions: 1) a 2,000 vehicle trip limit, 2) prohibit Drive-in Service, 3) prohibit Automotive Washing (of any type), Commercial Off-Street Parking, Drop-off, Recycling Collection Facility, Exterminating Services, Service Station, Congregate Living, and Residential Treatment; by consent (9-0)	3/04/04: Approved GR-CO (6-0); 1 st reading only 3/25/04: Approved GR-CO (7-0); 2 nd /3 rd readings
C14-03-0009	NO to SF-3, LR, and GR	3/25/03: Approved LR (TR1), NO (TR 2&3); (8-0)	5/08/03: Approved LR (TR1) and NO (TR 2&3); (7-0); 1 st reading only 6/12/03: Approved LR-CO, with a 2,000 vehicle trip limit (7-0); 2 nd /3 rd readings
C14-95-0152	GO-CO to W/LO	12/12/95: Approved W/LO-CO with conditions: Prohibit Art and Craft Studio (Limited, General, and Industrial), Building Maintenance Services, Business or Trade School, Business Support Services, Communication Services,	1/11/96: Approved W/LO-CO, prohibiting certain uses (5-0); all 3 readings

		Cultural Services, and Equipment Repair Services (8-0)	
C14-95-0108	DR to W/LO	11/28/95: Approved GO-CO & W/LO-CO, with a 2,000 vehicle trip limit (6-1)	1/04/96: Approved GO-CO for TR1 and W/LO-CO for TR2 (5-0); 1 st reading 3/28/96: Approved GO-CO (TR1) and W/LO (TR2), subject to conditions (5-0); 2 nd /3 rd readings

RELATED CASES: NPA-2018-0007.01 (Associated Neighborhood Plan Amendment)
C14-01-0037 (NCA Neighborhood Plan Rezoning)
C8-63-001 (Subdivision)

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Newmont Road	60ft	26ft	Local	None	None	None

CITY COUNCIL DATE: June 14, 2018

ACTION:

