



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 03/10/2005
PAGE: 1 of 1

SUBJECT: C14-04-0179 - Big 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8602 Cullen Lane (Onion Creek Watershed) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Big 4 (Jim Pallas). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0179

Z.P.C. DATE: December 7, 2004
January 18, 2005

ADDRESS: 8602 Cullen Lane

APPLICANT: Big 4 (Jim Pallas)

AGENT: Bennett Consulting
(Jim Bennett)

ZONING FROM: DR; SF-2

TO: CS

AREA: 1.600 acres

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant commercial services – conditional overlay (CS-CO) combining district zoning.

The Conditional Overlay:

1. requires a 6' privacy fence and a 40' landscape buffer along the west property line and a 6' privacy fence and a 25' landscape buffer along the south property line as long as the adjacent property to the south remains used as single family residential, two family residential or duplex;
2. limits structure height to 30 feet;
3. prohibits the following uses: medical offices; community recreation (private); adult-oriented businesses; congregate living; automotive washing (of any type); counseling services; laundry services; guidance services; campground; residential treatment; communications services; commercial blood plasma center; transitional housing; drop-off recycling collection facility; transportation terminal; funeral services; equipment repair services; cemetery; equipment sales; hotel-motel; automotive rentals; indoor entertainment; automotive repair services; kennels; off-site accessory parking; outdoor entertainment; consumer repair services; pawn shop services; restaurant (limited); restaurant (general); service station; theater; construction sales and services; convenience storage; veterinary services; custom manufacturing and community recreation (public) and
4. limits development of the property to less than 2,000 motor vehicle trips per day.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

December 7, 2004: *POSTPONED TO 1-18-05 AT THE REQUEST OF THE NEIGHBORHOOD AND STAFF.*

[J.M.; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

January 18, 2004: *APPROVED CS-CO DISTRICT ZONING, AS STAFF RECOMMENDED WITH AN ADDITIONAL CONDITIONAL OVERLAY FOR A 6' PRIVACY FENCE ALONG THE NORTH PROPERTY LINE (ADJACENT TO RALPH ABLANEDO). PUBLIC RESTRICTIVE COVENANT FOR R-O-W ON CULLEN LANE AND ESTABLISHING HOURS OF OPERATION BETWEEN 8 A.M. – 5:30 P.M. MONDAY – FRIDAY.*

*** THERE IS A PRIVATE RESTRICTIVE COVENANT BETWEEN THE APPLICANT AND NEIGHBORHOOD CONCERNING THE PLACEMENT OF AUTOMOBILES ON THE PROPERTY.**

[J.G. - 1ST; T.R. - 2ND] (7-0) M.W.H., J.M. - ABSENT

ISSUES:

The applicant is in agreement with the alternate staff recommendation. The applicant has met with representatives of the Park Ridge Homeowners Association to discuss the rezoning request and is working on a private Restrictive Covenant that addresses the placement of automobiles on the lot and the days / hours of operation.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one platted lot that has carried development reserve (DR) district zoning since its annexation on November 15, 1984. The lot takes access to both Ralph Ablanado Drive and Cullen Lane. The property is surrounded to the west by single family residences (SF-4A-CO; I-SF-4A), to the south by 2 manufactured homes and 3 single family residences (most of which appear to have some non-residential component - SF-2), to the north by a vehicle impound facility and undeveloped land (DR), and to the east by the auto salvage use and an auto auction facility (SF-2; CS-CO). Please refer to Exhibits A (Zoning Map), A-1, A-2, A-3 (Aerial Views taken in 1997, 2000 and 2002) and B (Recorded Plat).

Aerial photography shows that since 1997, the property has been converted from a single family residence to an auto salvage use associated with the business located on the east side of Cullen Lane at Ralph Ablanado Drive (under the same ownership). The rezoning request was submitted as the result of City Code Enforcement activities initiated by an anonymous complainant who identified that the uses occurring on the site are not allowed in the DR district. Please refer to Exhibit C.

The applicant proposes to remove the auto salvage use from the lot and rezone the property to the general commercial services (CS) district so that the property can be developed with a vehicle towing yard (a vehicle storage use, first allowed in CS). In consideration of the applicant's request, staff researched several rezoning applications on Cullen Lane that were approved by Council in 1998 and 1999. Five of these cases were similarly situated (on the west side of Cullen Lane) and all were approved for CS-CO with frontage on Cullen Lane and LO-CO (limited office-conditional overlay) for the western 40 feet of the property adjacent to the Park Ridge subdivision. The Conditional Overlay requires a 6 foot privacy fence along the western property line; a 40' landscape buffer that excludes storage areas or structures and limits improvements to drainage, underground utility improvements and other improvements that may be required by the City; a 30' structure height on the CS-CO portion; many prohibited uses; and 2,000 vehicle trips per day. There is also a public Restrictive Covenant for rollback zoning to W/LO if the construction sales and services use is made a permitted use in that district, as well as a right-of-way dedication requirement along Cullen. [In 1999 the Council approved a Code amendment to make construction sales and services a conditional use in the W/LO district with a 10,000 square feet of gross floor area limit.] The applicant also entered into a private Restrictive Covenant with the Park Ridge Homeowners Association establishing hours of operation and the location of dumpsters on all five zoning cases.

Cullen Lane between Ralph Ablanado and Slaughter Lane is generally commercial in nature and previous, similarly situated rezoning cases on Cullen Lane have established CS-CO and LO-CO zonings the latter of which provide additional compatibility with the Park Ridge neighborhood to the west. Based on this background, Staff is recommending CS-CO zoning with a right-of-way

requirement along Cullen as was approved on these five cases, with the exception of permitting vehicle storage use.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|----------------------------------|--|
| <i>Site</i> | DR | Auto salvage; Two residential structures |
| <i>North</i> | P; GR; SF-1; SF-2; DR; LI; LI-CO | Police substation; Fire station; Undeveloped; Single family residence; Two manufactured homes; Vehicle impound facility; Liquor sales; Mechanical contractor |
| <i>South</i> | SF-2; CS-CO | Manufactured homes; Three single family homes (one with warehouse); Auto body shop; Undeveloped; Office / warehouse |
| <i>East</i> | SF-2 | Auto salvage; Auto auction; Undeveloped; Urban farm; Towing services; Lounge; Telecommunications tower |
| <i>West</i> | SF-4A-CO; I-SF-4A | Single family residences within Park Ridge subdivision; Drainage facility |

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
 497 – M.E.T.S.A. Neighborhood Association
 627 – Onion Creek Homeowners Assn.
 948 – South by Southeast Neighborhood Organization

262 – Beaconridge Neighborhood Assn.

