

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 96
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 1

SUBJECT: C14-05-0034.SH - Peaceful Hill Subdivision - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (South Boggy Creek Watershed; Onion Creek Watershed) from townhouse and condominium residence (SF-6) district zoning; warehouse/limited office (W/LO) district zoning; limited industrial services (LI) district zoning; and development reserve (DR) district zoning to single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning with conditions. First reading approved on September 29, 2005. Vote: 7-0. Second reading approved on November 17, 2005. Vote: 7-0. Applicant: Southwest Strategies Group (John Rosato). Agent: Main Street Homes (Ken Blaker). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this zoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0034.SH

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (South Boggy Creek Watershed; Onion Creek Watershed) from townhouse and condominium residence (SF-6) district zoning, warehouse / limited office (W/LO) district zoning, limited industrial services (LI) district zoning and development reserve (DR) district zoning to single family residence – small lot – conditional overlay (SF-4A-CO) combining district zoning, with conditions. The Conditional Overlay limits development of the property to 2,000 motor vehicle trips per day and prohibits vehicular access to Peaceful Hill Lane.

The Restrictive Covenant addresses the construction of a pedestrian access way between the subdivision and Peaceful Hill Lane; the construction of a center turn lane along the property's Ralph Ablanado frontage prior to issuance of a building permit, the construction of a 6-foot tall solid masonry wall along the south and west sides of the property where it does not abut a right-of-way, and a 6-foot tall solid fence along the east property line.

DEPARTMENT COMMENTS:

Staff Meeting with the Applicant and the Neighborhood and Follow-up

On November 30, 2005, Zoning Staff facilitated a meeting to bring together S.M.A.R.T. Housing Staff, the Applicant and the Neighborhood. The Neighborhood, primarily represented by the adjacent industrial and commercial business owners, stated their concerns and opposition to the location of the proposed residential project as it relates to their existing uses, operations, hours, surrounding views, and discussed their concerns with off-site drainage, the Applicant's proposed fencing, and the Applicant's traffic counts taken in May 2005. At the meeting, it was agreed that the Applicant would contact the Neighborhood and the Staff about further mitigation measures to be incorporated into the proposed residential project, and S.M.A.R.T. Housing Staff would take into account the additional information and issues raised by the Neighborhood.

One of the residents requested information about potential sidewalk construction on Peaceful Hill Lane. City transportation staff has confirmed that Capital Metro provided funding to construct a portion of a sidewalk along the west side of Peaceful Hill Lane. Sidewalks are being constructed by the City's Public Works Department as part of the Child Safety program to serve pedestrian traffic to the AISD elementary school to the north, at the intersection of Peaceful Hill Lane and Mairo Street. In response to concerns about the traffic counts, the City's Public Works Department took a 24-hour traffic count on Peaceful Hill Lane beginning at noon on Monday, December 5, 2005. The result for that 24-hour period was 767 vehicles on Peaceful Hill Lane, in comparison with the 816 vehicle count supplied by Applicant in May 2005. The results follow this Summary Sheet.

The Applicant's agent has spoken with Staff about providing the following measures with the residential project: 1) greater insulation on the homes adjacent to the existing industrial uses; 2) restricting the residences to single-story adjacent to the steel fabricator business; 3) by private covenant, restricting the ability of all new homeowners to oppose the existing, adjacent industrial uses; and 4) providing an 8' tall masonry wall adjacent to the steel fabricator and fiberglass supplier businesses. The Agent's proposed >6' tall masonry wall to match that at the vehicle impound yard and the 8' tall cedar fence along the east property line remain unchanged.

Following Second Reading, S.M.A.R.T. Housing staff mailed a letter to the property owners within 3090 feet of the proposed rezoning area (including those on the valid petition) and the registered neighborhood associations. The letter follows this Summary Sheet.

INFORMATION PROVIDED AT SECOND READING, INCLUDING UPDATES

Transportation and Circulation Issues

Although the Staff is not recommending the Applicant's requested rezoning to SF-4A-CO, the Staff prefers that vehicular access be taken to Peaceful Hill Lane along with construction of the roadway improvements as outlined in the Neighborhood Traffic Analysis. However, the Applicant has revised the conceptual subdivision layout to take all vehicular access from Ralph Ablanado Drive. Should vehicular access to Peaceful Hill Lane be prohibited as a condition of zoning approval, then Staff recommends: 1) a conditional overlay limiting development to less than 2,000 trips per day, 2) a Restrictive Covenant to dedicate a pedestrian access easement from the proposed development to Peaceful Hill Lane, and 3) a Restrictive Covenant to include roadway improvements for Ralph Ablanado Drive.

