

## ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0032

DISTRICT: 8

ZONING FROM: AG-NP

ZONING TO: MF-4-NP

ADDRESS: 8900 and 8956 W SH HWY 71

SITE AREA: 60.665 acres  
(2,642,567 sq. ft.)

PROPERTY OWNER: Marx Family Property, LLC, a Texas limited partnership

AGENT: Dubois Bryant & Campbell, LLP (David Hartman)

CASE MANAGER: Cynthia Hadri 512-974-7620, [Cynthia.hadri@austintexas.gov](mailto:Cynthia.hadri@austintexas.gov)

STAFF RECOMMENDATION:

**The staff recommendation is to grant multifamily residence (Moderate-High Density) - neighborhood plan (MF-4-NP) combined district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**July 23, 2024:** *APPROVED THE APPLICANT'S REQUEST FOR MF-4-NP.*

*[R. JOHNSON; F. MAXWELL - 2<sup>ND</sup>] (8-2) G. COX AND J. MUSHTALER – AGAINST, A. PHILLIPS – ABSTAINED, C. HEMPEL AND D. SKIDMORE - ABSENT*

July 9, 2024: *APPROVED THE NEIGHBORHOOD'S REQUEST FOR A POSTPONEMENT TO JULY 23, 2024.*

*[A. AZHAR; F. MAXWELL-2<sup>ND</sup>] (7-3) C. HEMPLE, P. HOWARD, A. PHILLIPS - ABSENT*

CITY COUNCIL ACTION:

**September 12, 2024:**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is approximately 60.67 acres, undeveloped, has access to Old Bee Caves Road (level 3) and W State Highway 71 (level 5), and is currently zoned agricultural-neighborhood plan (AG-NP) combined district zoning. The property has ranch/farms and

undeveloped land (AG-NP, MF-1, P, DR) to the north. To the south there is more ranch/farmland, single family and convenience storage (RR-NP, AG-NP, CS-NP). To the east and west of the property are multifamily, duplex residential, ranch/farmland and undeveloped land (MF-1-NP, MF-1, AG-NP, GR-NP, GO-NP and I-RR). ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

Staff is recommending the multifamily residence (Moderate-High Density) -neighborhood plan (MF-4-NP) combined district zoning for the proposed 660 multifamily units, approximately 11 units per acre for density. The MF-4 request will allow for more height per building and increase the amount of open space on the property. The site is located within the Oak Hill Combined Neighborhood plan (West Oak Hill) and has letters of support from surrounding neighbors. ***Please refer to the Correspondence from Interested Parties.***

The Imagine Austin Oak Hill Center is less than a mile south on Highway 71. The property is also within the new Capital Metro Pickup North Oak Hill Service Zone, and approximately 0.70 miles from an existing bus route/stop. This site expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint. Please refer to the associated neighborhood plan amendment case, NPA-2024-0025.01, for more staff comments.

#### BASIS OF RECOMMENDATION:

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

The multifamily residence (Moderate-High Density) district is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.

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

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed zoning would promote compatibility with nearby uses as the properties to the east and west are developed with multifamily uses (I-RR and MF-1-NP). The Landmark Conservancy Apartments are immediately adjacent to the site (west) and have approximately 240 units on 22 acres, making the density 11 units per acre. The proposed development is proposing a similar density. The MF-1 zoning to the east is developed with duplex residential homes.

3. *Zoning should allow for reasonable use of the property.*

Multifamily residence (moderate-high density) – neighborhood plan (MF-4-NP) combined district zoning will allow for the proposed residential development and is suitable since it is consistent with the land uses in the surrounding area. Landmark Conservancy Apartments, and Hudson Miramont are both multifamily complexes with access on Old Bee Caves Road and are near this rezoning case.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	AG-NP	Undeveloped
<i>North</i>	AG-NP MF-1, P, DR	Undeveloped and Single Family Undeveloped
<i>South</i>	AG-NP RR-NP CS-NP	Ranch/Farm Single Family Convenience Storage
<i>East</i>	AG-NP MF-1-NP	Undeveloped and Ranch/Farm Duplex Residential
<i>West</i>	I-RR MF-1, GR-NP, GO-NP	Multifamily Residential Undeveloped

NEIGHBORHOOD PLANNING AREA: Oak Hill Combined (West Oak Hill)

WATERSHED: Williamson Creek

WILDLAND URBAN INTERFACE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Oak Hill Elementary School

Small Middle School

Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District  
 Austin Lost and Found Pets  
 Aviara HOA  
 City of Rollingwood  
 Covered Bridge Property Owners Association, Inc.  
 Friends of Austin Neighborhoods  
 Neighborhood Empowerment Foundation  
 Oak Hill Association of Neighborhoods (OHAN)  
 Oak Hill Neighborhood Plan - COA Liaison

Oak Hill Neighborhood Plan Contact Team  
 Oak Hill Trails Association  
 SELTexas  
 Save Our Springs Alliance  
 Sierra Club  
 Austin Regional Group  
 TNR BCP - Travis County Natural Resources  
 Thomas Springs / Circleville Alliance  
 Ridgeview

