

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: North Austin Civic Association (NACA)

CASE#: NPA-2021-0007.01

DATE FILED: April 6, 2021 (Out-of-cycle)

PROJECT NAME: 10807 Newmont Road

PC DATE: June 22, 2021

ADDRESS/ES: 10807 Newmont Road

DISTRICT AREA: 4

SITE AREA: 16,480 sq. ft.

OWNER/APPLICANT: Bang Huynh

AGENT: Bang Huynh

CASE MANAGER: Maureen Meredith, Housing & Planning Dept.

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2021-0079

From: SF-2-NP

To: CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: June 29, 2000

PLANNING COMMISSION RECOMMENDATION:

June 22, 2021 – (Recommendation pending)

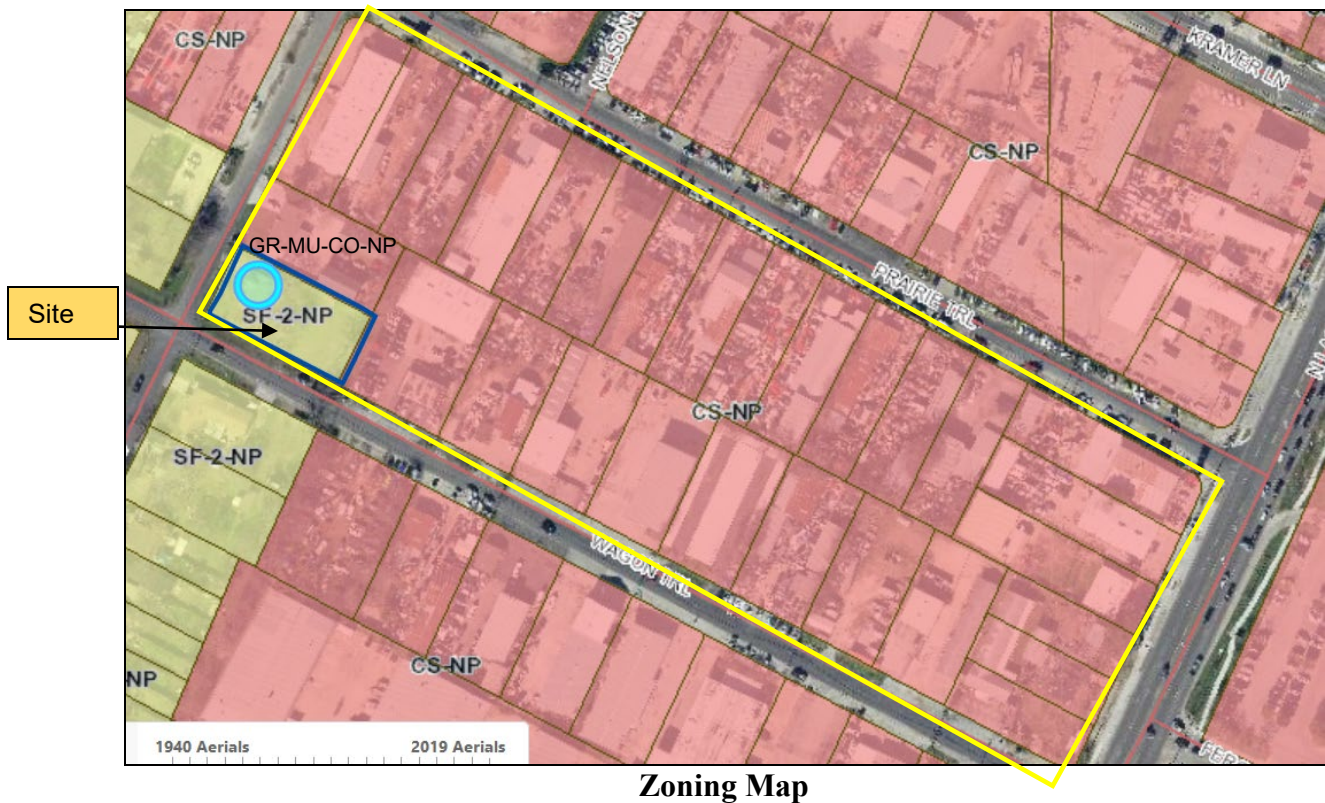
STAFF RECOMMENDATION: Staff recommends the applicant's request for Mixed Use land use.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request for Mixed Use land use because it is the last remaining single family lot within this block of commercial uses. Mixed Use land use is appropriate in this location.

The North Austin Civic Association Neighborhood Plan supports commercial uses being located along North Lamar Blvd, however, because this property is the last remaining lot within the block of existing commercial zoning and land uses, staff believes transitioning this lot for commercial and/or residential uses and with Mixed Use land use is appropriate.



Future Land Use Map



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.

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 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 ON THE PROPERTY

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.

