

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: North Austin Civic Association (NACA)

CASE#: NPA-2022-0007.01

DATE FILED: February 24, 2022 (In-cycle)

PROJECT NAME: 10810 Newmont Road

PC DATES: January 10, 2023
December 20, 2022
November 15, 2022
November 8, 2022
September 27, 2022
August 9, 2022

ADDRESS/ES: 10810 Newmont Road

DISTRICT AREA: 4

SITE AREA: 0.304 acres

OWNER/APPLICANT: 10810 Newmont Apartments, LLC/Kinereth Polner

AGENT: Kim Polner

CASE MANAGER: Maureen Meredith

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/Office (as amended on August 11, 2022)

Base District Zoning Change

Related Zoning Case: C14-2022-0136

From: SF-2-NP

To: GO-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: June 29, 2000

CITY COUNCIL DATE: TBD

ACTION:

PLANNING COMMISSION RECOMMENDATION:

January 10, 2023 – Approved on the consent agenda for the applicant’s request for Mixed Use/Office land use [A. Azhar – 1st; J. Thompson] Vote: 11-0 [P. Howard absent. One vacancy on the dais].

December 20, 2022- Postponed on the consent agenda to January 10, 2023 by the Planning Commission. [A. Azhar – 1st; J. Howard – 2nd] Vote: 9-0 [J. Thompson abstained from Item #19. G. Cox, J. Mushtaler, R. Schneider absent. One vacancy on the dais].

November 15, 2022 – Postponed on the consent agenda to December 20, 2022 by the Planning Commission. [A. Azhar – 1st; J. Thompson – 2nd] Vote: 9-0 [G. Cox, R. Schneider, and J. Shieh absent. One vacancy on the dais].

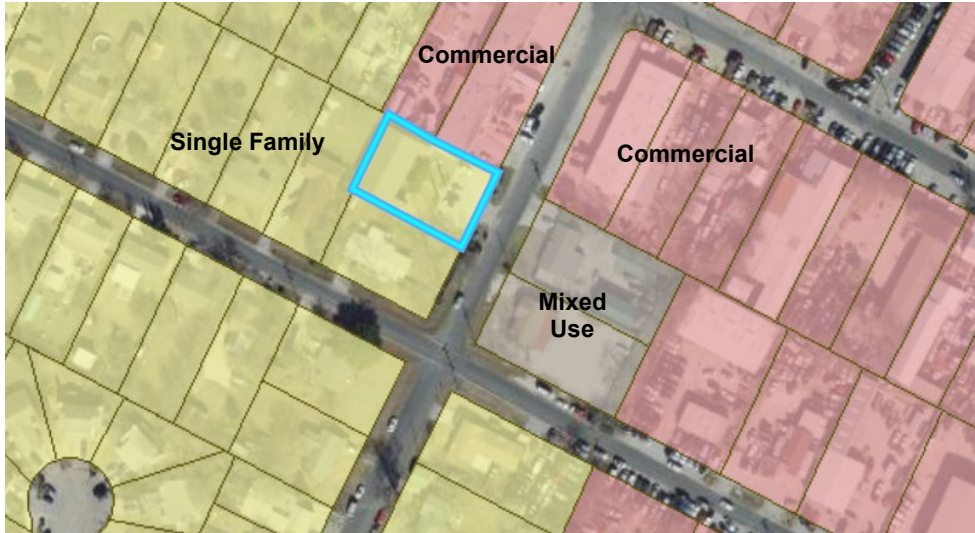
November 8, 2022 – Postponed on the consent agenda to November 15, 2022 at the Neighborhood’s request. [C. Hempel – 1st; J. Shieh – 2nd] Vote: 11-0 [J. Shieh absent. One vacancy on the dais].

September 27, 2022 – Postponed to November 8, 2022 on the consent agenda at the request of staff. [C. Hempel – 1st; G. Cox – 2nd] Vote: 9-0 [J. Mushtaler, J. Thompson, and R. Schneider absent. One vacancy on the dais].

August 9, 2022 – Postponed to September 27, 2022 on the consent agenda at the request of staff. [A. Azhar – 1st; C. Hempel – 2nd] Vote: 9-0 [G. Anderson off the dais. J. Mushtaler, S.R. Praxis and R. Schneider absent].

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF’S RECOMMENDATION: Staff supports the applicant’s request for Mixed Use/Office because there is Mixed Use land use across the street to the east and Commercial land use to the north. Mixed Use/Office land use will serve as a step-down buffer to the single-family zoning and land use south and west of the property.



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.

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

- 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/Office - An area that is appropriate for a mix of residential and office uses.

