

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0045 - Pallas 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 220 Ralph Ablanado Drive (Onion Creek Watershed) from development reserve (DR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial - conditional overlay (LI-CO) combining district zoning for Tract One, and commercial services - conditional overlay (CS-CO) combining district zoning for Tract Two. Applicant: Jim Pallas. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0045

Z.P.C. DATE: May 3, 2005
May 17, 2005

ADDRESS: 220 Ralph Ablanado Drive

OWNER: Big 4 (Jim Pallas)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: DR **TO:** LI

AREA: 3.999 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract One and general commercial services – conditional overlay (CS-CO) combining district zoning for Tract Two, as shown in Exhibit B. The Conditional Overlay for Tract One prohibits basic industry and resource extraction; the Conditional Overlay for Tract Two limits structure height to 30 feet. The Conditional Overlay for Tracts One and Two prohibits access to Peaceful Hill Lane and limits the development of the property to 300 trips per day beyond the existing trips generated by the site.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 3, 2005: *APPROVED A POSTPONEMENT TO 05/17/05 AT THE REQUEST OF THE STAFF.*

[J.DONISI; T.RABAGO – 2ND] (8-0) J.MARTINEZ – ABSENT

May 17, 2005: *APPROVED LI-CO DISTRICT ZONING FOR TRACT ONE, WITH THE CO PROHIBITING BASIC INDUSTRY AND RESOURCE EXTRACTION; CS-CO DISTRICT ZONING FOR TRACT TWO, BEING THE WEST 50 FEET OF THE PROPERTY, WITH THE CO LIMITING THE HEIGHT OF STRUCTURES TO 35 FEET. ADDITIONALLY, A CO FOR BOTH TRACTS ONE AND TWO LIMITS THE DEVELOPMENT OF THE PROPERTY TO 300 TRIPS PER DAY, BEYOND THE EXISTING TRIPS GENERATED BY THE SITE. [PLEASE REFER TO EXHIBIT C]*

[J. MARTINEZ; M. WHALEY-HAWTHORNE – 2ND] (9-0)

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The Applicant has discussed this case with the Park Ridge Owners' Association and is reviewing a proposed private Restrictive Covenant that is attached at the back of the Staff report.

DEPARTMENT COMMENTS:

The property is developed with an vehicle impound yard, is zoned development reserve (DR) and has frontage along both Peaceful Hill Lane and Ralph Ablanado Drive. The surrounding area contains a mixture of residential, and intensive commercial and industrial uses. There are two light manufacturing uses directly north; undeveloped land further north and east; an industrial park further east; single family residences, vehicle storage, auto salvage and auto auction uses, and an urban farm to the south; and single family homes, mobile homes, undeveloped land, and a City fire station and police substation to the west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

Activities at the impound yard facility occur both day and night, and include the following: auto salvage operations with a mobile crusher entering the site during the day; drop-off of wrecked vehicles on site (day and night); loading of wrecked cars on a flatbed truck and transporting them off-site (day); drop-off and pick-up of impounded vehicles (day and night); and, City-sponsored vehicle auctions (day). There is a six foot wall along the entire Peaceful Hill frontage and along Ralph Ablanado Drive except for two driveways serving the site, thereby minimizing the visual impact from these roadways. The impound yard facility existed prior to annexation in 1984 and therefore, is considered a legal non-conforming use.

The Applicant proposes to rezone the tract to the limited industrial services (LI) district for the auto salvage use, which is a conditional use in this district. The Applicant reports that changes to the current operations are not proposed at this time, but seeks zoning that reflects the uses of the property. A conditional use permit would be required if a significant expansion of the structure is proposed.

In consideration of the property's size, and proximity to residential uses to the west and south, and as illustrated in Exhibit B, Staff recommends two zoning tracts on the property: LI-CO for the east 1.83 acres (Tract One) and CS-CO district for the west 2.16 acres (Tract Two). The Staff recommendation considers that while the present use is legal and non-conforming since it was in existence prior to annexation, the property is nearly four acres in size and therefore, could be redeveloped in the future. LI-CO and CS-CO zonings as described above would provide greater compatibility with the nearby residences should the property be re-developed.