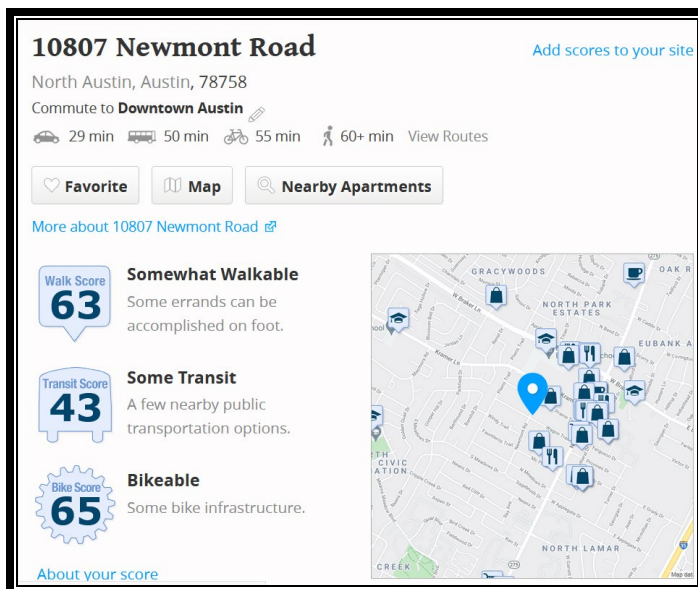
IMAGINE AUSTIN PLANNING PRINCIPLES

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 applicant proposes to change the land use on the future land use map from Single Family to Mixed Use. The applicant proposes to change the zoning on the property from SF-2-NP to CS-MU-NP to allow for commercial uses, specifically for an automobile repair shop and an accounting office. The applicant does not propose residential uses, although the proposed zoning would allow for residential uses and the existing use is a single-family home. The property is a ¼-mile west of North Lamar Blvd which is an activity corridor with public transportation and access to numerous commercial businesses. City parks are within 1.5 miles from the property.***
- 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 within ¼ -mile from North Lamar Blvd which is an activity corridor with public transportation and access to numerous commercial businesses.***
- 3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is not located directly on an activity corridor or within an activity center, although it is the last remaining single family lot within a block of commercial uses, which is why staff supports the request for Mixed Use land use.***
- 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 proposed zoning of CS-MU-NP would allow for commercial and residential uses. The existing use is a single-family home.***
- 5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Mixed Use land use is appropriate for this location because there is Mixed Use land use directly to the north. To the east is Commercial land use. To the south and to the west (across the street) from the property is single family zoning and land uses***
- 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 located in the Desired Development Zone and 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.

- ***The property is currently a residential use and is proposed for a commercial uses. The proposed use is not for a park, community garden, etc. The property is approximately 1.5 miles north of the City of Austin YMCA North Austin Community Recreation Center and the Quail Creek Neighborhood Park located on Rutland Drive.***
8. Protect, preserve and promote historically and culturally significant areas.
- ***To staff's knowledge, there are no historic or cultural significance to this property.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
- ***The property is located in area with numerous commercial businesses and several park facilities. The property is located in an area with the following walkable, transit and bikeable scores:***

