

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0217 – Peaceful Hill Lane

**Z.A.P. DATE:** November 18, 2008  
December 2, 2008  
December 16, 2008  
January 6, 2009

**ADDRESS:** 8524 Peaceful Hill Lane

**OWNER:** Randall L. Smitheal Family Trust  
(Amanda Tatum)

**AGENT:** McClean & Howard, L.L.P.  
(Jeffrey S. Howard)

**ZONING FROM:** SF-2      **TO:** CS

**AREA:** 0.68 acres  
(29,620 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development to less than 300 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 18, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO DECEMBER 2, 2008.*

*[K. JACKSON; T. RABAGO – 2<sup>ND</sup>] (6-0) J. GOHIL – ABSENT*

December 2, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO DECEMBER 16, 2008.*

*[T. RABAGO; R. EVANS – 2<sup>ND</sup>] (6-0) K. JACKSON – ABSENT*

December 16, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JANUARY 6, 2009.*

*[K. JACKSON; D. TIEMANN – 2<sup>ND</sup>] (6-0) R. EVANS – ABSENT*

January 6, 2009: *APPROVED GR-CO DISTRICT ZONING WITH THE CO ALLOWING FOR BUILDING MAINTENANCE SERVICES USE AND ALL PERMITTED LO DISTRICT USES; LO DEVELOPMENT REGULATIONS EXCEPT THAT HEIGHT IS LIMITED TO 35 FEET AND 300 VEHICLE TRIPS PER DAY. PUBLIC RESTRICTIVE COVENANT FOR HOURS OF OPERATION, HOURS OF CONSTRUCTION, PROHIBIT EXTERIOR LOUDSPEAKERS, LIMIT LIGHTING.*

*[K. JACKSON; C. HAMMOND – 2<sup>ND</sup>] (7-0)*

**NOTE:** *THE COMMISSION ALSO RECOMMENDED THAT THE PRIVATE RESTRICTIVE COVENANT WITH PARK RIDGE NEIGHBORHOOD BE IN PLACE PRIOR TO CITY COUNCIL CONSIDERATION.*

**ISSUES:**

Since the Zoning and Platting Commission action, Staff and the Applicant have realized that the building maintenance services use that is currently operating on the property is allowed in the general commercial services (CS) district and the more restrictive warehouse / limited office (W/LO) district, and is a prohibited use in the community commercial (GR) district. One issue with the W/LO district as it applies to this property is that a site plan must be approved by the Zoning and Platting Commission, because it does not meet the minimum one-acre lot size (Section 25-2-584). The Applicants are considering the available options.

Photos of the surrounding properties are attached at the back of the Staff report.

Commercial property owners across Peaceful Hill Lane to the east support the Applicant's requested rezoning. Residents on Peaceful Hill Lane are opposed to the rezoning request. All correspondence is attached at the back of the Staff report.

In early September 2008, Code Enforcement staff issued the property owner a "red tag" for opening a business without first obtaining a site plan or permit. The rezoning application was filed in early October 2008. A site plan and commercial building permits are two additional requirements necessary to bring the property into compliance with the City Code.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of one platted lot located at the northwest corner of Ralph Ablanado Drive and Peaceful Hill Lane, and is zoned single family residence standard lot (SF-2) district. There are single family residences on Peaceful Hill Lane to the north (DR; SF-2), two single family residences and a police substation / fire station to the west (SF-2; SF-1; GR; P) and single family residences within the Park Ridge subdivision to the south (SF-4A-CO). Across Peaceful Hill Lane to the east, there is a vehicle impound yard, a fiberglass facility and sheet metal shop, all of which were in existence prior to annexation into the City limits (CS-CO; LI-CO; LI). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

Since late-Summer 2008, the property has been developed with a landscaping company, which is classified as a building maintenance services use and is allowed in the general commercial services (CS) district and the more restrictive warehouse/limited office (W/LO) district. The landscaping company provides commercial, municipal and residential maintenance, design and installation services. Access to the site is taken to Peaceful Hill Lane, a local street. The Applicant is seeking general commercial services (CS-CO) combining district zoning in order to be able to continue operating the landscaping company.

