C9

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0026 (1005 Prairie Trail) **P.C. DATE:** April 22, 2014

ADDRESS: 1005 Prairie Trail

OWNER/APPLICANT: Minh Doan

ZONING FROM: SF-2-NP **TO:** CS-MU-NP **AREA:** 0.3836 acres (16,709.616 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny the request for CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining District, zoning.

However, if the zoning is recommended by the Planning Commission and granted by the City Council, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

PLANNING COMMISSION RECOMMENDATION:

ISSUES:

On August 20, 2013, a complaint was filed with the City of Austin Code Compliance Division citing that the applicant for running a business from a residence/ working without a permit. The owner of the property was cited by the City of Austin Code Compliance division on August 23, 2013 for Work Without Permits (Citation #13307297) and for No Certificate of Occupancy (Citation #13307296) – Please see Notice of Violation-Attachment A. An additional complaint was filed for this property on October 28, 2013. Code Compliance has stated that the applicant has not stopped doing automotive repair work on the site and that they are in the process of pursuing these active code violations.

DEPARTMENT COMMENTS:

The property in question is developed with a single-family residential house. The applicant is currently operating an automotive repair use on the site. On the rezoning application, the applicant states that he is requesting CS-MU-NP zoning so that he can redevelop the site with a plant nursery use.

The staff recommends denial of the proposed CS-MU-NP zoning and recommends maintaining the existing SF-2-NP zoning at this location because this property is surrounded by single-family uses to the north, south, east and west and SF-2 zoning to the north, south and west. There is a clear boundary of SF-2 zoning to protect the residential character of the developed neighborhood to the west. SF-2-NP zoning is consistent with the Single Family land use designation on the adopted in on the Future Land Use Map for this portion of the North Austin Civic Association Neighborhood Planning Area (Please see North Austin Civic Association Neighborhood Planning Area FLUM – Attachment B).

The applicant does not agree with the staff's recommendation.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2-NP	Single-Family Residence
North	SF-2-NP	Single-Family Residence
South	SF-2-NP	Single-Family Residence
East	CS-NP	Single-Family Residence, Office/Warehouse (Tomco Services, Inc. Precision Auto Repair, etc.)
West	SF-2-NP	Single-Family Residence

AREA STUDY: North Lamar Area Study
North Austin Civic Association Neighborhood Plan

TIA: Waived

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Independent School District
Austin Monorail Project
Austin Neighborhoods Council
Austin Northwest Association
Bike Austin
Homeless Neighborhood Association
NACA Neighborhood Plan Contact Team
North Austin Civic Association
North Growth Corridor Alliance
Pflugerville Independent School District
SELTEXAS
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.

SCHOOLS: Austin I.S.D.

Mc Bee Elementary School
Burnet Middle School
Lanier High School

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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 addition condition to limit the size of the proposed sign on the property to 4 ft. x 4 ft. through a public restrictive covenant that will be signed prior to 3rd reading of the case at City Council (6-0, Reddy, Chimenti, and Hernandez-absent): Dealey-1st, Kirk-2nd.	1/13/11: Approved GO-MU-CO-NP combining district zoning, with conditions, on all 3 readings (7-0); Martinez-1st, Morrison-2nd.
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-1st, C. Galindo-2nd.	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); 1st reading only 3/25/04: Approved GR-CO (7-0); 2nd/3rd 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); 1st reading only 6/12/03: Approved LR-CO, with a 2,000 vehicle trip limit (7-0); 2nd/3rd readings

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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, Cultural Services, and Equipment Repair Services (8-0)	1/11/96: Approved W/LO-CO, prohibiting certain uses (5-0); all 3 readings
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); 1st reading 3/28/96: Approved GO-CO (TR1) and W/LO (TR2), subject to conditions (5-0); 2nd/3rd readings

RELATED CASES: NPA-2010-0007.01 (Associated Neighborhood Plan Amendment)
C14-01-0037 (NCA Neighborhood Plan Rezonings)

ABUTTING STREETS:

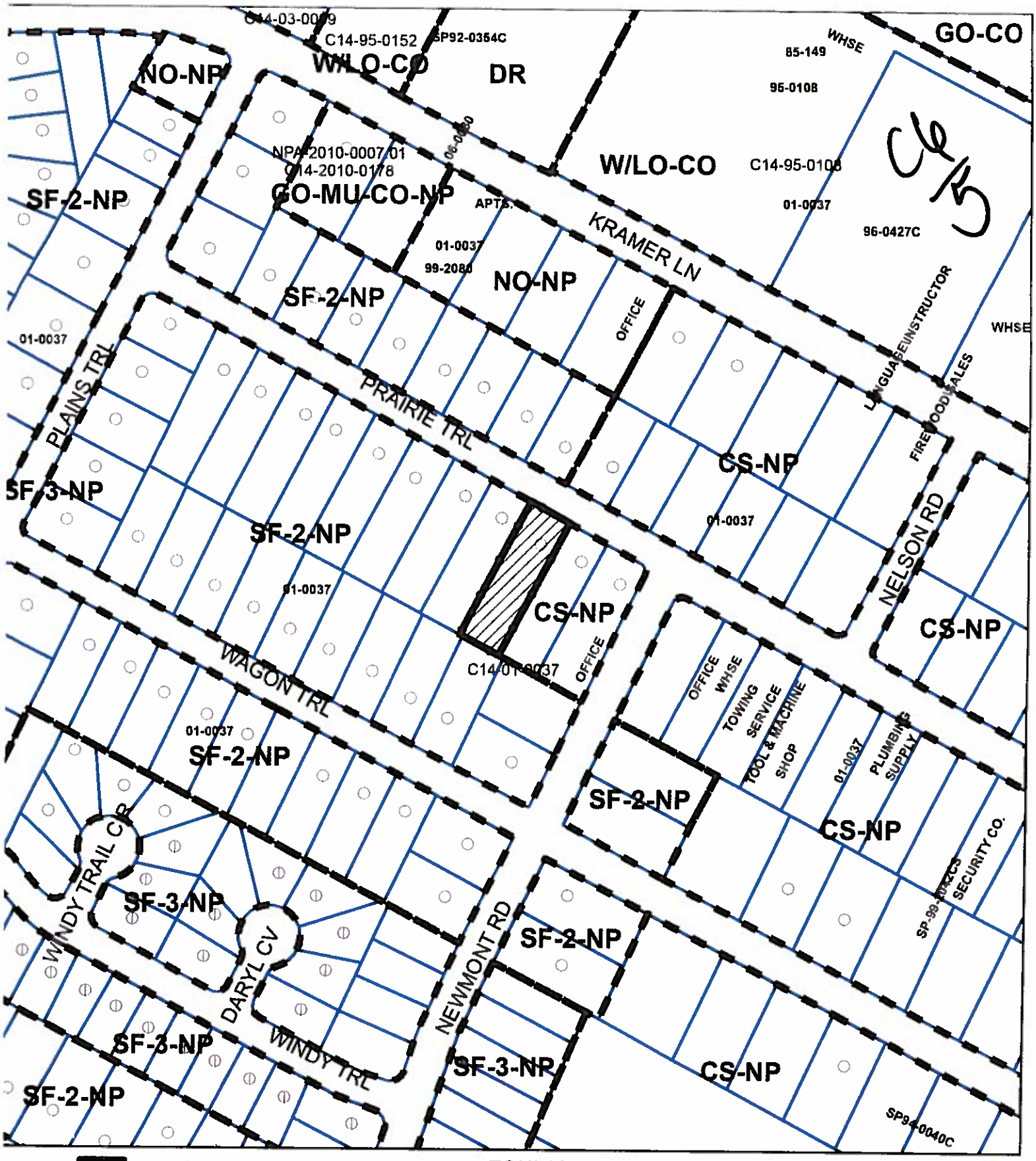
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Prairie Trail	50'	22'	Local	No	No	No

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

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis **PHONE:** 974-3057
sherri.sirwaitis@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 200 '

