

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

C2
1

NEIGHBORHOOD PLAN: Oak Hill Combined Neighborhood Plan

CASE#: NPA-2011-0025.02

PC DATE: July 10, 2012
March 27, 2012
December 13, 2011
August 23, 2011

ADDRESS: 7401 Old Bee Caves Road

SITE AREA: 1.00 acre

APPLICANT/OWNER: WEAPSA, L.L.C.

AGENT: A. Ron Thrower

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Residential **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: (none filed at this time)
From: n/a **To:** n/a

NEIGHBORHOOD PLAN ADOPTION DATE: December 11, 2008

PLANNING COMMISSION RECOMMENDATION: Final recommendation pending.

Previous actions:

On August 23, 2011, the motion to postpone to December 13, 2011 by the request of the applicant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Danette Chimenti was absent, 1 vacancy on the commission.

On December 13, 2011, the motion to postpone to March 27, 2012 by the request of the applicant, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Dave Anderson was absent.

C2/2

On March 27, 2012, the motion to postpone to June 12, 2012 by the request of the applicant, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Donna Tiemann seconded the motion on a vote of 8-0; Commissioner Alfonso Hernandez was absent.

On June 12, 2012 there was a staff error and the item was not scheduled for this hearing date. New public notices were mailed for the July 10, 2012 Planning Commission hearing date.

STAFF RECOMMENDATION: Not Recommended

BASIS FOR STAFF'S RECOMMENDATION: The plan amendment request does not support the following Goals, Objectives, and Recommendations:

CHAPTER 6: LAND USE AND DEVELOPMENT

6.A. Provide opportunities for high-quality new development and redevelopment.

6A.1

Ensure quality of new construction and renovations.

6.A.1a—Bring back businesses that have left the Oak Hill area (example: loss of Albertson's store).

6A.1b—Businesses that redevelop should meet Development Code standards and should meet the goals and objectives of the Oak Hill Combined Plan.

6A.1c—Find ways to attract quality development in Oak Hill, such as Escarpment Village. Development should be innovative, mixed use, walkable, and transit-oriented.

6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment.

6.B.1

Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land.

6.B.1a—Rework zoning to allow/support the vision of the Oak Hill Neighborhood Plan.

6.B.1b—Cluster higher density development in appropriate areas, striving to balance the interests of stakeholders while taking into consideration environmental concerns.

6.B.2

Provide business and residential expansion without creating urban sprawl.

6.B.2a—Provide support of targeted development, which are areas with existing infrastructure at commercial nodes.

6.C. Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial "nodes" (concentrated activity areas) at strategic locations.

This text relates to the Old Bee Caves Road section of the plan:

“Mixed Residential and Neighborhood Mixed Use are the primary land use recommendations

along this corridor. Currently, this road has an assortment of zoning districts, ranging from Rural Residential (RR) to Commercial Service (CS), with everything in between—single family, multifamily, limited office, and community commercial. ***Further intensifying the land uses along this corridor is not recommended.*** Stakeholders reported that Old Bee Caves Road was dangerous because of its limited width (22 feet–32 feet); its low-water crossing that prohibits access during heavy rainfall, and its curviness.

Because of these limitations, this plan primarily recommends Mixed Residential, which allows for a variety of different housing types, including single family homes, townhomes, duplexes, apartments, and limited neighborhood-serving retail. By providing a variety of housing types, this land use recommendation could help to achieve the goal under Community and Neighborhoods to “preserve neighborhood identity, character, affordability, and diversity.” This designation allows the development of small stores that serve the basic needs of residents along the corridor. This would allow people to walk or take a short drive to get a loaf of bread or a gallon of milk.

Neighborhood mixed use would allow the development of a mixed use, pedestrian-friendly corridor. Shoppers could park their cars in one location and walk to local-serving, boutique-type shops. Adding sidewalks, bike lanes, and street trees could facilitate this type of development.”

Staff Analysis: As the above section of the Oak Hill Combined Neighborhood Plan states, the zoning and uses along Old Bee Caves Road is mix of low intensity uses, with some high intensity uses mixed in. Because the road is narrow with blind curves, during the planning process it was determined that low-intensity uses were better-suited for this area and intensifying the uses is not recommended. Rezoning this property from RR- Rural Residential to CS-Commercial Services for a Construction Sales and Services business does not support this plan.

BACKGROUND: The case was filed on February 28, 2011, which is within the open filing period for City Council-approved neighborhood plans located on the east side of I.H.-35.

The property is zoned RR- Rural Residential. The business currently operating on the property is a landscaping business that is considered a Construction, Sales, and Service use, which is not allowed in the RR – Rural Residential zoning district. The applicant proposes to change the future land use map from Mixed Residential to Mixed Use.

Currently, no zoning application has been filed on this property. Eventually the applicant proposes to change the zoning on the property from RR- Rural Residential to CS-MU-CO-NP, Commercial Services – Mixed Use – Conditional Overlay- Neighborhood Plan. The Conditional Use would prohibit some uses.

C2/3

The property owner says he purchased the property believing it had the necessary zoning, but later determined that it did not.

Since the initial public hearing date, the applicant's agent, Ron Thrower, has requested postponements to explore the option of amending the Oak Hill Combined Neighborhood Plan to change the wording that would allow the proposed use on Old Bee Caves Road. The plan document does not support the intensification of uses along this road.