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0023 Highway 71 & Mountain Shadows	RR-NP (Tract 1); LR-NP and GR-NP (Tract 2) to MF-1-NP (Tract 1); LR-MU-NP (Tract 2)	To Grant MF-1-NP (Tract 1) and LR-MU-NP (Tract 2) (06/23/2020)	Approved MF-1-NP (Tract 1) and LR-MU-NP (Tract 2) as Planning Commission Recommended (08/27/2020)
C14-2016-0095 - Completion Of Lot 6 Zoning	SF-2-NP to GO-NP	To Grant GO-NP (10/11/2016)	Approved GO-NP as Planning Commission Recommended (11/10/2016)
C14-2015-0020 Monarch Suzuki Academy	LO-MU-NP to LR-MU-NP	To Grant LR-MU-CO-NP with the following CO's; 1) prohibited uses as listed: Alternative financial services, Consumer repair services, Food sales, General retail sales (general), Pedicab storage and dispatch, Plant nursery Restaurant (general), Service station, Guidance services, Consumer convenience services, Financial services, General retail sales (convenience), Off-site accessory parking, Pet services, Printing and publishing, Restaurant (limited), Custom manufacturing. 2) The following conditional uses; Private secondary educational facilities, Personal services, College and university facilities. 3) limit of 2,000 vehicle trips per day. (03/24/2015)	Approved LR-MU-CO-NP as Planning Commission Recommended (05/25/2015)
C14-2012-0024 6000 Mountain Shadows	RR-NP to LO-MU-NP	To Grant LO-MU-NP (05/22/2012)	Approved LO-MU-NP as Planning Commission Recommended (06/28/2012)
C14-2011-0038 Mountain Shadows Rezone, Lots K, L P	RR-NP to MF-1-NP	To Grant MF-1-CO-NP with the following CO; vehicle trips per day limited to 578. (7/12/2011)	Approved MF-1-CO as Planning Commission Recommended (08/18/2011)
C14-02-0164 Southwest Parkway	DR & RR to MF-1-CO	To Grant MF-1-CO with the following CO's; 1) fiscal posting for Travis Cook Road and no access to Travis Hills drive and to Bell Drive; limit vehicle trips to 2,000 per day and reduce impervious cover to 20%. (12/17/2002)	Approved MF-1-CO with the following additional CO's; 276 maximum residential units and 6/6maximum residential units per acre. (06/05/2003)
C14-01-0129 Padgett Project	LR to W/LO	To Grant W/LO-CO with the following CO's; limit of 2,000 vehicle trips per day and prohibit access onto Mountain Crest Drive, require a 6' tall fence along the	Approved W/LO-CO as Zoning and Platting Commission

		south property line (Mountain Crest), and limit the building height to 25'. (10/23/2001)	Recommended (11/29/2001)
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RELATED CASES:

NPA-2024-0025.01\_8900 W SH 71: This is the associated NPA case for this rezoning.

NPA-2016-0025.02: This is the associated NPA for the Oak Hill Combined Neighborhood Plan.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning: There are no comments, see NPA staff report.

Drainage:

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental:

This site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City’s Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover in the contributing zone.

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

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.

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Fire:

There are no comments at this time.

PARD – Planning & Design Review:

Parkland dedication will be required for the new applicable uses proposed by this development, mid-rise multifamily 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](mailto:thomas.rowlinson@austintexas.gov).

Site Plan:

Site plans will be required for any new development other than single-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 which is in an SF-5 or more restrictive zoning district, or on which a use permitted in an SF-5 or more restrictive zoning district is located, will be subject to compatibility development regulations.

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

Austin Transportation Department – Engineering Review:

Zoning Transportation Analysis (ZTA) 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 this does not diminish the authority to require a traffic impact analysis at site plan. LDC 25-6, TCM 10.5.0. ***Please refer to Zoning Traffic Analysis (ZTA) Memorandum – (Exhibit D)***

The Austin Strategic Mobility Plan (ASMP) calls for 100 feet of right-of-way for Old Bee Caves Road. It is recommended that 50 feet of right-of-way from the existing centerline should be dedicated for Old Bee Caves Road according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Old Bee Caves Road	Level 3	100'	50' – 60'	22'	None	Wide Curb Lane	No
W SH 71	Level 5 (TxDOT)	N/A	160'	88'	None	Shoulder	No

Austin Water Utility:

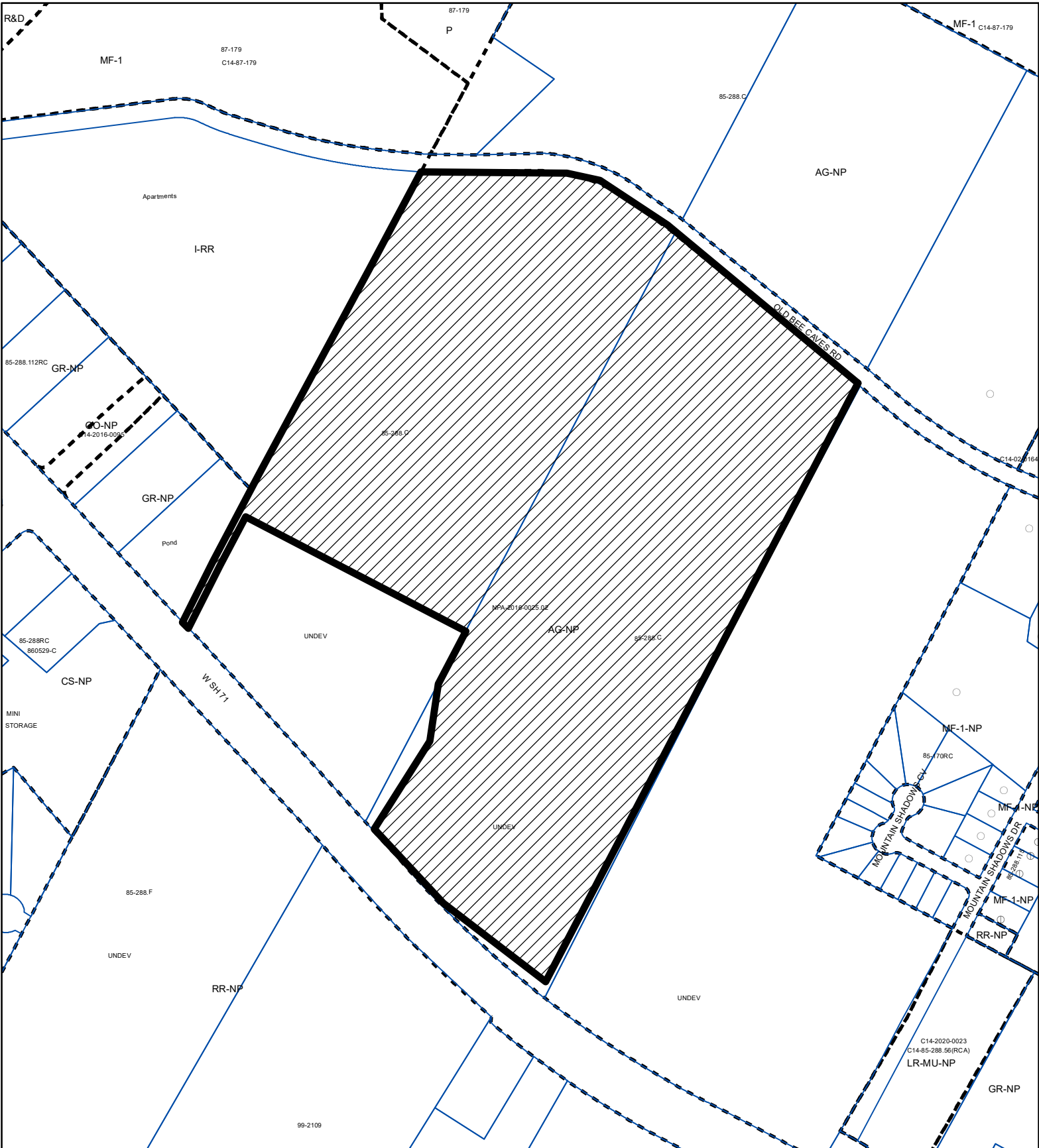
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter
- D. Zoning Traffic Analysis (ZTA) Memorandum
- Correspondence from Interested Parties