Purpose

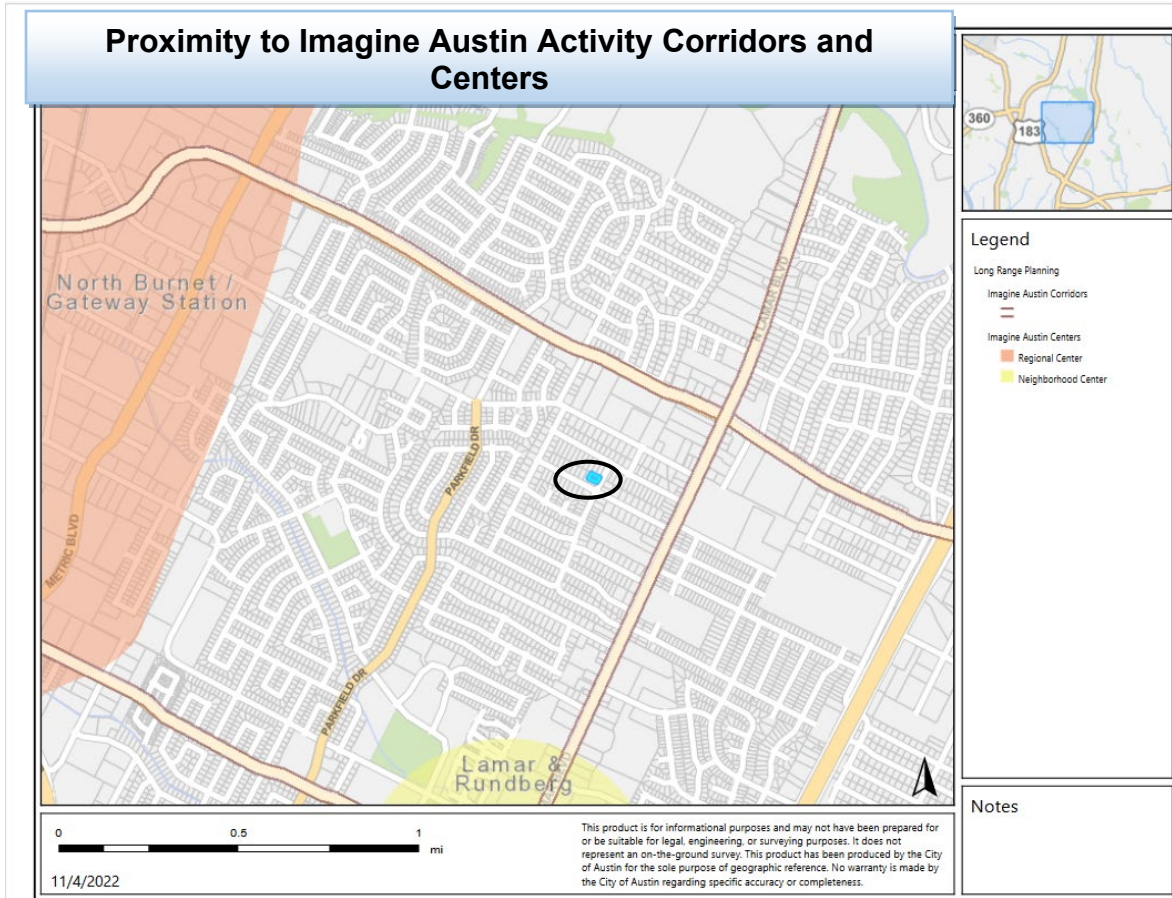
- Accommodate mixed use development in areas that are not appropriate for general commercial development; and
- Provide a transition from residential use to non-residential or mixed use.