511 – Austin Neighborhoods Council

SCHOOLS:

Williams Elementary School

Paredes Middle School

Bowie High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|--|----------------------|---|--|
| C14-04-0105 – west side of Congress Avenue | DR to CS | To Grant CS-CO with CO for 2,000 trips | Approved CS-CO as recommended by ZAP (9-30-04) |
| C14-03-0076 – south side of Ralph Ablando Drive | DR to GR-MU | To Grant GR-MU-CO with CO to prohibit all residential uses except the existing residences | Approved GR-MU-CO as recommended by ZAP Commission (7-17-03) |
| C14-99-2063 – west side of Cullen Lane. At time of application, property | I-RR to CS-CO; LO-CO | To Grant CS-CO and LO-CO | Approved CS-CO for Tract 1; LO-CO for Tract 2. CO for Tract 1 limits structure height to |

| | | | |
|---|---|-----------------------|---|
| was undeveloped. | | | <p>30 feet, 2,000 trips, extensive list of prohibited uses; CO for Tract 2 requires a 6' fence along the west property line and a 40' landscape buffer with no storage areas or structures, and improvements are limited to drainage, underground utility improvements or those required by the City.</p> <p><u>Restrictive Covenant</u> for rollback to W/LO if the <u>Code</u> is amended to allow construction sales and services use as a permitted use.</p> <p>Separate, private <u>RC</u> with Park Ridge Homeowners Association for 7 a.m. to 9 p.m. hours of operation for businesses that operate large equipment and requires trash dumpsters to be located on the east side of the property. Street deed for 35' from centerline of Cullen Lane (6-22-04).</p> |
| C14-99-2007- west side of Cullen Lane. At time of application, property was developed with a residence and miscellaneous small buildings. | I-RR to CS; LO | To Grant W/LO-CO | Approved CS-CO for Tract 1; LO-CO for Tract 2. CO, RC, private RC and street deed content is identical to C14-99-2063 (2-7-00). |
| C14-99-2001 - east side of Cullen Lane, with access to Ralph Ablanedo Drive and 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). |
| C14-99-0112 - west side of Cullen Lane. At time of application, property | DR to LO; CS | To Grant LO-CO; CS-CO | Approved CS-CO for Tract 1; LO-CO for Tract 2. CO, RC, private RC and street |

| | | | |
|---|--------------------|---|--|
| was developed with an auto body shop. | | | deed content is identical to C14-99-2063 (1-27-00). |
| C14-99-0075 – west side of Cullen Lane. At time of application, property was developed with a contractor's warehouse. | DR to CS-CO | To Grant LO-CO; CS-CO | Approved CS-CO for Tract 1; LO-CO for Tract 2. CO, RC, private RC and street deed content is identical to C14-99-2063 (9-30-99). |
| C14-98-0226 – west side of Cullen Lane. At time of application, property was undeveloped. | I-RR to CS-CO | To Grant LO-CO as staff recommended | Approved CS-CO for Tract 1; LO-CO for Tract 2. CO, RC and private RC content is identical to C14-99-2063 (10-7-99). |
| C14-96-0017 – east side of Cullen Lane | I-RR; DR; GR to CS | To Grant CS-CO with additional conditions | Approved CS-CO with CO for prohibited uses of campground, kennels, vehicle storage, pawnshops; no access to Cullen Lane, 2,000 trips (4-24-97). |
| C14-92-0131 – west side of Congress Avenue | DR to CS | To Grant CS-CO | Approved CS-CO with CO establishing maximum 85,000 s.f. of gross floor area for general retail sales (convenience) and 5,600 s/f for restaurant (drive-in, fast food) (2-25-93). |

RELATED CASES:

The property is platted as Lot 1 of T.H. Neal Addition as shown in Exhibit B (C8s-65-153). There are no related site plan cases on the subject property.

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION | SIDEWALKS | CAPITAL METRO | BICYCLE PLAN |
|----------------------|---------|----------|----------------|-----------|---------------|----------------------|
| Cullen Lane | 50 feet | Varies | Collector | No | No | Priority 1 Route #45 |
| Ralph Ablanado Drive | 65 feet | 30 feet | Collector | No | No | Priority 1 Route #45 |

CITY COUNCIL DATE: February 17, 2004

ACTION: Approved a Postponement request by the Neighborhood to 3-10-05 (7-0).