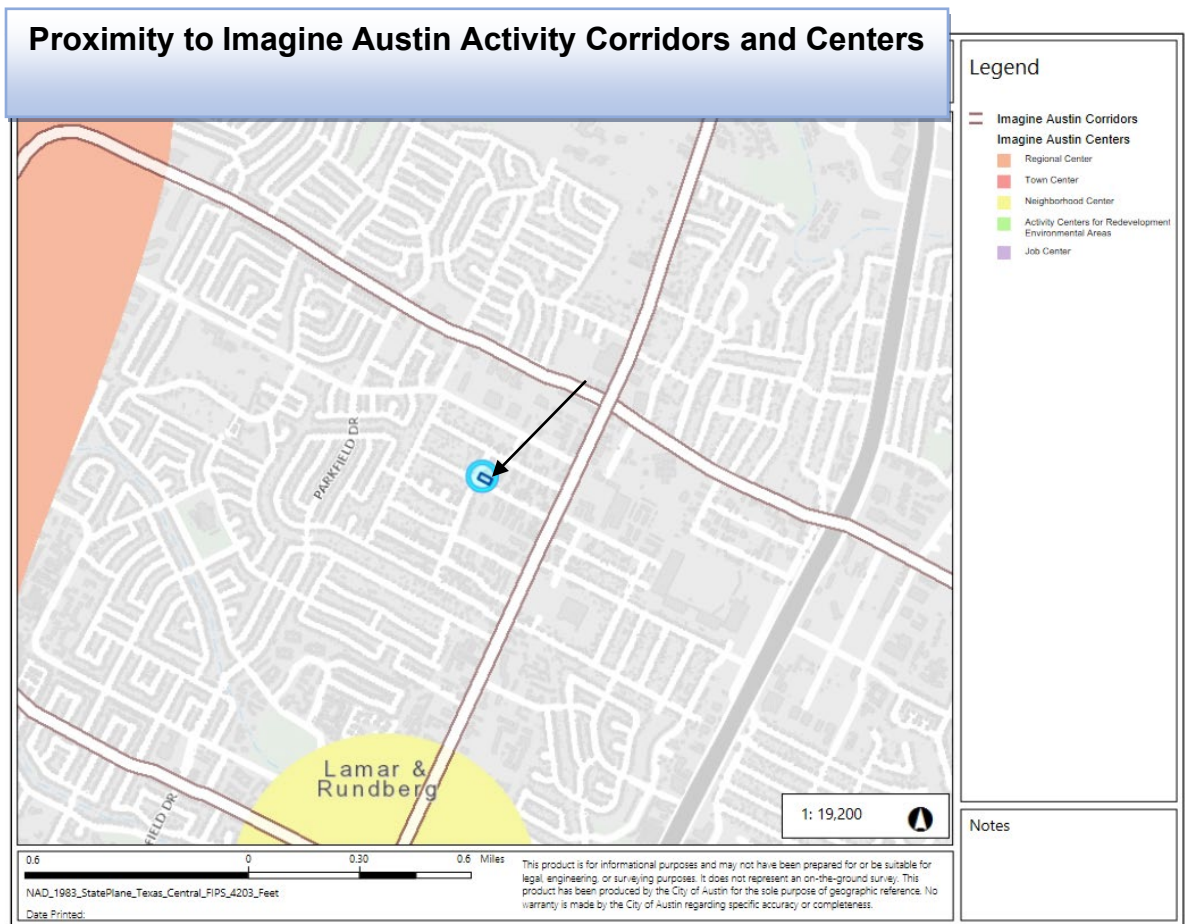


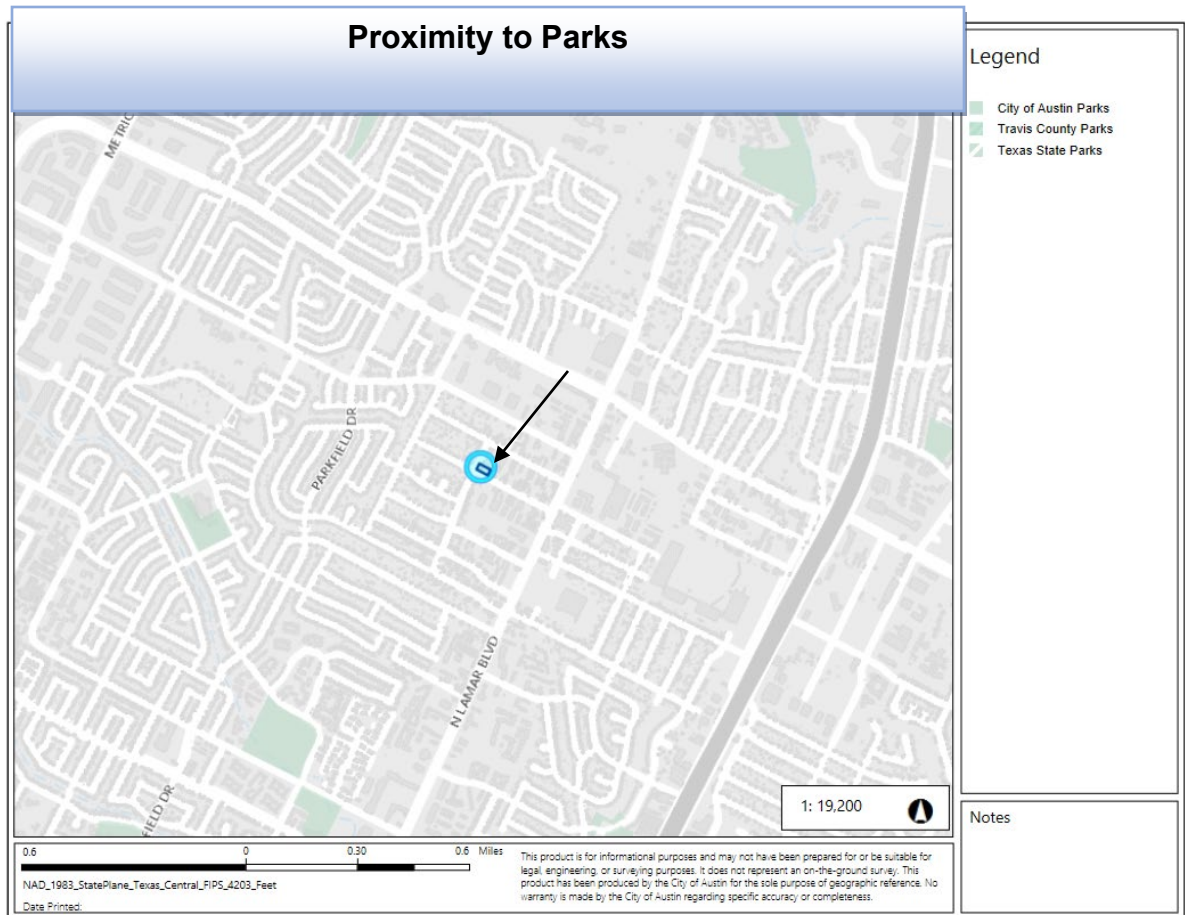
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
- ***The applicant proposes to change the zoning to allow for commercial and residential uses. Specifically, the applicant states his proposed uses are an automobile repair shop and an accounting office. Changing the property use from residential to commercial could create a few new job opportunities, as opposed to the previous residential use.***
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
- ***The applicant proposes to change the zoning to allow for commercial and residential uses. Specifically, the applicant states his proposed uses are an automobile repair shop and an accounting office. Staff believes the proposed***

