



Thursday, October 19, 2006

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**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 71**

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**Subject:** C14-06-0142 - Ed's Mountain Shadow - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8800 and 8702 Sky Mountain Drive (Williamson Creek Watershed - Barton Springs Zone) from rural residence (RR) district zoning to warehouse limited office (W/LO) district zoning. Staff Recommendation: To deny warehouse limited office (W/LO) district zoning. Planning Commission Recommendation: To deny warehouse limited office (W/LO) district zoning. Applicant: Judith Elaine Legget. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330.

**Additional Backup Material**

(click to open)

[Staff Report](#)

**For More Information:** Robert Heil, 974-2330

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0142 Ed's Mountain Shadow

**PC Date:** July 25, 2006  
August 22, 2006

**ADDRESS:** 8702 and 8800 Sky Mountain Drive

**AREA:** 6.370 acres

**OWNER/APPLICANT:** Judith Elain Legget

**AGENT:** Jim Bennett Consulting (Jim Bennett)

**ZONING FROM:** RR      **TO:** W/LO

### **STAFF RECOMMENDATION:**

Staff recommends denial of the request for W/LO zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

**July 25, 2006:** Postponed until August 22, 2006 at the request of the neighborhood

**August 22, 2006:** Recommended denial of the request for W/LO (7-0)

### **DEPARTMENT COMMENTS:**

The site is a roughly 6.4 acre tract, currently undeveloped on Sky Mountain Drive, which runs parallel to Old Bee Cave Road to the north and State Highway 71 West to the south. Access to Old Bee Cave Road is available via Mountain Shadow Drive, but there is no nearby connection to Hwy 71.

The site is currently zoned Rural Residential (RR) and the request is for rezoning to Warehouse/Limited Office (W/LO). Staff recommends denial of the request

The surrounding zoning to the south, east and west is residential, ranging from Rural Residential (RR) to Multi-family Residence Limited Density (MF-1). The highest developed residential density is roughly SF-3. There is a long established CS use to the north, an electric supply company, and there are warehouse and commercial uses further north along Bee Cave Road

The site has very limited access. Sky Mountain Drive is a 15' unpaved road in poor repair.

Previous cases establishing the W/LO-CO along Old Bee Caves Road have limited the access of those properties to the interior of the neighborhood and required screening along the south boundaries. W/LO uses are not compatible in the interior of this neighborhood, and do follow the precedent set by previous zoning cases

Meetings of the Oak Hill Neighborhood Plan have discussed land use in this area, and this case in particular. No consensus has yet been reached, but many of the participants at the most recent meeting on August 11, 2006 expressed a strong preference for residential development on the site.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Undeveloped
<i>North</i>	RR and CS	Single Family Home and Electrical Supply
<i>South</i>	RR	Single Family Home and Undeveloped
<i>East</i>	MF-1-CO	Undeveloped
<i>West</i>	MF-1	Undeveloped

**AREA STUDY:** The property is within the West Oak Hill Neighborhood Planning Area which began holding public meetings in November 2005.

**TIA:** A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** No **CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Oak Hill Association of Neighborhoods
- Oak Hill Association of Neighborhoods (78735)
- Oak Hill Association of Neighborhoods (78736)
- Oak Hill Association of Neighborhoods (78737)
- Oak Hill Association of Neighborhoods (78738)
- Oak Hill Association of Neighborhoods (78739)
- Oak Hill Association of Neighborhoods (78749)
- Save Barton Creek Association
- Barton Springs Coalition
- Edwards Aquifer / Barton Springs Conservation District
- Save our Springs Alliance

**SCHOOLS: (AISD)**

Oak Hill Elementary School Small Middle School

Austin High School

C14-06-0142

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0129	LR to W/LO	To Grant W/LO	Approved W/LO-CO (11/29/01)
C14-00-2104	I-RR MF-1-CO	To Grant MF-1-CO	Approved MF-1-CO. (11-30-00)
C14-00-2073	I-RR to RR	To Grant RR	Approved RR (12-16-99)
C14-00-2052	RR to CS-CO	To Grant W/LO-CO	Approved W/LO-CO (9-28-00)
C14-99-2143	RR to SF-2	To Grant SF-2-CO	Approved SF-2-CO (10-5-00)
C14-99-2072	I-RR to RR	To Grant RR	Approved RR (1-6-00)
C14-96-0021	RR; SF-2 to LO	To Grant LO-MU-CO	Approved LO-MU-CO (4-25-96)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Sky Mountain Drive	50'	15' (unpaved)	Local	No	No	No

**CITY COUNCIL DATE:**

**ACTION:**

September 28, 2006

Postponed to 10/19/06 at the request of staff.