The Applicant's proposed Conditional Overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); bail bond services; commercial off-street parking; consumer convenience services; drop-off recycling collection facility; food preparation; funeral services; indoor entertainment; indoor sports and recreation; off-site accessory parking; pawn shop services; residential treatment;

service station and theater. The Applicant also proposes to limit the site development regulations to the LO district (the differences would be 40 feet height limit; 50% building coverage; 70% impervious cover and F.A.R. limit of 0.7 to 1), restrict dumpster location and limit traffic.

Although there are commercial and industrial uses and zoning on the east side of Peaceful Hill Lane, the uses on west side of the street, with the exception of the fire and police stations, are single family residential. CS zoning introduces the possibility for intense land uses that are incompatible with the adjacent and surrounding single family residences, including single family residential subdivisions to the north (Beaconridge) and south (Park Ridge). The Staff recommends the LO district in recognition of its location at the intersection of local and collector street, and because it provides more compatible land use transition between the commercial / industrial uses to the east and the existing single family residential areas.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Landscaping business
<i>North</i>	DR; SF-2	Single family residences
<i>South</i>	SF-4A-CO	Single family residences within Park Ridge subdivision
<i>East</i>	CS-CO; LI-CO; SF-4A	Vehicle impound facility; Fiberglass supplier; Sheet metal shop; Single family residences within the Park Ridge Gardens subdivision
<i>West</i>	SF-2; SF-1; GR; P	Single family residences on large lots; Undeveloped; Fire station

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs/Edwards Aquifer Conservation District

499 – Park Ridge Owners Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

786 – Home Builders Association of Greater Austin

1037 – Homeless Neighborhood Organization

1075 – League of Bicycling Voters

1113 – Austin Parks Foundation

**SCHOOLS:**

Williams Elementary School    Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0195 – Crippen Sheet Metal	DR to LI	To Grant LI-CO with the CO to allow light manufacturing and all LR uses, 300 trip limit above the existing traffic.	Approved LI-CO with the CO allowing for light manufacturing as the only LI use and all CS uses except those Staff recommended prohibiting; 300 trips above existing traffic, on Second Reading, 3- 23-06.
C14-05-0045 – Big 4 – 220 Ralph Ablanado Drive	DR to LI	To Grant LI-CO for Tract 1 with CO to prohibit basic industry and resource extraction; CS-CO for Tract 2 (west 50 feet) with CO for 30' height limit. Additional CO for 300 trips beyond the existing generated.	Approved LI-CO; CS- CO as ZAP recommended (6-23- 05).
C14-05-0034.SH – Peaceful Hill Subdivision – 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane	SF-6; W/LO; LI; DR to SF-4A	To Deny SF-4A	Approved SF-4A-CO with CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels; 4) a 30- foot wide rear yard setback shall be established for a residential structure adjacent to a non-

			residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal. <b>Restrictive Covenant</b> for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanedo Drive frontage; 4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west, and 5) an 8-foot high solid fence along the east property line (12-15-05).
C14-04-0179 – Big 4 – 8602 Cullen Lane	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation.	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).
C14-03-0076 – Ferrell's Farmers Market – 203 Ralph Ablanedo Drive	DR to GR-MU	To Grant GR-MU-CO, with the CO prohibiting all residential uses except for the existing residences and 2,000 trips.	Approved GR-MU-CO as ZAP recommended (7-17-03).
C14-00-2018 – Wattinger Acres – 114 Ralph	DR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips; no access to Hubach

Ablanedo Drive			Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-2001 – 8603 Cullen Avenue; 201 Ralph Ablanedo and 8503 South Congress Avenue	CS-CO to CS-CO, to delete a Conditional Overlay	To Grant CS-CO	Approved CS-CO, with CO for 2,000 trips; prohibit pawn shops and adult-oriented uses; F.A.R. of 1:1 (12-9-99).
C14-99-0039 – Mickey Rich Plumbing and Heating, Inc. – 130 Ralph Ablanedo Drive	DR to CS-1; LI	CS-1 request withdrawn; To Grant LI-CO with conditions	Approved LI-CO with CO for 2,000 trips; prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14r-85-370 – Autoway (Howard Papka) – 408 Slaughter Lane (re-named as Ralph Ablanedo Drive)	I-RR to GR	To Grant GR with conditions of 0.25 to 1 F.A.R. and 35' height (2-25-86)	Approved GR with attached site plan for auto leasing and maintenance use (9-18-86).
C14-85-093 – Bruce Patterson, 8501 Peaceful Hill Lane	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86).