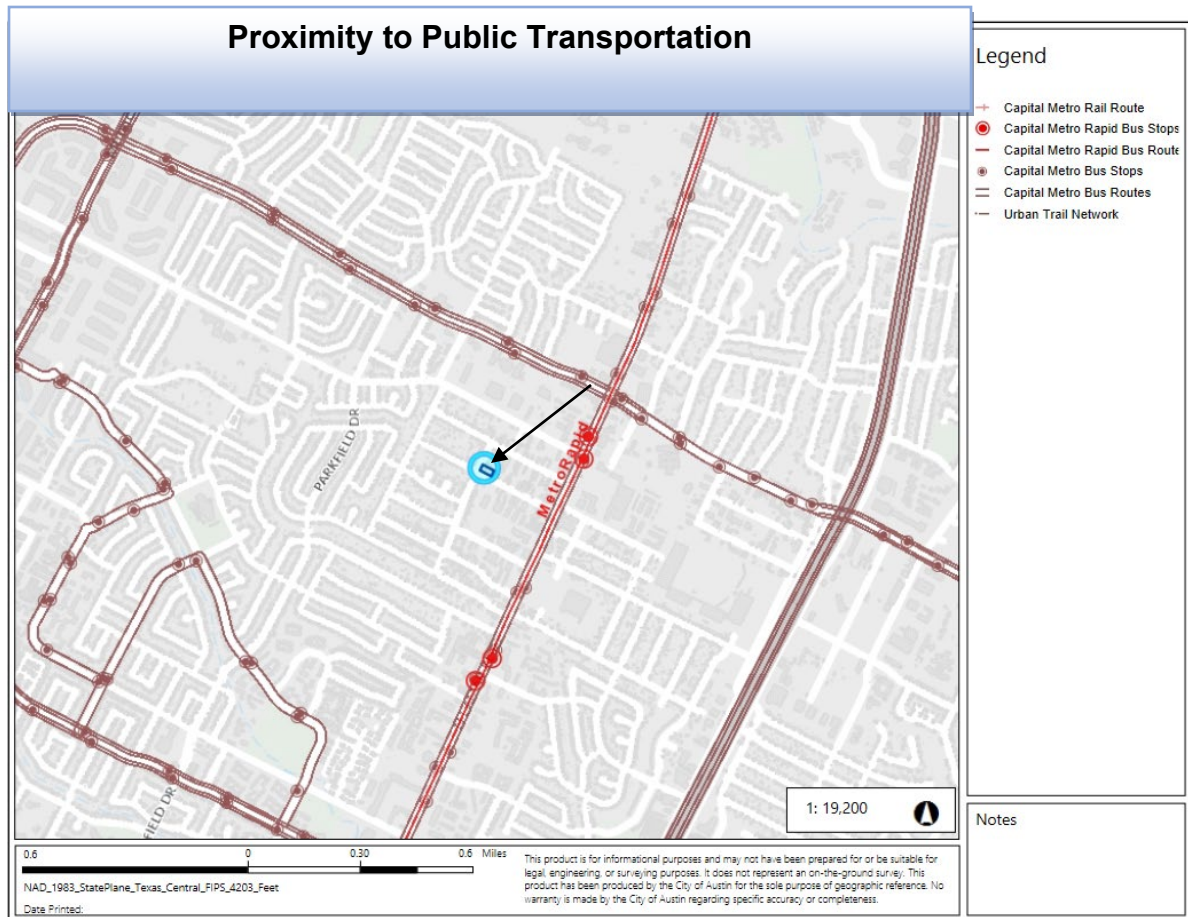
commercial uses will not directly help to sustain and grow Austin's live music, festival, theater, film, etc.

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.

- *The proposed zoning is for an automobile repair use and an accounting office. The proposed use is not for a public facility, etc.*







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 plan amendment application was filed on April 7, 2021, which is out-of-cycle for neighborhood planning areas located on the west side of I.H. The North Austin Civic Association provided a letter to allow the application to be filed outside of the February open filing period.

The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use for an automobile repair use and accounting office.

The application proposes to change the zoning on the property from SF-2-NP (SF-2 – Single Family Residence Standard Lot district – Neighborhood Plan) to CS-MU-NP (CS -- General Commercial Services district – Mixed Use Combining District – Neighborhood Plan). For more information on the proposed zoning, see case report C14-2021-0079.

PUBLIC MEETINGS: The ordinance required community meeting was held on May 13, 2021. Approximately 213 community meeting notices were mailed to people who own property or have utility accounts within 500 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area through the Community Registry. Two staff members attended the meeting, in addition to Bang Huynh, the property owner and applicant. No one from the neighborhood attended the meeting.

CITY COUNCIL DATE:

ACTION:

July 29, 2021

Applicant Summary Letter from Application

on: June 22, 2021

Neighborhood Plan Amendment

SUMMARY LETTER

my name is Bang Huynh, owner of the property located at 10807 NEWMONT RD, AUSTIN, TX 78758. I wish to rezone my property from SF-2-MP to CS-MU-MP. The purpose of my rezoning request is so I can use the property as a car mechanic shop. I do not have plans to demolish the existing building; instead, it will be use as the office/reception area. There may some potential renovation to the interior to make the reception area bigger. Thank you in advance for your consideration. Please feel free to contact me for any additional inquiries you may have.

Thank you,



(512) 983-2410

**Out-of-Cycle Letter Authorization from
Neighborhood Plan Contact Team (NPCT)**

From: Frank Lam
Sent: Wednesday, December 30, 2020 3:15 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: nacacontactteam@; harrytng2000@
Subject: Re: [NACA NPCT] Zone Change Request.

*** External Email - Exercise Caution ***

Hello Maureen,
I hope that this finds you well.

We were recently contacted by Mr. Harry Nguyen as it relates to submitting an out-of-cycle rezoning request for the property located at:

10807 Newmont Dr.
Austin, TX 78758

The North Austin Civic Association Contact Team held a vote today December 20, 2020 with quorum and voted in support of an out-of-cycle request for the aforementioned property. Please let us know if there is anything else that you need from us at this point. Happy holidays and all the best to you and yours.