The developer agrees to widen Ralph Ablanado Drive by providing a separate left-turn lane at the two (2) new streets that will serve as access into this subdivision. Since the turn lane improvement is serving only one project, the Applicant is responsible for 100% of the funding. This roadway improvement should be implemented by the applicant during the subdivision construction phase of the project. The dedication of additional rights-of-way for Ralph Ablanado Drive and Peaceful Hill Lane may be deferred until the subdivision process.

On October 24, 2005, two sections of Peaceful Hill Lane and one section of Ralph Ablanado were measured. Peaceful Hill Lane measures 19 feet wide on its south end and 30 feet further north. Ralph Ablanado Drive measures 23 feet wide approximately 80 feet west of its intersection with Peaceful Hill Lane. Please refer to Exhibits C-1, C-2 and C-3.

Buffering

Although the Staff is not recommending the Applicant's requested rezoning, the Staff prefers that a minimum 6' tall masonry wall be constructed adjacent to the existing industrial uses along the east and west sides of the property. The Applicant proposes an 8' tall cedar fence along the east property line (adjacent to the industrial park), an 8' tall masonry wall along the southwestern sides of the property (adjacent to the fiberglass supplier and steel fabrication business), a >6' tall masonry wall to match the existing concrete wall already in place along the vehicle impound facility, and a 6' tall wood privacy fence along Peaceful Hill Lane. Details of the revised conceptual subdivision layout, the two fencing options adjacent to the industrial businesses, as well as correspondence from the Applicant are provided in Exhibits D, D-1 and D-2. The

Applicant intends to provide deeper lots as an additional buffer to the industrial uses: 163 feet long on west property line and 130 feet long on the east property line.

Petition Results

A valid petition of 72.39% has been filed by the adjacent property owners in opposition to this rezoning request and follows the Neighborhood's letter. Petition information is located at the back of the Staff report.

Participation in the S.M.A.R.T. Housing Program

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment A.

OWNER/APPLICANT: Southwest Strategies Group (John Rosato)

AGENT: Main Street Homes (Ken Blaker)

DATE OF FIRST READING: September 29, 2005, approved SF-4A-CO district zoning with conditions, on First Reading (7-0).

DATE OF SECOND READING: November 17, 2005, approved SF-4A-CO district zoning with the Conditional Overlay for 2,000 trips and prohibiting vehicular access to Peaceful Hill Lane; and a Restrictive Covenant covering 1) the construction of a pedestrian access way to Peaceful Hill Lane, 2) a center turn lane along the Ralph Ablanado Drive frontage, 3) a 6-foot high solid masonry wall along property lines that do not abut Ralph Ablanado Drive on the south and Peaceful Hill Lane on the west, and 4) an 8-foot high solid fence along the east property line (7-0). NOTE: Applicant and Staff to meet with the Neighborhood Associations between 2nd and 3rd Readings.

CITY COUNCIL HEARING DATE: December 15, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

CITY OF AUSTIN
TRAFFIC DATA REPORT
VOLUME REPORT

LOCATION : 8512 PEACEFUL HILL LANE
COMMENT : 340' North of Ralph Ablanedo
DIRECTION : NB/SB