October 19, 2006

**ORDINANCE READINGS:**

1st

2<sup>nd</sup>

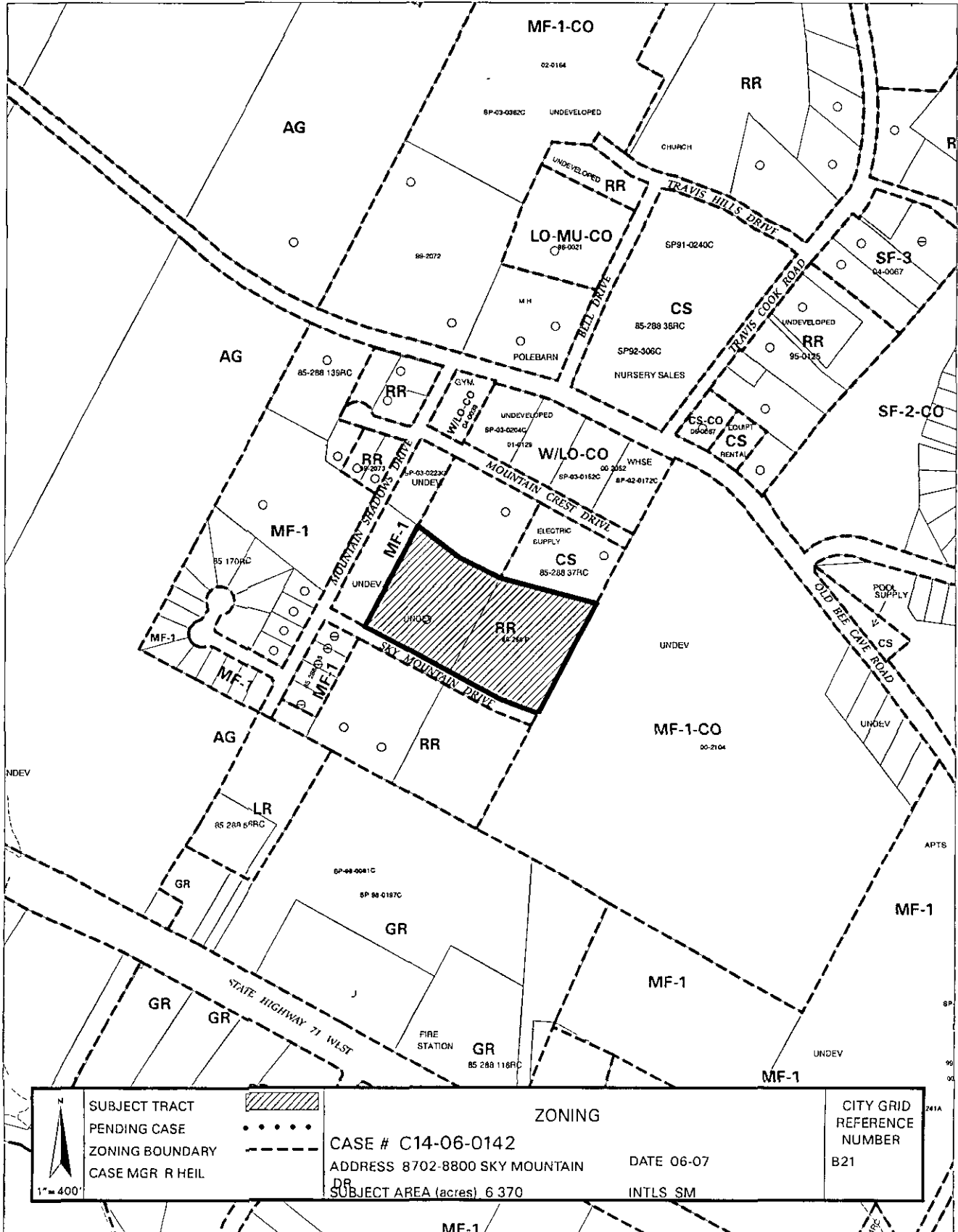
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil

**PHONE:** 974-2330

e-mail address: [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)





## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends denial of the request for W/LO zoning.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The W/LO, Warehouse Limited Office, District is intended predominately for office and warehousing activities for building trades and similar business not necessarily requiring high visibility and having low or moderate trip generation. A W/LO district may be located on a site that is adjacent to or near an arterial. The applicant proposes warehouse development on this property, to occur in conjunction with the undeveloped W/LO-CO property adjacent on the east.

- 2 *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character*

Warehouse uses would be incompatible with the surrounding residential zoning. Previous similarly situated cases have established that warehouse zoning is appropriate along Old Bee Cave Road if access is prohibited to the interior of the neighborhood, and if the site is screened.

## **EXISTING CONDITIONS**

The site is a roughly 6.4 acre tract, currently undeveloped on Sky Mountain Drive, which runs parallel to Old Bee Cave Road to the north and State Highway 71 West to the south. Access to Old Bee Cave Road is available via Mountain Shadow Drive, but there is no nearby connection to Hwy 71.

The surrounding zoning to the south, east and west is residential, ranging from Rural Residential (RR) to Multi-family Residence Limited Density (MF-1). The highest developed residential density is roughly SF-3. There is a long established CS use to the north, an electric supply company, and there are warehouse and commercial uses further north along Bee Cave Road.

The site has very limited access. Sky Mountain Drive is a 15' unpaved road in poor repair.