The Oak Hill Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 11, 2008. The Oak Hill Combined Neighborhood Planning area is located in southwest Austin and is generally bounded by MOPAC (Loop 1) on the east, Thomas Spring Road, Circle Drive on the west, Southwest Parkway and Travis Country neighborhood on the north, and Convict Hill, Davis Lane, and Granada Hills neighborhood on the south.

PUBLIC MEETINGS: The plan amendment was held on June 22, 2011. Approximately 102 notices were mailed to surrounding property owners. Thirteen people attended the meeting.

At the meeting, Ron Thrower, the property owner's agent, said the current owners have had the property since 2005 using the site as a landscape business without a certificate of occupancy. Before that, the property was used as an office and before that a single family home.

The current landscaping business does not sale plants on the premises. The business sends employees out to off-site business to do landscaping.

The property is located within the Contributing Zone of the Barton Springs Zone. The maximum impervious cover (IC) is 25%. Ron Thrower stated that the exiting site exceeds the 25% maximum IC, but will have to reduce the IC if the zoning request during the site plan stages.

A property owner who lives directly north of the property who attended the meeting said the site generates loud truck noises, especially early in the morning around 4:30 a.m. and 5:30 a.m. She wanted assurances from the property owner that the noise would meet the Development Code regulations, which prohibits noise or use sound equipment in public between 10:30 p.m. and 7:00 a.m. Mr. Thrower said the hours of operation could be a condition places on the property through the zoning ordinance.

Although there is no zoning change application with this plan amendment request, the Oak Hill Planning Contact Team members in attendance, along with other property owners, decided to support the plan amendment request to Mixed Use. If the plan amendment is approved and then the zoning case is filed, the Oak Hill Planning Contact Team said they will support the zoning change application with conditions stated in the letter on page 5.

C2/5

CITY COUNCIL DATES:

September 22, 2011

ACTION: Postponed to December 15, 2011.

December 15, 2011

ACTION: This item was postponed on consent to April 12, 2012 at the applicant's request on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

April 12, 2011

ACTION: The case was not scheduled for this hearing date.

August 30, 2012

ACTION: New public notices were mailed for the August 30, 2012 hearing.

CASE MANAGER: Maureen Meredith, Senior Planner **PHONE:** 974-2695

EMAIL: Maureen.meredith@austintexas.gov

C2/6

Brian Reis, Chair
Bill Schultz, Vice-Chair
Jackie Waters, Secretary



Date: August 17, 2011

To: Maureen Meredith, Senior Planner
City of Austin, Planning & Development Review Department,
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: 7401 Old Bee Caves Road
Owner's Representative: Ron Thrower

On June 22, 2011, the Oak Hill Planning Contact Team (OHNPT) members in attendance at the plan amendment meeting for the above case, voted to support the FLUM change from Mixed Residential to Mixed Use.

Although there is no zoning change application filed at this time, the contact team members also voted in support of a zoning change from RR-Rural Residential to CS-MU-CO-NP Commercial Service-Mixed Use-Conditional Overlay-Neighborhood Plan. The property owner is currently operating a landscaping business (Construction Sales and Service use) on the property without the proper zoning. The Conditional Overlay approved by the contact team members on June 22nd, among other things, would prohibit certain uses allowed in the LR and CS zoning district. The OHNPCT also expects compliance with SOS.

Permitted uses should be restricted to: construction sales and services, medical office, religious use, safety services, consumer repair services, general retail sales/convenience, art gallery, art workshop, personal services, personal improvement service, plant nursery, professional office, publishing and printing, software development, medical office under 5000 square feet, bed and breakfast group 2, residential up to 4 units, and group home family home (subject to staff clarification).

The contact team's recommendation also includes the following: the applicant continues to follow city noise ordinance. The NPCI supports the site plan requirements of a buffer between residential properties.

Sincerely,

Brian Reis
Chair, OHNPCT

Cc: Bill Schultz
Jackie Waters

C:\Documents and Settings\Brian\Desktop\ohnpct\7401_old_bee_caves_FLUM_amend.doc

C2
7

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: <http://www.ci.austin.tx.us/planning/planning.htm>.

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin
Planning and Development Review Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0025.02

Contact: Maureen Meredith

Public Hearings -

Planning Commission: Aug. 23, 2011

City Council: Sept. 22, 2011

☒ I am in favor
☐ I object

Hans DeRocher

Your Name (please print)

7318, 7400, 7506, 7510 Old Bee Cavis Rd.