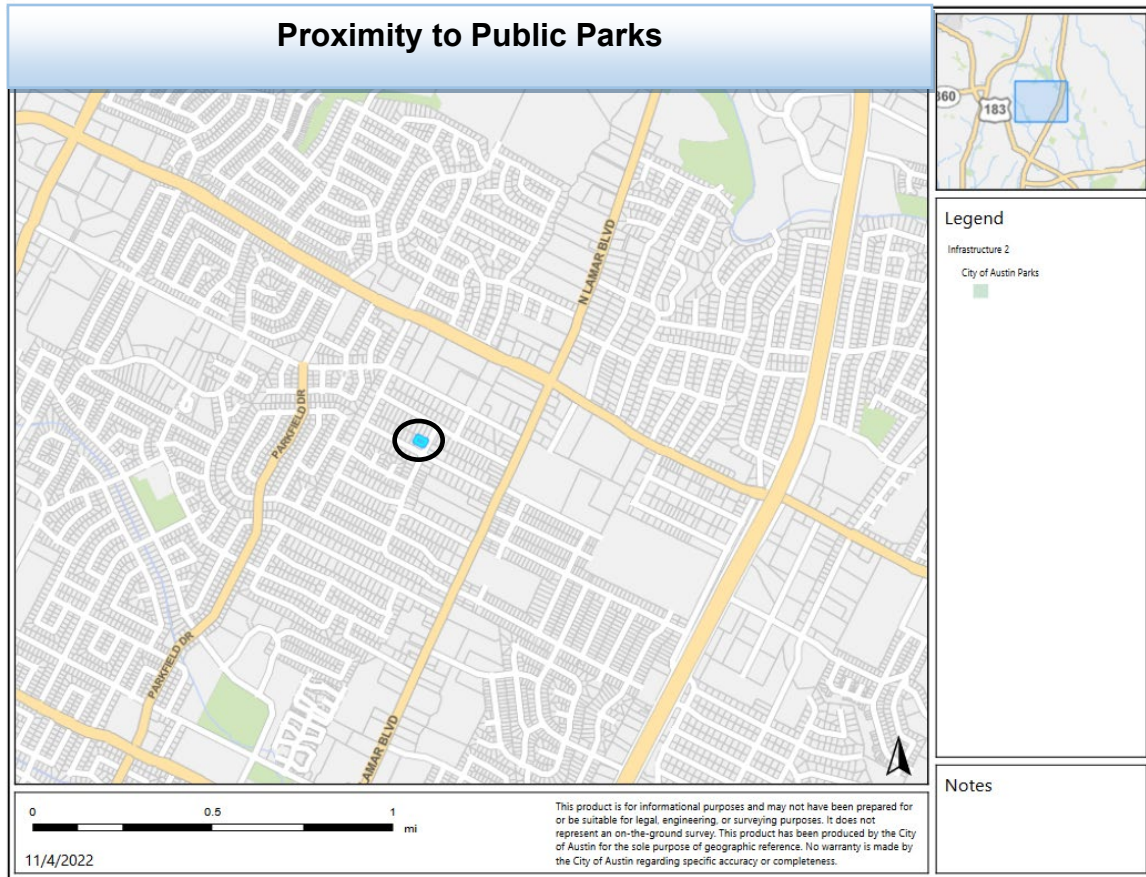
Application

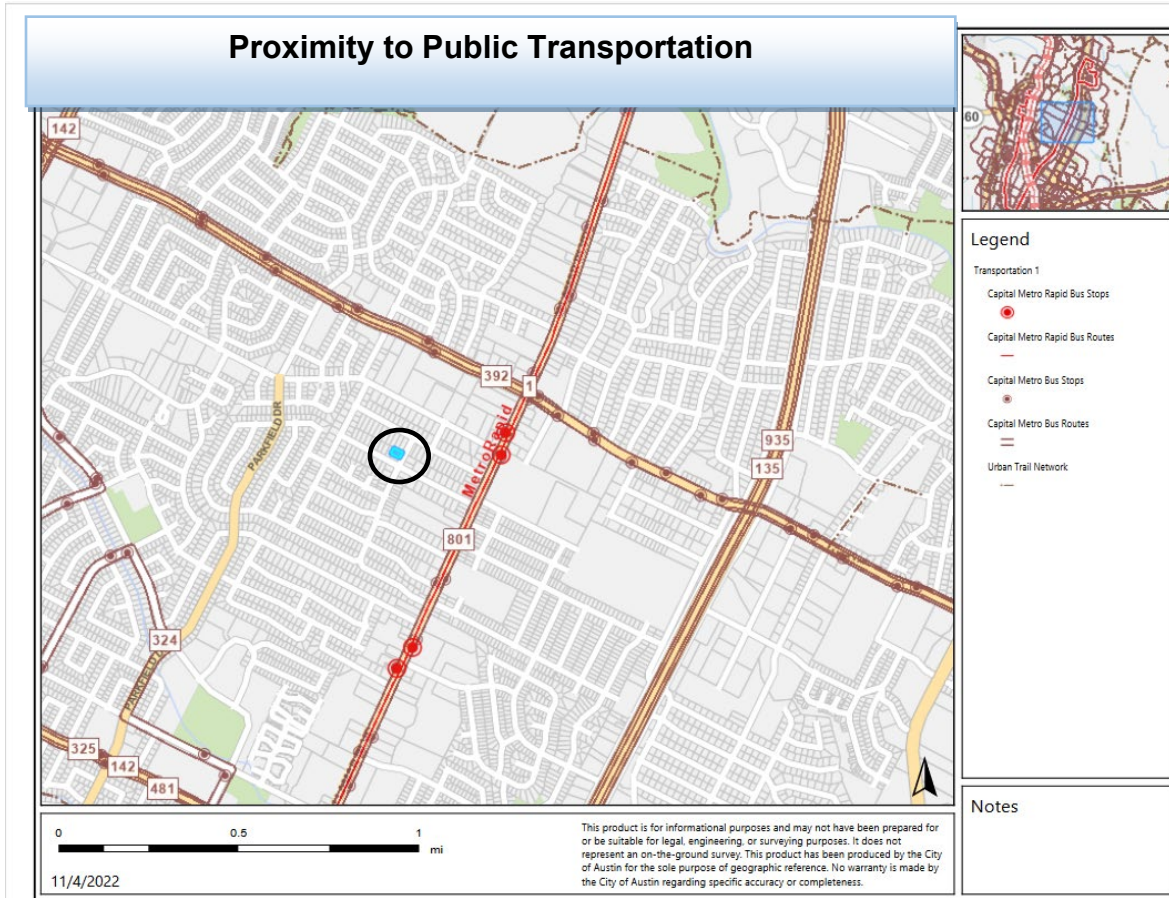
- Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
- May be used to encourage commercial uses to transition to residential use; and
- Provide limited opportunities for live/work residential in urban areas.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: <ul style="list-style-type: none"> Approx. 0.25 miles west of N. Lamar Blvd, an activity corridor
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> Approx. 0.25 miles west of N. Lamar Blvd, and activity corridor
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> There are no sidewalks on Newmont Road
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> N. Lamar Blvd has numerous businesses
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> 0.50 miles from MT Supermarket, 10901 N. Lamar Blvd.
	Connectivity and Education: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> 0.7 miles from McBee Elementary School on W. Braker Lane
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> 1.2 miles from Cook School Park
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> Not known