Kind regards,
Frank Lam

**Letter of Recommendation from the Neighborhood
Plan Contact Team (NPCT)**

From: Frank Lam

Sent: Wednesday, May 12, 2021 2:11 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Cc: melinda.schiera@ Caro Dubois <cdubois2651@ >; dljpublic@; Isa Boonto <isaboonto@ >; Randy Teich <rteich@ >; Bang Huynh <banghuynh@ >; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Re: May 13 Cmty Mtg Notice: NPA-2021-0007.01_10807 Newmont Rd.

*** External Email - Exercise Caution ***

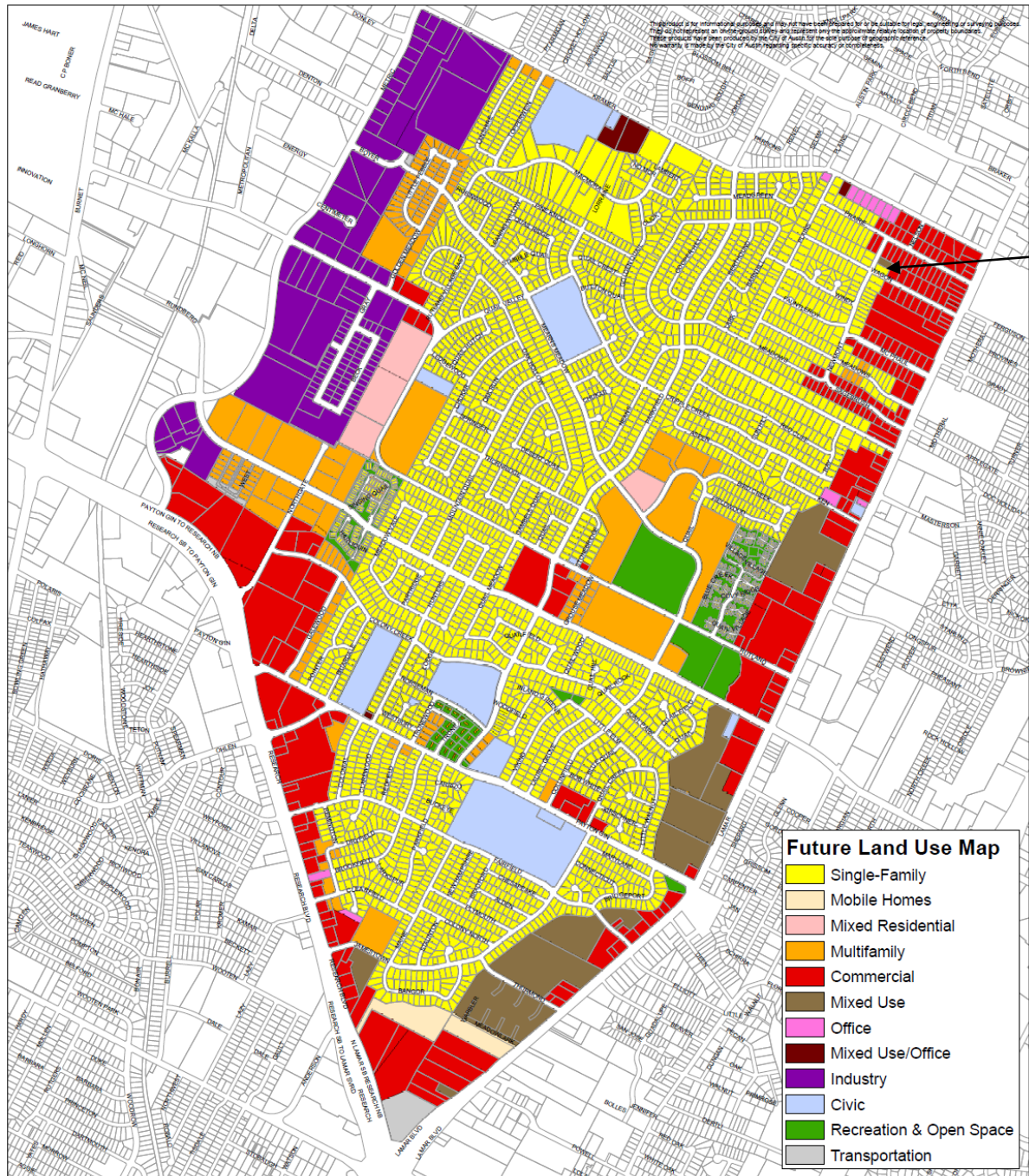
Dear, Maureen.

I hope that this finds you well.

As a follow up, the NACA Contact Team held a vote today and we received the requisite votes to support the rezoning of 10807 Newmont Rd. from SF3 to CS-MU-NP but with a conditional overlay that prohibits Bail Bond Services, Drop-off Recycling Collection Facility, Hotel/Motel, Pawn Shop Services, Pet Services, and Restaurant (General) uses on the property.

The above-referenced prohibited uses are the same as those that were applied to 10809 Newmont Rd. as a part of its rezoning application. Please let us know if there is anything additional that you need from us at this point.