Your address(es) affected by this application

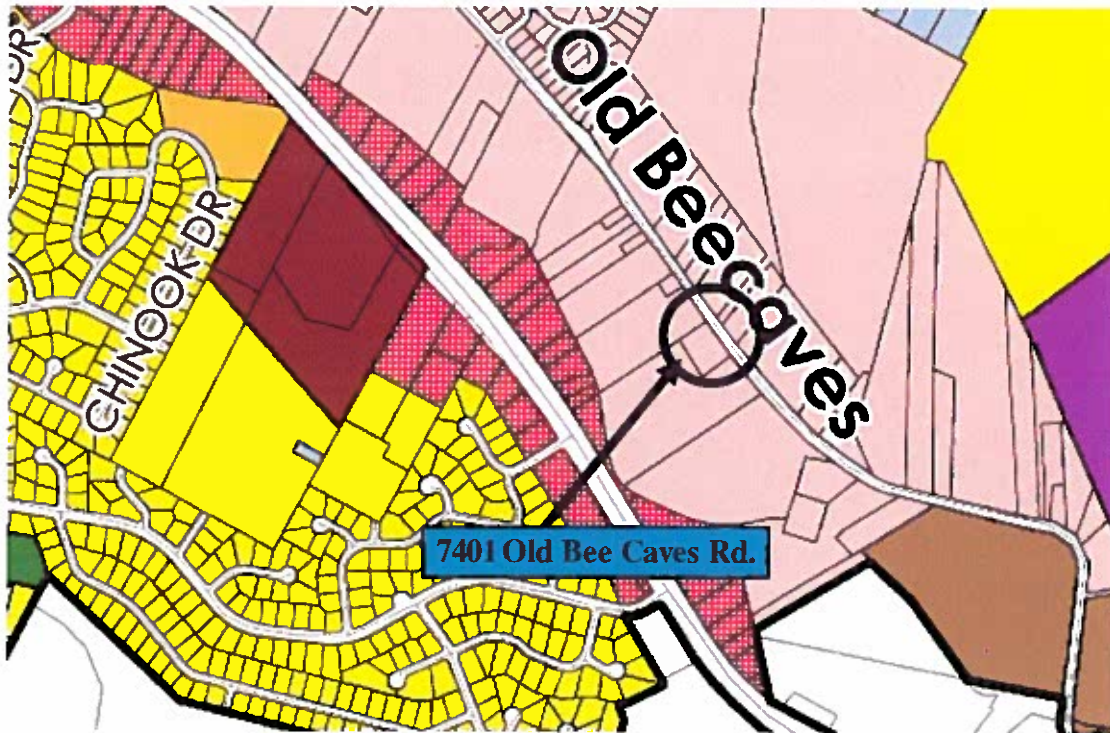
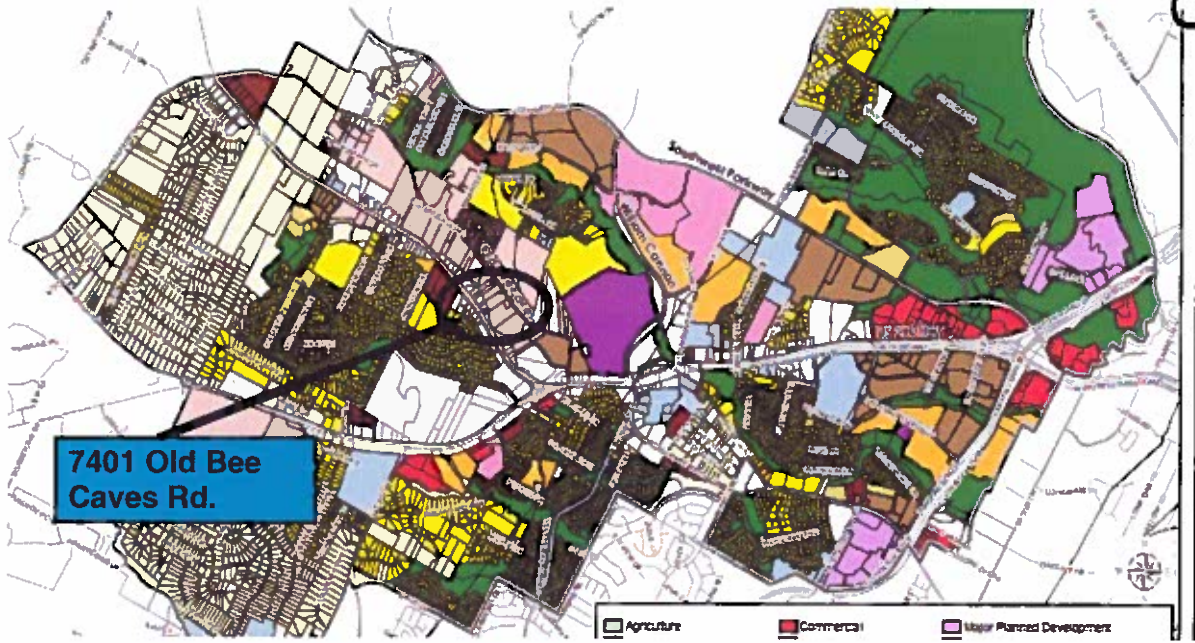
8-10-11