Yes	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. <ul style="list-style-type: none"> The existing 10-unit multifamily apartment complex provide housing for the area and the city
Yes	Mixed use: Provides a mix of residential and non-industrial uses. <ul style="list-style-type: none"> Existing use is a 10-unit apartment complex, but the proposed zoning of GO-MU would allow for a mix of residential and office uses
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
6	Number of "Yes's"
Imagine Austin Priority Program PUD Specific Bonus Features	
	Public Space Features and Public Art: Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).
	Integrates and/or Expands Green Infrastructure: Preserves or expands Austin's green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
	Protects the Environment: Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
	Protects Environmentally Sensitive Lands: Protects Austin's natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources more than ordinance requirements.
	Water/Wastewater Infrastructure: Sustainably manages Austin's water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques more than ordinance requirements.
0	Total Number of "Yes's"







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.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

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 February 24, 2022, which is in-cycle for neighborhood planning areas on west side of IH-35.

The applicant's original application was proposed to change the future land use map (FLUM) from Single Family to Multifamily Residential. On August 11, 2022, Kim Polner, the owner/applicant/agent amended the application to request a change in FLUM from Single Family to Mixed Use/Office land use.

The applicant proposes to change the zoning on the property from SF-2-NP (Single Family Residence Standard Lot district – Neighborhood Plan combining district) to GO-MU-NP (General Office district -Mixed Use combining district-Neighborhood Plan combining district). There is an existing ten-unit multifamily complex on the property. For more information on the proposed zoning request, see case report C14-2022-0136.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on October 12, 2022. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 222 meeting notices were mailed to people who rent or own property within 500 feet of the subject property. Two staff members attended the meeting, Maureen Meredith and Mark Walters from the Housing and Planning Department and Kim Polner, the owner/applicant/agent. One person from the neighborhood attended who was a member of the North Austin Civic Association Neighborhood Plan Contact Team.

Kim Polner did not have a presentation.

Q: Are there any renderings of the proposed changes?

A: Right now, there are no plans. We already have amnesty, which basically means that if the building burns down, we can rebuild to the existing 10 units within the same footprint that we have. In order to expand and add more units, we need to change the zoning to at least MF-4 which would allow approximately an additional four units. Zoning staff recommended GO-MU which would allow the density to increase a little bit.

Amended Application

From: Kim Polner
Sent: Thursday, August 11, 2022 9:07 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: amendment application for NPA-2022-0007.01_10810 Newmont

*** External Email - Exercise Caution ***

I would like to officially amend my plan amendment application NPA-2022-0007.01 for property located at 10810 Newmont Road from a request to change the FLUM from Single Family to Multifamily Residential to a request to change the FLUM from Single Family to Mixed Use/Office.