#### **RELATED CASES:**

The property was annexed into the City limits in November 1984. The property is platted as Lot 1-A of A Resubdivision of Lot 1 of a Resubdivision of a Portion of R.A. Nowlin's Subdivision, recorded in July 1969 (C8s-69-109). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Peaceful Hill Lane	60 feet	20 feet	Local (817 in 2005)	Yes	Yes	No
Ralph Ablanedo Drive	55 – 70 feet	23 – 30 feet	Collector (2,295 in 2005)	No	No	No

**CITY COUNCIL DATE:** December 18, 2008**ACTION:** Approved a Postponement request by the Staff to January 15, 2009 (6-0, McCracken – off the dais).

January 15, 2009

Approved a Postponement by the Applicant and the Neighborhood to January 29, 2009 (6-0, Martinez – off the dais).

January 29, 2009

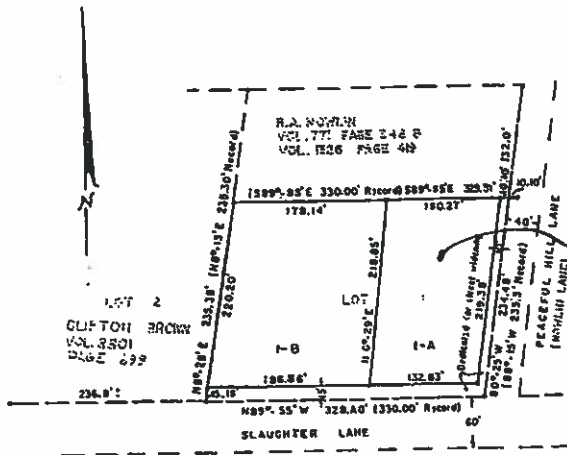
**ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









A RESUBDIVISION OF LOT 1 OF A RESUBDIVISION OF A PORTION OF R. A. NOWLIN'S SUBDIVISION

REZONING AREA

LEGEND:

- IRON PIPE FOUND
- IRON PIN SET

SCALE: 1" equals 100'

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, Mrs. Elizabeth Reeves, a widow, owner of the 1.76 acres of land as shown hereon, being Lot 1 of a RESUBDIVISION OF A PORTION OF R. A. NOWLIN'S SUBDIVISION OF A PORTION OF THE WILLIAM CALSON LEAGUE NO. 19, recorded in Volume 3450, Page 1575 of the Deed Records of Travis County, Texas, do hereby adopt this map or plat as my subdivision of same, to be known and designated as:

A RESUBDIVISION OF LOT 1 OF A RESUBDIVISION OF A PORTION OF R. A. NOWLIN'S SUBDIVISION

and do hereby dedicate to the public all of the easements shown hereon.

WITNESS MY HAND this 10<sup>th</sup> day of July, 1969

*Mrs. Elizabeth Reeves*  
Mrs. Elizabeth Reeves

STATE OF TEXAS | COUNTY OF TRAVIS | KNOW ALL MEN BY THESE PRESENTS  
Before me, the undersigned authority, on this day personally appeared Mrs. Elizabeth Reeves, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and considerations herein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this 10<sup>th</sup> day of July, 1969, A. O.

*Chas. R. Pope*  
Notary Public, Travis County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Miss Emilie Linberg, Clerk of the County Court, within and for the county and state aforesaid do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 14<sup>th</sup> day of July, A. D., 1969, at 11:15 o'clock A. M. and duly recorded on the 14<sup>th</sup> day of July, A. O., 1969, at 11:35 o'clock A. M. in the Plat Records of said county in Book 479 Page 75.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE LAST DATE WRITTEN ABOVE.