Signature

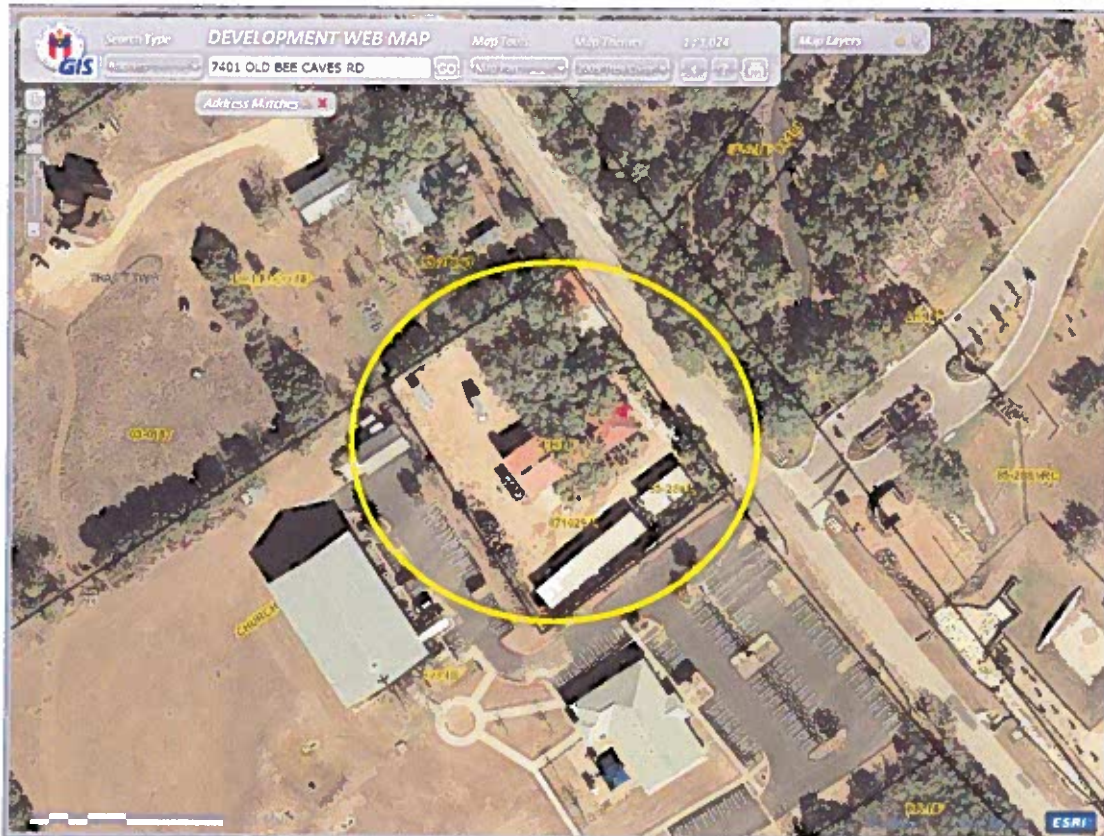
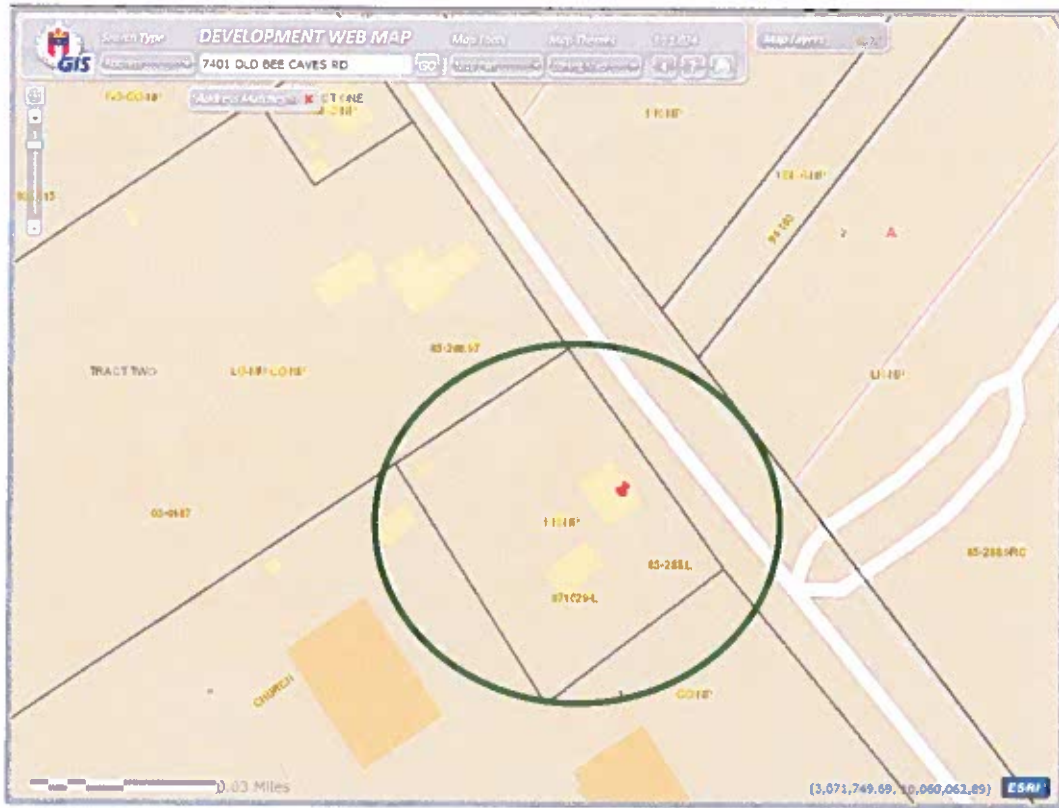
Date

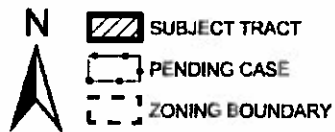
Comments: Landscape Resources have been a good neighbor. They fit well in this neighborhood.