Have a*~)

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(,.,. (*~) * Wonderful day

Kim Polner

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Applicant Summary Letter from Application

February 9, 2023

Neighborhood Plan Amendment SUMMARY LETTER

when the property was annexed into the city (Case C7A-75-007, see map below) instead of getting Multifamily zoning, it was zoned SF-2 instead of the correct MF4

A clerical error regarding the designated use of the subject property exists on the future land use map of the neighborhood plan or in the text of the plan.

We are requesting the property to be Zoned correctly to a MF as there are 10 individually metered units on site originally built from 1972

§ 25-2-85 - MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION.
[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 64 units per acre, depending on unit size. An MF-4 district

designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired

Source: Section 13-2-53; Ord. 990225-70; Ord. 031211-11.

[https://library.municode.com/tx/austincodes/code_of_ordinances?](https://library.municode.com/tx/austincodes/code_of_ordinances?nodeid=TIT25LADR_CH25-270_SUBCHAPTER_A_ZONING_USES_DISTRICTS_MAP_DISTRICT_DESIGNATIONS_ART27201_DIV10GE&TIT25LADR_CH25-270_SUBCHAPTER_A_ZONING_USES_DISTRICTS_MAP_DISTRICT_DESIGNATIONS_ART27201_DIV10GE_S25-2-32200MACO)

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Applicant amended the proposed zoning request from MF-4-NP to GO-MU-NP after this summary letter was submitted.

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

**North Austin Civic Association Neighborhood Plan Contact Team
Austin, TX**

November 7, 2022

City of Austin Planning Commission

Re: NPA-2022-0007.01, 10810 Newmont Road
10810 Newmont Apartments, LLC/Kinereth Polner

Dear Commissioners:

The North Austin Civic Association (NACA) Neighborhood Plan Contact Team (the "Contact Team") was presented with the above referenced FLUM amendment case in March 2022 regarding the property located at 10810 Newmont Road, Austin, TX, 78758 (the "Property") to amend the FLUM designation from Single Family/Commercial to Multifamily Residential which was later revised to a request for a Mixed Use/Office FLUM designation. The Contact Team met on several occasions to review and discuss the suitability of the application which included several email correspondences and a meeting with the applicant, Kim Polner ("Applicant"). As a result, the Contact Team has voted in the following manner on the above referenced request:

- **To oppose the change of the Property's FLUM designation from Single Family/Commercial to Mixed Use/Office for the following reasons:**
 - The Property is surrounded by single family residential properties both to the south and west and is located mid-block which is not optimal for the proposed land use. While we recognize that the Property and general surrounding area could be suitable for commercial development in the future, we do not believe that the present circumstances justify a need for additional commercial development in that area.
 - The Applicant's reasoning for this zoning change as communicated on several occasions including an email dated August 9, 2022 (attached) is to correct a "clerical error" so that the FLUM conforms with existing use case of a 10-unit multi-family property and to allow for the addition of 2-4 additional units (email from Applicant on 8/16/22 attached as Exhibit A).
 - A Multi-Family FLUM would be the most appropriate designation to accomplish that objective. Per the Applicant's Neighborhood Plan Amendment Application under Summary Letter (attached as Exhibit B), "We are requesting the property to be zoned correctly to a MF as there are 10 individually metered units on the site originally built from 1972."
 - While the Contact Team generally supports investment in the NACA area in the form of additional residential housing, we do not believe that a zoning of GO-MU-NP is necessary to accomplish the Applicant's desire to add additional units.

As always, the North Austin Civic Association's stakeholders and the Contact Team greatly appreciate the opportunity to participate in the review process and welcome any questions regarding our recommendation.

Warmest Regards,

Frank Lam
NACA NPCT Chairperson

**Attachment to Frank Lam's NACA NPCT
Letter of Recommendation**

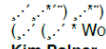
EXHIBIT A

Attachment to Frank Lam's NACA Letter of Recommendation

From: Kim [REDACTED]
Subject: Re: 10810 Newmont - PC August 9, 2022 Agenda
Date: August 16, 2022 at 10:24 AM
To: Frank Lam [REDACTED]
Cc: nacacontactteam [REDACTED]

The reason we are amending to the new zoning is because the zoning committee strongly objected MF-4 zoning, however they will support GO-MU-NP zoning which is the same density as MF-4 which in return may allow us to add 2-4 units, should we decide to develop the property and bring the zoning of the existing structure to current zoning code.

Have a***)



Wonderful day

Kim Polner

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On Aug 16, 2022, at 9:19 AM, Frank Lam <franklam@gmail.com> wrote:

Hi Kim,
I hope that you're doing well.