For Tract One, LI-CO zoning would be consistent with that approved on the north side of Ralph Ablanado Drive between South Congress Avenue and Peaceful Hill Lane, as well as the two light manufacturing uses to the north. The Conditional Overlay for Tract One would prohibit basic industry and resource extraction uses. In an effort to provide more compatibility with the residential uses to the west and south and as established in rezoning cases along Cullen Lane (to the south), Staff recommends CS-CO zoning for Tract Two with the CO limiting structure height to 30 feet. For both tracts, the Conditional Overlay prohibits access to Peaceful Hill Lane and limit the number of daily vehicle trips to 300 beyond the existing trips generated by the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Vehicle impound facility
<i>North</i>	LI; SF-6; W/LO; LI SF-2; DR	Fiberglass supplier and office; Steel fabrication; Single family residences; Undeveloped
<i>South</i>	SF-4A-CO; CS-CO; SF-2; CS-CO	Single family residences; Vehicle storage; Mobile homes; Auto salvage; Auto auction; Urban farm; Towing services
<i>East</i>	DR; LI; LI-CO	Undeveloped (proposed for SF-4A zoning); Industrial park with warehouses; Mechanical contractor
<i>West</i>	SF-2; SF-1; GR; P; DR	Mobile homes; Single family residences; Undeveloped; Fire station; Police substation

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 262 – Beaconridge Neighborhood Assn.
 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
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0034.SH	SF-6; W/LO; LI; DR to SF-4A	Pending – a Neighborhood Traffic Analysis is required.	Pending
C14-04-0179	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	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).

		Lane. Public Restrictive Covenant for hours of operation.	
C14-00-2018	DR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-0039	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).
C14-86-137	DR to LI	To Grant LI, LO, SF-6 with conditions	Approved LI for Tract 1; W/LO for Tract 2; SF-6 for Tract 3. Restrictive Covenant prohibits all access to Peaceful Hill Lane; establishes a minimum lot size of 20,000 square feet; prohibits basic industry; general warehousing and distribution and resource extraction, establishes a 30' landscape buffer along Peaceful Hill Lane and adjacent to the SF-2 zoned property along the north property line (5-14-87).
C14-86-124	DR to LI	To Grant LI, subject to conditions	Approved LI on 1 st Reading; 2 nd and 3 rd Readings did not occur within time frame, therefore, the case expired.

C14-85-093	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).
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RELATED CASES:

The property was annexed into the City limits in November 1984. There are no related cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Ralph Ablenedo Drive	64 feet	24 feet	Collector	No	No	# 45
Peaceful Hill Lane	60 feet	24 feet	Collector	No	No	# 45

CITY COUNCIL DATE: June 23, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

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





PHONE: 974-7719

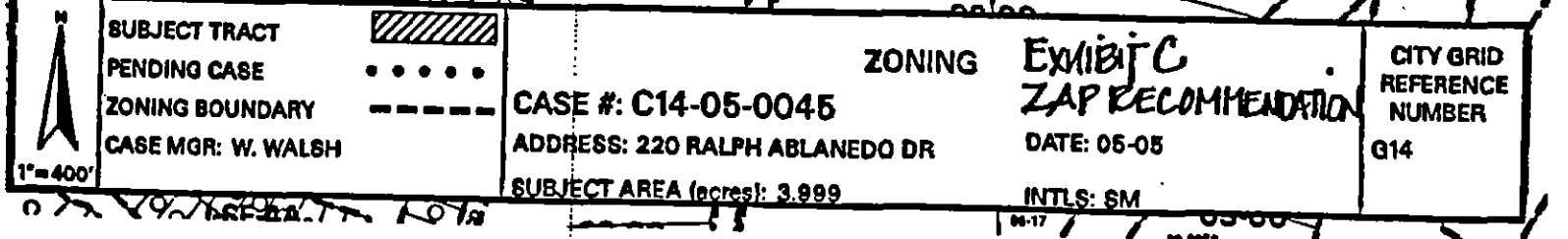


	SUBJECT TRACT		ZONING EXHIBIT A	CITY GRID REFERENCE NUMBER G14
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-05-0045		DATE: 05-04		
ADDRESS: 220 RALPH ABLANEDO DR		INTLS: SM		
SUBJECT AREA (acres): 3.999				





 1" = 400'	SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: W. WALSH	ZONING Exhibit B STAFF RECOMMENDATION DATE: 05-06 INTLS: SM	CITY GRID REFERENCE NUMBER G14
	CASE #: C14-05-0045		
	ADDRESS: 220 RALPH ABLANEDO DR		
	SUBJECT AREA (acres): 3.999		



SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant limited industrial services-conditional overlay (LI-CO) combining district zoning for Tract One and general commercial services – conditional overlay (CS-CO) combining district zoning for Tract Two, as shown in Exhibit B. The Conditional Overlay for Tract One prohibits basic industry and resource extraction; the Conditional Overlay for Tract Two limits structure height to 30 feet. The Conditional Overlay for Tracts One and Two prohibits access to Peaceful Hill Lane and limits the development of the property to 300 trips per day beyond the existing trips generated by the site.