*Emilie Linberg*  
Miss Emilie Linberg, County Clerk,  
Travis County, Texas

APPROVED FOR ACCEPTANCE:

*Harold W. Osburn*  
Director of Planning, R.R.S., Date July 14, 1969

ACCEPTED AND AUTHORIZED FOR RECORD:

By the Planning Commission of the City of Austin, Travis County, Texas, this the 11<sup>th</sup> day of July, A. O., 1969.

*W. P. Kinnear* Chairman  
*W. P. Kinnear* Secretary

Filed for record this the 14<sup>th</sup> day of July, A. D. 1969, at 11:15 o'clock A. M.

Miss Emilie Linberg, County Clerk,  
Travis County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Miss Emilie Linberg, County Clerk, Travis County, Texas, do hereby certify that on the 14<sup>th</sup> day of July, A. D., 1969, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said court in Book 3 Page 371.

WITNESS MY HAND AND SEAL OF OFFICE this the 14<sup>th</sup> day of July, A. D., 1969.

Miss Emilie Linberg, County Clerk,  
Travis County, Texas

Each house constructed in this subdivision shall be connected to a septic tank of design approved by the City-County Health Officer or a Sanitary Sewer System.

I hereby certify that Austin City Code Chapter 23.27 of 1954 has been complied with.  
Subdivided June, 1969.

*Otis B. Autry*  
Otis B. Autry, Registered Public Surveyor.

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads or other public thoroughfares shown on this plat, or the building of any bridges or culverts in connection therewith, shall be the responsibility of the owner or developer of the tract of land covered by this plat, in accordance with the plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat or any bridges or culverts in connection therewith.



EXHIBIT B  
RECORDED PLAT

C85-69-109

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits development to less than 300 vehicle trips per day.

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

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

*Applicant's request:* The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

*Staff recommendation:* LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The proposal meets the purpose statement set forth in the Land Development Code. The subject lot is adjacent to a neighborhood that is largely single family. The proposed office use would potentially serve the surrounding neighborhoods and the mixed use component would allow for residential uses on the property, which should be encouraged in the City's Desired Development Zone.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Although there are commercial and industrial uses and zoning on the east side of Peaceful Hill Lane, the uses on west side of the street, with the exception of the fire and police stations, are single family residential. CS zoning introduces the possibility for intense land uses that are incompatible with the adjacent and surrounding single family residences, including single family residential subdivisions to the north (Beaconridge) and south (Park Ridge). The Staff recommends the LO district in recognition of its location at the intersection of a local and collector streets, and because it provides more compatible land use transition between the commercial / industrial uses to the east and the existing single family residential areas.

**EXISTING CONDITIONS****Site Characteristics**

The subject property contains a landscaping company and an office. The site is relatively flat and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the *CS zoning district* is 80%, which is based on the more restrictive watershed regulations. The maximum impervious cover allowed by the *LO zoning district* would be 70%, which is based on the more restrictive zoning regulations.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% 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%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with this rezoning case. Please be aware that an approved rezoning status does not eliminate the requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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 the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed for Peaceful Hill Lane at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6-117]

**Water and Wastewater**

The property is currently served by City of Austin water and on-site septic. Wastewater service is available to the lot. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required with the rezoning. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. 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.

**Site Plan and Compatibility Standards**

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 across the street from, adjoining or located 540-feet or less from property zoned SF-5 or more restrictive, or on which a use permitted in an SF-5 or more restrictive zoning district is located will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the north, south and west property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

*Additional design regulations will be enforced at the time a site plan is submitted.*

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.