At this time, we do not have an anticipated time frame for the completion of our review. That said, we do believe that additional information from you regarding the current plans for that property will help aid us in our assessment. Can you kindly provide us with the impetus and plans for this revised FLUM amendment?

Best regards,
Frank

On Aug 15, 2022, at 10:14 PM, Kim <kpolner@gmail.com> wrote:

Hi Frank, when do you expect to have the new recommendation reviewed?

Have a***)



Wonderful day

Kim Polner

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On Aug 5, 2022, at 4:40 PM, Meredith, Maureen <Maureen.Meredith@austintexas.gov> wrote:

Hi, Kim and Frank:

NPA-2022-0007.01_10810 Newmont Dr. is on the Tuesday, August 9, 2022 Planning Commission agenda so the case does not expire. No staff case report has been submitted, only a postponement memo. Staff is recommending the case be postponed to the September 27, 2022 Planning Commission hearing date. The August 9 PC hearing is a consent agenda only hearing, so this case will not be discussed. I've provided the Sneaker Registration link as an FYI

Attachment to Frank Lam's NACA NPCT Letter of Recommendation

attached. I've provided the speaker registration link as an FYI.

Attached is the agenda and speaker registration link below to applicants and interested parties: <https://forms.office.com/g/irmTaGAqPp>

Maureen

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<Image003.png>

**Maureen Meredith, Senior Planner
Inclusive Planning Division
Housing and Planning Department**
Office: (512) 974-2695
Schedule: M-Th, 8 AM – 6:30 PM
Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: <https://bit.ly/HPDLobbyingForm>
Please note that all information provided is subject to public disclosure. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

<Image001.png>

<Planning Commission August 9 2022 Agenda.pdf>

**Attachment to Frank Lam's NACA NPCT
Letter of Recommendation**

EXHIBIT B

**Attachment to Frank Lam's NACA NPCT
Letter of Recommendation**

City of Austin Application Packet for Neighborhood Plan Amendment
For Individual Property Owner

Page 13 of 16

**Neighborhood Plan Amendment
SUMMARY LETTER**

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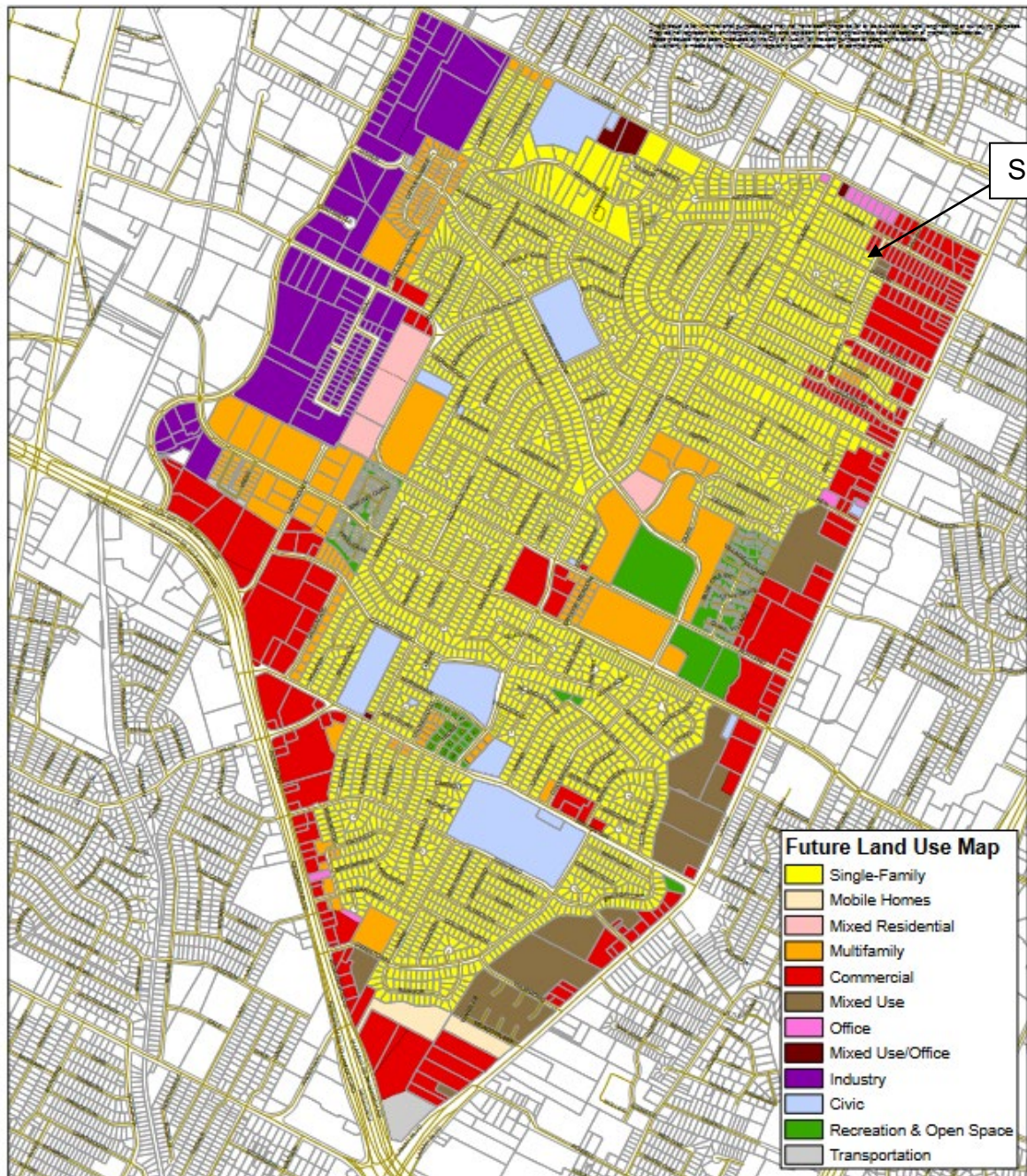
§ 25-2-65 - MULTIFAMILY RESIDENCE MODERATE - HIGH DENSITY (MF-4) DISTRICT DESIGNATION.
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commercial facilities in an area adjacent to the central business