### **Transportation**

Dedication of additional right-of-way will be required during the subdivision or site plan process.

The trip generation under the requested zoning is estimated to be 1,007 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

#### **Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
Sky Mountain Drive	50'	15' (unpaved)	Local	No	No	No

#### **Environmental**

This site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the contributing zone. This tract lies in the contributing zone.

According to flood plain maps, there is no flood plain within the project location.

The site is not located within the endangered species survey area.

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 existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

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

#### **Site Plan**

No site plan comments



**Water and Wastewater**

The landowner intends to serve the site and each lot with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension system upgrades, utility adjustments, and utility relocation. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings. before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-06-0142

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

July 25, 2006 Planning Commission

Roberta White  
Your Name (please print)

6206 Mountain Shadows Dr

Your address(es) affected by this application

(Signature)

Signature

7-24-06

Date

Comments The roads (Mountain Shadows Drive and Sky Mountain Drive) will need resurfacing + possibly widening to accommodate additional and possibly larger vehicles traveling on them! No objections so long as construction does not take an inordinately long time and does not occur on weekends or begin too early or continue too late on weekdays.

If you use this form to comment, it may be returned to

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P O. Box 1088

Austin, TX 78767-8810



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**Case Number: C14-06-0142**

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

July 25, 2006 Planning Commission

Heil and Padgett Jr

Your Name (please print)

SE CORNER of Mountain Shadows Dr & Mountain Crest Dr.

Your address(es) affected by this application

Edward Padgett Jr

Signature

7/17/06

Date

Comments

If you use this form to comment, it may be returned to

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810



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**Case Number:** C14-06-0142

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

July 25, 2006 Planning Commission

Rich Ponce

Your Name (please print)

8641 Old BeeCaves Rd 787

Your address(es) affected by this application

[Signature]

Signature

7/20/06

Date



Comments

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-06-0142

Contact: Robert Heil, (512) 974-2330

Public Hearing:

July 25, 2006 Planning Commission

MERRY MILLER

Your Name (please print)

6210 Mountain Shadows Dr

Your address(es) affected by this application

Merry Miller

Signature

7-24-06

Date

Comments: High density residential use on a narrow road increases

traffic pressure. Safety is further affected by allowing commercial expansion on such a small road with high traffic volume



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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P O Box 1088

Austin, TX 78767-8810

Heil, Robert

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**From:** Meredith, Maureen  
**Sent:** Wednesday, August 16, 2006 2 22 PM  
**To:** Heil, Robert  
**Subject:** FW: Wester Oak Hill Neighborhood planning input

-----Original Message-----

From: John Denney [mailto:John-Denney@tmilt.org]  
Sent: Tuesday, August 08, 2006 11:45 AM  
To: Welder, Kathleen; Meredith, Maureen; Hahn, Mira  
Subject: Wester Oak Hill Neighborhood planning input

Please consider my comments below for the Western Oak Hill Neighborhood Planning. This was specifically in reference to Zoning Case. C14-06-0142; however, I feel my comments can apply to all of this area.

Thank you for your consideration,

Sincerely,

John Denney / John Pace  
8624 Old Bee Caves Rd  
Austin, TX 78735

-----Original Message-----

From: John Denney  
Sent: Tuesday, August 08, 2006 8:57 AM  
To: 'Robert.Heil@c1.austin.tx.us'  
Subject: RE: Zoning Case: C14-06-0142

Dear Mr Heil

I am writing you to voice my concerns regarding the rezoning request to change the zoning for the property abutting Old Bee Caves Rd in the 78735 district from Residential to Commercial.

I am opposed to this rezoning for several key reasons:

- 1) We have many residential areas up and down Old Bee Caves surrounding this property and it could be detrimental not only to our property values, but to our way of life due to increased traffic, noise, business lights and garbage affecting our rural views and lifestyle along this quaint road. This is a small two-lane road and commercial property would be better suited along a larger roadway such as highway 71.
- 2) Many people use this small road for basic residential activities: children ride their bikes along this road, residents use it for walking and jogging; cyclist use this road for it's rural setting and hills; children walk from the bus stop on Sunset Dr. to the Alexian apartment/townhomes just past Travis Cook Rd. - having businesses with commercial vehicle traffic would make the road less safe for our residents.
- 3) This area is very close to some farmland and the tracts held by the Nature Conservancy, also we have some very abundant wildlife (deer, roadrunners, coyotes, flycatchers, bats and owls to name a few) and wonderful trees on the property in question. Putting in residential development on this tract versus commercial would be a better fit for this area as it would allow for conservation of some of the large trees and creek areas and potential greenbelt areas. We were very pleased with the Travis Country West development as they retained sizeable trees, draining creeks and greenbelts; this attractive residential addition did not cause a large 'footprint' to the environment and lifestyle this rural residential area.

Please consider this request to not change this property to commercial zoning.

We are fond of our hills, views, night skies, trees, wildlife and quiet urban rural setting

Thank you very much

Sincerely,

John M. Denney  
8624 Old Bee Caves Rd  
Austin, TX 78735