C2/8



C2/a



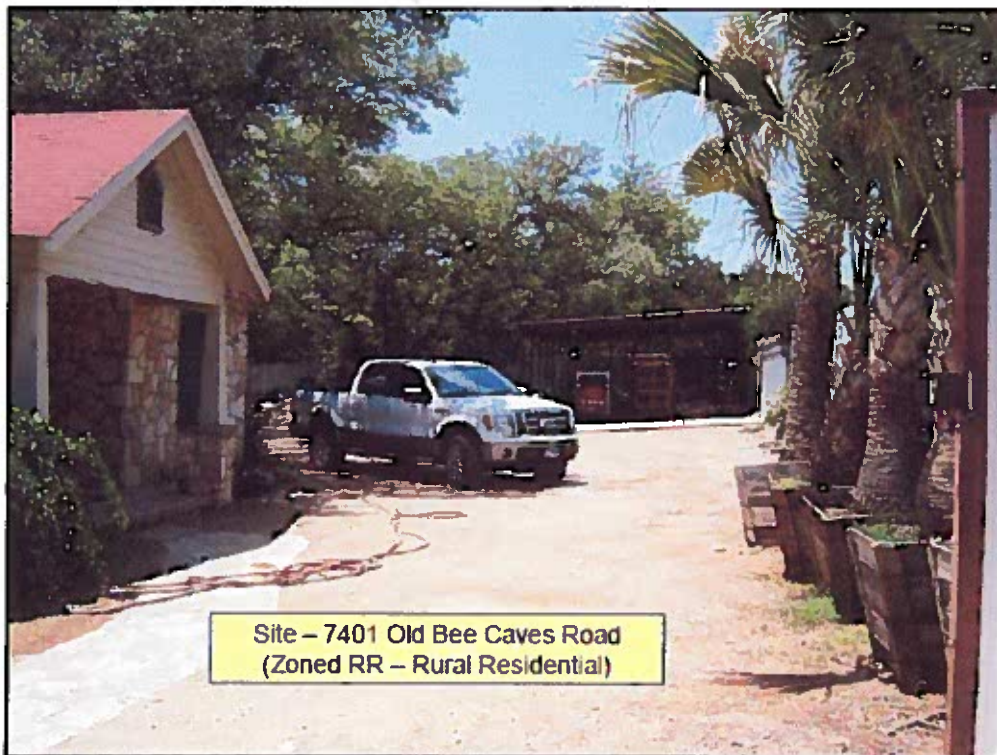
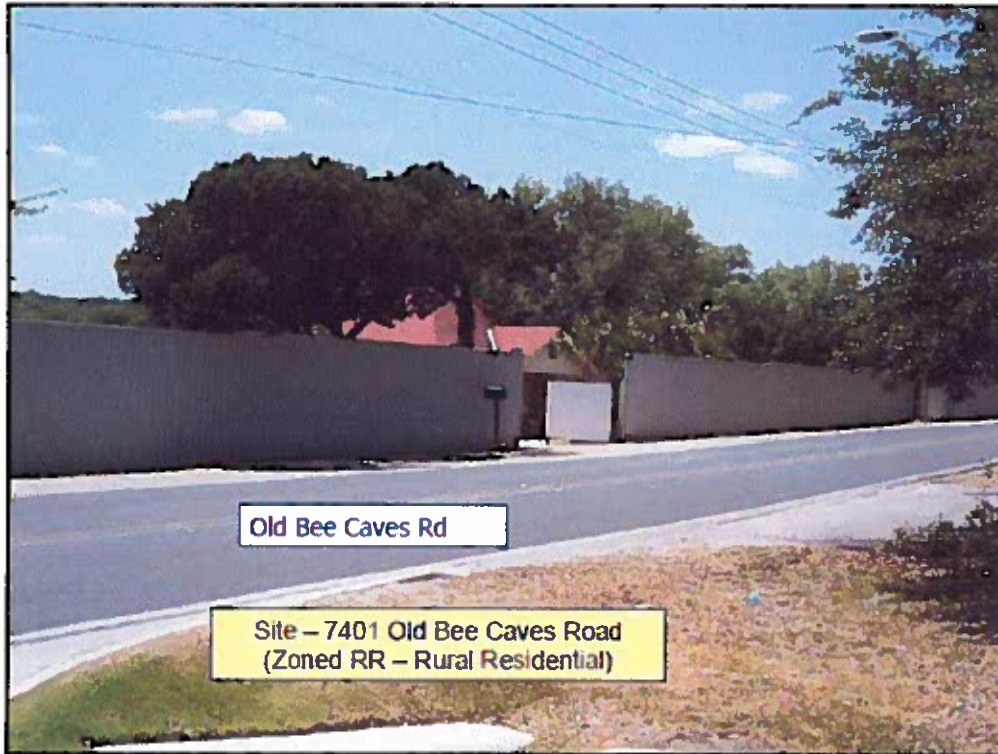


