

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0136 (10810 Newmont Rd)

DISTRICT: 4

ZONING FROM: SF-2-NP

TO: GO-MU-NP

ADDRESS: 10810 Newmont Road

SITE AREA: 0.304 acres

PROPERTY OWNER: 10810 Newmont Apartments LLC (Kinereth Polner)

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

STAFF RECOMMENDATION:

**Staff recommends GO-MU-NP, General Office-Mixed Use-Neighborhood Plan
Combining District, zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**November 15, 2022: Postponed to December 20, 2022 by the Planning
Commission by consent (9-0, G. Cox, R. Schneider and J. Shieh-absent);
A. Azhar-1st, J. Thompson-2nd.**

**December 20, 2022: Postponed to January 10, 2023 by the Planning Commission
by consent (9-0); A. Azhar-1st, P. Howard-2nd.**

**January 10, 2023: Approved the staff's recommendation of GO-MU-NP zoning
by consent (11-0, P. Howard-absent); A. Azhar-1st, J. Thompson-2nd.**

CITY COUNCIL ACTION:

February 9, 2023

ORDINANCE NUMBER:

ISSUES:

An Amnesty Certificate of Occupancy (CO) was granted for a Site Plan Exemption request for this property on January 21, 2022, as construction of the existing development was started prior to annexation (*please see Exhibit C*).

CASE MANAGER COMMENTS:

The property under consideration is developed with a 2 story, 10-unit multifamily structure on a 0.304 acre lot. The lots to the north are zoned CS-NP and are developed with office and warehouse uses. To the south, there is SF-2-NP zoning with a single family residence. The lot to the east, across Newmont Road, is zoned GR-MU-CO-NP and is used as an automotive repair business. The lots to the west are zoned SF-2-NP and developed with a duplex residential use and single family residences. The applicant is requesting GO-MU-NP zoning to bring the existing multifamily residential use into conformance with use regulations in the Land Development Code.

The staff recommends GO-MU-NP zoning at this location because the site under consideration meets the intent of the office district and mixed use combining district. GO-MU-NP zoning will bring the existing multifamily residential use into conformance with the Land Development Code regulations and will provide for a transition in the intensity of uses from the commercial zoning to the north to the single family zoning to the south. Office-Mixed Use zoning is appropriate for this tract because the property is located midblock, not at an intersection where more intensive commercial zoning is typically located. GO-MU-NP zoning allows for the same residential unit density as MF-4 zoning and will permit civic, office and low density commercial uses, as well as residential uses on the property.

The neighborhood planning staff is recommending a proposed FLUM change from Single Family to Mixed Use/Office 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 Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs.

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.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

GO-MU-NP zoning will provide for a transition in the intensity of uses along Newmont Road from the commercial zoning to the north to the single family zoning to the south. Office-Mixed Use zoning is appropriate for this tract because the property is located midblock, not at an intersection where more intensive commercial zoning is typically located.

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

GO-MU-NP district zoning allows for the same residential unit density as MF-4 zoning. Therefore, the proposed zoning and would permit the applicant to bring the existing multifamily residential use on the site into conformance. In addition, it would allow for the redevelopment of the site with a mixture office, civic and residential uses to provide additional services in this area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Multifamily
<i>North</i>	CS-NP	Office/Warehouse (Capital Area Restoration Services)
<i>South</i>	SF-2-NP	Single Family Residence
<i>East</i>	GR-MU-CO-NP	Automotive Repair (Jay's Auto Repair)
<i>West</i>	SF-2-NP	Duplex Residence, 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
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
C14-2021-0079 (10807 Newmont Road)	SF-2-NP to CS-MU-NP	6/22/21: Approved staff's recommendation of CS-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, by consent (12-0, S. Praxis-arrived late); G. Cox-1st, J. Shieh-2nd.	7/29/21: Approved CS-MU-CO-NP zoning on all 3 readings by consent
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 st , C. Kenny-2 nd .	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 rd	1/1311: Approved GO-MU-CO-NP combining district zoning, with conditions on all 3 readings (7-0); Martinez-1 st , Morrison-2 nd .