**ZONING**

ZONING CASE#: C14-2024-0032



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

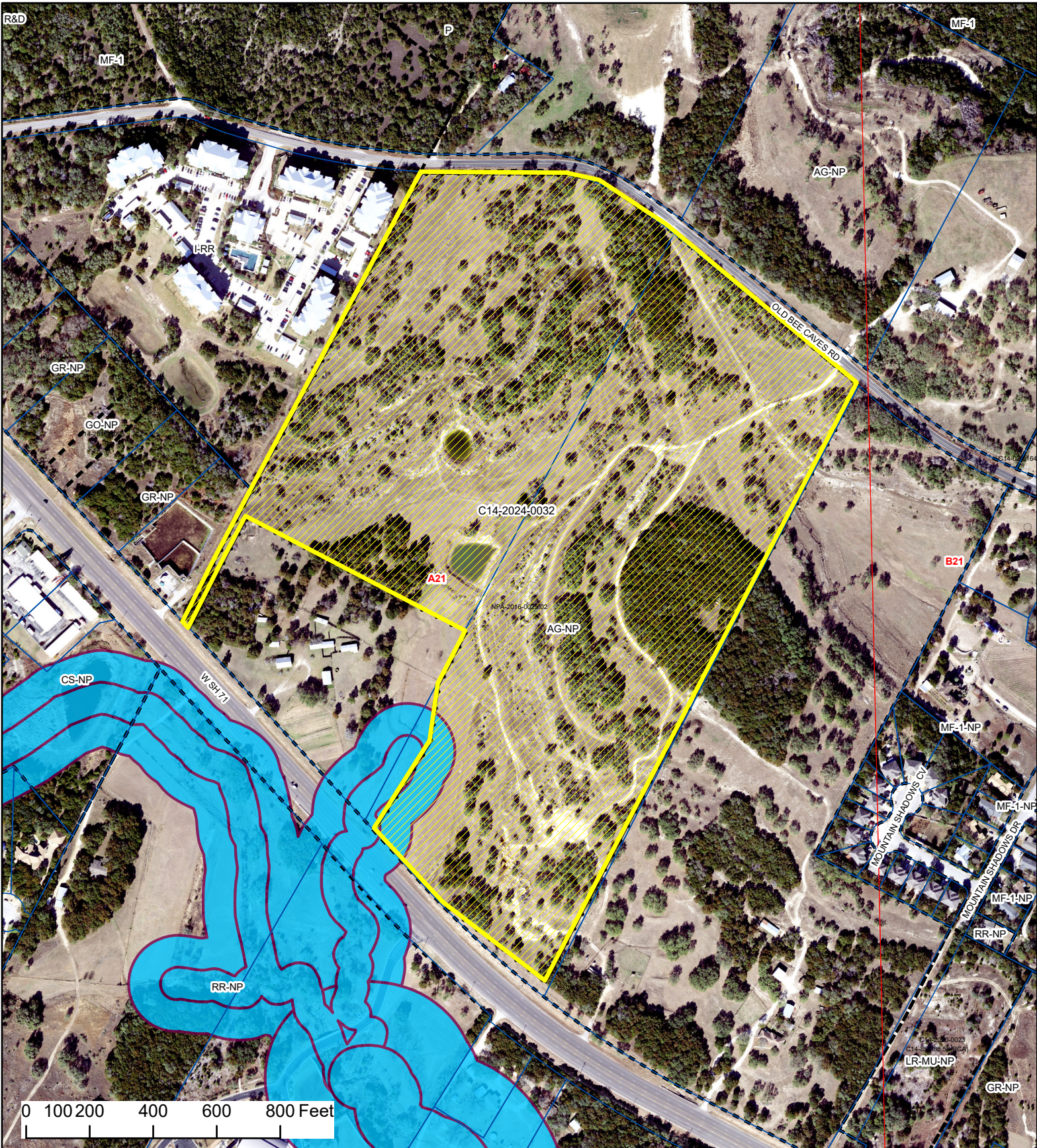
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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







Created: 3/13/2024





**8900 and 8956 W SH HWY 71 Multifamily**



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

CASE#: C14-2024-0032  
 LOCATION: 8900 and 8956 W SH 71  
 SUBJECT AREA: 60.665 Acres  
 GRID: A21  
 MANAGER: Cynthia Hadri



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

**Created: 4/17/2024**



David Hartman  
(512) 685-3409  
[dhartman@dbcllp.com](mailto:dhartman@dbcllp.com)  
303 Colorado, Suite 2300  
Austin, TX 78701  
[www.dbcllp.com](http://www.dbcllp.com)

March 8, 2024

Lauren Middleton-Pratt  
Director, Planning Department  
City of Austin  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

Re: 8900 and 8956 W SH 71 Multifamily – Rezoning and Neighborhood Plan Amendment Application for 60.665 acres located at 8900 and 8956 W SH 71, Austin, Texas 78735 (“Property”)

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed zoning and neighborhood plan amendment applications for 8900 and 8956 W SH 71 Multifamily as representatives of the owners of the above stated Property.

The current zoning of the Property is Agricultural (“AG-NP”), and we are requesting Multifamily Residence—Moderate-High Density (“MF-4-NP”) zoning for the entire Property to authorize development of a multifamily project. This rezoning request is consistent with adjacent land uses, including the abutting Landmark Conservancy multifamily development. Development of the Property involves considerable site constraints. Therefore, the application proposes to rezone the Property to MF-4-NP designation primarily to provide for flexibility in the height of buildings as authorized pursuant to MF-4-NP zoning, thereby authorizing development with a smaller footprint and more open space/less impervious cover.

The Property is currently vacant, and has direct access to SH 71 (an ASMP Level 5 Street) and Old Bee Caves Road (an ASMP Level 3 Street). The Property is within the new Capital Metro Pickup North Oak Hill Service Zone, and adjacent to an existing bus route/stop. The Imagine Austin Oak Hill Center is nearby. The Property falls within the Oak Hill Combined Neighborhood Plan (West Oak Hill). The current future land use designation is Rural Residential, and the NPA requests a change in the Future Land Use map to Multifamily.