March 10, 2005

ORDINANCE READINGS: 1st

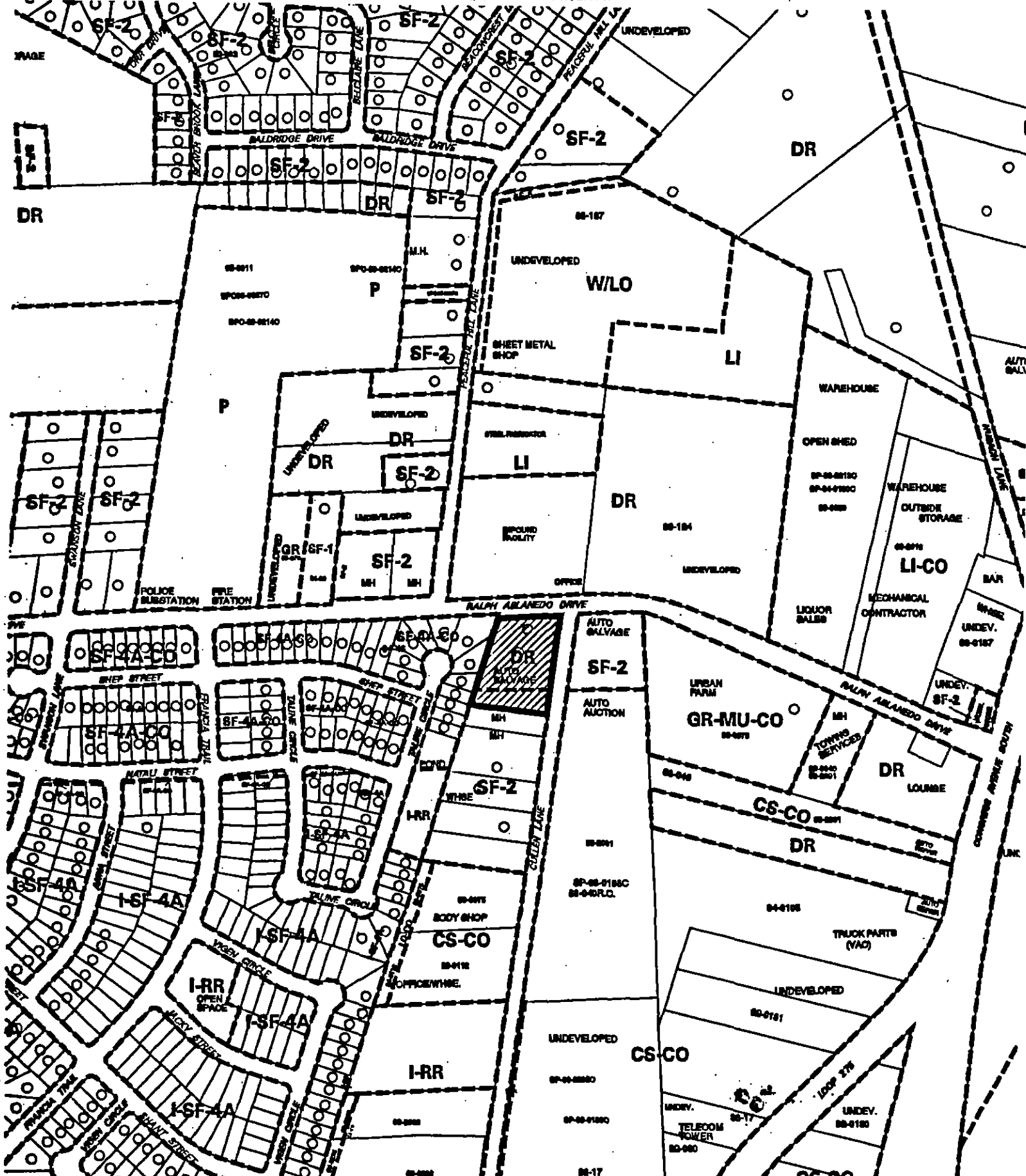
2nd


3rd

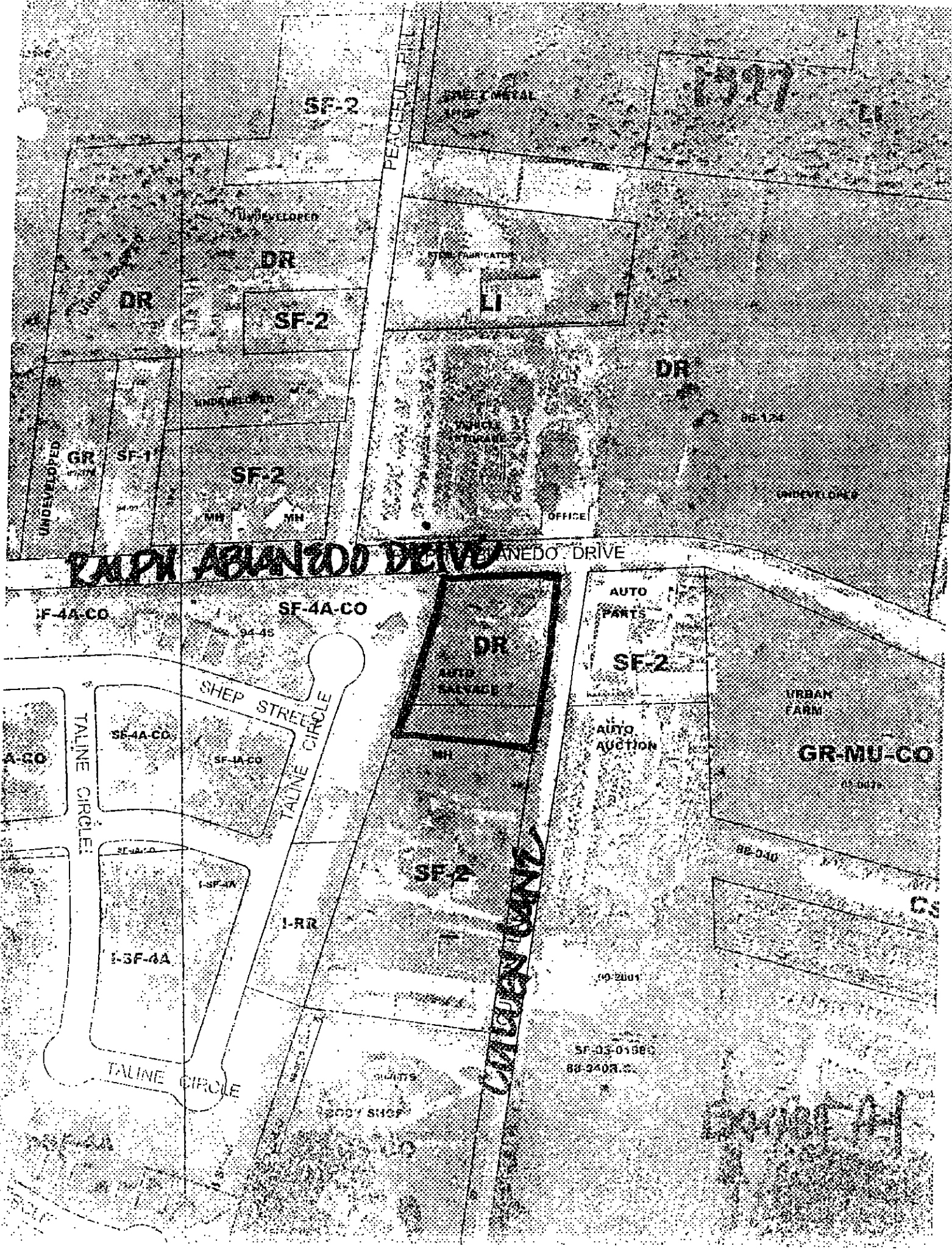
ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



| | | |
|--|---|--|
|  <p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH</p> | <p>ZONING <i>Exhibit A</i></p> <p>CASE #: C14-04-0179 ADDRESS: 8802 CULLEN LANE SUBJECT AREA (acres): 1.800</p> <p>DATE: 04-11 INTLS: 6M</p> | <p>CITY GRID REFERENCE NUMBER G14</p> |
|--|---|--|



SF-2

SHEET METAL SHOP

1977

LI

UNDEVELOPED

DR

STEEL FABRICATOR

LI

DR

SF-2

DR

UNDEVELOPED

86-124

GR

SF-1

SF-2

VEHICLE STORAGE

OFFICE

UNDEVELOPED

RALPH ABIANZO DRIVE

IF-4A-CO

SF-4A-CO

94-45

DR

AUTO SERVICE

AUTO PARTS

SF-2

URBAN FARM

GR-MU-CO

05-0019

86-030

SHEP STREET

TALINE CIRCLE

SF-4A-CO

SF-4A-CO

SF-4A-CO

1-SF-4A

1-SF-4A

1-RR

SF-2

AUTO AUCTION

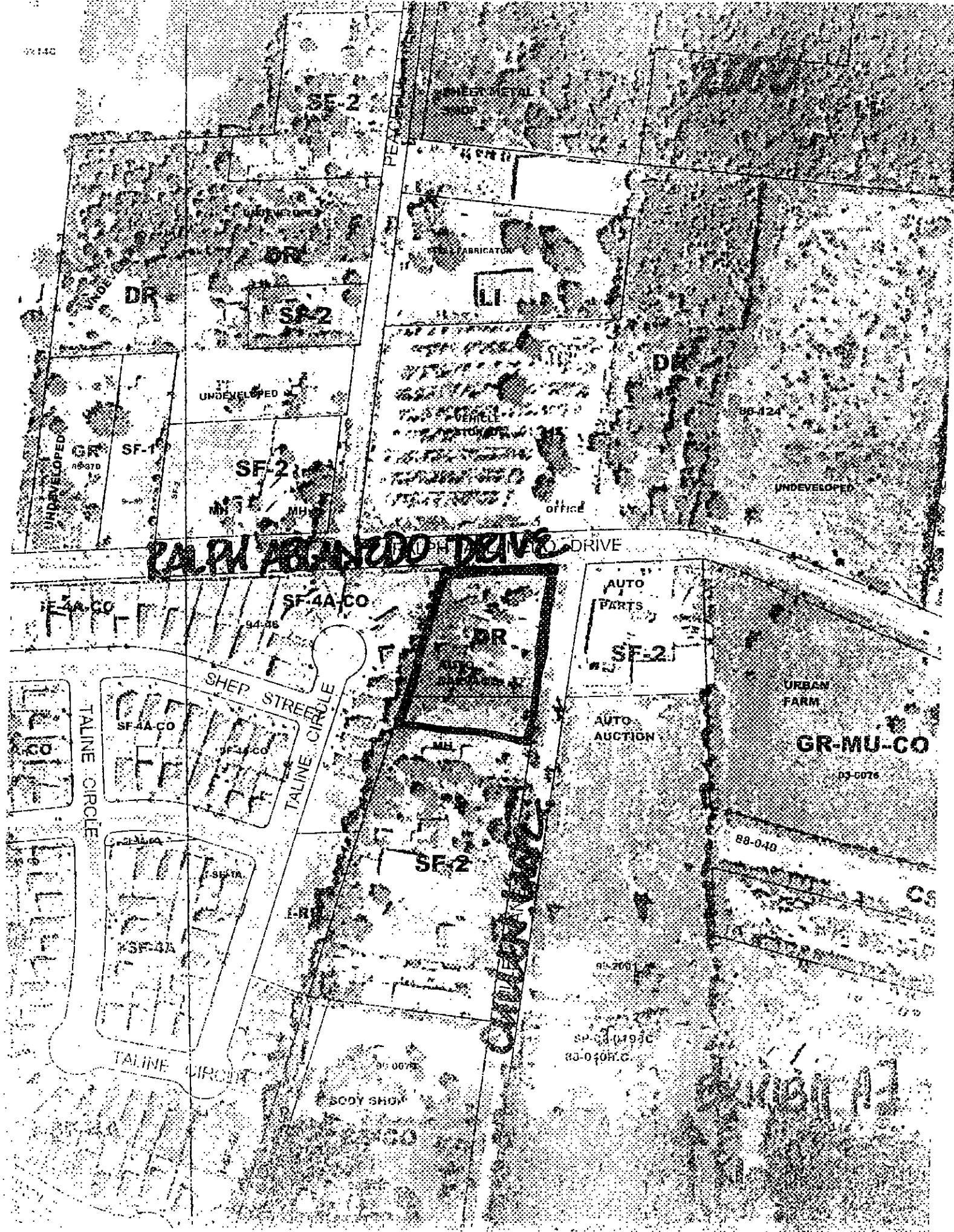
00-2001

SF-03-01980
86-240R.C.