NPA CASE#: NPA-2011-0025.02
LOCATION: 7401 OLD BEE CAVES RD
SUBJECT AREA: 1.00 ACRES
GRID: B20
MANAGER: MAUREEN MEREDITH

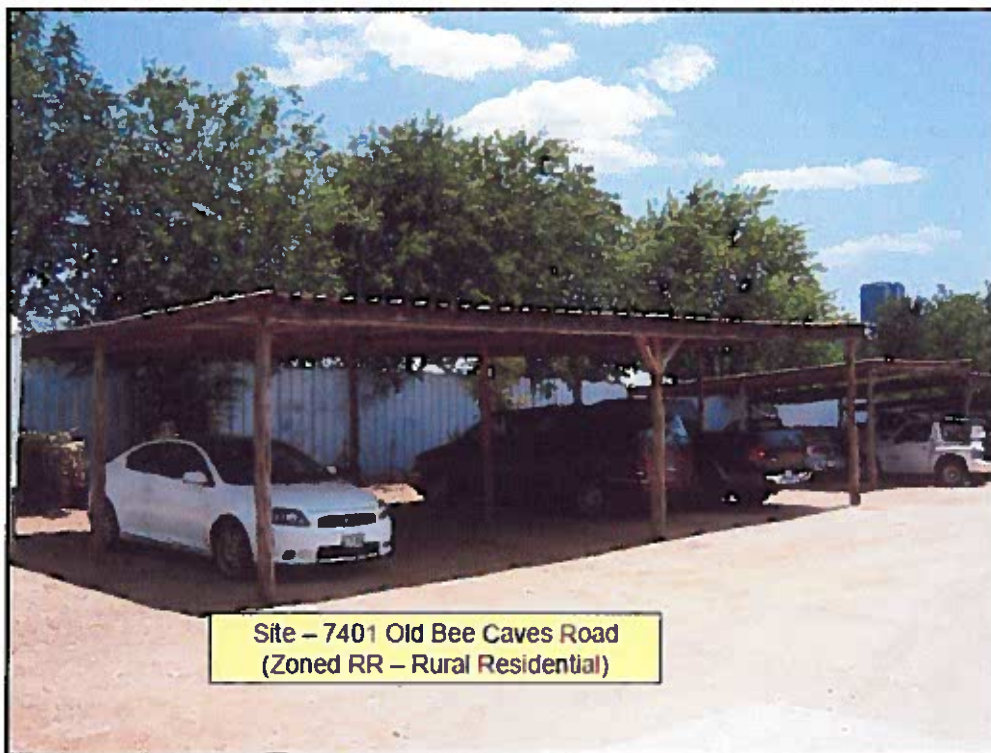


10

C2/11



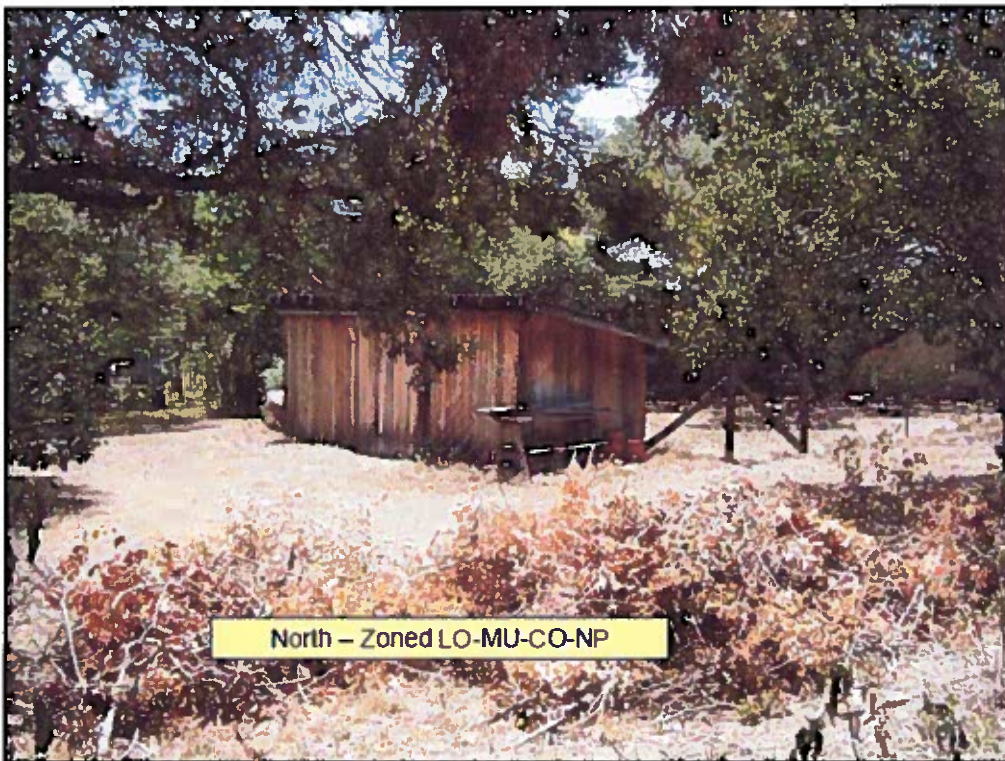
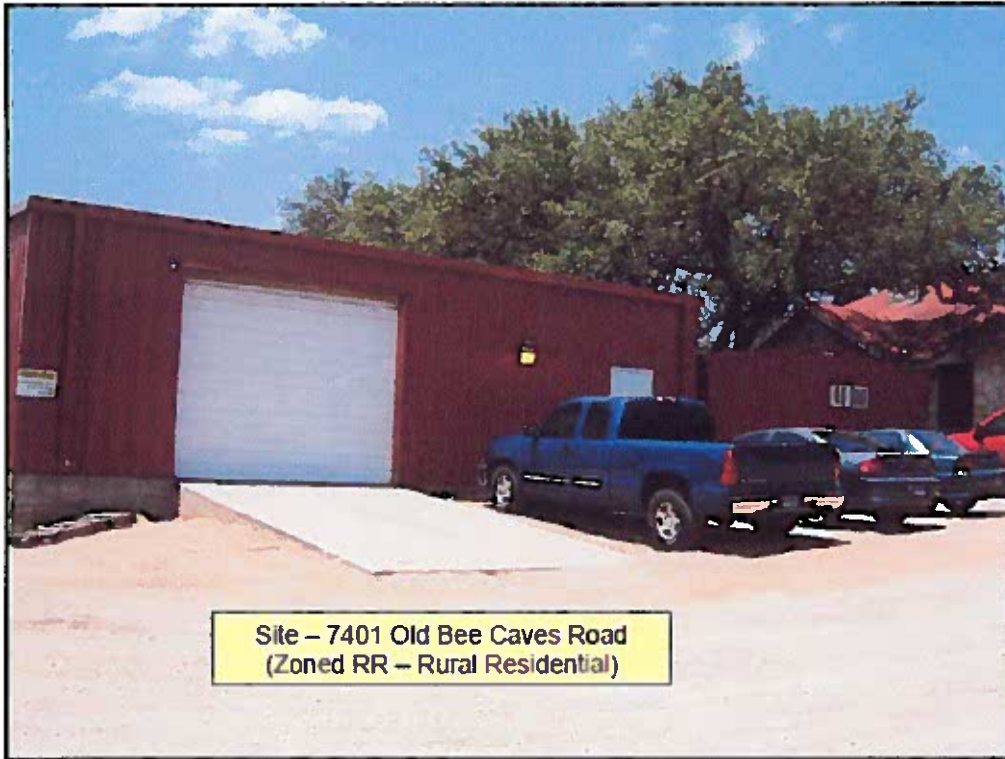
C2/12