Best regards,
Frank Lam



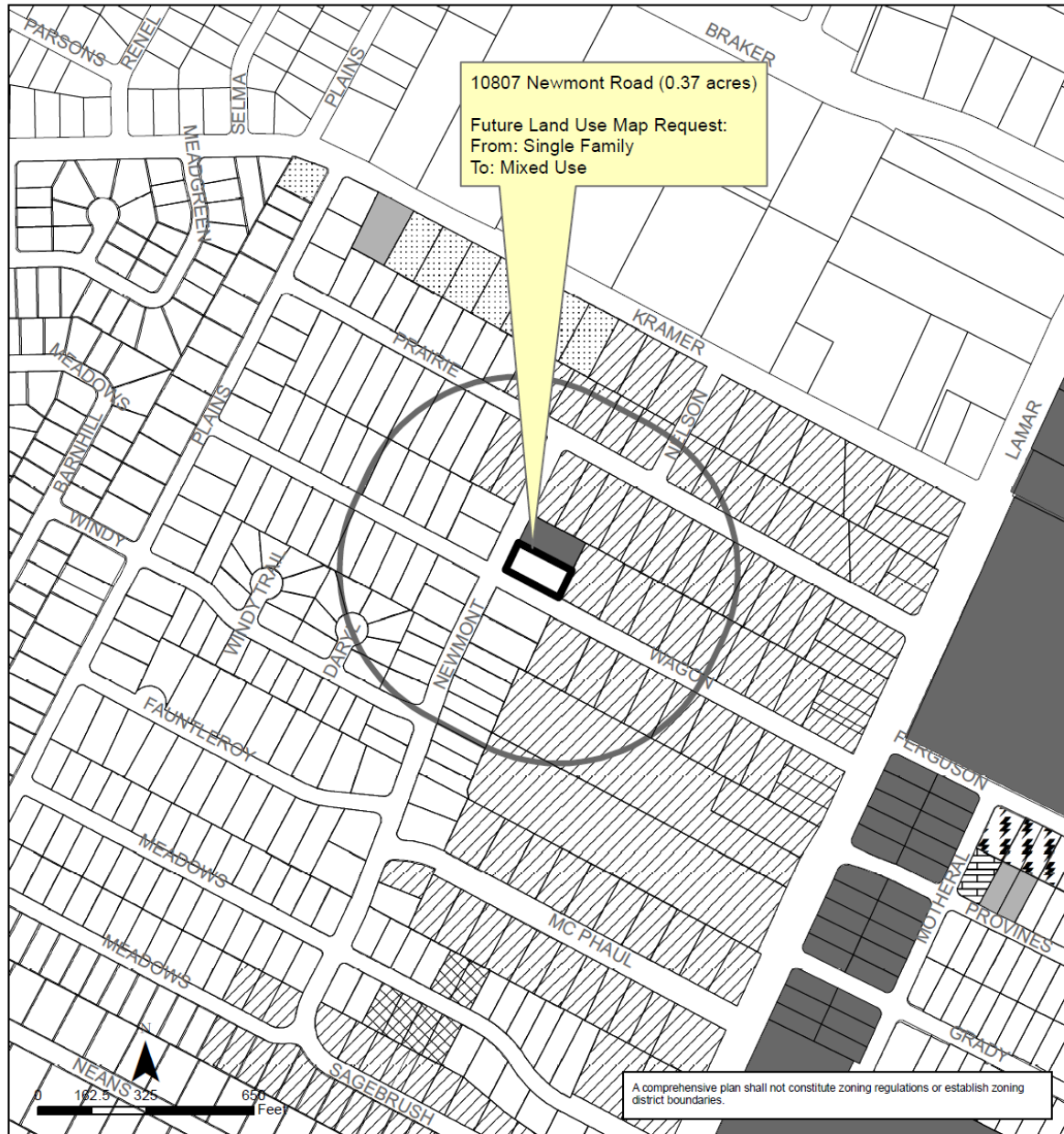
North Austin Civic Association Neighborhood Plan

Future Land Use Map
Adopted June 2000
Modified: 3/2/2020

Planning & Zoning Department

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





North Austin Civic Association Neighborhood Planning Area NPA-2021-0007.01

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

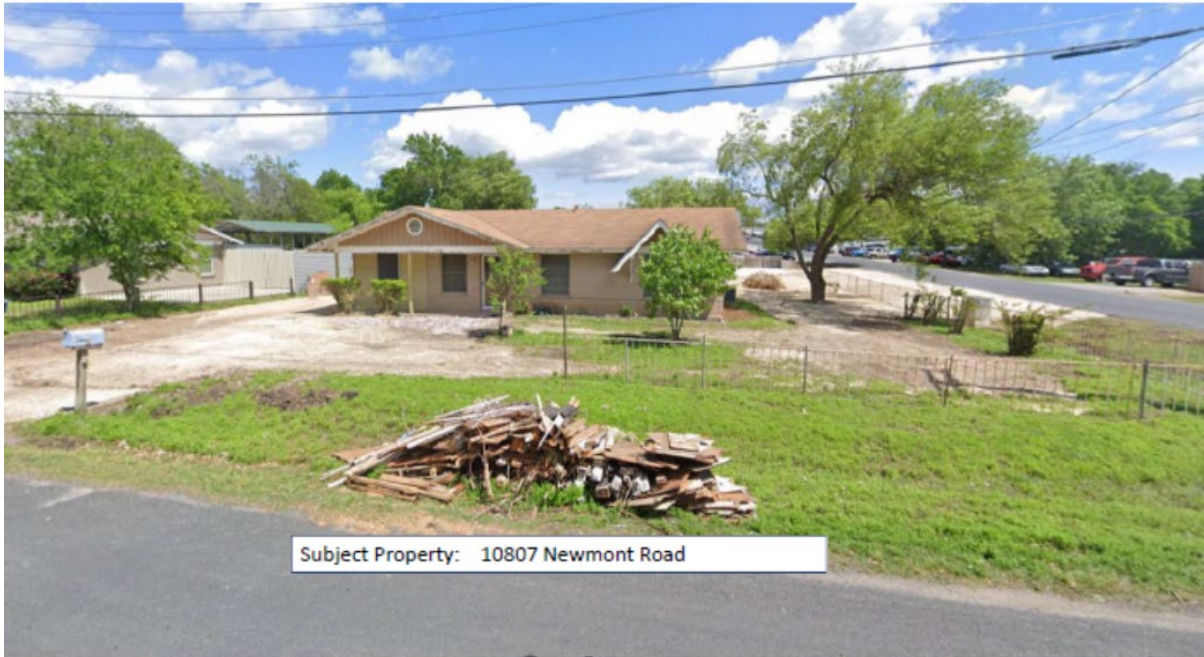
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