Site: G3JDC
Date: 12/05/05

| Interval | NB | | | | SB | | | | Combined | | | | Day: | Monday |
|----------|------|----|------|----|------|----|------|----|----------|-----|-----|-----|------|--------|
| Begin | AM | PM | | | AM | PM | | | AM | PM | | | | |
| 12:00 | 0 | 1 | 7 | 23 | 1 | 2 | 9 | 28 | 1 | 3 | 16 | 51 | | |
| 12:15 | 0 | | 8 | | 0 | | 8 | | 0 | | 16 | | | |
| 12:30 | 1 | | 3 | | 0 | | 5 | | 1 | | 8 | | | |
| 12:45 | 0 | | 5 | | 1 | | 6 | | 1 | | 11 | | | |
| 01:00 | 0 | 2 | 4 | 20 | 0 | 0 | 5 | 12 | 0 | 2 | 9 | 32 | | |
| 01:15 | 1 | | 1 | | 0 | | 3 | | 1 | | 4 | | | |
| 01:30 | 0 | | 10 | | 0 | | 2 | | 0 | | 12 | | | |
| 01:45 | 1 | | 5 | | 0 | | 2 | | 1 | | 7 | | | |
| 02:00 | 0 | 0 | 8 | 56 | 0 | 1 | 12 | 58 | 0 | 1 | 20 | 114 | | |
| 02:15 | 0 | | 10 | | 1 | | 9 | | 1 | | 19 | | | |
| 02:30 | 0 | | 20 | | 0 | | 6 | | 0 | | 26 | | | |
| 02:45 | 0 | | 18 | | 0 | | 31 | | 0 | | 49 | | | |
| 03:00 | 0 | 0 | 7 | 26 | 0 | 0 | 7 | 35 | 0 | 0 | 14 | 61 | | |
| 03:15 | 0 | | 7 | | 0 | | 9 | | 0 | | 16 | | | |
| 03:30 | 0 | | 7 | | 0 | | 15 | | 0 | | 22 | | | |
| 03:45 | 0 | | 5 | | 0 | | 4 | | 0 | | 9 | | | |
| 04:00 | 0 | 3 | 3 | 23 | 0 | 0 | 8 | 27 | 0 | 3 | 11 | 50 | | |
| 04:15 | 0 | | 8 | | 0 | | 7 | | 0 | | 15 | | | |
| 04:30 | 0 | | 8 | | 0 | | 6 | | 0 | | 14 | | | |
| 04:45 | 3 | | 4 | | 0 | | 6 | | 3 | | 10 | | | |
| 05:00 | 0 | 2 | 7 | 25 | 0 | 2 | 14 | 35 | 0 | 4 | 21 | 60 | | |
| 05:15 | 0 | | 6 | | 0 | | 9 | | 0 | | 15 | | | |
| 05:30 | 1 | | 9 | | 1 | | 7 | | 2 | | 16 | | | |
| 05:45 | 1 | | 3 | | 1 | | 5 | | 2 | | 8 | | | |
| 06:00 | 1 | 13 | 7 | 25 | 1 | 5 | 4 | 10 | 2 | 18 | 11 | 35 | | |
| 06:15 | 1 | | 9 | | 0 | | 2 | | 1 | | 11 | | | |
| 06:30 | 2 | | 5 | | 2 | | 2 | | 4 | | 7 | | | |
| 06:45 | 9 | | 4 | | 2 | | 2 | | 11 | | 6 | | | |
| 07:00 | 8 | 88 | 3 | 14 | 6 | 50 | 6 | 18 | 14 | 138 | 9 | 32 | | |
| 07:15 | 25 | | 4 | | 11 | | 4 | | 36 | | 8 | | | |
| 07:30 | 45 | | 5 | | 21 | | 5 | | 66 | | 10 | | | |
| 07:45 | 10 | | 2 | | 12 | | 3 | | 22 | | 5 | | | |
| 08:00 | 5 | 19 | 3 | 10 | 4 | 11 | 2 | 6 | 9 | 30 | 5 | 16 | | |
| 08:15 | 4 | | 3 | | 3 | | 1 | | 7 | | 4 | | | |
| 08:30 | 3 | | 1 | | 2 | | 2 | | 5 | | 3 | | | |
| 08:45 | 7 | | 3 | | 2 | | 1 | | 9 | | 4 | | | |
| 09:00 | 2 | 8 | 1 | 5 | 2 | 15 | 1 | 7 | 4 | 23 | 2 | 12 | | |
| 09:15 | 1 | | 2 | | 3 | | 1 | | 4 | | 3 | | | |
| 09:30 | 2 | | 2 | | 5 | | 3 | | 7 | | 5 | | | |
| 09:45 | 3 | | 0 | | 5 | | 2 | | 8 | | 2 | | | |
| 10:00 | 5 | 16 | 1 | 8 | 2 | 12 | 0 | 2 | 7 | 28 | 1 | 10 | | |
| 10:15 | 3 | | 3 | | 6 | | 0 | | 9 | | 3 | | | |
| 10:30 | 3 | | 3 | | 2 | | 2 | | 5 | | 5 | | | |
| 10:45 | 5 | | 1 | | 2 | | 0 | | 7 | | 1 | | | |
| 11:00 | 5 | 19 | 2 | 3 | 6 | 20 | 2 | 2 | 11 | 39 | 4 | 5 | | |
| 11:15 | 4 | | 1 | | 6 | | 0 | | 10 | | 1 | | | |
| 11:30 | 2 | | 0 | | 2 | | 0 | | 4 | | 0 | | | |
| 11:45 | 8 | | 0 | | 6 | | 0 | | 14 | | 0 | | | |
| Totals | 171 | | 238 | | 118 | | 240 | | 289 | | 478 | | | |
| Split% | 59.2 | | 49.8 | | 40.8 | | 50.2 | | | | | | | |