If you have any questions about the applications or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

  
David Hartman

cc: Joi Harden, Planning Department (via electronic delivery)



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## MEMORANDUM

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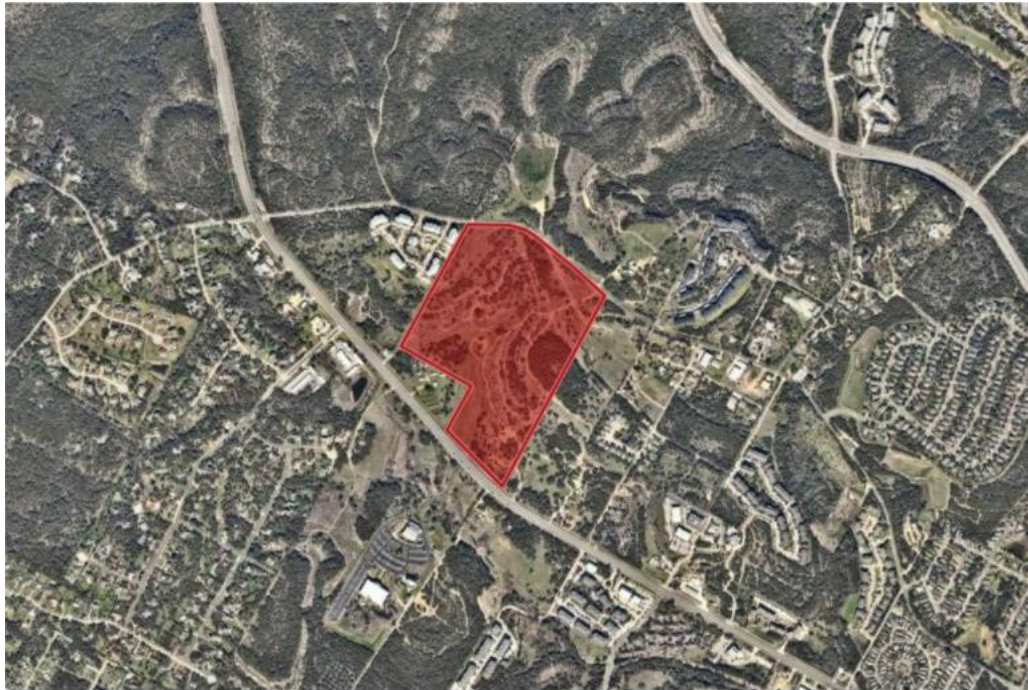
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**Date:** May 29th, 2024  
**To:** Kelly Rees, P.E., Kimley-Horn  
**CC:** Danielle Morin, Eduardo Marino, Julie Apagya Bonney, Transportation and Public Works  
**Reference:** **Marx Multifamily** – C14-2024-0032  
Zoning Transportation Analysis (ZTA) Final Memo

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The Austin Transportation and Public Works Department (TPW) has reviewed the “Marx Multifamily” ZTA prepared by Kimley-Horn for OHT Partners. The proposed site will feature a mid-rise multifamily development with 660 dwelling units. This development is located north of State Highway 71 (SH 71) and south of Old Bee Caves Road (shown in Figure 1 below) in Austin, Texas. Construction will occur in one phase and is expected to be completed in 2027. The project will access the surrounding roadway network via three full-access driveways: one on SH 71 and two on Old Bee Caves Road.



**Figure 1: Site Location**

### **Adjacent Roadway Characteristics:**

The applicant proposes three driveways for access to SH 71 and Old Bee Caves Road. The Austin Strategic Mobility Plan (ASMP) and Texas Department of Transportation (TxDOT) outline a vision for future roadway improvements. The following sections detail planned updates for SH 71 and Old Bee Caves Road.

#### **SH 71:**

- Designation: Level 5 road
- Current Configuration: Four-lane, two-way highway
- Future Plans: ASMP calls for sidewalks and bike lanes.

- Right of Way (ROW): Coordination with TxDOT required for ROW determination. New developments may need to dedicate ROW.
- Traffic: Average daily traffic is approximately 2,636 vehicles per day (based on March 2024 counts).

**Old Bee Caves Road:**

- Designation: Level 3 road
- Current Configuration: One-lane, two-way road
- Future Plans: ASMP calls for all-ages-and-abilities bicycle facilities and completion of missing sidewalks. Roadway expansion to include a center turning lane.
- Right of Way (ROW): 100 feet required per ASMP.
- Traffic: Average daily traffic is approximately 1,404 vehicles per day (based on March 2024 counts).

**Trip Generation and Traffic Analysis:**

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition), the development will generate approximately 3,102 daily trips (unadjusted), including 280 AM and 258 PM peak hour trips. Details are shown in Table 1 below:

**Table 1: Site Trip Generation**

Land Uses	Quantity	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Multifamily Housing (Mid-Rise)	660 Dwelling Units	221	3,102	280	64	216	258	157	101
<b>NET TRIPS</b>			3,102	280	64	216	258	157	101

Average Daily Traffic (ADT) for the existing conditions in 2024 was estimated using 24-hour tube count data collected along Old Bee Cave Road, on March 5th, 2024. To project the ADT volumes for the forecasted conditions in 2027, a growth factor of 2% per year from 2024 to 2027 was assumed. Table 2 presents both the existing traffic volumes and the projected volumes for the road segments in the vicinity of the site.