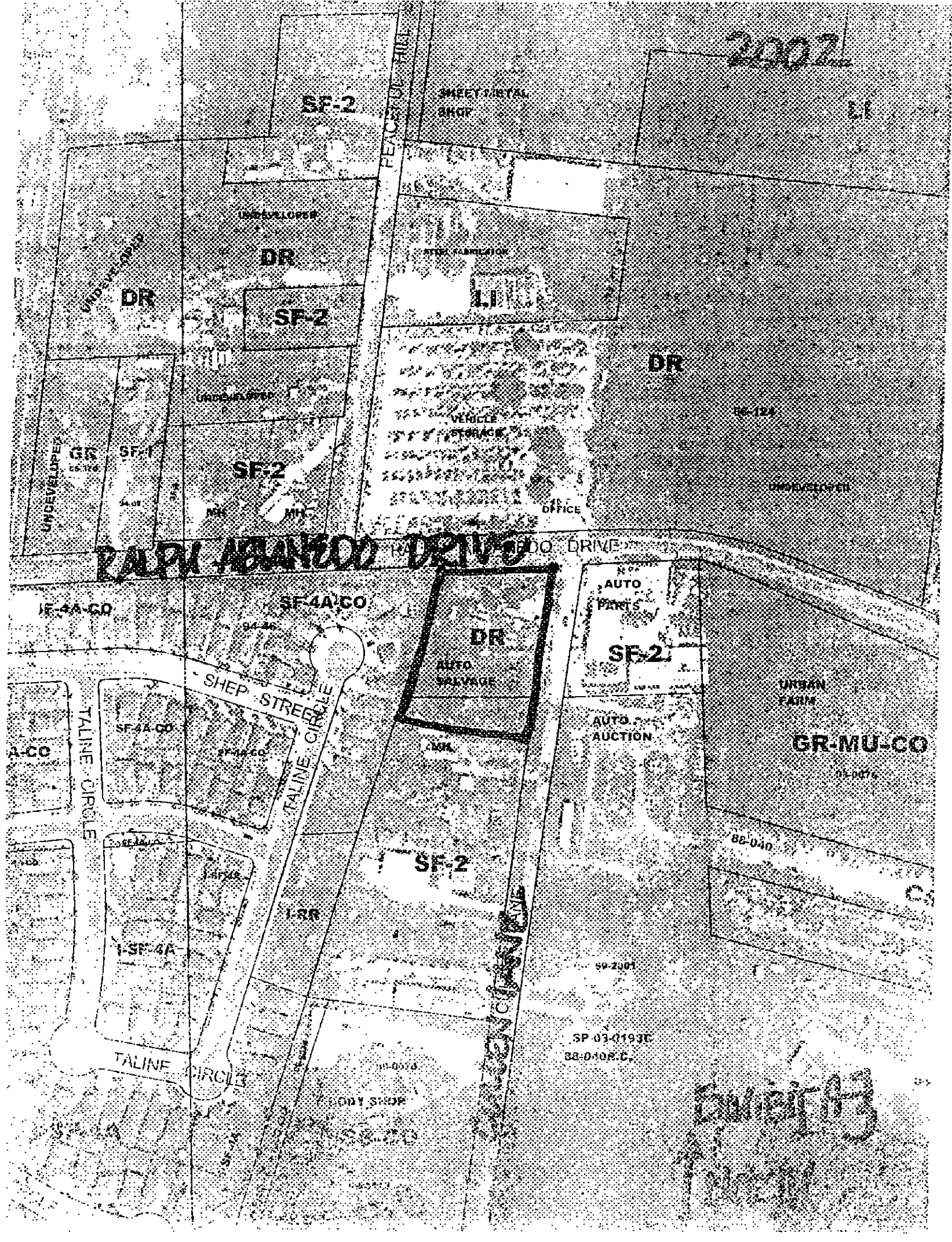
TALINE CIRCLE

2000 / SHOP

2



2007



DUBOIS

T.H. NEAL ADDITION

LEGEND
 • I.R. 581
 • I.R. 582
 Scale: 1"=100'

ABEL J. THERIOT
 Vol 2685 P 398

SLAUGHTER LANE
 (Area Dedicated for Street Use)

REQUESTED
 REZONING
 AREA

STATE OF TEXAS
 COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS
 That we, T. H. Neal and wife, Ruby Neal, owners of
 that certain tract of land out of the S. F. Slaughter League
 in Travis County, Texas, conveyed to us by deed of record in
 Volume 789 at Page 358, Good Records Travis County, Texas,
 do hereby subdivide a part of said tract in accordance with
 the attached plat, said subdivision to be known as "T. H.
 NEAL ADDITION", and we do hereby dedicate to the public the
 streets and easements shown hereon.
 WITNESS OUR HANDS, this the 16th day of November
 AD 1965.

T. H. Neal
 T. H. Neal

Ruby Neal
 Ruby Neal

STATE OF TEXAS
 COUNTY OF TRAVIS

Before me the undersigned authority on this day personally
 appeared T. H. Neal and Ruby Neal, his wife, both
 known to me to be the persons whose names are subscribed to
 the foregoing instrument, and the said T. H. Neal acknowledged
 to me that he executed the same for the purposes and considera-
 tions therein expressed. Ruby Neal, wife of the said
 T. H. Neal, having been examined by me privily and apart from
 her husband and having the same fully explained to her, she
 the said Ruby Neal acknowledged such instrument to be
 her act and deed and declared to me that she had willingly
 signed the same for the purposes and considerations therein
 expressed and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16 day of
 November AD 1965

Notary Public in and for Travis County, Texas

STATE OF TEXAS
 COUNTY OF TRAVIS

I, Miss Bailie Linberg, Clerk of the County Court, with-
 in and for the county and state aforesaid, do hereby certify
 that the foregoing instrument of writing with its certificate
 of authentication was filed for record in my office on the
 22 day of Nov. AD 1965, at 11:50 o'clock A.M. and
 duly recorded on the 22 day of Nov. AD 1965 at 11:55
 o'clock A.M. in the Plat Records of said county in Book 27 at
 Page 6.

WITNESS MY HAND AND SEAL OF THE COURT of said county, the
 date last written above.

Miss Bailie Linberg, Clerk County Court, Travis County, Texas

By Frieda Wacker
 Deputy



STATE OF TEXAS
 COUNTY OF TRAVIS

I, Miss Bailie Linberg, County Clerk of Travis County,
 Texas, do hereby certify that on the 22 day of Nov. AD 1965,
 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 at Page 389.