SINIG F FAMILY





SF NEAR LOT





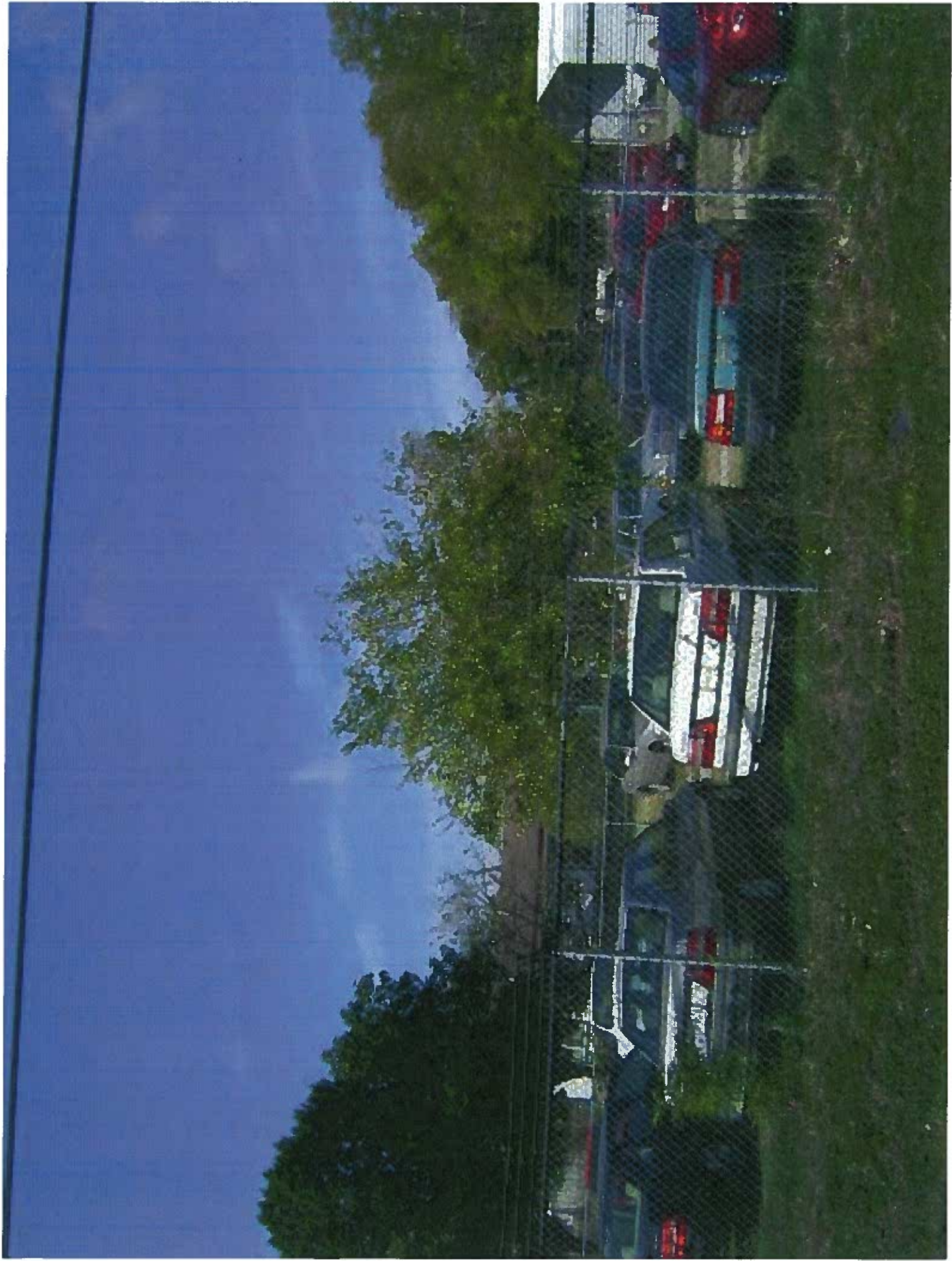
MORE COMMERCIAL





MORE COMMERCIAL 7





1400-0004





SF lot on West Side of P.Hill





SP Lot on West Side of P.Hill - North C





SF LOT ON WESTSIDE OF P.H.I.