BACKGROUND

The property is developed with an vehicle impound yard, is zoned development reserve (DR) and has frontage along both Peaceful Hill Lane and Ralph Ablanado Drive. The surrounding area contains a mixture of residential, and intensive commercial and industrial uses. There are two light manufacturing uses directly north; undeveloped land further north and east; an industrial park further east; single family residences, vehicle storage, auto salvage and auto auction uses, and an urban farm to the south; and single family homes, mobile homes, undeveloped land, and a City fire station and police substation to the west.

Activities at the impound yard facility occur both day and night, and include the following: auto salvage operations with a mobile crusher entering the site during the day; drop-off of wrecked vehicles on site (day and night); loading of wrecked cars on a flatbed truck and transporting them off-site (day); drop-off and pick-up of impounded vehicles (day and night); and, City-sponsored vehicle auctions (day). There is a six foot wall along the entire Peaceful Hill frontage and along Ralph Ablanado Drive except for two driveways serving the site, thereby minimizing the visual impact from these roadways. The impound yard facility existed prior to annexation in 1984 and therefore, is considered a legal non-conforming use.

The Applicant proposes to rezone the tract to the limited industrial services (LI) district for the auto salvage use, which is a conditional use in this district. The Applicant reports that changes to the current operations are not proposed at this time, but seeks zoning that reflects the uses of the property. A conditional use permit would be required if a significant expansion of the structure is proposed.

In consideration of the property's size, and proximity to residential uses to the west and south, and as illustrated in Exhibit B, Staff recommends two zoning tracts on the property: LI-CO for the east 1.83 acres (Tract One) and CS-CO district for the west 2.16 acres (Tract Two). The Staff recommendation considers that while the present use is legal and non-conforming since it was in existence prior to annexation, the property is nearly four acres in size and therefore, could be redeveloped in the future.

For Tract One, LI-CO zoning would be consistent with that approved on the north side of Ralph Ablanado Drive between South Congress Avenue and Peaceful Hill Lane, as well as the two light manufacturing uses to the north. The Conditional Overlay for Tract One would

prohibit basic industry and resource extraction uses. In an effort to provide more compatibility with the residential uses to the west and south and as established in rezoning cases along Cullen Lane (to the south), Staff recommends CS-CO zoning for Tract Two with the CO limiting structure height to 30 feet. For both tracts, the Conditional Overlay prohibits access to Peaceful Hill Lane and limit the number of daily vehicle trips to 300 beyond the existing trips generated by the site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract One: The LI district designation is for a commercial service use or limited manufacturing use generally located on a moderately sized site.

Tract Two: CS, 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.*

The Staff recommendation considers that while the present use is legal and non-conforming since it was in existence prior to annexation, the property is nearly four acres in size and therefore, could be redeveloped in the future.

For Tract One, LI-CO zoning would be consistent with that approved on the north side of Ralph Ablanado Drive between South Congress Avenue and Peaceful Hill Lane, as well as the two light manufacturing uses to the north. The Conditional Overlay for Tract One would prohibit basic industry and resource extraction uses. In an effort to provide more compatibility with the residential uses to the west and south and as established in rezoning cases along Cullen Lane (to the south), Staff recommends CS-CO zoning for Tract Two with the CO limiting structure height to 30 feet. For both tracts, the Conditional Overlay prohibits access to Peaceful Hill Lane and limit the number of daily vehicle trips to 300.

EXISTING CONDITIONS

Site Characteristics

The property is developed as an impound yard facility. 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 LI or CS zoning districts would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's 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.

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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 9,742 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 300 vehicle trips per day beyond the existing trips generated by the site. [LDC, 25-6-117]

Water and Wastewater

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

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Compatibility Standards

Any construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the north, south and east, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north, east and south 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.
- 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.

Zoning Case No. C14-05-0045

PRIVATE RESTRICTIVE COVENANT

THIS DECLARATION OF PRIVATE RESTRICTIVE COVENANT is entered into and effective as of the ____ day of May, 2005, by and among the undersigned.

OWNER: James M. Pallas and Barbara Pallas ("Owner")

ADDRESS: 220 Ralph Ablanedo
Austin, Texas 78748

PROPERTY: Being 4 acres out of ABS 6 SUR 19, CANNON W in the City of Austin, Travis County, Texas, according to the map or plat of record in Volume 8835, Page 990, of the Deed Records of Travis County, Texas ("Property").