ZONING

CASE#: C14-2014-0026

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

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

CITY OF AUSTIN FOUNDED 1839

LR-CO
03-0009
W/LO-CO
SP92-0354C
ELEMENTARY
SCHOOL
DR
WHSE
85-149
95-0108
3
GO-CO
SP-05-1418C
03-0182
GR-CO
05-0097
SP-00-2181C
CS
NO-NP
19A
19B
20
SF-2-NP
MEADGREEN DR
GO-MU-CO-NP
17
P82-12
DAY\CARE
16
APTS
15
01-0037
99-2080
NO-NP
81-168
13
12
OFFICE
1
W/LO-CO
01-0037
2
96-0427C
91-08
01-0037
KRAMER LN
SF-2-NP
21
22
01-0037
26
23
11
10
9
8
7
LANGUAGE\INSTRUCTOR
FIREWOOD\SALES
WHSE
DAIRIES\SISTRIBUTION\CCENTER
GR
85-10
AUTO\PARTS
SP85-109
OFFICE\WAREHOUSE
DETAIL\SHOP
MASONARY\PRODUCTS
2-A
VEHICLE\SERVICE
2-B
BODY\SHOP
SF-3-NP
25
PLAINS TRL
SF-2-NP
24
01-0037
PRAIRIE TRL
CS-NP
01-0037
NELSON RD
5
4
CS-NP
01-0037
LUMBER\COMPANY
SP-02-0365D
27
SF-2-NP
28
OFFICE
19
18
OFFICE
WHSE
TOWING
SERVICE
TOOL & MACHINE
SHOP
01-0037
PLUMBING
SUPPLY
6
01-0037
BODY SHOP
29
30
SF-2-NP
31
01-0037
32
33
34
35
36
37
38
SF-2-NP
14
CS-NP
SP-99-2042CS
SECURITY CO.
AUTO &
TRUCK
SALES
TRANSMISSION
REPAIR
77-08
SECURITY SYS.
01-0037
LUMBER
SALES
WINDY TRAIL CIR
SF-3-NP
SF-2-NP
DARYL CV
40
SF-2-NP
39
NEWMONT RD
41
42
43
44
45A
46A
47A
48
COMMUNICATIONS CO.
BODY SHOP
VET CLINIC
WAGON TRL
01-0037
NORTH
N LAMAR BLVD
80-11
SF-3-NP
WINDY TRL
FAUNTLEROY TRL
SF-3-NP
CS-NP
LOT 1-A
77-08
SP94-0040C
SF-2-NP
SF-2-NP
01-0037
LOT ONE
WAREHOUSES
CS-V-CO-NP

GO-MU-CO-NP
96-0427C
KRAMER LN
PLAINS TRL
PRAIRIE TRL
NELSON RD
CS-NP
OFFICE
WAGON TRL
NEWMONT RD
WINDY TRAIL CIR
SF-2-NP
NORTH

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STAFF RECOMMENDATION

The staff's recommendation is to deny the request for CS-MU-NP, General Commercial Services-Mixed Use-Neighborhood Plan Combining District, zoning.

However, if the zoning is recommended by the Planning Commission and granted by the City Council, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

BASIS FOR RECOMMENDATION

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

   The proposed zoning does not promote consistency and orderly planning because the lot under consideration is developed with a single-family home that is laces Prairie Trail, a local residential street. The property is surrounded by single-family uses to the north, south, east and west and SF-2 zoning to the north, south and west. In addition, the North Austin Civic Association Neighborhood Plan Future Land Use Map calls for this property to be designated for Single Family use.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a single-family residence. The properties to the north, south and west are also developed with single-family residences. To the east of the site, there is a single-family residence and an office/warehouse structure at the southwestern corner of Prairie Trail and Newmont Road.

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 512-974-1876. 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.

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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

Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

The site is subject to compatibility standards. Along the West, North, and South 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

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 waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Additional right-of-way may be required at the time of a site plan submission.

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Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Prairie Trail	50'	22'	Local	No	No	No

Water and Wastewater

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Attachment A

City of Austin

Code Compliance Department

Summary of Complaint CC-2013-086704

COMPLAINT INFORMATION

Case Status: Active

Address: 1005 PRAIRIE TRL 78758

Legal Description: LOT 9 BLK B WHITE PLAINS SEC 5

Property Owner(s):
ADELINE ELIZABETH HARTSFIELD - Owner
PO BOX 10032
AUSTIN TX 78766-1032

Complaint Date: August 19, 2013

Complaint: Running a Business from a Residence,Working without a Permit

Complainant: In order to maintain open communication with the public, the record pertaining to a complainant is withheld as our standard practice unless it is anonymous or the assigned investigator. If you desire the complainant record, an open record decision for withholding this record will be requested from the Texas State Attorney General's Office.

INSPECTION INFORMATION

Investigator Assignment(s)

Manuel Villegas assigned on August 19, 2013

Case Log

DATE	STAFF NAME	ACTION TAKEN

COMMENT

08/20/2013 Manuel Villegas Insp / Violation(s) Found
On Tuesday, 20 August 2013 went by this address in reference to someone running a business from a residence and working without a Permit.