Day Totals 409 358 767
Day Splits 53.3 46.7

Peak Hour 07:00 02:00 07:00 02:45 07:00 02:00
Volume 88 56 50 62 138 114
Factor 0.49 0.70 0.60 0.50 0.52 0.58

*City-provided
24-hour traffic
count on Peaceful
Hill Lane.*



City of Austin

Neighborhood Housing and Community Development

P.O. Box 1088, Austin, TX 78767-1088

(512) 974-3100 ♦ Fax (512) 974-3112 ♦ www.cityofaustin.org/housing

November 28, 2005

Re: Peaceful Hill Zoning Case

Dear Interested Neighbor or Neighborhood Association:

As requested by the City Council, I am providing you an update of the status of the outstanding issues for the Peaceful Hill zoning case (C14-05-0034.SH) that is tentatively scheduled for third reading by the City Council on December 15, 2005. The zoning change request is from SF-6 & W/LO& LI (Condominium and Warehouse/Office and Light Industrial) to SF4A (Small Lot Single-Family).

Main Street Homes filed an application for S.M.A.R.T. Housing™ certification at the pre-plan submittal stage on February 11, 2005. S.M.A.R.T. Housing™ policy allows an applicant to receive zoning change fee waivers and 45 day processing of the application to Council if the applicant has notified all neighborhood associations and addressed the legitimate concerns of the respective associations.

S.M.A.R.T. Housing™ staff certified this application to receive fee waiver for zoning change on February 15, 2005, but did not authorize the 45 day fast track processing due to outstanding staff and neighborhood concerns.

The two outstanding issues that prevented scheduling of a public hearing at the Zoning and Platting Commission were the proximity of the subdivision to potentially hazardous uses on industrially zoned property, and the impact of traffic on either Peaceful Hill Lane or Ralph Ablanado

On April 11, 2005, the Fire Department confirmed that the business closest to the proposed subdivision, Crippen Sheet Metal at 8501 Peaceful Hill Lane, does not have a hazardous materials permit and is not authorized to perform manufacturing operations in their building under the Hazard category of the Building Code and Fire Code. The Fire Department also confirmed that Industrial Composites, Inc. at 8505 Peaceful Hill Lane does have a permit for 400 gallons of flammable/combustible liquids, including resins. The Fire Department reported that there were no other Hazardous Materials Permits on any of the industrially zoned properties or industrial uses on Ralph Ablanado Drive or Peaceful Hill Lane in the vicinity of the proposed subdivision.

This finding by the Fire Department was critical in determining whether the proposed subdivision would meet the safety requirements of the city codes and S.M.A.R.T. Housing™. The adopted building and fire codes do not automatically allow a business owner to construct a facility containing hazardous material or uses on industrially zoned property. If a building is

classified as "Hazardous" (H), then the business owner is required to provide a level of setbacks, fire-resistive construction, and restrictive ventilation systems that a non-hazardous use is not required to provide. This meant that approval of the proposed Peaceful Hill zoning could limit the ability of industrial businesses in the area to acquire this industrially zoned tract to meet "H" classification setbacks. Based on this assessment, S.M.A.R.T. Housing™ staff anticipated a valid petition from surrounding industrial business owners. This petition was filed on May 12, 2005.