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

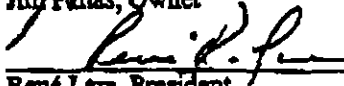
Whereas the Owner of the Property and the Members of the Park Ridge Owners' Association, Inc., herein referred to as the "Association", have agreed that the Property should be further imposed with certain private restrictive covenants, as follows:

1. No auto salvage or stationary automobiles, including automobiles marked "for sale", may be placed on the Property outside the masonry walls that enclose the property along Ralph Ablanedo, extending to the northeast corner of Ralph Ablanedo and Peaceful Hill Lane and extending north on Peaceful Hill Lane. The only exception to this is that cars that are sold during auctions conducted by the City of Austin may be placed in the parking lot for pickup by auction buyers.
2. Automobiles that are stored behind the masonry wall may not extend above the top of the masonry walls; however, if an automobile is inherently taller than the fence, all attempts will be made for it to be stored at the back of the property.
3. Normal business operations on the Property shall be limited to 7:00 a.m. to 4:00 p.m.

The terms and conditions of this agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties. Nothing in this agreement, express or implied, is intended to confer upon any party other than the parties hereto or their respective successors and assigns any rights, remedies, obligations, or liabilities under or by reason of this agreement, except as expressly provided in this agreement. This agreement may be modified amended or terminated by joint agreement of Owner, his successors and assigns, and a majority vote of the members of the Park Ridge Owners' Association, Inc.

In witness whereof, the parties have entered into this agreement as of the 17th date of May, 2005.


Jim Pallas, Owner


René Lara, President
Park Ridge Owners' Association, Inc.

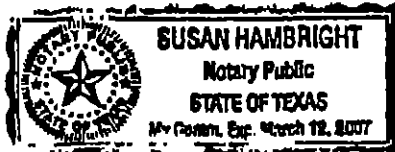
Private Restrictive
Covenant with
PARK RIDGE OWNERS'
ASSOCIATION

STATE OF TEXAS

COUNTY OF TRAVIS §

Before me, the undersigned, on this day personally appeared James M. Pallas, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of May, 2005.



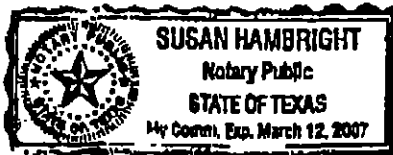
[Signature]
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF TRAVIS §

Before me, the undersigned, on this day personally appeared René Lara, President of Park Ridge Owners' Association, Inc., personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15th day of May, 2005.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Kim Hulse
Liddiard Management Company
12335 Hymeadow Drive, Suite 300
Austin, TX 78750

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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: C14-05-0045

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

May 3, 2005 Zoning and Platting Commission

CURTIS FIGER

Your Name (please print)

9228 8504 Peachhill Lane Austin TX

Your address(es) affected by this application

Curtis Figer

Signature

4-26-05

Date

Comments: Adjoining properties are

currently being used for

commercial service and/or

manufacturing uses. There is no

reason not to approve this

application for a zoning change

to Limited Industrial Services

district.

☒ I am in favor
☐ I object

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

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: May 26, 2005

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0045

8. **Rezoning:** C14-05-0045 - Pallas 4
Location: 220 Ralph Ablanado Drive, Onion Creek Watershed
Owner/Applicant: Jim Pallas
Agent: Jim Bennett Consulting (Jim Bennett)
Prev. Postponed from 05/17/05 (staff)
Postponements
Request: DR to LI
Staff Rec.: LI-CO for Tract One; CS-CO for Tract Two
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff – “This property is developed as a vehicle impound yard; it’s zoned Development Reserve, located at the north east corner of Peaceful Hill and Ralph Ablanado and it is a vehicle impound yard and auto salvage operations. The applicant is seeking to rezone to limited industrial (LI) district for the auto salvage use; he does not propose a change to the current operations. Staff is recommending the creation of two zoning tracts as illustrated exhibit B; we are recommending CS-CO for the west portion to provide greater compatibility with the residences in this area and LI for the east portion, where it is next to undeveloped property. Our conditional overlay prohibited basic industry and resource extraction and limits the height to 30’ of the CS tract; and 300 trips per day”.

Commissioner Baker – “It’s 35’ for SF-3?”

Ms. Walsh – “Yes, it is”.

Commissioner Baker – “Commissioners, I’m going to see if I can short circuit this before we call on the applicant. I have spoke to the applicant earlier and the staff is recommending for tract 2, a 100-foot depth the CS; you have the list of the prohibited uses; and then LI on tract 1. The applicant has indicated a willingness for a 50’ depth of tract 2; the remainder of the tract for LI, I would also suggest that the motion for tract 2, at least allow the same height, 35-feet, as it is allowed in SF-3. I think Mr. Bennett concurs with the additional conditions for right-of-way; and the prohibited uses set out by staff. Mr. Bennett if you concur and the commissioners concur; this might go consent”.

