

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0079 (10807 Newmont Road)

DISTRICT: 4

ZONING FROM: SF-2-NP

TO: CS-MU-NP

ADDRESS: 10807 Newmont Road

SITE AREA: 0.3783 acres (16,469.748 sq. ft.)

PROPERTY OWNER: Bang Huynh

AGENT: Bang Huynh

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will 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 ACTION / RECOMMENDATION:

**June 22, 2021: Approved staff's recommendation of CS-MU-CO-NP zoning by consent (12-0, S. Praxis-arrived late); G. Cox-1st, J. Shieh-2nd.**

### CITY COUNCIL ACTION:

**July 29, 2021**

### ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

- The site under consideration is developed with a 1,175 sq. ft. single family house on a 0.3783 acre lot. The properties to the north are zoned GR-MU-CO-NP and CS-NP and are developed with office and warehouse uses. To the south, across Wagon Trail, there is SF-2 zoning with a duplex residence. The lots to the east are zoned CS-NP and are used for an automotive sales use and automotive repair businesses. The lots to the west, on the other side of Newmont Road, 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 commercial uses, specifically an automotive repair use and an office use.

The staff recommends CS-MU-CO-NP zoning at this location because the site under consideration meets the intent of the CS and MU zoning districts. The proposed rezoning will promote consistency and orderly planning because there is GR-MU-CO-NP zoning and CS-NP zoning to the north and east. This is the only residentially zoned tract of land that remains within this block between Prairie Trail and Wagon Trail at Newmont Road. The General Commercial Services-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 (*please see Exhibit C*).

The neighborhood planning staff is recommending a proposed FLUM change from Single Family to Mixed Use for this site in related case, NPA-2021-0007.01.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

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 at an intersection. CS-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 property is within ¼ -mile from a designated Activity Corridor, North Lamar Boulevard, where there is access to public transportation.

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

The proposed CS-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 ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Single Family Residence, Vacant Lot
<i>North</i>	GR-MU-CO-NP, CS-NP	Office, Warehouse
<i>South</i>	SF-2-NP	Duplex Residence
<i>East</i>	CS-NP	Automotive Sales (Austinits Auto Sales), Auto Repair (Lam's Austin Auto Repair)
<i>West</i>	SF-2-NP	Single Family Residences

NEIGHBORHOOD PLANNING AREA:

North Austin Civic Association Neighborhood Plan

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.

McBee Elementary School

Burnet Middle School

Navarro High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

GO Austin Vamos Austin - North

Homeless Neighborhood Association

NACA Neighborhood Plan Contact Team

Neighborhood Empowerment Foundation

North Austin Civic Association  
 North Growth Corridor Alliance  
 SELTEXAS  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0023 (Mechanic Shop: 10809 Newmont Road)	SF-2-NP to CS-MU-NP	5/08/18: Approved staff's recommendation of GR-MU-CO-NP zoning, with a CO to prohibit Bail Bond Services, Drop-off Recycling Collection Facility, Hotel/Motel, Pawn Shop Services, Pet Services, and Restaurant (General) uses on the property. (12-0, S. Oliver-off dais); J. Schissler-1 <sup>st</sup> , C. Kenny-2 <sup>nd</sup> .	6/14//18: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180614-102 for GR-MU-CO-NP combining district zoning was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-1 vote. Council Member Flannigan voted nay.
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 will be signed prior to 3 <sup>rd</sup> reading of the case at City Council (6-0, Reddy, Chimenti, and Hernandez-absent); Dealey-1 <sup>st</sup> , Kirk-2 <sup>nd</sup> .	1/1311: Approved GO-MU-CO-NP combining district zoning, with conditions on all 3 readings (7-0); Martinez-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
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	8/24/06: Approved LR on all 3 readings (7-0)

		standards, 3) Personal Services as the only permitted 'GO' district use, allowing all other 'NO' district permitted uses (8-0); J. Reddy-1 <sup>st</sup> , C. Galindo-2 <sup>nd</sup> .	
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 <sup>st</sup> reading only  3/25/04: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>st</sup> reading only  6/12/03: Approved LR-CO, with a 2,000 vehicle trip limit (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> 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, 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); 1 <sup>st</sup> reading  3/28/96: Approved GO-CO (TR1) and W/LO (TR2), subject to conditions (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

RELATED CASES:

NPA-2021-0007.01 (Associated Neighborhood Plan Amendment)  
C14-01-0037 (NCA Neighborhood Plan Rezonings)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Newmont Rd	60'	50'	22'	1	Yes	No	Yes
Wagon Trail	60'	50'	24'	1	Yes	No	Yes

OTHER STAFF COMMENTS: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.

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

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.

At this time, site specific information is unavailable regarding 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 s.f. 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.

### Fire

No comments.

### Parks and Recreation

Parkland dedication will be required for any new residential units proposed by this development, CS-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the south, east, and west property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

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

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way Newmont Road and Wagon Trail. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

Water Utility

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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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.