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

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

RELATED CASES:

NPA-2021-0007.01 (Associated Neighborhood Plan Amendment)

C14-01-0037 (NCA Neighborhood Plan Rezonings)

C7A-75-007 (Annexation Case)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Newmont Road	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 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, multi-family with MF-4 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. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

Site plans will be required for any new development other than single-family, two-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. The site is subject to compatibility standards due to the adjacent SF-2 district to the west and south.

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

This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Newmont Road. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Wagon Trail. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within ¼ mile)
Newmont Road	1	58 feet	53 feet	29 feet	None	None	None
Wagon Trail	1	58 feet	54 feet	24 feet	None	None	None

Zoning transportation analysis shall be performed at zoning where anticipated trips are anticipated to exceed 2,000 unadjusted trips to satisfy the LDC requirement for a TIA but

does not diminish the authority to require a traffic impact analysis at site plan. LDC 25-6, TCM 10.5.0.

A transportation assessment/traffic Impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

Water Utility

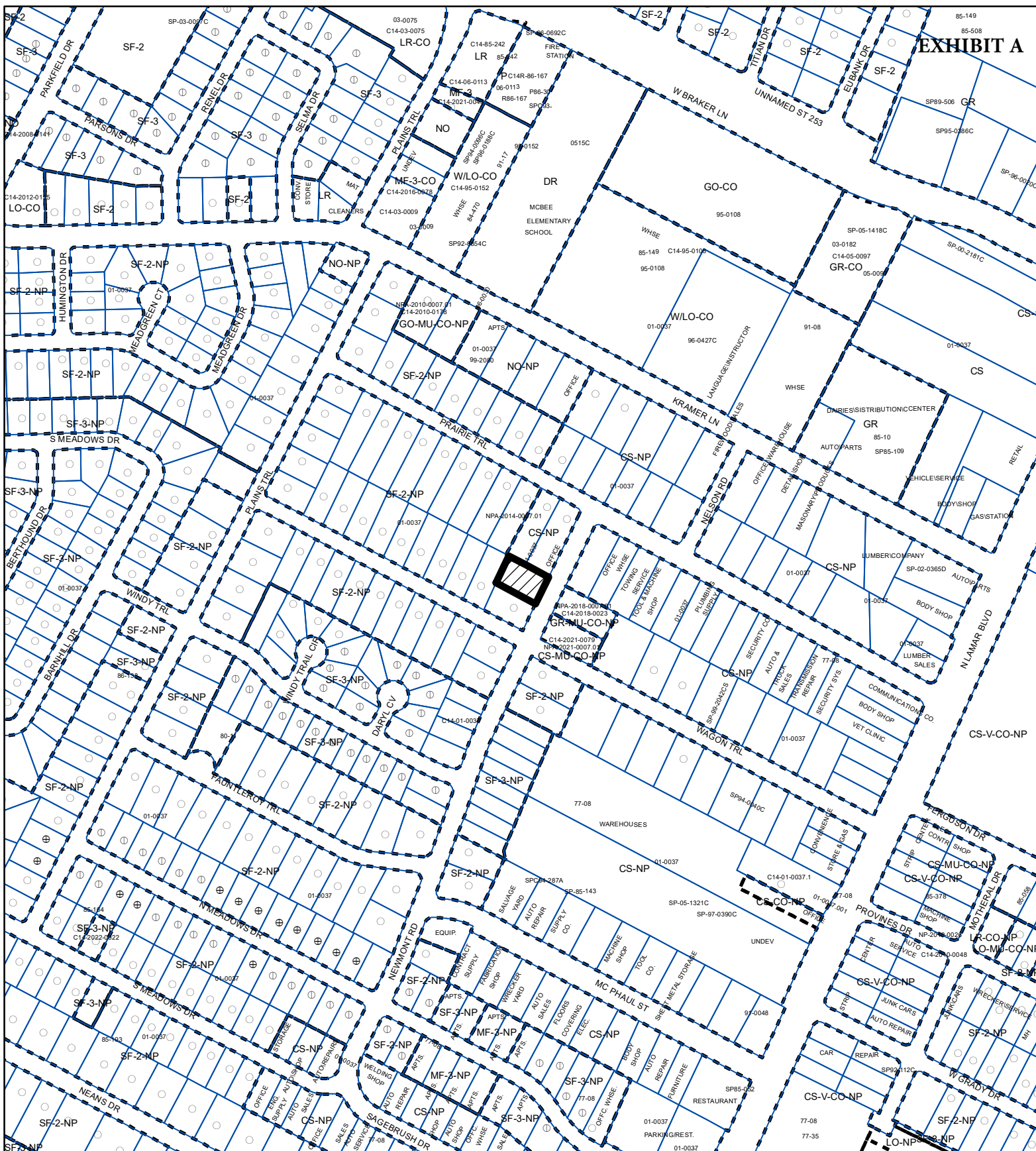
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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 the Austin Water SER team at ser@austintexas.gov.