Mr. Bennett nods his head “yes”.

Commissioner Baker – “Is there a motion?”

Commissioner Martinez – “I move for that motion”.

Commissioner Whaley – “Second”.

Ms. Walsh – “Can I get the depth on that; I don’t think I got that?”

Commissioner Baker – “50-feet for the CS tract; 35’ height limitation”.

Ms. Walsh – “Okay, thank you”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**MARTINEZ, WHALEY
APPROVED STAFF’S
RECOMMENDATION FOR LI-CO
DISTRICT ZONING FOR TRACT 1;
WITH THE CO PROHIBITING BASIC
INDUSTRY AND RESOURCE
EXTRACTION; CS-CO DISTRICT
ZONING FOR TRACT 2, BEING THE
WEST 50’ OF THE PROPERTY, WITH
THE CO LIMITING THE HEIGHT OF
STRUCTURES TO 35 FEET.
ADDITIONALLY, A CO FOR BOTH
TRACTS 1 & 2 LIMITS THE
DEVELOPMENT OF THE PROPERTY
TO 300 TRIPS PER DAY BEYOND THE
EXISTING TRIPS GENERATED BY
THE SITE.**

AYES:

**GOHIL, WHALEY, RABAGO,
JACKSON, PINNELLI, BAKER,
DONISI, HAMMOND, MARTINEZ**

MOTION CARRIED WITH VOTE: 9-0.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 220 RALPH ABLANEDO DRIVE FROM DEVELOPMENT RESERVE (DR) DISTRICT TO LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT FOR TRACT ONE AND GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-05-0045, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to limited industrial services-conditional overlay (LI-CO) combining district.

A 3.5443 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract Two: From development reserve (DR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 0.4553 acre tract of land, more or less, out of the William Cannon League Survey No. 19, Abstract No. 6, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 220 Ralph Ablanedo Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

- 3
4 1. A site plan or building permit for the Property may not be approved, released, or
5 issued, if the completed development or uses of the Property, considered cumulatively
6 with all existing or previously authorized development and uses, generate traffic that
7 exceeds 300 trips per day.
8
9 2. Basic industry use and resource extraction use are prohibited uses of Tract One.
10
11 3. The maximum height of a building or structure is 35 feet from ground level on Tract
12 Two.
13

14 Except as specifically restricted under this ordinance, the Property may be developed and
15 used in accordance with the regulations established for the respective base districts and
16 other applicable requirements of the City Code.
17

18 **PART 3.** This ordinance takes effect on _____, 2005.
19

20
21 **PASSED AND APPROVED**
22

23
24
25 _____, 2005

26 Will Wynn
27 Mayor
28

29
30 **APPROVED:**

31 David Allan Smith
32 City Attorney

ATTEST:

Shirley A. Brown
City Clerk

METCALFE & SANDERS, INC./LAND SURVEYORS

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

SURVEYS & RECORDS SINCE 1904

EXHIBIT A
TRACT 1 - LIZONING

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 3.5443 ACRES OF LAND, A PORTION OF THE WILLIAM CANNON LEAGUE SURVEY NO. 19, ABSTRACT NO. 6, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 3.5443 ACRES OF LAND BEING A PORTION OF THAT FOUR (4) ACRE TRACT OF LAND, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO. 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS CONVEYED IN A SPECIAL WARRANTY DEED FROM ROY KASTNER TO JAMES M. PALLAS AND BARBARA PALLAS IN VOLUME 8835, PAGE 990, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR JAMES M. PALLAS AND BARBARA PALLAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 3.5443 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a 1/2" steel pin with plastic cap set at the intersection of the north line of Ralph Ablanado Drive (formerly Slaughter Lane) with the east line of Peaceful Hill Lane for the southwest corner of that Four (4) acre tract of land, a portion of the said William Cannon League Survey No. 19, Abstract No. 6, as conveyed in a Special Warranty Deed from Roy Kastner to James M. Pallas and Barbara Pallas in Volume 8835, Page 990, Real Property Records of Travis County, Texas, said 1/2" steel pin being also set for the northwest corner of that 0.2 of one acre tract of land, a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, as described in a Right of Way Deed from O. E. Schwartz, et ux to Travis County, Texas, in Volume 1317, Page 234, Deed Records of Travis County, Texas, and from which 1/2" steel pin with plastic cap set a 3/4" iron pipe found at the southeast corner of that tract of land dedicated for street widening by the plat of A Resubdivision Of Lot 1 Of A Resubdivision Of A Portion Of R. A. Nowlin's Subdivision, a subdivision of a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, of record in Plat Book 47, Page 35, Plat Records of Travis County, Texas, bears S 89°47'15" W 40.42 feet;