**INDEX OF EXHIBITS TO FOLLOW**

- A: Zoning Map
- B. Aerial Map
- C. NACA Contact Team E-Mail
- D. Correspondence from Interested Parties



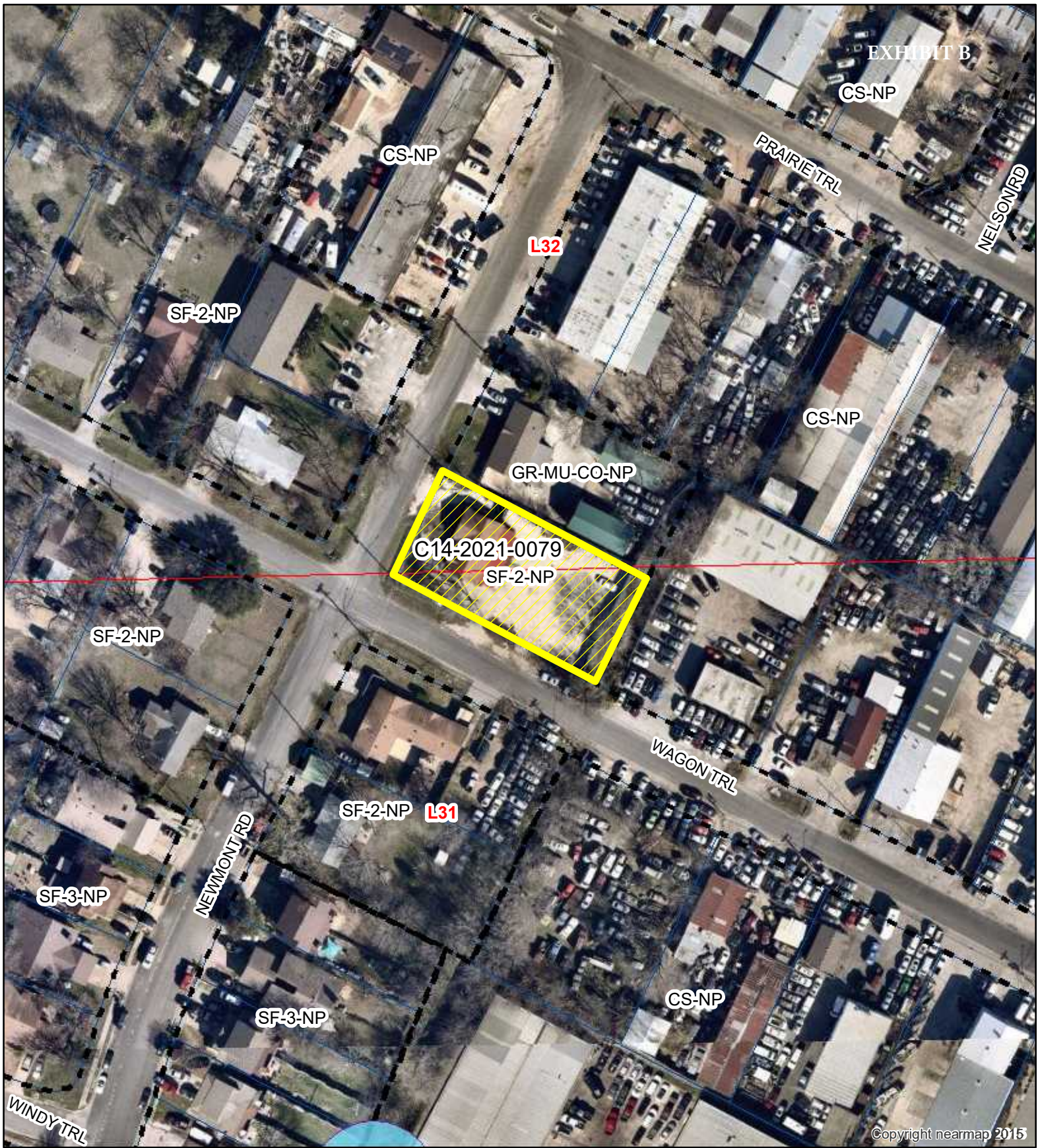


- $$1'' = 400'$$







**Created: 4/21/2021**





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-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 100'

### 10807 Newmont

ZONING CASE#: C14-2021-0079  
LOCATION: 10807 Newmont  
SUBJECT AREA: .3783 Acres  
GRID: L31 & L32  
MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**From:** Frank Lam  
**To:** [Meredith, Maureen](#)  
**Cc:** [Sirwaitis, Sherri](#)  
**Subject:** Re: May 13 Cmty Mtg Notice: NPA-2021-0007.01\_10807 Newmont Rd.  
**Date:** Wednesday, May 12, 2021 2:11:16 PM

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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

On May 3, 2021, at 11:29 AM, Meredith, Maureen  
<[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)> wrote:

Dear NACA NPCT:

Please see the attached notice for the virtual plan amendment meeting scheduled on May 13, 2021 from 6-7:30 pm via Microsoft Teams. If you are unable to attend, the meeting will be recorded and posted to the [Speakupaustin.org/npa](https://speakupaustin.org/npa) website for you to view later. Please forward this email to anyone you think would be interested.

This notice was mailed last week to people who own or rent property within 500 feet of the 10807 Newmont Road, in addition to any organization that requested notification for the area.

Please let me know if you have any questions.

*Maureen*

Maureen Meredith, Senior Planner  
City of Austin, Housing & Planning Dept.  
Mailing Address: P.O. Box 1088  
Austin, Texas 78767  
Phone: (512) 974-2695  
[Maureen.meredith@austintexas.gov](mailto:Maureen.meredith@austintexas.gov)

**From:** Bang Huynh  
**To:** [Daniel Andrade](#); [Meredith, Maureen](#)  
**Cc:** [Sirwaitis, Sherri](#)  
**Subject:** Re: Case Number NPA2021 0007 01  
**Date:** Sunday, May 9, 2021 7:01:19 PM

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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 27<sup>th</sup>.

Maureen

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**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 hydrant 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](mailto: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/department/speed-management>.

Maureen

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**From:** Daniel Andrade

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

**To:** Meredith, Maureen <[Maureen.Meredith@austintexas.gov](mailto: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 hydrant 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

Sent from [Outlook](#)

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