WITNESS MY HAND AND SEAL OF OFFICE this the 22 day of
 Nov. AD 1965

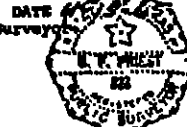
Miss Bailie Linberg, Clerk County Court, Travis County, Texas

By Stuart Harris
 Deputy



"In approving this plat by the Commissioners Court of
 Travis County, Texas, it is understood that the building of
 all streets, roads, and other public thoroughfares deline-
 ated and shown on this plat, and all bridges and culverts
 necessary to be constructed or placed in such streets, roads,
 or other public thoroughfares, or in connection therewith
 shall be the responsibility of the owner and/or developer of
 the tract of land covered by this plat, in accordance with
 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 of constructing any bridges or culverts in connec-
 tion therewith."

SURVEYED BY S. F. Priest, Reg. Public Surveyor



CB5-65-153

EXHIBIT B
 RECORDED
 PLAT

SEPTIC TANK NOTE:

Each house constructed in this subdivision shall
 be connected to a septic tank with a capacity of not
 less than 300 gallons and with a drain field of not
 less than 150 feet, and shall be installed in accord-
 ance with the regulations of the city-county health
 officer and shall be inspected and approved by such
 officer. This restriction is enforceable by the City
 of Austin-Travis County Health Unit and/or the subdivi-
 der.

FILED FOR RECORD

This the 22 day of Nov. AD 1965, at 11:50

o'clock A.M.

Miss Bailie Linberg, Clerk County Court, Travis County,

Texas

By Frieda Wacker
 Deputy

APPROVED FOR ACCEPTANCE: Nov 17, 1965

Moyle Osborne, Director of Planning



ACCEPTED AND AUTHORIZED FOR RECORD
 By the Planning Commission of the City of Austin on
 the 17th day of Nov., AD 1965

Chairman

David B. Barrow

Assistant
 Secretary

W. S. Lewis

In addition to the easements shown on this plat,
 the rear five (5) feet of each lot is dedicated as an
 easement for public utilities.

Case History: 8602 Cullen Lane

Legally Known As: LOT 1 Neal T H ADDN

InspeTrack Case Number: IT # 04-017831

Date Opened: 05/17/2004 Case Status: OPEN TCAD #: 04300902010000 Plat #:

5/17/2004-Present #732 Enrique Lopez

James & Barbara Pallas
8602 Cullen Avenue, Austin, Tx 78748-1702
Ph: (512) 282-4548

OCCUPANT: Neal, T.H.
8602 Cullen Lane, Austin, TX 78748

Anonymous

Date: 5/17/2004

Complainant: Anonymous

Description: Junkyard is parking junk vehicles outside of fenced area.

Manager Contacted: No

Premises

Status: 5/26/2004 - Unoccupied

Findings 5/26/2004 - Zoning violation(s) found

5/26/2004: Recommended Auto repair and/or sales are prohibited uses in a Development Review zoned district. Discontinue all such operations on the premises until a zoning change and change of use for property is obtained for the within 30 days.

5/26/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 if you need information on how to bring this violation into compliance on the

Red Tag/EBS:

| | | |
|-----------|----------------------|---|
| 5/20/2004 | #732 (Enrique Lopez) | Conducted An Initial Inspection of the Property. Inspector's Comments: "Actual address might be 8602 Cullen. Need to verify address. Violation observed." |
| 5/26/2004 | #732 (Enrique Lopez) | Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Actual address is 8602. Send NOV" |
| 6/2/2004 | #732 (Enrique Lopez) | Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered." |

EXHIBIT C

| | | |
|------------|----------------------|---|
| 6/16/2004 | #732 (Enrique Lopez) | Contacted the Owner of the Property. Inspector's Comments: "left voice mail and phone numbers." |
| 6/17/2004 | #732 (Enrique Lopez) | Contacted the Owner of the Property. Inspector's Comments: "He will initiate a zoning change." |
| 8/12/2004 | #732 (Enrique Lopez) | Information Update and research results. Inspector's Comments: "Jim Bennett came in to give me an update on zoning change. He is trying to schedule a meeting with adjacent neighbors." |
| 9/15/2004 | #732 (Enrique Lopez) | Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, put in a call to Jim Bennet." |
| 10/26/2004 | #732 (Enrique Lopez) | Information Update and research results. Inspector's Comments: "Jim Bennet called and said that application will be submitted this week." |
| 10/26/2004 | #732 (Enrique Lopez) | Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Left message for Jim Bennet to call me." |
| 11/4/2004 | #732 (Enrique Lopez) | Information Update and research results. Inspector's Comments: "Jim Bennet called and said that zoning change application has been submitted." |

Valid Conditions in Violation of the Austin City Code (Land Development Code):

Premises

| | | |
|------------|--|---|
| 05/25/2004 | PERMITTED, CONDITIONAL AND PROHIBITED USE | Code Ref: 25-2-491 Current zonig does not allow for any automotive service business or salvage yard. |
|------------|--|---|

SUMMARY STAFF RECOMMENDATION:

The staff's alternate recommendation is to grant commercial services – conditional overlay (CS-CO) combining district zoning.

The Conditional Overlay:

1. requires a 6' privacy fence and a 40' landscape buffer along the west property line and a 6' privacy fence and a 25' landscape buffer along the south property line as long as the adjacent property to the south remains used as single family residential, two family residential or duplex;
2. limits structure height to 30 feet;
3. prohibits the following uses: medical offices; community recreation (private); adult-oriented businesses; congregate living; automotive washing (of any type); counseling services; laundry services; guidance services; campground; residential treatment; communications services; commercial blood plasma center; transitional housing; drop-off recycling collection facility; transportation terminal; funeral services; equipment repair services; cemetery; equipment sales; hotel-motel; automotive rentals; indoor entertainment; automotive repair services; kennels; off-site accessory parking; outdoor entertainment; consumer repair services; pawn shop services; restaurant (limited); restaurant (general); service station; theater; construction sales and services; convenience storage; veterinary services; custom manufacturing and community recreation (public) and
4. limits development of the property to less than 2,000 motor vehicle trips per day.

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

BACKGROUND

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Aerial photography shows that since 1997, the property has been converted from a single family residence to an auto salvage use associated with the business located on the east side of Cullen Lane at Ralph Ablanado Drive (under the same ownership). The rezoning request was submitted as the result of City Code Enforcement activities initiated by an anonymous complainant who identified that the uses occurring on the site are not allowed in the DR district.

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excludes storage areas or structures and limits improvements to drainage, underground utility improvements and other improvements that may be required by the City; a 30' structure height on the CS-CO portion; many prohibited uses; and 2,000 vehicle trips per day. There is also a public Restrictive Covenant for rollback zoning to W/LO if the construction sales and services use is made a permitted use in that district, as well as a right-of-way dedication requirement along Cullen. [In 1999 the Council approved a Code amendment to make construction sales and services a conditional use in the W/LO district with a 10,000 square feet of gross floor area limit.] The applicant also entered into a private Restrictive Covenant with the Park Ridge Homeowners Association establishing hours of operation and the location of dumpsters on all five zoning cases.

Cullen Lane between Ralph Ablanado and Slaughter Lane is generally commercial in nature and previous, similarly situated rezoning cases on Cullen Lane have established CS-CO and LO-CO zonings the latter of which provide additional compatibility with the Park Ridge neighborhood to the west. Based on this background, Staff is recommending CS-CO zoning with a right-of-way requirement along Cullen as was approved on these five cases, with the exception of permitting vehicle storage use.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The purpose statement per the City of Austin Land Development Code states: "CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments."