Thence with the north line of Ralph Ablanado Drive and the south line of the said Pallas Four (4) acre tract of land, and being also with the north line of the said Travis County, Texas 0.2 of one acre tract of land, N 89°47'15" E 50.53 feet to a calculated point for the POINT OF BEGINNING and southwest corner of the herein described tract;

(1) **THENCE** with a line fifty (50) feet east of and parallel with the east line of Peaceful Hill Lane and the west line of the said Pallas Four (4) acre tract of land, N 8°03'55" E 396.46 feet to a calculated point in the north line of the said Pallas Four (4) acre tract of land and the south line of Lot 2, Steel Concepts Park, a subdivision of a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, of record in Plat Book 78, Page 69-70, Plat Records of Travis County, Texas, for the northwest corner of the herein described tract;

(2) THENCE with the north line of the said Pallas Four (4) acre tract of land and the south line of Lot 2 of said Steel Concepts Park, S 89°53'10" E 393.77 feet to a 1/2" steel pin found at the northeast corner of the said Pallas Four (4) acre tract of land and the southeast corner of said Lot 2, Steel Concepts Park, said 1/2" steel pin found being also at an angle point in the west line of that 9.750 acre tract of land, a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, as described in a deed from Robert J. Wilson, Trustee to Slaughter Venture in Document Number 2001053188, Official Public Records of Travis County, Texas, for the northeast corner of the herein described tract;


(3) THENCE with the east line of the said Pallas Four (4) acre tract of land and the west line of the said Slaughter Venture 9.750 acre tract of land, S 7°54'15" W 394.03 feet to a 1/2" steel pin with plastic cap found inscribed with RPLS 3963 in the north line of Ralph Ablanado Drive at the southeast corner of the said Pallas Four (4) acre tract of land and the southwest corner of the said Slaughter Venture 9.750 acre tract of land, said 1/2" steel pin with plastic cap found being also the northeast corner of the said Travis County, Texas 0.2 of one acre tract of land and the northwest corner of that 0.22 of one acre tract of land, a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, as described in a Right Of Way Deed from Aubra L. Young, et ux to Travis County, Texas, in Volume 1317, Page 236, Deed Records of Travis County, Texas, for the southeast corner of the herein described tract;

(4) THENCE with the north line of Ralph Ablanado Drive and the south line of the said Pallas Four (4) acre tract of land, and being also with the north line of the said Travis County, Texas 0.2 of one acre tract of land, S 89°47'15" W 395.21 feet to the POINT OF BEGINNING of the herein described tract, containing 3.5443 acres of land.

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

Metes and Bounds Description Prepared May 19, 2005
From A Survey Completed July 9, 2003

METCALFE & SANDERS, INC.
Land Surveyors

By: 

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

Plan 8739B
Ref Plan 8739A
Ref Plan 8739
Ref Plan 9915

FB 887, P 3-10 & DC
FB 827, P 53-57 & DC
FB 789, P 22-29 & DC
FB 764, P 28-45

Job No. 03171.01
Ref Job No. 03143.01
Ref Job No. 95298.01
Ref Job No. 93243.01

c:\project\03143\doc\zn3_5ac.doc

C14-05-0045
TRACT 2

METCALFE & SANDERS, INC./LAND SURVEYORS

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

SURVEYS & RECORDS SINCE 1904

EXHIBIT B
TRACT 2 - CS ZONING

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 0.4553 OF ONE ACRE OF LAND, A PORTION OF THE WILLIAM CANNON LEAGUE SURVEY NO. 19, ABSTRACT NO. 6, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.4553 OF ONE ACRE OF LAND BEING A PORTION OF THAT FOUR (4) ACRE TRACT OF LAND, A PORTION OF THE SAID WILLIAM CANNON LEAGUE SURVEY NO. 19, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS CONVEYED IN A SPECIAL WARRANTY DEED FROM ROY KASTNER TO JAMES M. PALLAS AND BARBARA PALLAS IN VOLUME 8835, PAGE 990, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR JAMES M. PALLAS AND BARBARA PALLAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 0.4553 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin with plastic cap set at the intersection of the north line of Ralph Ablanado Drive (formerly Slaughter Lane) with the east line of Peaceful Hill Lane for the southwest corner of that Four (4) acre tract of land, a portion of the said William Cannon League Survey No. 19, Abstract No. 6, as conveyed in a Special Warranty Deed from Roy Kastner to James M. Pallas and Barbara Pallas in Volume 8835, Page 990, Real Property Records of Travis County, Texas, said 1/2" steel pin being also set for the northwest corner of that 0.2 of one acre tract of land, a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, as described in a Right of Way Deed from O. E. Schwartz, et ux to Travis County, Texas, in Volume 1317, Page 234, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southwest corner of the herein described tract, and from which 1/2" steel pin with plastic cap set a 3/4" iron pipe found at the southeast corner of that tract of land dedicated for street widening by the plat of A Resubdivision Of Lot 1 Of A Resubdivision Of A Portion Of R. A. Nowlin's Subdivision, a subdivision of a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, of record in Plat Book 47, Page 35, Plat Records of Travis County, Texas, bears S 89°47'15" W 40.42 feet;