**Table 2 Projected Volume Analysis**

Roadway	ASMP Classification	Typical ADT Range (vpd)	2024 ADT	2027 No-Build ADT	2027 Allocated Trips (%)	2027 Site Trips	2027 Site + 2027 Forecasted ADT
Old Bee Caves Rd	Level 3	10,000-20,000	6,176	6,480	20%	620	7,100

The City of Austin Street Design Guide Multimodal Design Table recommends 10,000 to 20,000 ADT for Old Bee Caves Road in their existing conditions. Projected volume analysis showed that the adjusted site traffic plus forecasted volume at the anticipated build out year will not exceed the typical ADT range recommended.

An ASMP Right of Way (ROW) assessment for abutting road segments, turn lane analysis for all driveways, and sight distance analysis for the proposed driveways were also conducted.

## Recommendations/Conclusions:

As a condition for approval of the above-referenced zoning review case, the applicant shall adhere to the following recommendations:

1. Trip Reduction: Achieve a minimum of 10% trip reduction through Transportation Demand Management (TDM) measures as per the Transportation Criteria Manual (TCM). Proposed TDM measures will be detailed at the site plan stage and may include:
  - Transit Proximity
  - Daily Tenant Parking Rates
  - Reduced Parking Supply
  - Designated Mobility Coordinator
  - Universal Transit Passes
  - Pedestrian Access and Connectivity Improvements
  - Bicycle Access and Connectivity
  - Site Plan Access and Connectivity
  - Marketing and Information
  - Telecommuting Work Option
  - Delivery Support Amenities
2. Street Impact Fee (SIF): The proposed development is subject to the City of Austin Street Impact Fee (Ordinance # 20201220-061 & 20201210-062). Street Impact Fee (SIF) calculation shall be performed at the time of the Site Plan submission and will be collected at the time of building permit. No offsets to the proposed development's SIF will be issued until the completion of identified construction items unless those items are included in the proposed Site Plan application.
3. Right of Way (ROW) Needs: ASMP and TxDOT ROW requirements may necessitate dedications. This be confirmed at the Site Plan stage.
4. Driveway Consideration: Three driveways are proposed for general traffic circulation (one on SH 71 and two on Old Bee Caves Road). Approval of this ZTA does not guarantee approval of the proposed driveway locations and configurations. Further review will occur during the Site Plan submission by the appropriate City of Austin departments and TxDOT. Existing driveways may require relocation and/or reconstruction to meet TCM requirements.
5. Site Plan Transportation Assessment: This ZTA does not relieve a development of the need to conduct a Transportation Assessment (TA) or Full Transportation Impact Analysis (TIA) requirement at the time of site plan.

Please contact me at (512) 974-7136 if you have questions or require additional information.

Sincerely,



Nathan Aubert, P.E.  
Tranportation & Public Works Department

May 13, 2024

Cynthia Hadri  
City of Austin  
Planning Department  
6310 Wilhelmina Delco Drive  
Austin, Texas 78752

**Re: Rezoning and Neighborhood Plan Amendment for 8900 and 8956 W SH HWY 71 (Zoning Case C14-2024-0032, Neighborhood Plan Amendment Case NPA-2024-0025.01)**

Dear Ms. Hadri:

I am writing in support of the above-referenced rezoning and neighborhood plan amendment cases initiated on behalf of the applicant Marx Family Property, LLC, for the property located at 8900 and 8956 W SH HWY 71 in Austin, Texas. The applicant is seeking rezoning and neighborhood plan amendment for the property to proceed with development of a multifamily project.

My property is located at 8776 W. State Highway 71, and therefore I will be one of the adjacent landowners affected by the approval of this project. I strongly support the proposed rezoning and future development of the subject property.

I believe that the proposed development will provide for certainty for the redevelopment of the underutilized large undeveloped subject tract, while allowing the applicant to provide much needed apartments to meet the City's growing demand for housing.

Sincerely,

*Donald Marx*

*Nellie Marx*

Donald and Nellie Marx  
8776 W. Highway 71  
Austin, Texas 78735

May 20, 2024

Cynthia Hadri  
City of Austin  
Planning Department  
6310 Wilhelmina Delco Drive  
Austin, Texas 78752

**Re: Rezoning and Neighborhood Plan Amendment for 8900 and 8956 W SH HWY 71 (Zoning Case C14-2024-0032, Neighborhood Plan Amendment Case NPA-2024-0025.01)**

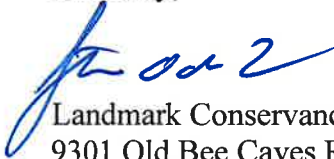
Dear Ms. Hadri:

I am writing in support of the above-referenced rezoning and neighborhood plan amendment cases initiated on behalf of the applicant Marx Family Property, LLC, for the property located at 8900 and 8956 W SH HWY 71 in Austin, Texas. The applicant is seeking rezoning and neighborhood plan amendment for the property to proceed with development of a multifamily project.

My property is located at 9301 Old Bee Caves Rd, and therefore I will be one of the adjacent landowners affected by the approval of this project. I strongly support the proposed rezoning and future development of the subject property.

I believe that the proposed development will provide for certainty for the redevelopment of the underutilized large undeveloped subject tract, while allowing the applicant to provide much needed apartments to meet the City's growing demand for housing.