ORDINANCE READINGS: 1st

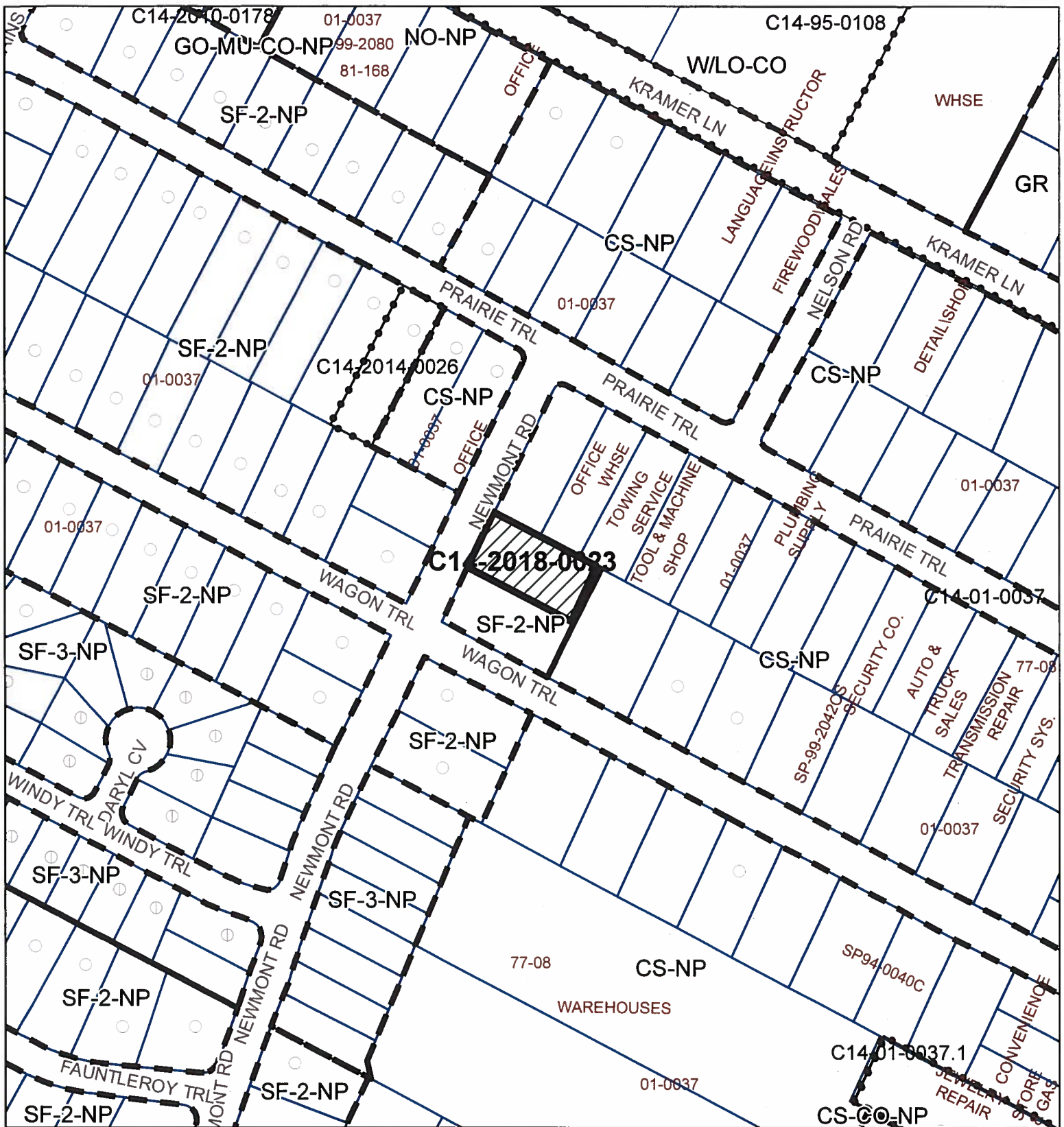
2nd

3rd

ORDINANCE NUMBER:

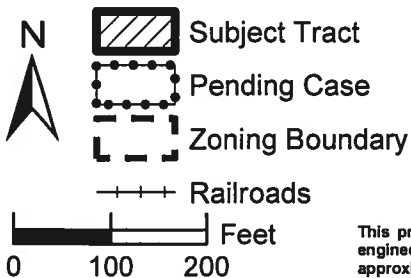
CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov



ZONING

Case#: C14-2018-0023



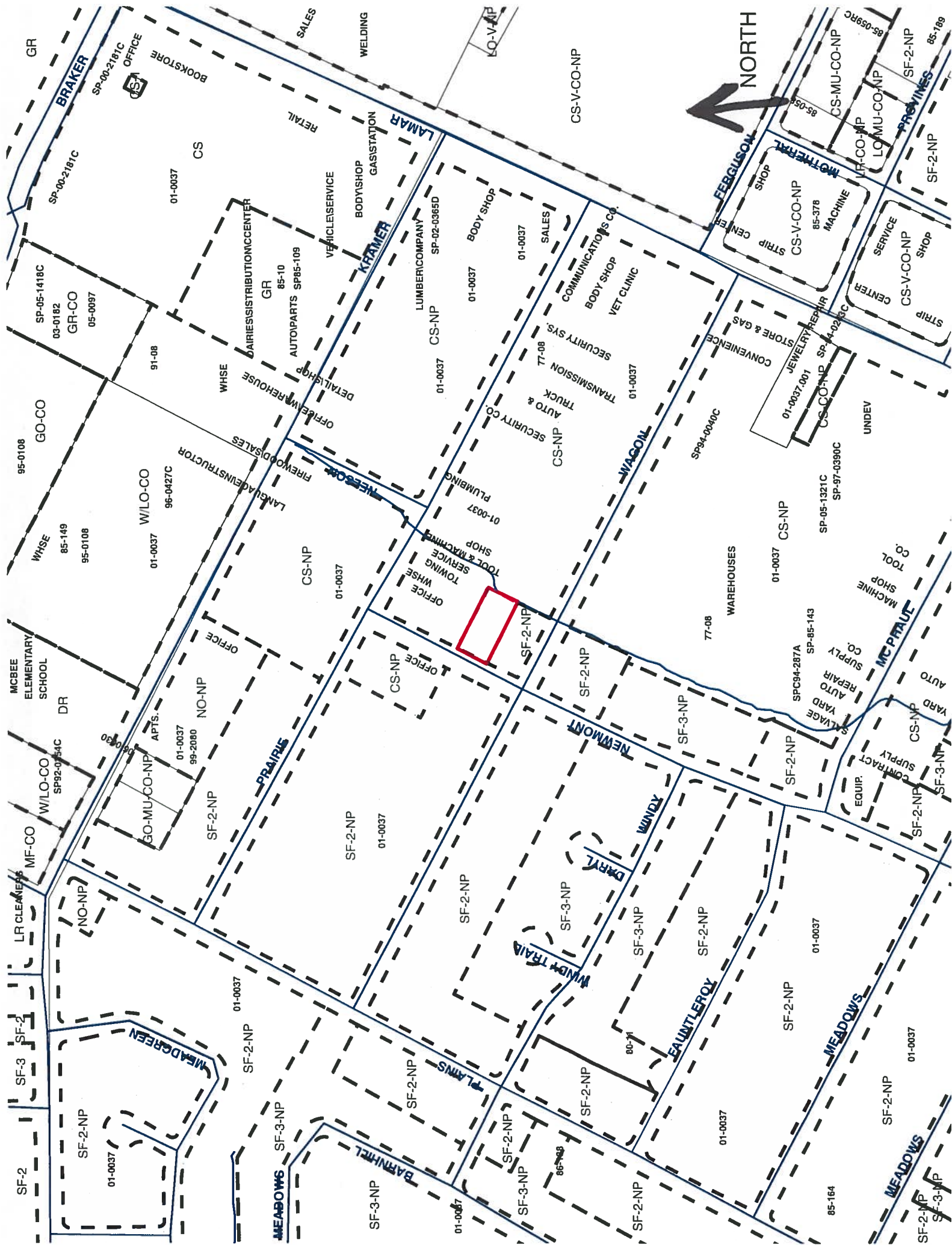
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 3/16/2018