(1) THENCE with the east line of Peaceful Hill Lane and the west line of the said Pallas Four (4) acre tract of land, N 8°03'55" E 396.75 feet to a 1/2" steel pin with plastic cap set at an angle point in the east line of Peaceful Hill Lane for the northwest corner of the said Pallas Four (4) acre tract of land and the southwest corner of that 10' wide strip of land dedicated for street widening by the plat of Steel Concepts Park, a subdivision of a portion of the said William Cannon League Survey No. 19, in the City of Austin, Travis County, Texas, of record in Plat Book 78, Page 69-70, Plat Records of Travis County, Texas, for the northwest corner of the herein described tract;

(2) THENCE with a line of Peaceful Hill Lane and the north line of the said Pallas Four (4) acre tract of land, and being also with the south line of the said 10' wide strip of land dedicated for street widening by said plat of Steel Concepts Park and the south line of Lot 2 of

said Steel Concepts Park, S 89°53'10" E at 10.10 feet passing a 1/2" steel pin found at the southeast corner of the said 10' wide strip of land dedicated for street widening by said plat of Steel Concepts Park and the southwest corner of said Lot 2, Steel Concepts Park, in all 50.49 feet to a calculated point, for the northeast corner of the herein described tract;

(3) THENCE crossing the said Pallas Four (4) acre tract of land with a line fifty (50) feet east of and parallel with the east line of Peaceful Hill Lane and the west line of the said Pallas Four (4) acre tract of land, S 8°03'55" W 396.46 feet to a calculated point in the north line of Ralph Ablanado Drive and in the south line of the said Pallas Four (4) acre tract of land and being also in the north line of the said Travis County, Texas 0.2 of one acre tract of land, for the southeast corner of the herein described tract;

(4) THENCE with the north line of Ralph Ablanado Drive and the south line of the said Pallas Four (4) acre tract of land, and being also with the north line of the said Travis County, Texas 0.2 of one acre tract of land, S 89°47'15" W 50.53 feet to the POINT OF BEGINNING of the herein described tract, containing 0.4553 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 May 19, 2005
From A Survey Completed July 9, 2003

METCALFE & SANDERS, INC.
Land Surveyors



By:

A handwritten signature in black ink, appearing to read "George L. Sanders", written over a horizontal line.