Knocking on the door got no anwer and did observe numerous vehicle along with a truck parked in the driveway; photos taken.

Checked Amanda and did not find any permits for a newly constructed building at the rear nor a Certificate of Occupancy for this address and property.

08/21/2013 Manuel Villegas Investigation/Research
On Wednesday, 21 August 2013 visited with Mr. Doan at 710 W Grady, Father to one Minh-Tu Ngoc 577-6713 who stated his son was the owner of this property but TCAD records indicate otherwise.

A scheduled inspection was set on Thursday at 2pm. Checked Amanda and find there are no permits for a newly constructed building at the rear of this property while also confirming with WPDR Chris Johnson this location is an SF-2 NP zone.

08/22/2013 Manuel Villegas Citation Prep/No Warning

On Friday, 23 August 2013 met with Ming-Tu Ngoc who was issued Citation #13307297 for Work Without Permits, and Citation #13307296 for No Certificate of Occupancy.

Mr. Ngoc was told this is a residential property and unless it is rezoned to commercial the continued prohibited use would result in more Citations being issued.

According to a consultant who did not leave their name, they are trying to get the necessary zoning.

08/22/2013 Manuel Villegas Citation Prep/No Warning
On Thursday, 22 August 2013 Supervisor Elaine Garrett and Investigator Villegas met with roommate to Minh-Tu stating his name was Darius Gathier. Mr. Gathier readily acknowledged helping Minh-Tu construct the large building but denied painting even though a large commercial compressor along with paint sprayers and a locker full of assorted colored paints with paint thinner were observed in a newly constructed restroom area. Mr. Minh-Tu Ngoc did not show but agreed to meet at the Code Compliance office on Friday where he was issued Citations #13307297 for Work Without Permits and No Certificate of Occupancy Citation #13307296.

09/09/2013 Manuel Villegas Send CV Notice
On Monday, 9 September 2013 able to confirm TCAD owner and will send them a NOV due to the Home Occupation violation on this property with property to be posted today.

09/10/2013 Manuel Villegas Information Update
On Tuesday, 10 September 2013 able to confirm via email that according to Mr. Christopher Johnson, "it is still zoned as SF-2 NP. "The property at 1005 [Lot 9, block b, White Plains Sec 5, TCAD parcel # 0246180704] is zoned SF-2-NP. The two lots to the east and 1003 and 1001 [lots 10 & 11] are currently zoned CS-NP. Prior to the adoption of the neighborhood plan in 2001, those two lots (1001 and 1003) were zoned LI. The property at 1005 was zoned SF-2 prior to the neighborhood plan, and the neighborhood plan rezoned it to SF-2-NP"

Spoke and met with Mr. Ming-Tu who stated he would like to debate the issuance of two Citations since he thought his property was a commerical lot. He did provide me the name of his Site Plan engineer, a Mr. George 731-7187.

09/16/2013 Manuel Villegas Information Update
On Monday, 16 September 2013 had Ming-Tu Ngoc and his mother, Ms. Ngoc visit Code wanting to do what more could be done on his property; short of rezoning, the automobile repairs, painting and storage of vehicle is probibited. New photos taken today.

Also left message 793-3400 for one Clive Noil Hartsfield III, allegedly son to TCAD owner who may be deceased so they too can be notified of the cited violations herein.

Equally left message for the consultant/engineer, one named George at 731-7187.

VIOLATIONS

Land Use

Austin City Code Section: Home Occupations (§25-2-900)
Violation: A person is prohibited from operating an automotive repair business within a (zone) residential zoned district.
Date Observed: 08/22/2013 Status: Invalid

Austin City Code Section: Home Occupations (§25-2-900)
Violation: Observed storage of vehicles and an automotive repair business.
Date Observed: 09/09/2013 Status: Not Cleared

Austin City Code Section: Building Permit Requirement (§25-11-32)
Violation: Commercial construction performed without required permit(s).
Date Observed: 08/22/2013 Status: Not Cleared

Austin City Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])
Violation: Residential construction performed without required permit(s).
Date Observed: 08/22/2013 Status: Invalid

Structure Maintenance

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NOTICES

Notice of Violation to ADELINE ELIZABETH HARTSFIELD (Owner)
Mail sent certified # 7012 2210 0000 6106 8974 on September 9, 2013
Mail sent regular on September 9, 2013