On April 22, 2005, Neighborhood Planning and Zoning determined that the applicant could provide no vehicle access out of the subdivision to Peaceful Hill lane without removing an existing restrictive covenant. Following receipt and review of the Neighborhood Traffic Analysis, city staff established on July 25, 2005 conditions for road improvements and/or fiscal posting that would be required of the applicant if the zoning were granted. When the applicant verified that they could meet the staff requirements, the case was set for public hearing at the Zoning and Platting Commission.

In the interim, Main Street Homes contacted all of the registered neighborhood associations in the area by telephone and offered to meet with them. Main Street Homes reports that only the Park Ridge Neighborhood Association, the registered association located closest to the site, requested a meeting. Ken Blaker of Main Street Homes met with the association and reported that the Park Ridge attendees wanted Main Street Homes to assist them with drainage facility concerns in their subdivision created by another builder. Since this issue was outside the purview of Main Street Homes, Mr. Blaker encouraged the attendees to contact their builder.

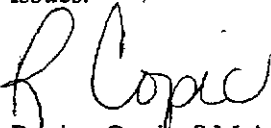
The Zoning and Platting Commission postponed the August 2, 2005 zoning hearing at the neighborhood's request, and conducted the public hearing. Business owners testified that they agreed with the Neighborhood Planning and Zoning Department's assessment that residential development was not appropriate at this location. Homeowners in the area who testified expressed concern about traffic on both Ralph Ablanado Drive and Peaceful Hill Lane and its impact on children in the area. Following the public hearing, five Commissioners recommended denying the zoning change request. Three of the Commissioners voted to support the request, noting that a change of zoning from W/LO and LI to SF4A might decrease both neighborhood traffic and the encroachment of industrial development on the existing residential neighborhood.

On September 25, 2005, the City Council conducted a public hearing on the SF4A zoning change. Business owners expressed their concerns about the appropriateness of locating homes close to their businesses. Area residents expressed concerns about traffic and whether the applicant would meet S.M.A.R.T. Housing™ standards. Following questions to staff and discussion, the City Council approved the requested change on first reading only and directed staff to address outstanding issues.

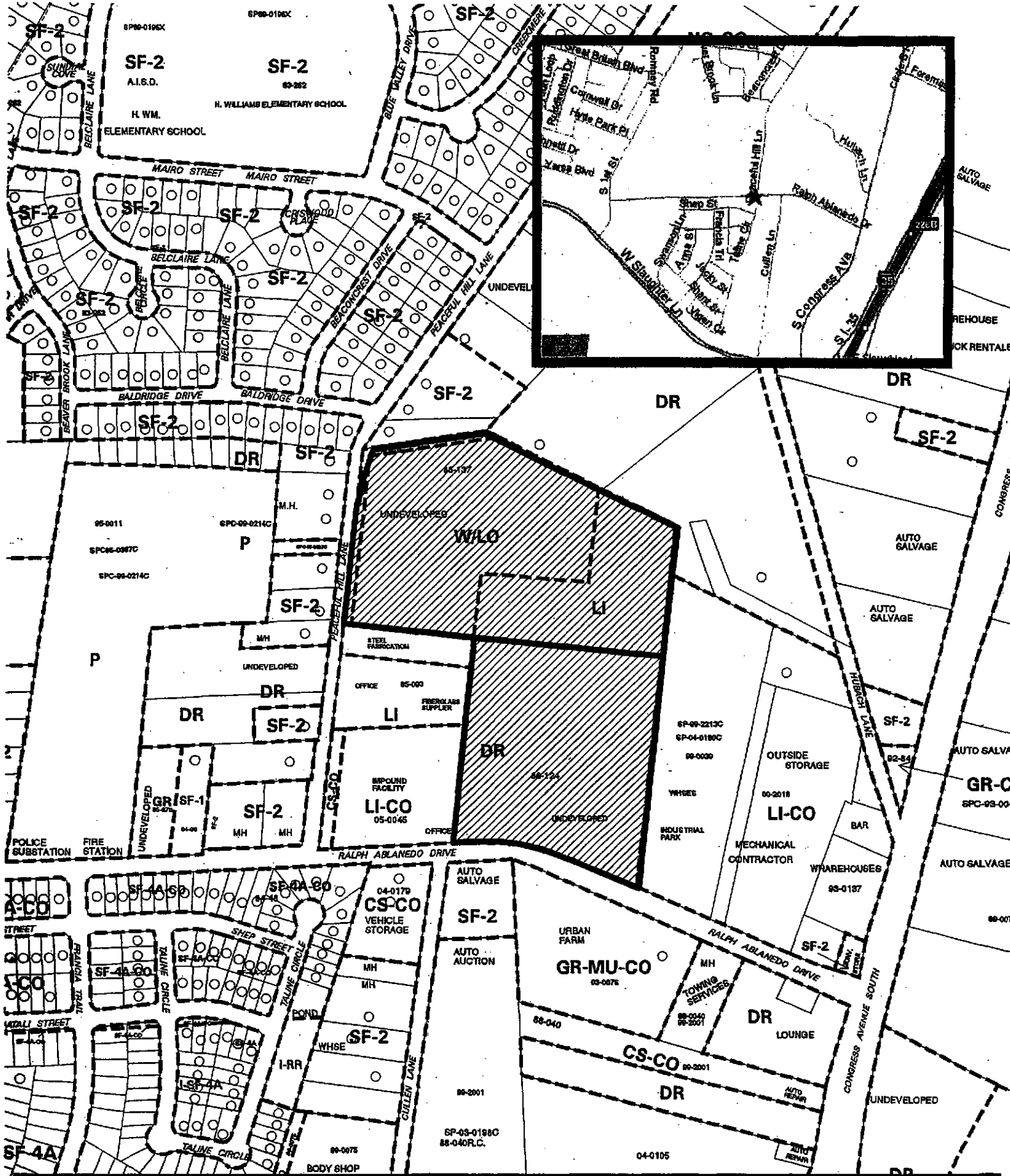
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On November 17, 2005, the City Council approved the proposed SF4A zoning with conditions on second reading only.