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

Plan 8739B
Ref Plan 8739A
Ref Plan 8739
Ref Plan 9915

FB 887, P 3-10 & DC
FB 827, P 53-57 & DC
FB 789, P 22-29 & DC
FB 764, P 28-45

Job No. 03171.01
Ref Job No. 03143.01
Ref Job No. 95298.01
Ref Job No. 93243.01

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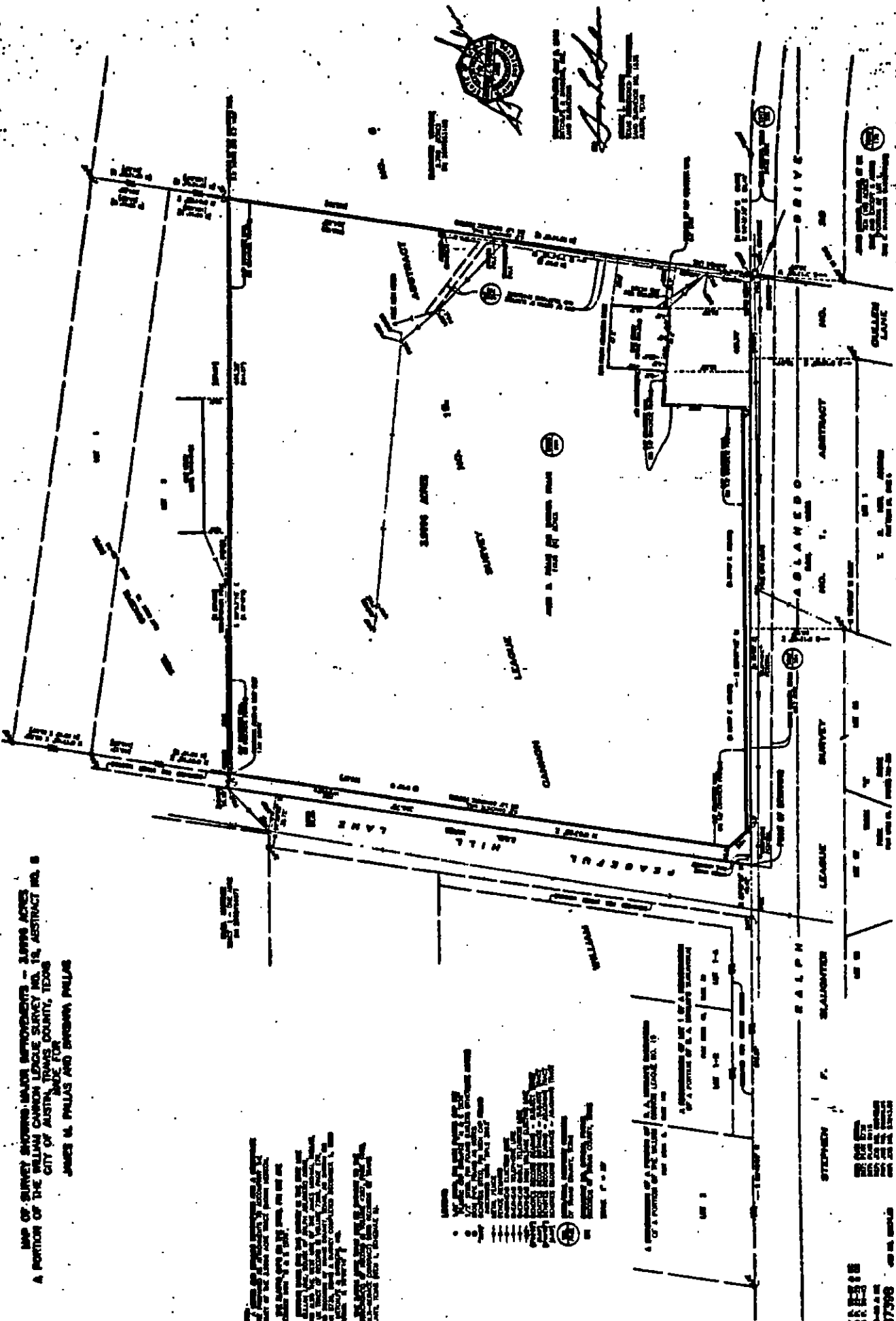
MAP OF SURVEY SHOWING MAJOR IMPROVEMENTS - 2,999.96 ACRES
A PORTION OF THE WILLIAM CANNON LEASE SURVEY NO. 19, ABSTRACT NO. 8
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
MADE FOR
JAMES M. PHILLIPS AND DOROTHY PHILLIPS




THESE IMPROVEMENTS WERE MADE BY THE CITY OF AUSTIN, TEXAS, FOR THE PURPOSE OF IMPROVING THE LEASE SURVEY NO. 19, ABSTRACT NO. 8, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND ARE SHOWN ON THIS MAP FOR THE PURPOSE OF RECORDING THE SAME.

WILLIAM CANNON LEASE SURVEY NO. 19, ABSTRACT NO. 8, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, IS A PORTION OF THE WILLIAM CANNON LEASE SURVEY NO. 19, ABSTRACT NO. 8, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND IS SHOWN ON THIS MAP FOR THE PURPOSE OF RECORDING THE SAME.

THESE IMPROVEMENTS WERE MADE BY THE CITY OF AUSTIN, TEXAS, FOR THE PURPOSE OF IMPROVING THE LEASE SURVEY NO. 19, ABSTRACT NO. 8, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND ARE SHOWN ON THIS MAP FOR THE PURPOSE OF RECORDING THE SAME.

PLAT 87398
JAMES M. PHILLIPS AND DOROTHY PHILLIPS
CITY OF AUSTIN, TEXAS



SUBJECT TRACT 
PENDING CASE 
ZONING BOUNDARY 
CASE MGR: W. WALSH

ZONING EXHIBIT C

CASE #: C14-05-0045

ADDRESS: 220 RALPH ABLANEDO DR

DATE: 05-05

SUBJECT AREA (acres): 3.999

INTLS: SM

**CITY GRID
REFERENCE
NUMBER**
G14