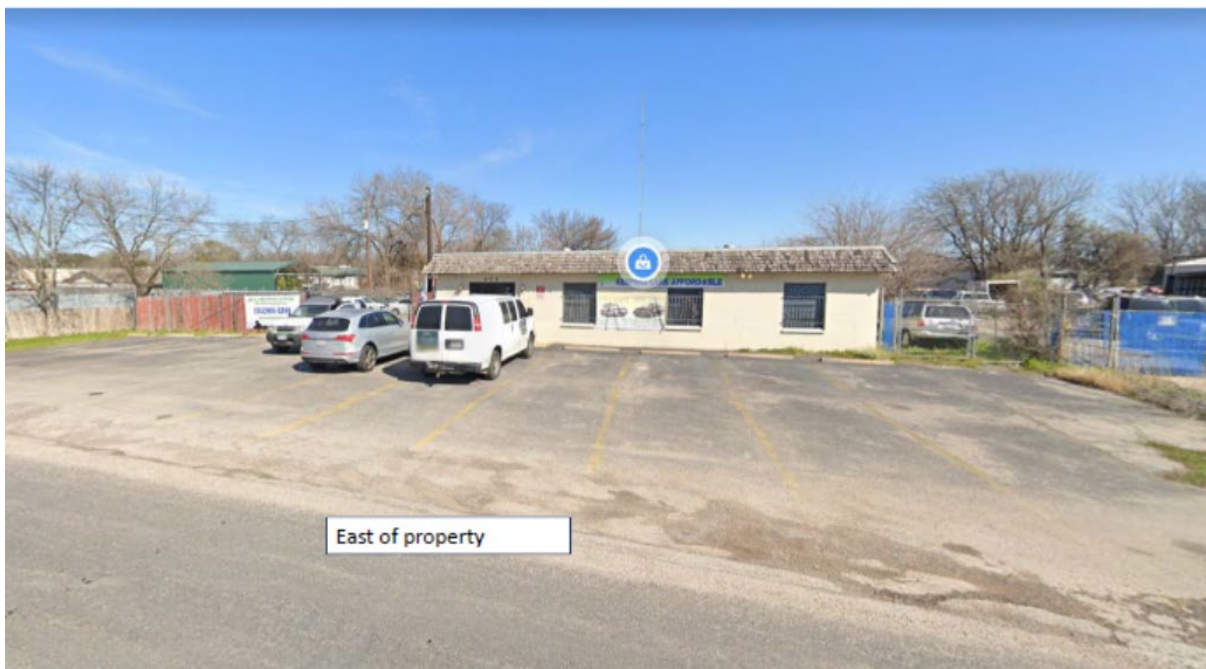


City of Austin
Housing and Planning Department
Created on 4/14/2021, by: MeeksS

Future Land Use

Land Base	Multi-Family
Subject Tract	Neighborhood Commercial
500 ft. notif. boundary	Neighborhood Mixed Use
Commercial	Office
Mixed Use	Single-Family
Mixed Use/Office	











Correspondence Received

From: Daniel Andrade

Sent: Tuesday, April 27, 2021 11:22 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Daniel Andrade

Subject: Case Number NPA2021 0007 01

*** External Email - Exercise Caution ***

Dear Maureen,

I am writing regarding this amendment on this property. I request that the city help us keep this area residential.

1. The current property has already put down rock and I never saw any permit postings on the property.
2. A covert has been buried on the south side of the property, again no permit postings and this rock is on the shoulder of the street, one can only assume the owner is going to park autos on this side of the property.
3. The property has already installed a metal fence with barb wire on the top rail, making this corner more of an eye sore.
4. The rock has been put down with no consideration of the grass, when Austin is attempting to go GREEN.
5. The street Wagon has become a crowded street with auto business on both sides, on certain times of the day there is only one way traffic due to autos double parked on the street. The owner of Elmer Auto repair yelled at me because I used my horn when some of his customers were blocking the street.
6. The city needs to come and visit this street, as well as Prairie which is one street north of Wagon to see how crowded this street has become due to the autos overflowing into the street. Also the city should visit Mcphal which is one street south of Wagon, this street has some many cars parked on the shoulder that sometimes also block the fire hydron at that corner. I should also ask you who do i contact for installing speed bumps on my street (Newmont Road) just to slow down the traffic from the auto repair business that use my street to trouble shoot their auto repairs.