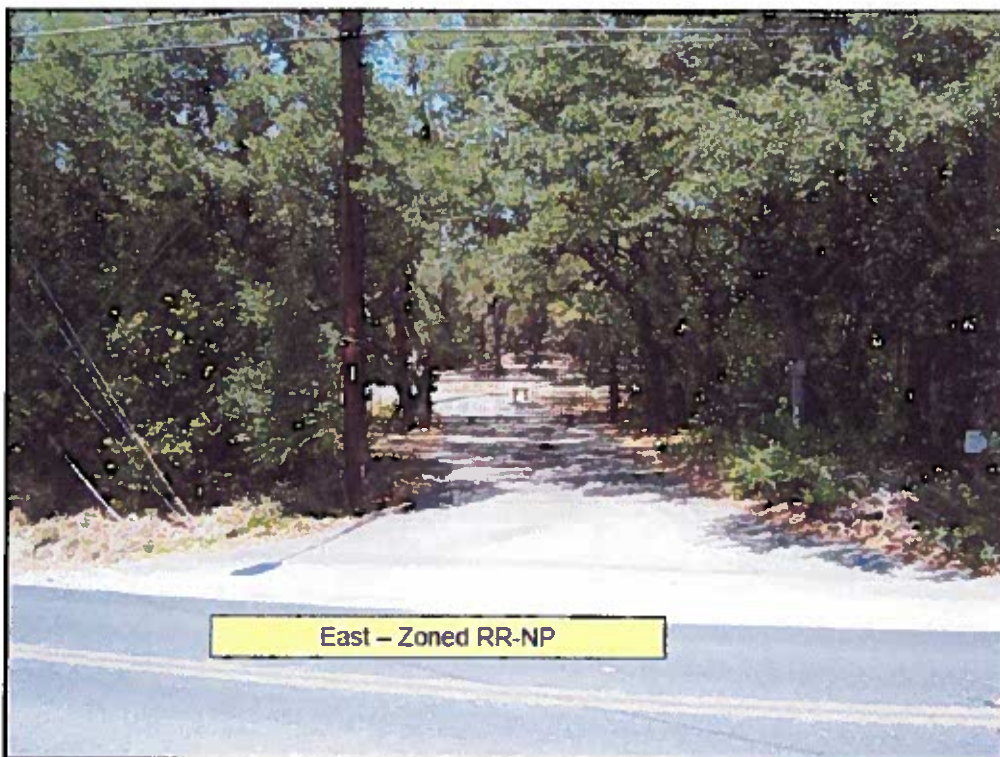
C2/13



C2
14



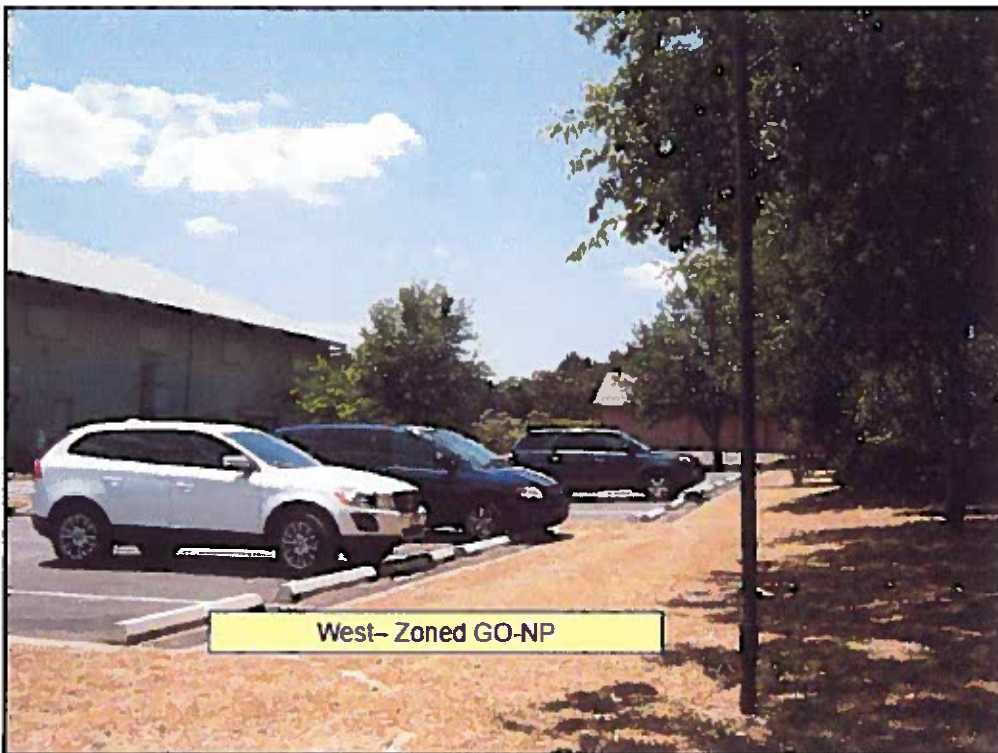
C2/b