City of Austin

Founded By Congress, Republic of Texas 1839
Code Compliance Department
P.O. Box 1088, Austin, Texas 78767 - 1088

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September 9, 2013

NOTICE OF VIOLATION
via Certified Mail # 7012 2210 0000 6106 8974

Adeline Elizabeth Hartsfield
Po Box 10032
Austin TX 78766-1032

RE: **1005 PRAIRIE TRL 78758**
Legally described as LOT 9 BLK B WHITE PLAINS SEC 5
Zoned as CS-NP
Parcel Number 0246180704

Dear Adeline Elizabeth Hartsfield :

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-1930 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-1930 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

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Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to $2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767

Sincerely,

Manuel Villegas, Code Compliance Investigator
Code Compliance Department
Case CV-2013-087331

Cle/16

INVESTIGATION REPORT

Investigator: Manuel Villegas
Case: CV-2013-087331
Address: 1005 PRAIRIE TRL 78758
Zoned as SF-2-NP

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Building Permit Requirement (§25-11-32)
Description of Violation: Commercial construction performed without required permit(s).
Date Observed: August 22, 2013 Status: Not Cleared
Required Remedy: Obtain Building Permit to include mechanical, plumbing, and electrical permits.

Code Section: Home Occupations (§25-2-900)
Description of Violation: Observed storage of vehicles and an automotive repair business.
Date Observed: September 9, 2013 Status: Not Cleared
Required Remedy: Clear automobiles and all related home occupation from this SF-2 NP property.

Required Remedy Summary

Obtain All Permits in 7 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to Code Compliance Department located at 1520 Rutherford Lane, Building 1-Security Desk or mailed to:

Code Official
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

City of Austin

Founded By Congress, Republic of Texas 1839
Code Compliance Department
P.O. Box 1088, Austin, Texas 78767 - 1088

C4/17

October 15, 2013

NOTICE OF VIOLATION
via Certified Mail #7012 2210 0000 6106 8837

Minh-Tu Ngoc
1005 Prairie Trail
Austin TX 78758

RE: **1005 PRAIRIE TRL 78758**
Legally described as LOT 9 BLK B WHITE PLAINS SEC 5
Zoned as CS-NP
Parcel Number 0246180704

Dear Minh-Tu Ngoc:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-1930 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-1930 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:

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City of Austin
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to $2,000 per violation, per day.

Complaints

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin
Code Compliance Department Manager
P.O. Box 1088
Austin, Texas 78767

Sincerely,

Manuel Villegas, Code Compliance Investigator
Code Compliance Department
Case CV-2013-087331

C9/19

INVESTIGATION REPORT

Investigator: Manuel Villegas
Case: CV-2013-087331
Address: 1005 PRAIRIE TRL 78758
Zoned as SF-2-NP

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])
Description of Violation: Residential construction performed without required permit(s).
Date Observed: August 22, 2013 Status: Invalid
Required Remedy: Apply for all Building Permits to include mechanical, electrical, and plumbing.

Code Section: Home Occupations (§25-2-900)
Description of Violation: A person cannot operate an automotive repair business within a SF-2 NP residential zoned district.
Date Observed: August 22, 2013 Status: Invalid
Required Remedy: Clear automobiles and all related home occupation from this property.

Code Section: Building Permit Requirement (§25-11-32)
Description of Violation: Commercial construction performed without required permit(s).
Date Observed: August 22, 2013 Status: Not Cleared
Required Remedy: Obtain Building Permit to include mechanical, plumbing, and electrical permits.

Code Section: Home Occupations (§25-2-900)
Description of Violation: Observed storage of vehicles and an automotive repair business.
Date Observed: September 9, 2013 Status: Not Cleared
Required Remedy: Remove storage of vehicles and auto repair from this SF-2 NP zone.

Required Remedy Summary
Obtain All Permits in 7 days.

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and

C6/30

- the reasons the decision should be set aside.