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. Amnesty Certificate of Occupancy
- D. NACA Contact Team E-Mail



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING

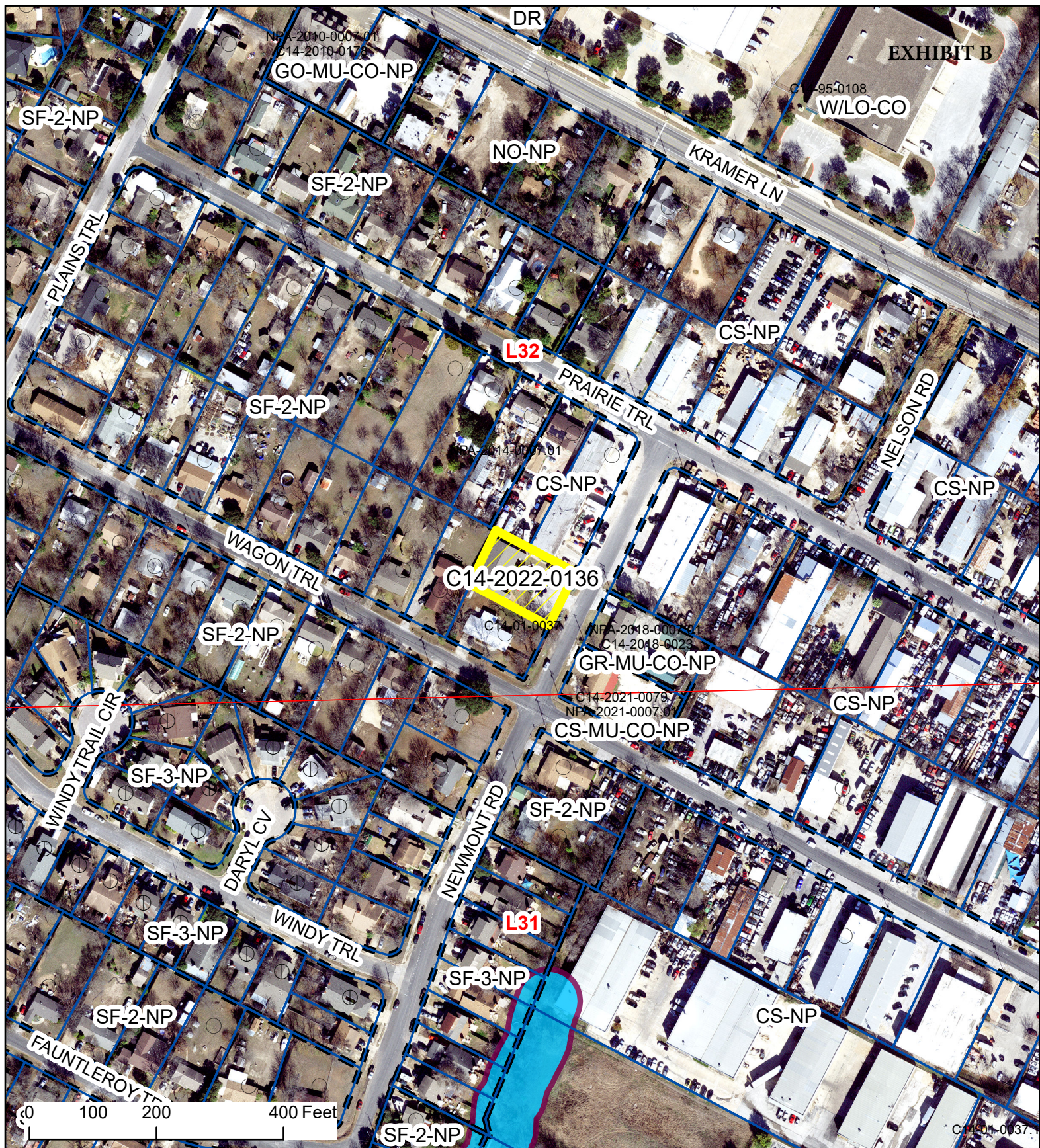
ZONING CASE#: C14-2022-0136


$$1'' = 400'$$

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

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

Created: 9/26/2022



10810 Newmont Rd



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

ZONING CASE#: C14-2022-0136
 LOCATION: 10810 Newmont Rd
 SUBJECT AREA: 0.304 Acres
 GRID: L32
 MANAGER: Sherri Sirwaitis



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Created: 10/5/2022



DA-2022-0053

Address: 10810 NEWMONT ROAD

Case # 2022-006337

DATE: 01/21/22

FEES DUE

STATUS: ACCEPTED

282.88

We have processed your request for a Site Plan Exemption.

Your Site Plan Exemption Request has been ACCEPTED!

Please pay your FEES DUE on the AB+C Portal at the link below:

<https://abc.austintexas.gov/login?reset=true>

Please note the following comments from staff (3 pages total):

SITE PLAN	viktor.auzenne@austintexas.gov	ACCEPTED
Approved for Amnesty CO. Construction started prior to annexation.		
TRANSPORTATION	Transportation Exemptions Staff	No Review Required
N/A; Amnesty CO		
ENVIRONMENTAL	Environmental Exemptions Staff	No Review Required
N/A; Amnesty CO		



Address: 10810 NEWMONT ROAD

Case #2022-006337

ENGINEERING

Engineering Exemptions Staff

No Review Required

N/A; Amnesty CO

CITY ARBORIST

Tree Exemptions Staff

No Review Required

N/A; Amnesty CO

CONSTRUCTABILITY

Constructability Exemptions Staff

No Review Required

N/A; Amnesty CO

AUSTIN FIRE

Fire Exemptions Staff

No Review Required

N/A; Amnesty CO



Building a Better and Safer Austin Together

Address: 10810 NEWMONT ROAD

Case #2022-006337

AUSTIN WATER

Bradley.Barron@austintexas.gov

No Review Required

N/A

AW PLUMBING

Bradley.Barron@austintexas.gov

No Review Required

N/A

AUSTIN ENERGY

Energy Exemptions Staff

No Review Required

N/A; Amnesty CO

**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
nacacontactteam@googlegroups.com

EXHIBIT A

Wonderful day

[Texas Real Estate Commission Information About Brokerage Services](#)

[Texas Real Estate Commission Information About Brokerage Services](#)

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 [Speaker Registration](#) link as an FYI.

discussed. 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

<image002.png>

<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 <i>Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.</i>	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 <i>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</i>
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<image001.png>

<Planning Commission August 9 2022 Agenda.pdf>

EXHIBIT B

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

§ 25-2-65 - 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 54 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

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

https://library.municode.com/tx/austin/codes/code_of_ordinances?