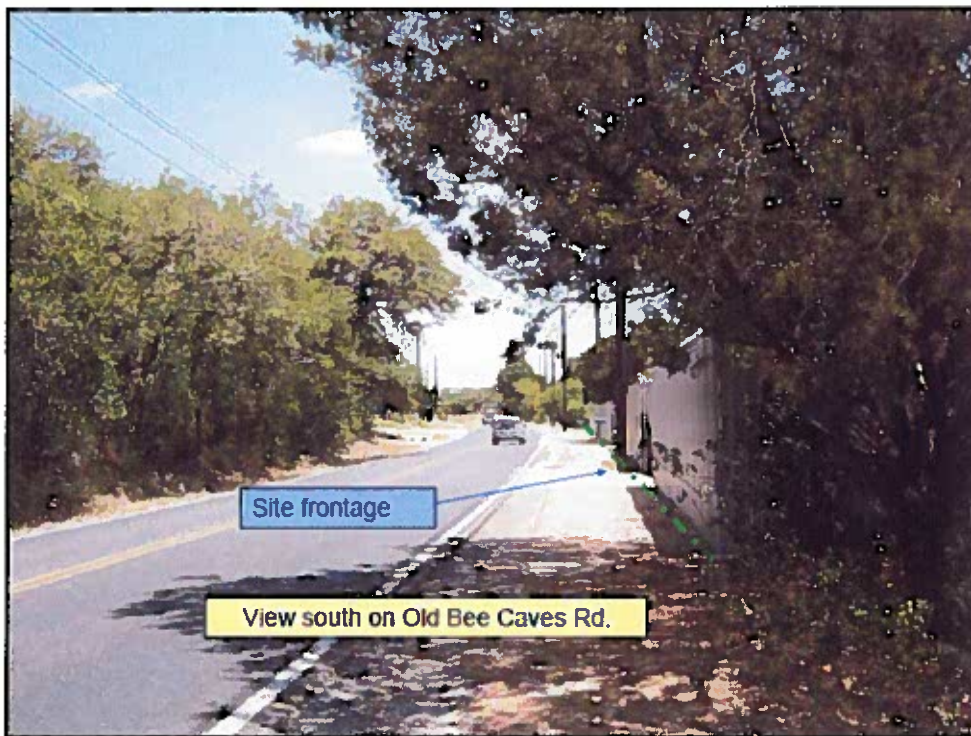
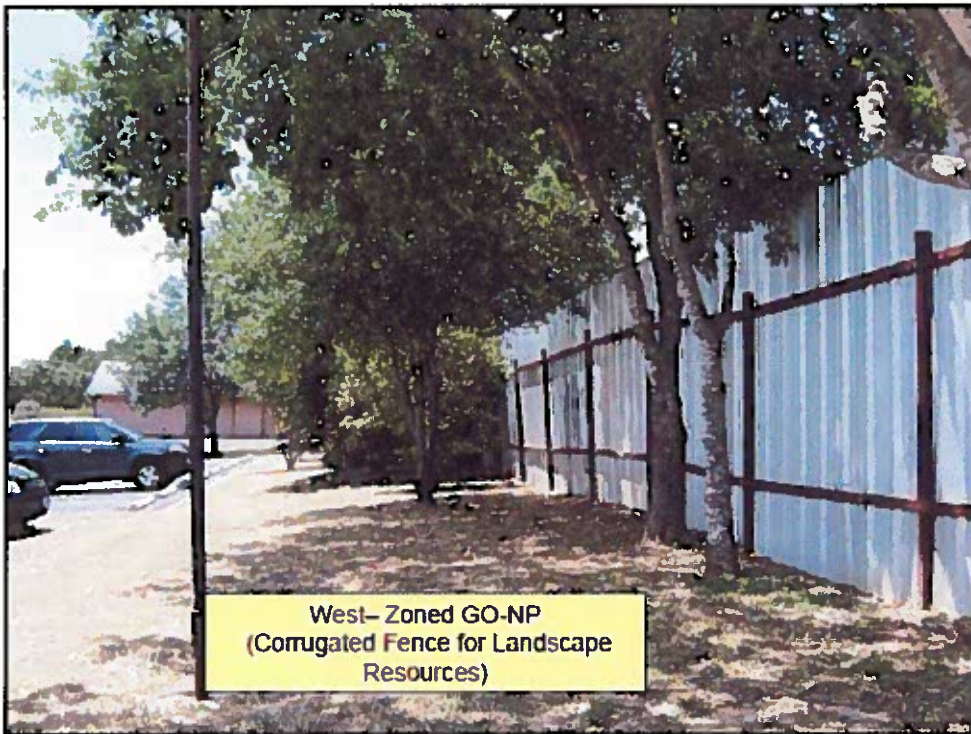
C2
16



C2/1X



C2/18



C2/19



View north on Old Bee Caves Rd.