Please call Stuart Hersh in the Neighborhood Housing and Community Development Office at 512-974-3154 if you have questions about the S.M.A.R.T. Housing™ process or Greg Guernsey in the Neighborhood Planning and Zoning Department for technical questions about zoning issues.



Regina Copic, S.M.A.R.T. Housing™ Manager
Neighborhood Housing and Community Development Office



| | | | | |
|---------------|---|--|--------------------------|--|
| 1" = 400' | SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH | ZONING CASE #: C14-05-0034.SH ADDRESS: 308 RALPH ABLANEDO DR & 8319 PEACEFUL HILL LANE SUBJECT AREA (acres): 23.400 | DATE: 05-11 INTLS: SM | CITY GRID REFERENCE NUMBER G14 |
| | CS-CO | | | |
| | CS-CO | | | |
| | CS-CO | | | |



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Please call Stuart Hersh in the Neighborhood Housing and Community Development Office at 512-974-3154 if you have questions about the S.M.A.R.T. Housing™ process or Greg Guernsey in the Neighborhood Planning and Zoning Department for technical questions about zoning issues.



Regina Copic, S.M.A.R.T. Housing™ Manager
Neighborhood Housing and Community Development Office

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 309 RALPH ABLANEDO DRIVE AND 8319 PEACEFUL HILL LANE FROM TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) DISTRICT, WAREHOUSE LIMITED OFFICE (W/LO) DISTRICT, LIMITED INDUSTRIAL SERVICES (LI) DISTRICT, AND DEVELOPMENT RESERVE (DR) DISTRICT TO SINGLE FAMILY RESIDENCE SMALL LOT-CONDITIONAL OVERLAY (SF-4A-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 townhouse and condominium residence (SF-6) district, warehouse limited office (W/LO) district, limited industrial services (LI) district, and development reserve (DR) district to single family residence small lot-conditional overlay (SF-4A-CO) combining district on the property described in Zoning Case No. C14-05-0034.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

A 13.65 acre tract of land, more or less, out of the William Cannon League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

A 9.75 acre tract of land, more or less, out of the William Cannon League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 309 Ralph Ablanedo Drive and 8319 Peaceful Hill Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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 site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

1 2. Vehicular access from the Property to Peaceful Hill Lane is prohibited. All vehicular
2 access to the Property shall be from other adjacent public streets or through other
3 adjacent property.
4