Source: Section 13-2-53; Ord. 990225-70; Ord. 031211-11.

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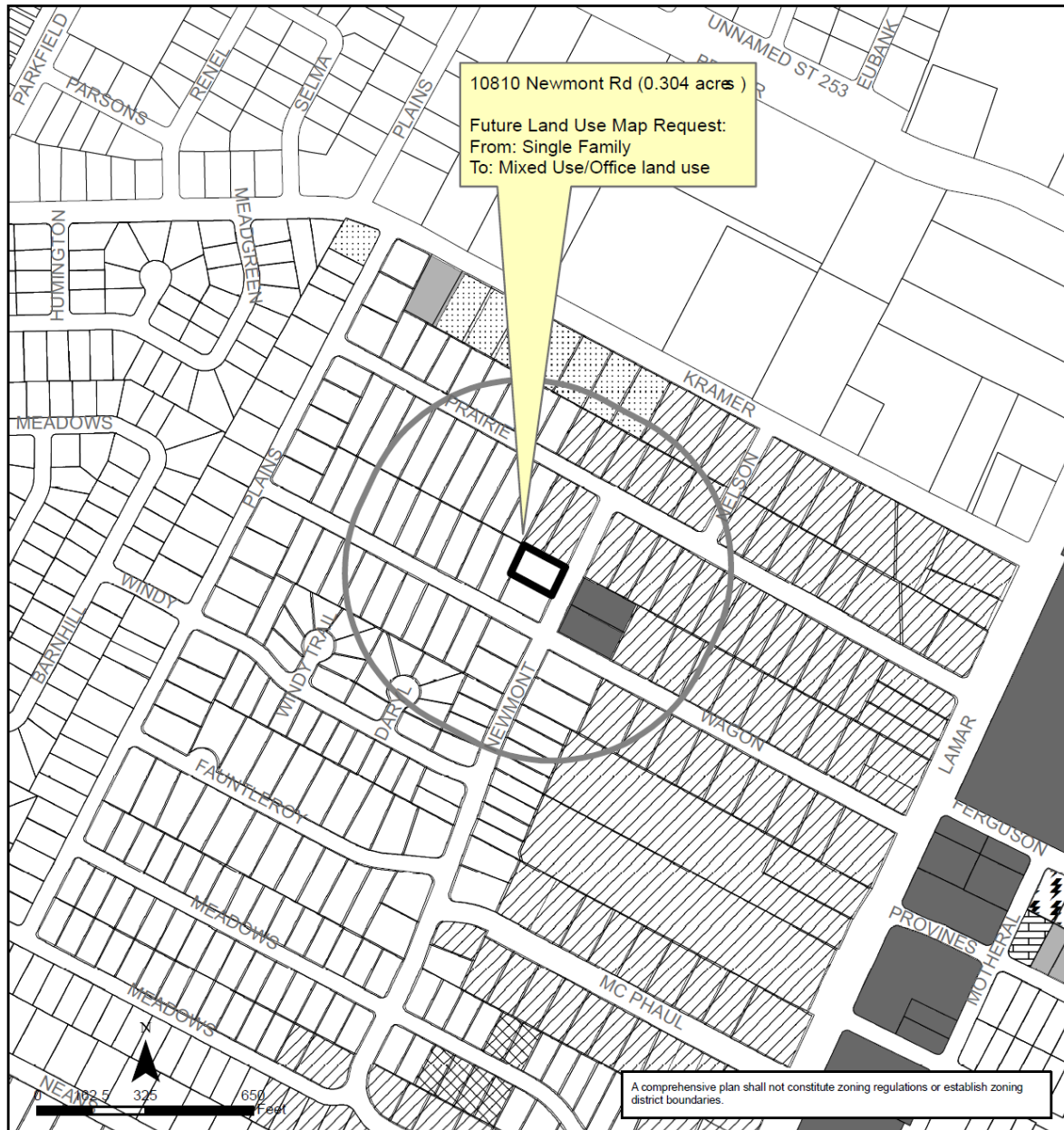
North Austin Civic Association Neighborhood Plan