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

Cullen Lane between Ralph Ablanado and Slaughter Lane is generally commercial in nature and previous, similarly situated rezoning cases on Cullen Lane have established CS-CO and LO-CO zonings the latter of which provide additional compatibility with the Park Ridge neighborhood to the west. Based on this background, Staff is recommending CS-CO and LO-CO zonings with a right-of-way requirement along Cullen as was approved on these five cases, with the exception of permitting vehicle storage use.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is developed with an auto salvage use and two residential structures and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS district would be 80% which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge 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% |

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, 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 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 the following water quality control requirements:

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

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

The trip generation under the requested zoning is estimated to be > 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 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 2,000 vehicle trips per day. [LDC, 25-6-117]

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Cullen Road in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility relocation, or utility adjustment are required, the landowner, at own expense will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria.

Compatibility Standards

A site plan 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 in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the south, east 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.
- 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.
- No parking or driveways are allowed within 25 feet of the property line.

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

- 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.
- 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.
- 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.



MEMORANDUM

TO: Ms. Betty Baker, Chair
Zoning and Platting Commission Members

FROM: Wendy R. Walsh *WRW*
Neighborhood Planning and Zoning Department

DATE: November 30, 2004

RE: Big 4 – C14-04-0179
Postponement Request

As indicated in the attached letter, the Park Ridge Homeowners Association respectfully requests a postponement of the above case until the Zoning and Platting Commission meeting of January 18, 2005. The applicant does not oppose the postponement request and is scheduled to meet with the Association to discuss the rezoning case. The staff joins the postponement request to allow additional time to research zoning case histories on Cullen Lane and assist both parties on possible Conditional Overlays.

November 30, 2004

Ms. Wendy Walsh
Zoning and Platting Commission
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Owner: Big 4 (Jim Pallas)
Case Number C14-04-0179
Agent: Bennett Consulting (Jim Bennett)
Property Subject to Petition: 8602 Cullen Lane
Proposed Zoning Change: From DR to LI or CS
Hearing Date: December 7, 2004 6:00 pm

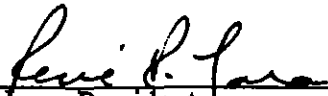
Dear Ms. Walsh:

The parties to the above matter have agreed to meet and attempt to reconcile any differences before appearing before the Zoning and Platting Commission. Therefore, we respectfully request that the hearing scheduled for December 7, 2004 be rescheduled to January 18, 2005 to allow time for such meetings and discussions. We would appreciate it if you would consent to this request by having the appropriate person sign below and return a copy of this letter to us in the enclosed self-addressed envelope.

Sincerely,

PARK RIDGE HOMEOWNERS' ASSOCIATION

By: _____


René Lara, President

AGREED:

CITY OF AUSTIN
ZONING & PLATTING COMMISSION

By: _____
Its: _____

Dated: _____

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: C14-04-0179

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 7, 2004 Zoning and Platting Commission

Pat Edwards

Your Name (please print)

☐ I am in favor
☒ I object

8725 Taline CR

Your address(es) affected by this application

Pat Edwards

Signature

12-4-04

Date

Comments:

We recently had to have a Wal-Mart Center built near us, now to have this business will continue to lower my quality of life at home. I'm a single woman and this business will be exactly behind my house. I ask you to please not allow this to happen. Thank you.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

Walsh, Wendy

From: Renelara@aol.com
Sent: Tuesday, January 18, 2005 8:28 AM
To: Walsh, Wendy
Subject: Big 4 Auto Parts application for rezoning before ZAP tonight

Wendy,

Below is the agreement we have reached with Jim Pallas through his agent, Jim Bennett. Last night I sent the agreement draft to our neighborhood residents via e-mail. Provided that we, the HOA Board, do not get a public outcry against it, that's what we want drafted and approved by ZAP. My question is procedural. Can the agreement be drafted today? Will ZAP approve the conceptual language and move forward? Or shall we request that the item be delayed?

Also, I plan to testify tonight against the liquor store application from Endeavor.

— René

**Agreement Between Park Ridge HOA and Jim Pallas, Owner of Big 4 Auto Parts
Regarding His Rezoning Application Before the Zoning and Platting Commission on January 18,
2005**

- (1) A minimum 6 ft. privacy wooden fence shall be constructed along the property line owned by Park Ridge homeowners and Mr. Jim Pallas for which he seeks rezoning from the city, at the sole cost of Mr. Pallas. The Park Ridge homeowners shall decide whether to build the fence 3 ft. into their land or three ft. into Mr. Pallas' land in order to preserve trees and shrubbery located right on the boundary between the lots.
- (2) Mr. Pallas shall construct a privacy wooden fence of the same style, height and color as the Park Ridge fence that runs along Ralph Ablanedo. Mr. Pallas will extend the fence along Ralph Ablanedo as far as city rules allow all the way to the corner of Ralph Ablanedo and Cullen Lane.
- (3) No auto salvage or stationary automobiles may be placed on the property along the northeast corner of Ralph Ablanedo and extended south on Cullen to the property where salvage autos are to be enclosed. This includes automobiles marked "For Sale."
- (4) Mr. Pallas will build a 6 ft. stone retaining wall to partition his property. On the partitioned part that is closest to Ralph Ablanedo and on which a house is located, no auto salvage or auto repair activities will be allowed. On the partitioned part of the property directly south of that, he may place junked and salvage automobiles which shall not extend more than one foot below the fence line and which cannot be seen from the street level.
- (5) Business operations on the property will not be allowed on Saturdays and Sundays or past 5:30 p.m. Monday through Friday.
- (6) The following uses are prohibited on the property:

1/18/2005

- a. Medical Offices
- b. Adult Oriented Businesses
- c. Automotive Washing (Of Any Type)
- d. Laundry Washing
- e. Campground
- f. Communications Services
- g. Commercial Blood Plasma Center
- h. Drop-Off Recycling Collection Facility
- i. Funeral Services
- j. Cemetery
- k. Hotel-Motel
- l. Indoor Entertainment
- m. Kennels
- n. Outdoor Entertainment
- o. Pawn Shop Services
- p. Service Station
- q. Theatre
- r. Veterinary Services
- s. Community Recreation (Public)
- t. Community Recreation (Private)
- u. Congregate Living
- v. Counseling Services
- w. Guidance Services
- x. Residential Treatment
- ~~y. Telecommunication Tower~~
- z. Transitional Housing
- aa. Transportation Terminal
- bb. Equipment Repair Services
- cc. Equipment Sales
- dd. Automotive Rentals
- ee. Off-site Accessory Parking
- ff. Consumer Repair Services
- ~~gg. Restaurant (Drive-In, Fast Food)~~
- hh. Restaurant (General)
- ii. Restaurant (Limited)
- jj. Convenience Storage
- kk. Custom Manufacturing

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8602 CULLEN LANE FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from development reserve (DR) district and single family residence standard lot (SF-2) district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-04-0179, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1, T.H. Neal Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 27, Page 6, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 8602 Cullen Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A six-foot high solid fence shall be provided along the west and north property lines.
2. A 40-foot wide landscape buffer shall be provided adjacent to the west property line. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
3. Except as provided in Subsection Four, a six-foot high solid fence and a 25-foot wide landscape buffer shall be provided along the south property line adjacent to the adjoining single family uses. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

- 1
2 4. A fence and landscape buffer are no longer required if the adjacent property to the
3 south is not used as a single family residence use, a two-family residence use, or a
4 duplex use.
5
6 5. The maximum height of a building or structure is 30 feet from ground level.
7
8 6. A site plan or building permit for the Property may not be approved, released, or
9 issued, if the completed development or uses of the Property, considered cumulatively
10 with all existing or previously authorized development and uses, generate traffic that
11 exceeds 2,000 trips per day.
12
13 7. The following uses are prohibited uses of the Property:

14
15 Adult oriented businesses
16 Automotive repair services
17 Cemetery
18 Construction sales and services
19 Community recreation (private)
20 Consumer repair services
21 Counseling services
22 Drop-off recycling collection facility
23 Equipment sales
24 Hotel-motel
25 Kennels
26 Medical offices (any size)
27 Outdoor entertainment
28 Restaurant (limited)
29 Service station
30 Transitional housing
31 Veterinary services
32 Guidance services
33 Communications services

Automotive rentals
Automotive washing (of any type)
Congregate living
Commercial blood plasma center
Community recreation (public)
Convenience storage
Custom manufacturing
Equipment repair services
Funeral services
Indoor entertainment
Laundry services
Off-site accessory parking
Pawn shop services
Restaurant (general)
Theater
Transportation terminal
Campground
Residential treatment
Laundry service

34
35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the general commercial services
37 (CS) base district and other applicable requirements of the City Code.
38
39
40

1 **PART 3.** This ordinance takes effect on _____, 2005.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2005

§
§
§

Will Wynn
Mayor

9
10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

DRAFT



| | | | | | |
|---------------|--------------------|--|--|------------------------------|---|
| 1" = 400' | SUBJECT TRACT | | ZONING EXHIBIT A CASE #: C14-04-0179 ADDRESS: 3802 CULLEN LANE SUBJECT AREA (acres): 1.000 | DATE: 04-11 INTLS: SM | CITY GRID REFERENCE NUMBER G14 |
| | PENDING CASE | | | | |
| | ZONING BOUNDARY | | | | |
| | CASE MGR: W. WALSH | | | | |

RESTRICTIVE COVENANT

OWNER: James M. Pallas and Barbara J. Pallas

ADDRESS: 8601 Cullen Lane, Austin, Texas 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 1, T.H. Neal Addition, a subdivision in the City of Austin, Travis County, according to the plat or plat of record in Plat Book 27, Page 6, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Hours of operation for a business located on the Property are limited to the hours of 8:00 a.m. to 5:30 p.m.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 14 day of February, 2005.

OWNER:

James M. Pallas
James M. Pallas

Barbara J. Pallas
Barbara J. Pallas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14 day of Feb, 2005, by James M. Pallas. 05

Melvin Carl McKinney
Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of Feb. 05, 2005, by Barbara J. Pallas.


Notary Public, State of Texas



After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

STREET DEED

STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS

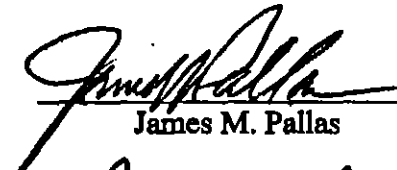
That James M. Pallas and Barbara J. Pallas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 0.0380 acre (1,655 square foot) tract of land, more or less, out of the Stephen F. Slaughter League Survey No. 1, Abstract No. 20, being a portion of Lot 1, T.H. Neal Addition, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind themselves, their executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on the 14th day of Feb., 2005.

GRANTORS:


James M. Pallas


Barbara J. Pallas

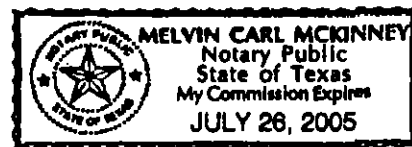
THE STATE OF TEXAS

§
§
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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 14th day of Feb - 05, 2005, by James M. Pallas.


Notary Public, State of Texas



THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 14th day of Feb. 05, 2005, by Barbara J. Pallas.


Notary Public, State of Texas



Address of Grantors:

8601 Cullen Lane
Austin, TX 78748

AFTER RECORDING RETURN TO:

City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78743
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

EXHIBIT "A"

James M. Pallas, et ux
to
City of Austin
Street Right-of-Way
0.0380 of One Acre of Land
Stephen F. Slaughter League
Survey No. 1, Abstract No. 20
City of Austin, Travis County, Texas

FIELD NOTES

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 1655 SQUARE FEET OR 0.0380 OF ONE ACRE OF LAND, A PORTION OF THE STEPHEN F. SLAUGHTER LEAGUE SURVEY NO. 1, ABSTRACT NO. 20, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.0380 OF ONE ACRE OF LAND BEING A PORTION OF LOT 1, T. H. NEAL ADDITION, A SUBDIVISION OF A PORTION OF THE SAID STEPHEN F. SLAUGHTER LEAGUE SURVEY NO. 1, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON A MAP OR PLAT OF RECORD IN PLAT BOOK 27, PAGE 6, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1, T. H. NEAL ADDITION BEING CONVEYED IN A SPECIAL WARRANTY DEED FROM COY SHARLEEN PRESTON AND PATRICIA JANET TISDEL TO JAMES M. PALLAS AND BARBARA J. PALLAS AND RECORDED IN THE FOLLOWING INSTRUMENT:

- 1. SPECIAL WARRANTY DEED DATED AUGUST 1, 2003, IN DOCUMENT NUMBER 2003191719,**

WHICH APPEARS IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0380 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found at the intersection of the south line of Ralph Ablanedo Drive and the west line of Cullen Lane, said 3/4" iron pipe found being the northeast corner of Lot 1, T. H. Neal Addition, a subdivision of a portion of the Stephen F. Slaughter League Survey No. 1, Abstract No. 20, in the City of Austin, Travis County, Texas, of record in Plat Book 27, Page 6, Plat Records of Travis County, Texas, for the Point of Beginning and northeast corner of the herein described tract;

(1) THENCE with the west line of Cullen Lane and the east line of said Lot 1, T. H. Neal Addition, S 9°58'20" W 331.48 feet to a 3/4" iron pipe found at the southeast corner of said Lot 1 and the northeast corner of Lot 2 of said T. H. Neal Addition, for the southeast corner of the herein described tract;

(2) THENCE with the south line of said Lot 1 and the north line of said Lot 2, T. H. Neal Addition, N 80°14'10" W 5.00 feet to a 1/2" steel pin with plastic cap set for southwest corner of the herein described tract;

(3) THENCE with a line five (5) feet west of and parallel with the west line of Cullen Lane and the east line of said Lot 1, N 9°58'20" E 330.59 feet to a 1/2" steel pin with plastic cap set in the north line of said Lot 1, T. H. Neal Addition and the south line of Ralph Ablanado Drive, for the northwest corner of the herein described tract;

(4) THENCE with the south line of Ralph Ablanado Drive and the north line of said Lot 1, T. H. Neal Addition, N 89°41'45" E 5.08 feet to the Point of Beginning of the herein described tract, containing 1655 square feet or 0.0380 of one acre of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838".

Metes and Bounds Description Prepared January 25, 2005
From A Survey Completed January 25, 2005



METCALFE & SANDERS, INC.
Land Surveyors

By: 

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

City Grid No. G-14
Tax Parcel Number 04300902010000

Plan 2432
Ref. Plan 8739A
FB 884, P 50 DC
FB 827, P 53-57 & DC

Job No. 05017.01

c:\project\03143\doc\05017fn.doc

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION
OF 0.0380 OF ONE ACRE OF LAND FOR ADDITIONAL RIGHT-OF-WAY
A PORTION OF LOT 1, T. H. NEAL ADDITION, A PORTION OF THE
STEPHEN F. SLAUGHTER LEAGUE SURVEY NO. 1, ABSTRACT NO. 20
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
MADE FOR
JAMES M. PALLAS AND BARBARA PALLAS

NOTES:

1. A METES AND BOUNDS DESCRIPTION WAS PREPARED
AS AN ATTACHMENT TO ACCOMPANY THE SURVEY OF THE
0.0380 OF ONE ACRE TRACT SHOWN HEREON.