An appeal may be delivered in person to Code Compliance Department located at 1520 Rutherford Lane, Building 1-Security Desk or mailed to:

Code Official
Code Compliance Department
P.O. Box 1088
Austin, Texas 78767

Attachment B

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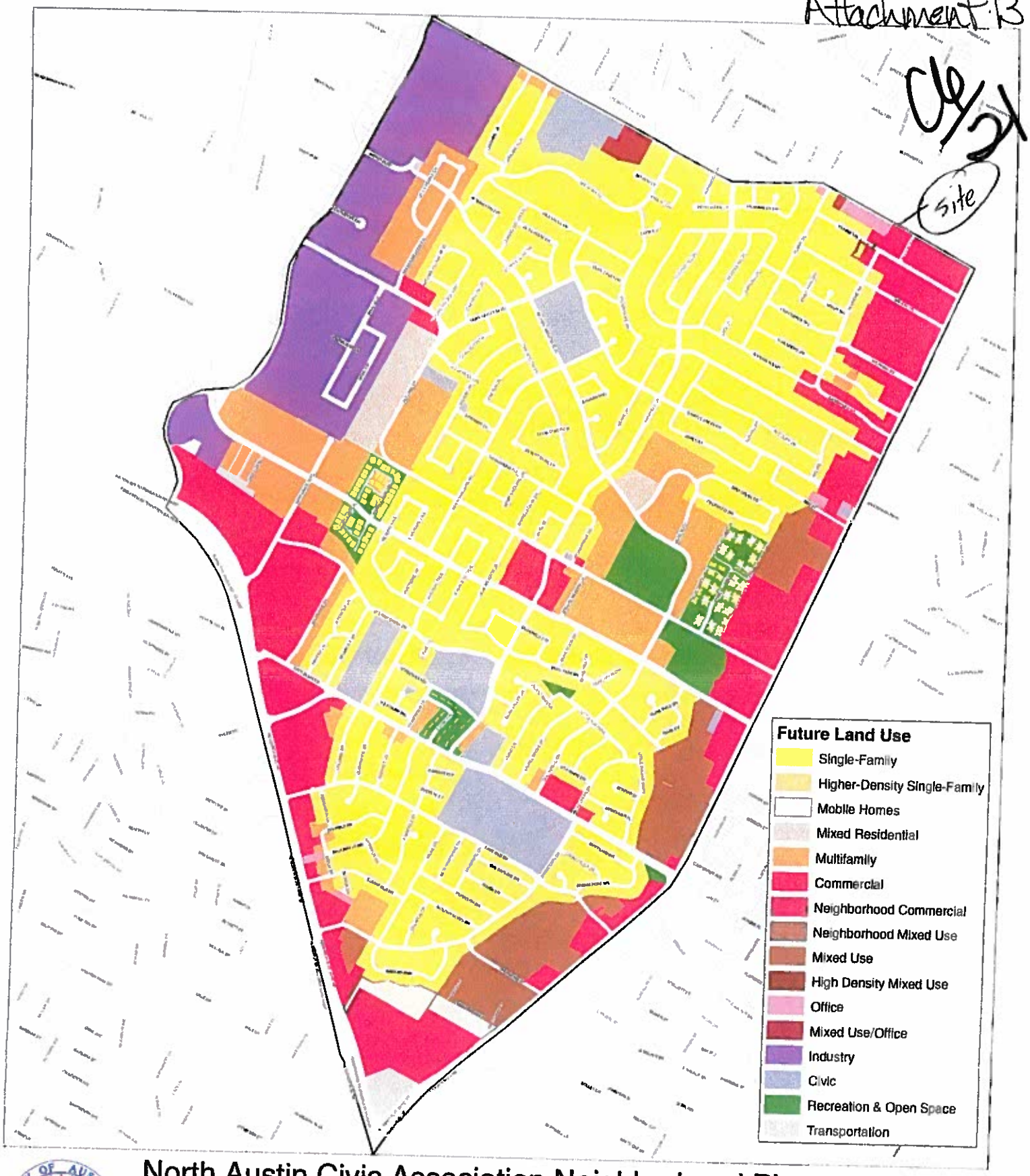
site



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.

N W E S

C6/22

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.

C6/23

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

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

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: C14-2014-0026
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Apr 22, 2014, Planning Commission
May 22, 2014, City Council

Sue D. PeRALeS
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1006 Prairie Tr.
Your address(es) affected by this application

Sue D. Perales — 4-14-14
Signature — *Date*

Daytime Telephone: 512-836-7732

Comments: I dont WANT all The extra Trafic in front of my house The A.A. club has already enough trafic. I want my queit street again. our Taxes are going to up Then the next door will go Comercial and pretty Soon The whole st. will be Comercial.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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