Thanks for listening and I could list many more things as to why this property does not need to be changed. Once the status of this property it probably can not be changed back.

As always,

Dan

Daniel V.
512.663.9456

.....

From: Bang Huynh
Sent: Sunday, May 09, 2021 7:01 PM
To: Daniel Andrade <Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Re: Case Number NPA2021 0007 01

Hi everyone,

I would like to make a correction to my response regarding the sewer pipe extension. I had stated that it was extended to 10feet, but it looks like my brother, who helps me manage the property, had in fact extended it to approximately 40 feet. My apologies for the earlier misstatement.

Thank you,
Bang Huynh
512-983-2410

On Thursday, April 29, 2021, 10:12:43 AM CDT, Meredith, Maureen <maureen.meredith@austintexas.gov> wrote:

Daniel:

Below are responses from the applicant, Bang Huynh, to the email you sent on Tuesday, April 27th.

Maureen

From: Bang Huynh [
Sent: Thursday, April 29, 2021 9:59 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Re: Case Number NPA2021 0007 01

Hi Maureen/Sherri,

Please see below for my responses to Mr. Andrade's comments:

1. The current property has already put down rock and I never saw any permit postings on the property. BNH: These are roadbase (compacted soil) that was put in the backyard to raise the level slightly to help reduce flooding. Behind the house's backyard there's a creek and back in April 2019 there was flooding and the water got inside the house and did some damages to the flooring. The roadbase was in effort to minimize flooding to the house in the future. I am not aware that putting roadbase in my backyard would require a permit; I was under the impression that I would need a permit if it was paved (which it is not). Let me now if a permit is required for roadbase (compacted soil)?

2. A covert has been buried on the south side of the property, again no permit postings and this rock is on the shoulder of the street, one can only assume the owner is going to park autos on this side of the property. BNH: I am assuming he is referring to the metal sewer cylinder that redirect runoffs from the street to be sent to the creek behind the property. I found out after the flooding back in April 2019 that the existing sewer cylinder (about 2ft wide and 6ft long) had rusted and dirt was filling up inside, preventing the water to go through to the creek (contributing factor to the flooding to my property). So when I had the roadbase put in the backyard, I went ahead and replace the sewer cylinder pipe with a slightly longer pipe (10ft or so). The pipe probably should have been replaced by the City, but I didn't want to have to rely on the City for everything. Since my property is the most affected by it, and it didn't cost much to replace (a couple hundred dollars), I didn't think much about replacing it myself. Frankly, I don't even know who to contact to have the City replace it and don't even know how long it would take the City to replace it. As for his comment about parking on that side of the property, I have no intention of doing so. I'm thinking of having that side of the property (facing Wagon Trl) to be a 2nd entrance to the property (the other entrance facing Newmont rd). This way it will be easier to enter and exit the property without having to back out onto the street. I have noticed that the Auto dealership behind my property has been parking a few of their cars on that side; it hasn't bothered me much, so I haven't said anything to them. If Mr. Andrade want to propose the City putting up No Parking signs on the street of Wagon Trl and surrounding streets, I would have no issue with that.
3. The property has already installed a metal fence with barb wire on the top rail, making this corner more of an eye sore. BNH: There has been a few burglaries in the area. In particular, there was a burglary to the Auto dealership behind my property a few months ago. The metal fence behind the property facing the creek and the Auto dealership was put in for protection. As for it being an eye sore, well...beauty is in the eye of the beholder.
4. The rock has been put down with no consideration of the grass, when Austin is attempting to go GREEN. BNH: I'll admit that I'm more interested in functionality over aesthetics. See my comment for #1 above for my needs to put in roadbase in the backyard. On another note, I am evaluating solar panels for future use on the property. That's what GREEN means to me-renewable energy.
5. The street Wagon has become a crowded street with auto business on both sides, on certain times of the day there is only one way traffic due to autos double parked on the street. The owner of Elmer Auto repair yelled at me because I used my horn when some of his customers were blocking the street. BNH: I am sorry he had a bad experience, but I have no control over someone's actions. As for cars being parked on the street, I have no plan to, and if the City want to impose No Parking on the street, I wouldn't be against it.
6. The city needs to come and visit this street, as well as Prairie which is one street north of Wagon to see how crowded this street has become due to the autos overflowing into the street. Also the city should visit Mcphal which is one street south of Wagon, this street has some many cars parked on the shoulder that sometimes also block the fire hydron at that corner. I should also ask you who do i contact for installing speed bumps on my street (Newmont Road) just to slow down the traffic from the auto repair business that use my street to trouble shoot their auto repairs. BNH: I support his request, but have a feeling that the City is already well aware.

Let me know if there's anything else I can address for you.

Thank you,

Bang Huynh

512-983-2410

On Wednesday, April 28, 2021, 09:36:32 AM CDT, Meredith, Maureen
<maureen.meredith@austintexas.gov> wrote:

Bang:

Please see the email below from Daniel Andrade. You can respond to him if you'd like.

FYI: I sent him information on the City's residential streets traffic calming program:
<http://austintexas.gov/departments/speed-management>.

Maureen