2. THE PLASTIC CAP ON THE STEEL PINS SET ARE
INSCRIBED WITH "M & S 1838".

LEGEND

- 1/2" STEEL PIN WITH PLASTIC CAP SET
PLASTIC CAP STAMPED "M & S 1838"
- ⊙ 1/2" STEEL PIN FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 3/4" IRON PIPE FOUND
- (0°00'00") DENOTES RECORD BEARING
- (0.00') DENOTES RECORD DISTANCE

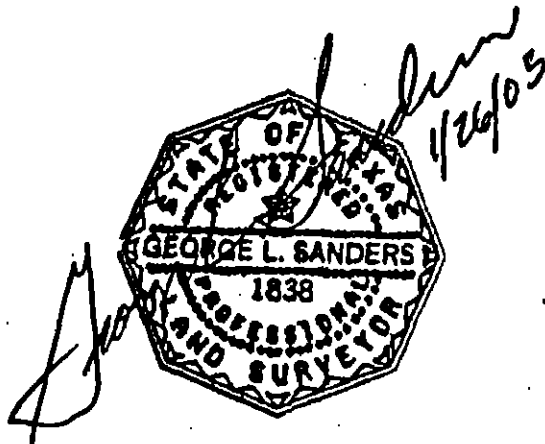


DEED/REAL PROPERTY RECORDS
OF TRAVIS COUNTY, TEXAS

DN

DOCUMENT NO. OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS

SCALE 1" = 50'



SURVEY COMPLETED JANUARY 25, 2005
METCALFE & SANDERS, INC.
LAND SURVEYORS

BY:

GEORGE L. SANDERS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1838
4800 SOUTH CONGRESS AVENUE
AUSTIN, TEXAS 78745-2350

JOB NO. 05017.01

F.B. 884 P. 50 & DC

F.B. 827 P. 53-57 & DC

PLAN 2432

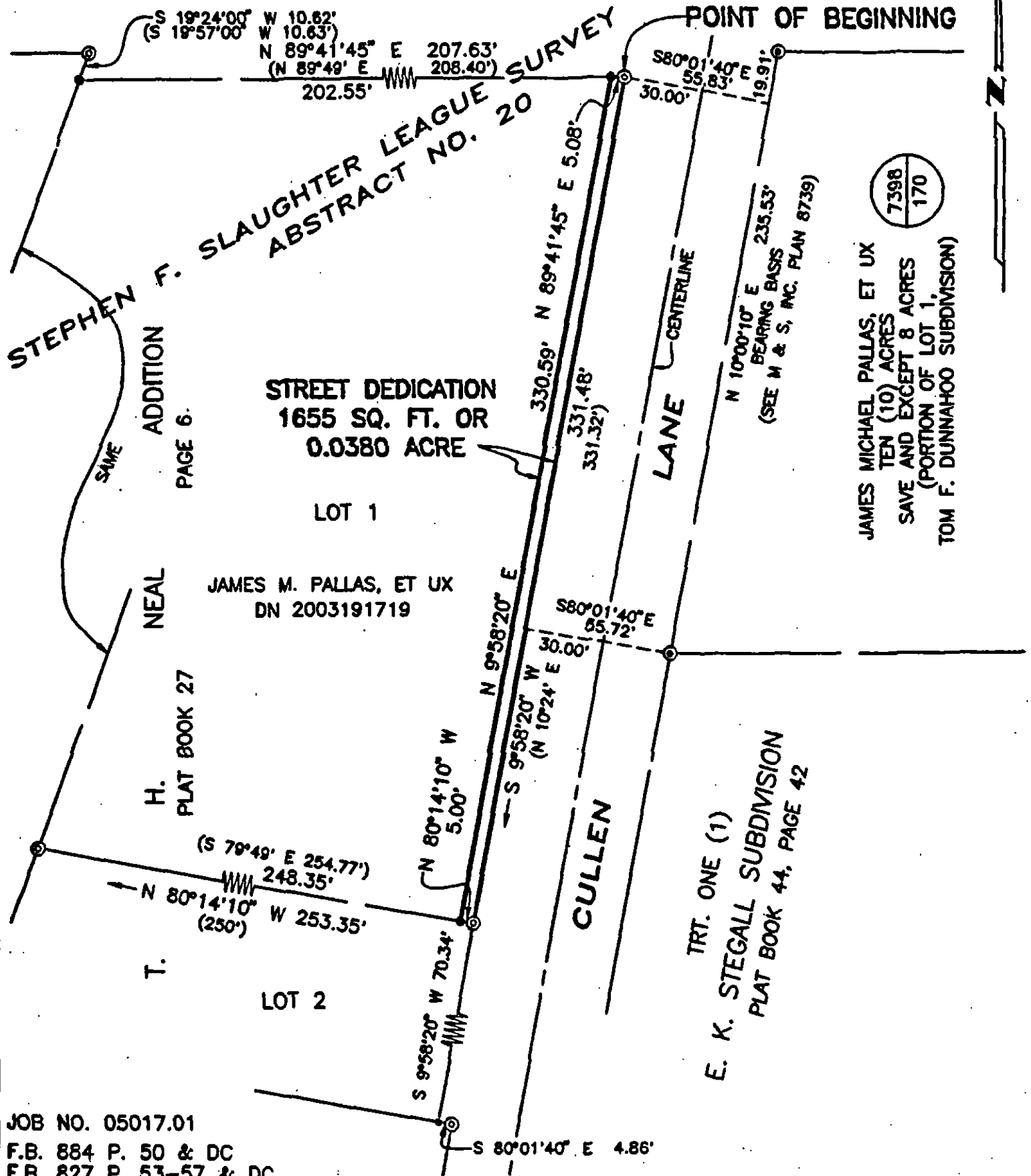
SHEET 1 OF 2

RALPH ABLANEDO DRIVE

R.O.W. VARIES

NO. 1.

POINT OF BEGINNING



7398
170

JAMES MICHAEL PALLAS, ET UX
 TEN (10) ACRES
 SAVE AND EXCEPT 8 ACRES
 (PORTION OF LOT 1,
 TOM F. DUNNAHOO SUBDIVISION)

JOB NO. 05017.01
 F.B. 884 P. 50 & DC
 F.B. 827 P. 53-57 & DC

February 16, 2005

Ms. Wendy Walsh
Austin City Council
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Owner: Big 4 (Jim Pallas)
Case Number C14-04-0179
Agent: Bennett Consulting (Jim Bennett)
Property Subject to Petition: 8602 Cullen Lane
Proposed Zoning Change: From DR to LI or CS
Hearing Date: February 16, 2005, 4:00 p.m.

Dear Ms. Walsh:

The Park Ridge Homeowners' Association has just learned that it is responsible for drafting the private restrictive covenants that have been agreed to by all parties on the above-referenced rezoning issue. We do not feel that we have sufficient time to present this matter to our attorneys in time for the hearing scheduled for tomorrow, February 16, 2005. Therefore, we respectfully request that the hearing be rescheduled to March 10, 2005 to allow time for the drafting of the private restrictive covenants. We would appreciate it if you would consent to this request by having the appropriate person sign below and return a copy of this letter to us by facsimile at (512) 448-0678 or (512) 457-7001.

Please feel free to call René Lara, Park Ridge HOA President, at (512) 292-6447, or Susan Hambricht at (512) 457-7095 with any questions. As always, thank you for your assistance in this matter.

Sincerely,

PARK RIDGE HOMEOWNERS' ASSOCIATION

By: 

René Lara, President