1" = 200'





STAFF RECOMMENDATION

The staff recommends GR-MU-CO-NP, Community Commercial -Mixed Use-Conditional Overlay-Neighborhood Plan Combining District zoning. The conditional overlay would prohibit Bail Bond Services, Drop-off Recycling Collection Facility, Hotel/Motel, Pawn Shop Services, Pet Services, and Restaurant (General) uses on the property.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will promote consistency and orderly planning because the property in question is located on a local street that is not at an intersection. GR-MU-CO-NP zoning would provide a transition from the intensive commercial uses and zoning (CS-NP) to the north and east to the residential zoning (SF-2) and uses to the south and west.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed GR-MU-CO-NP district zoning would allow for the applicant to redevelop the site with a mixture office, commercial and residential uses to provide additional services in this area.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently developed with a single family house. The property to the north is developed with office/warehouse uses. To the south, there is a single family residence. The lots to the east are used for an automotive sales use and an insurance business. The lots to the west are developed with a multifamily residential use and single family residences.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

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.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

Monday April 16, 2018

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 west (front) and south (interior side) 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 the property line.
- ☐ 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.
- ☐ 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Newmont Road	60ft	26ft	Local	None	None	None

Water and Wastewater

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 may be required. 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.

April 15, 2018

From:

Tuan Huynh
1104 Prairie Trl.
Austin, TX 78758

Re: 10809 Newmont Rd, Austin, TX 78758

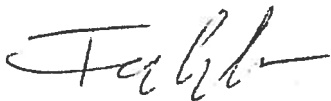
Rezoning Amendment Request: SF-2-NP to CS-MU-NP

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

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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. 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.

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: C14-2018-0023

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 08, 2018, Planning Commission

June 14, 2018, City Council

Sherri Gentry-Benson
Your Name (please print)

1000 WAGON TRAIL #B

Your address(es) affected by this application

Sherri Gentry-Benson 05/1/2018
Signature Date

Daytime Telephone: 512-836-0025

Comments: I object to a rezoning request because this is a residential neighborhood and I would like to keep it this way.
Your cooperation in this matter is deeply appreciated. Thank you!!

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

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2018-0023

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 08, 2018, Planning Commission

June 14, 2018, City Council

Brier Investments, Inc.

Your Name (please print)

825 Wagon Trail

☐ I am in favor
☒ I object

Your address(es) affected by this application

Rock Brier - Building Owner

Signature

Date

Daytime Telephone: *512-834-8598*

5-7-18

Comments:

*Too many near-by homes
and apartment with numerous
children playing in and
around the street & their
area. Not appropriate for
commercial.*

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2018-0023
 Contact: Sherri Sirwaitis, 512-974-3057
 Public Hearing: May 08, 2018, Planning Commission
 June 14, 2018, City Council

R&B Enterprises, Inc.
 Your Name (please print)

825 Wagon Trail
 Your address(es) affected by this application

7700 Riven
 Your address(es) affected by this application

5-7-18
 Date

Signature

512-834-8598
 Daytime Telephone:

Comments:

Too many near-by family homes and apartments with numerous children playing in and around the streets of the area. Not appropriate or logical for commercial business.

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

City of Austin
 Planning & Zoning Department
 Sherri Sirwaitis
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C14-2018-0023
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: May 08, 2018, Planning Commission
June 14, 2018, City Council

Mary A. Ochoa
Your Name (please print)

Austin,

☒ I am in favor
☐ I object

10807 Newmont Rd TX 78758
Your address(es) affected by this application

Mary Ochoa
Signature
Date 5/6/2018

Daytime Telephone: 512-836-2042

Comments:

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

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810