SE LOT WEST SIDE OF P.Hill





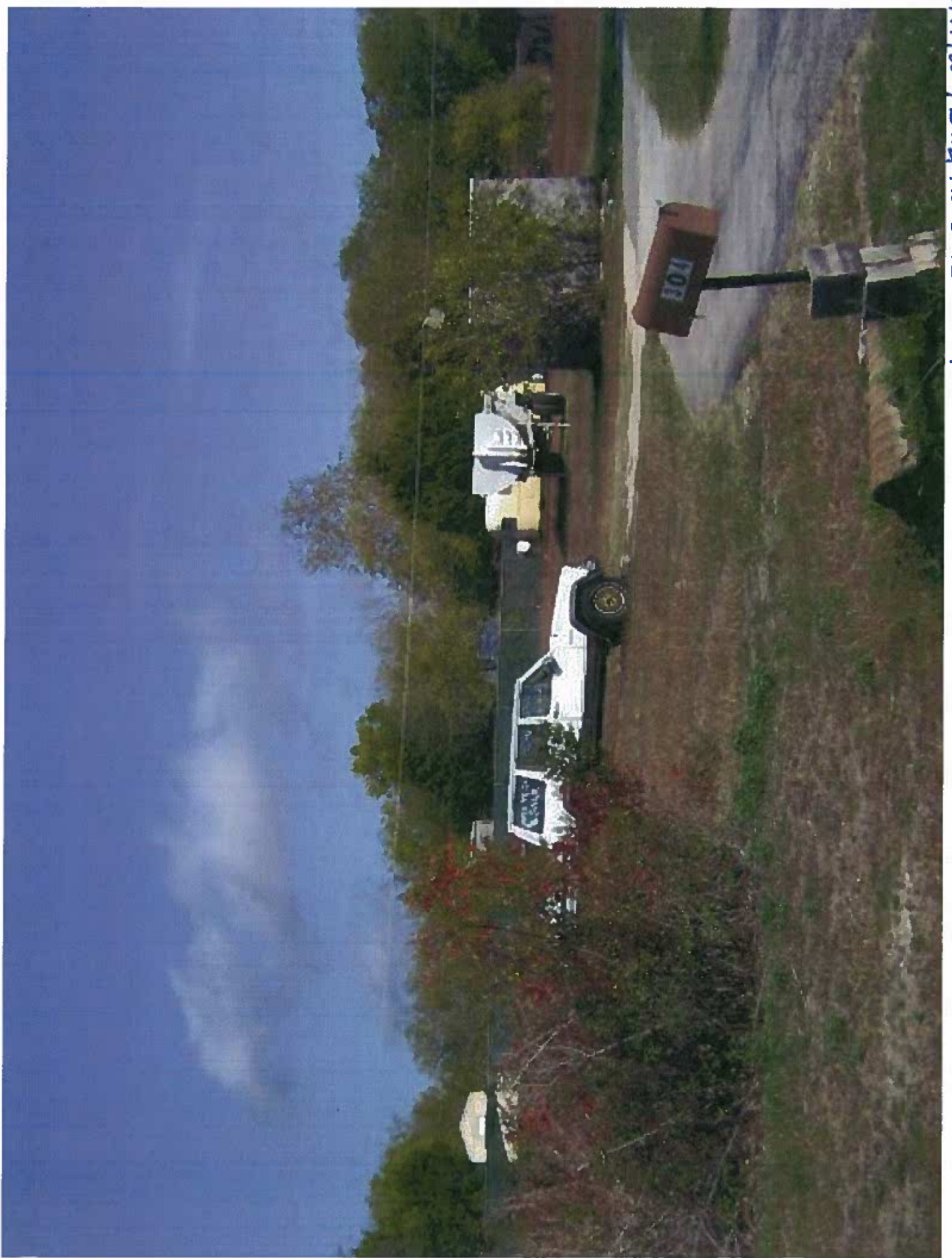
POLICE SUBSTATION THREE LOTS WEST





FIRE STATION NEXT TO POLICE STATION





SE LOT NEXT DOOR ON RUPH ABLANE



!MOUND V&ED ACROSS STREET CSZ...





LOT NEXT DOOR WEST ON RAIDWAY