Sincerely,



Landmark Conservancy Apartments  
9301 Old Bee Caves Rd  
Austin, Texas 78737





RE: NPA-2024-0025.01, C14-2024-0032

Planning Commission and Council:

A **postponement is requested** to review undefined complexities regarding planned lot subdivision and loss of agricultural tax status relative to removal of purposeful nature pasture status in this case and surrounding properties. The large **70-acre Marx property at 8900 and 8956 W Hwy 71** has not been addressed in a greater context for existing land constraints to help determine the best limitations for a land use and zoning change for the developer. The OHNPCT and OHAN expect a change in land use from rural residential to a more suburban status but object to the lack of supporting detail in choosing **MF-4** zoning in **MF residential land use** when it is apparent that **MF2** would suffice for the stated requested development.

The **Oak Hill NPCT and OHAN** would like to take this opportunity to ask the Planning Commission as well as Council to address the lack of neighborhood transparency and input into the development process that has been unfolding rapidly in our area with little attention to facts regarding property constraints and excessive development in the area. We **reject the lack of planning for public safety or consistency in planning** with an obvious zealous overestimation of the need for apartments **without any area data assessment to help guide developers.** As you know, a nearby housing development at 6811 Old Bee Cave Rd, the Shiloh Apartments of Oak Hill, has just applied for **STR designation** for >20 units making these (and other multi-family and single-family housing) unavailable for Austin residents. Continuing to add multifamily housing units while simultaneously removing other housing units via conversion to STRs or investment properties is **subsidizing investors and developers at the expense of residents**. We expect our Council and the Planning Department to make a better effort in the development of property in our community and all over Austin.

Due to **overwhelming apartment development in Oak Hill**, planned and present in this area, it is particularly disturbing that it appears **the most prime property of this lot for density development along W HWY 71 is asked to be held in reserve by subdivision under this land use change.** An explanation is in order before proceeding forward in any order of process. Can one assume **20%-25% impervious cover on both properties?** Keep in mind that this property is not along a Project Connect Corridor and the access road of **Old Bee Cave** is nothing more than a poorly paved country road overclassified during the ASMP rewrite to a level 3 category. Clearly, in its current condition it is **inadequate for over 3102 car trips** and there is concern for emergency exits particularly due to narrow width, lack of sidewalks, and poor surface conditions as well as

mounting **fire danger in the area**. There is talk about the Imagine **Austin Oak Hill Community Center**, but no re-development project has yet been initiated or funded. SH 71 is not on the Project Connect transit corridor and bus routes remain minimal.

In any case, explanation is lacking as to how MF-4 zoning (if tied to 12 units per acre as proclaimed by Mr. Hartman) meets the criterion for a level 5 Highway in any way as it would be **devoid of retail or commercial use**. On the other hand, **MF2 which allows 23 units per acre would provide sufficient upzoning to meet his plan for the interior property**. **MF4, which allows 34-56 units per acre, is not required for the project and only exacerbates rental overdevelopment**. An adjustment in height for this project (40-60 ft) might be decided as a development bonus at the site plan stage. Of course, these details should be addressed now. The 10 acres partially developed 'carve out' on W SH71 will presumably require distinct land use and zoning possibly not for residential apartments. Additional details of the impact of this change in land use with subdivision deserve discussion under current land use and zoning, not at site plan stage in a piecemeal fashion.

The remaining **adjacent Marx Brothers tracts** are expected to be reviewed separately, apart from predictable loss of **Agricultural Exemption under Nature Pasture (70 acres plus an additional appx 33 acres)** unrefutably affected by this development. Nevertheless, the appx 70 acres of the 2 tracts under review should be carefully addressed at this time with consideration for the 10-acre W Hwy 71 frontage property being carved out in reservation. At best a **development assessment** including a **subdivision pre-application and a managed growth assessment for multiple tracts** would be beneficial due to the larger estate subdivision within the family wherein voluntary disclosure would also help determine the most appropriate land use and zoning for the agricultural tracts. ( 25-1-553)

Neighbors and the community are particularly concerned regarding imminent flooding and the need for increased drainage along Old Bee Cave, degraded water quality in the DWPZ of the Williamson Creek watershed of the Barton Creek Zone including water quality protection near the Springs on the property; all of which may not have been accounted for during the expansion of the Oak Hill Parkway and probably not absorbed by the local regional pond capacity. A less intense land use will better protect the night sky in adjacent environmentally protected areas by specific height limitations. Fire is a grave concern given the existing and planned apartments along the slopes in the area.

**Postponement is requested** to consider alternate options and details if MF2 is not acceptable as higher land use than surrounding property, and to consider any code changes following the April presentation for a better fit on this land.

Sincerely,

Leigh Ziegler, Oak Hill NPCT Chair

Cynthia Wilcox, OHAN President

**RE: C14-2024-0032 NPA-2024-0025.01, Request for Postponement**

Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Wed 7/3/2024 1:45 PM

To: LEIGH ZIEGLER

Leigh:

Thanks. I will let David Hartman know that you would prefer a postponement to the August 27<sup>th</sup> PC hearing date. He'll should let us know if he's in agreement with this date or not.