Future Land Use Map
Adopted June 2000
Modified: 10/13/2021

Housing and Planning Department

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





North Austin Civic Association Neighborhood Planning Area **NPA-2022-0007.01**

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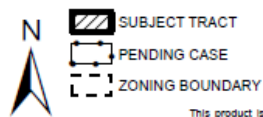
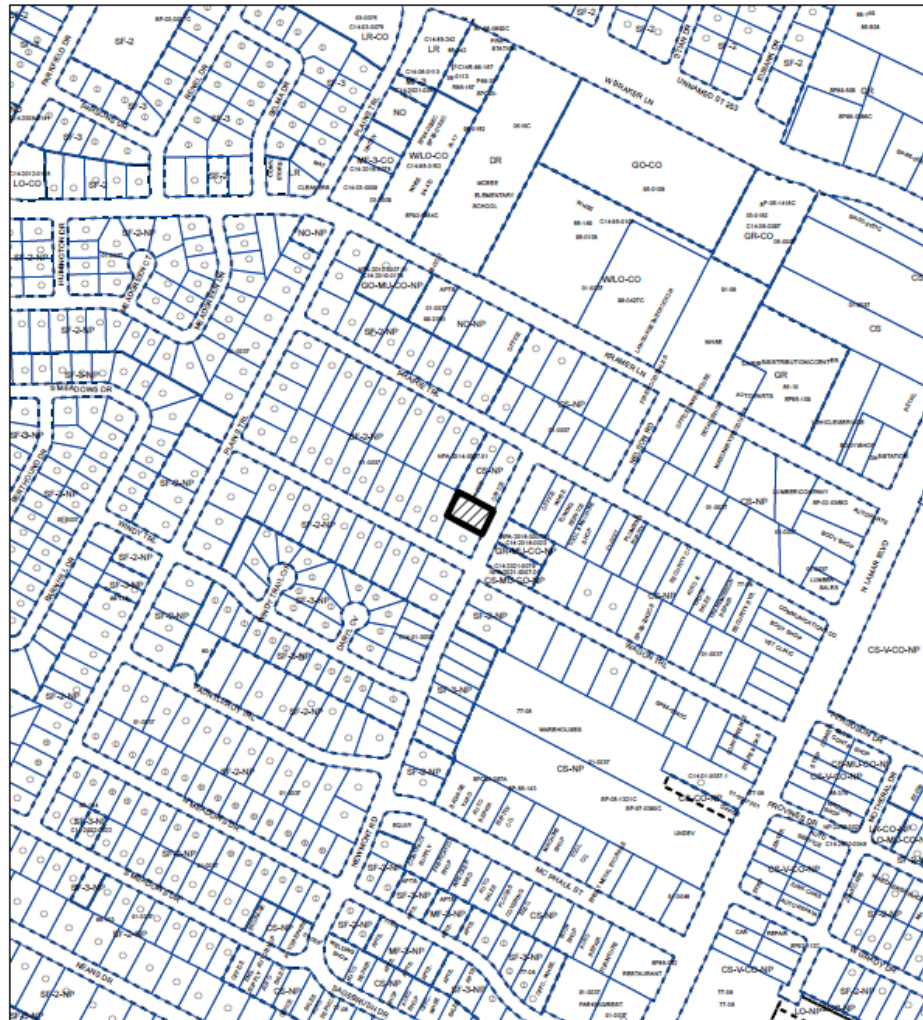
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City of Austin
Housing and Planning Department
Created on 3/1/2022, by: MeeksS

Future Land Use

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



ZONING
ZONING CASE#: C14-2022-0136

1" = 400'

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