Maureen

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**From:** LEIGH ZIEGLER

**Sent:** Wednesday, July 3, 2024 1:08 PM

**To:** Meredith, Maureen <Maureen.Meredith@aus ntexas.gov>

**Subject:** C14-2024-0032 NPA-2024-0025.01, Request for Postponement

External Email - Exercise Caution

Maureen:

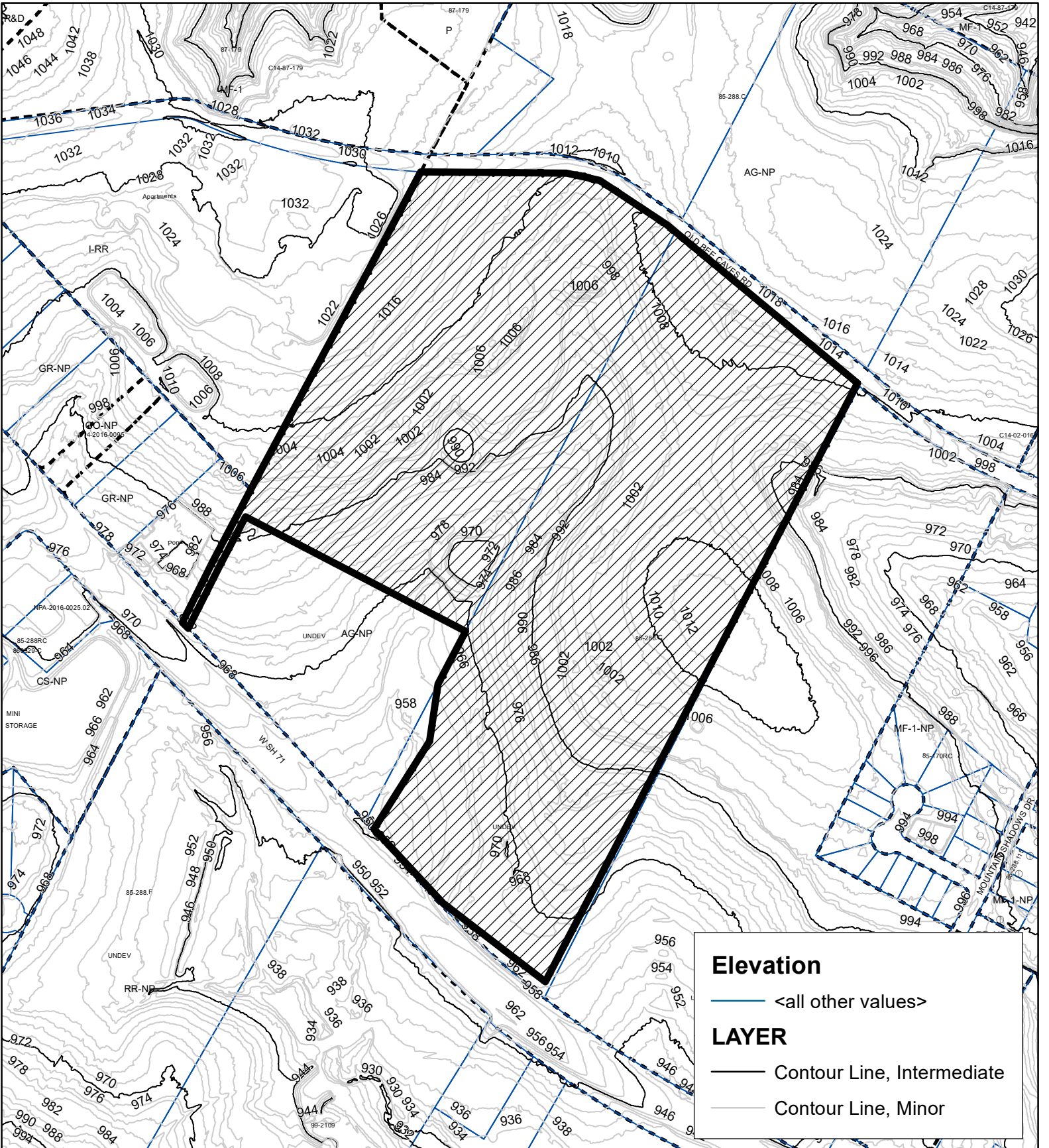
In response to your communication this morning, I sent a request today for postponement preference choosing one of the 3 dates: July 23, August 13, or August 27 but have not yet received adequate response.

Of course, it is our intention to allow sufficient time for neighbors to address the issues outlined with participation of the developer under appropriate staff direction. August 27th is the most liberal choice unless it interferes with another deadline for the developer.

Thank you,  
Leigh

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For any additional questions or concerns, contact CSIRT at "[cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov)".






**Elevation**  
 — <all other values>

**LAYER**  
 — Contour Line, Intermediate  
 — Contour Line, Minor

**ZONING**

ZONING CASE#: C14-2024-0032



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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Created: 7/23/2024