5 Except as specifically restricted under this ordinance, the Property may be developed and
6 used in accordance with the regulations established for the single family residence small lot
7 (SF-4A) base district and other applicable requirements of the City Code.
8

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

10
11 **PASSED AND APPROVED**
12

13
14 _____, 2005
15

16
17 Will Wynn
18 Mayor
19

20
21 **APPROVED:** _____

22 David Allan Smith
23 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

DESCRIPTION OF 13.65 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 13.65 ACRES BEING DESCRIBED IN A DEED TO PEACEFUL HILL ONE, LTD. AND RECORDED IN DOCUMENT NO. 2000006614 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEGINNING, at the southwest corner of said 13.65 acre tract, being the northwest corner of Lot 1 of Steel concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas, and being the southeast corner of a strip of land dedicated to the City of Austin for additional right-of-way for Peaceful Hill Lane and recorded in Volume 10417, Page 60 of the Real Property Records of Travis County, Texas;

THENCE, with the east line of said Peaceful Hill Lane right-of-way strip, being the west line of the herein described 13.65 acre tract, the following three (3) courses:

1. N 05° 45' 46" E, a distance of 335.23 feet,
2. a distance of 228.87 feet with an arc of a curve to the right with a radius of 876.90 feet and whose chord bears N 13° 38' 43" E, a distance of 228.22 feet, and
3. a distance of 17.59 feet with an arc of a curve to the right with a radius of 624.28 feet and whose chord bears N 22° 19' 17" E, a distance of 17.59 feet to the northeast corner of said right-of-way strip, being in the south line of a called 0.4275 acre tract described in a deed to Serena Walsh and recorded in Volume 12562, Page 1525 of the Real Property Records of Travis County, Texas, and being the northwest corner of the herein described 13.65 acre tract;

THENCE, leaving said line, with the north line of the herein described 13.65 acre tract, N 81° 56' 01" E, a distance of 364.09 feet to the southeast corner of a called 1.858 acre tract of land described in a deed to John F. Taylor and recorded in Volume 12827, Page 1551 of the Real Property Records of Travis County, Texas, being the southwest corner of a called 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2194 of the Deed Records of Travis County, Texas, for the north corner of the herein described 13.65 acre tract;

THENCE, with the south line of said 7.51 acre tract, being the north line of the herein described 13.65 acre tract, and the south and west line of another 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2192 of the Deed Records of Travis County, Texas, being a north and east line of the herein described 13.65 acre tract, the following two (2) courses:

1. S 63° 59' 56" E, a distance of 697.56 feet, and
2. S 06° 01' 46" W, a distance of 160.51 feet to a southwest corner of said 7.51 acre tract, being a northeast corner of a called 7.7256 acre tract of land described in a deed to Mickey Rich Plumbing and Heating, Inc. and recorded in Volume 8855, Page 975 of the Real Property Records of Travis County, Texas;

THENCE, continuing with the east line of the herein described 13.65 acre tract, being the west line of said 7.7256 acre tract leaving said line, the following two (2) courses:

1. S 05° 33' 21" W, a distance of 57.78 feet, and

13.65 Acres
Peaceful Hill Zoning
Peaceful Hill One, Ltd.

PD05-001 (RLM)
March 8, 2005
CFE Job No. 2013.002.01

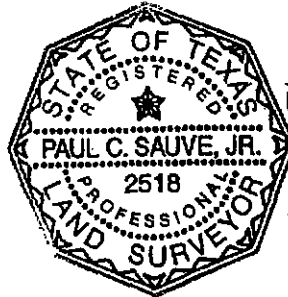
2. S 05° 59' 06" W, a distance of 206.32 feet to the northeast corner of a called 9.75 acre tract of land described in a deed to Austin Peaceful Hill, Ltd. And recorded in Document No. 2003202684 of the Official Public Records of Travis County, Texas for the southwest corner of the herein described 13.65 acre tract;

THENCE, leaving said line, with the north line of said 9.75 acre tract, being the south line of the herein described 13.65 acre tract, N 84° 15' 58" W, a distance of 614.46 feet to the northwest corner of said 9.75 acre tract, being the northeast corner of said Lot 1;

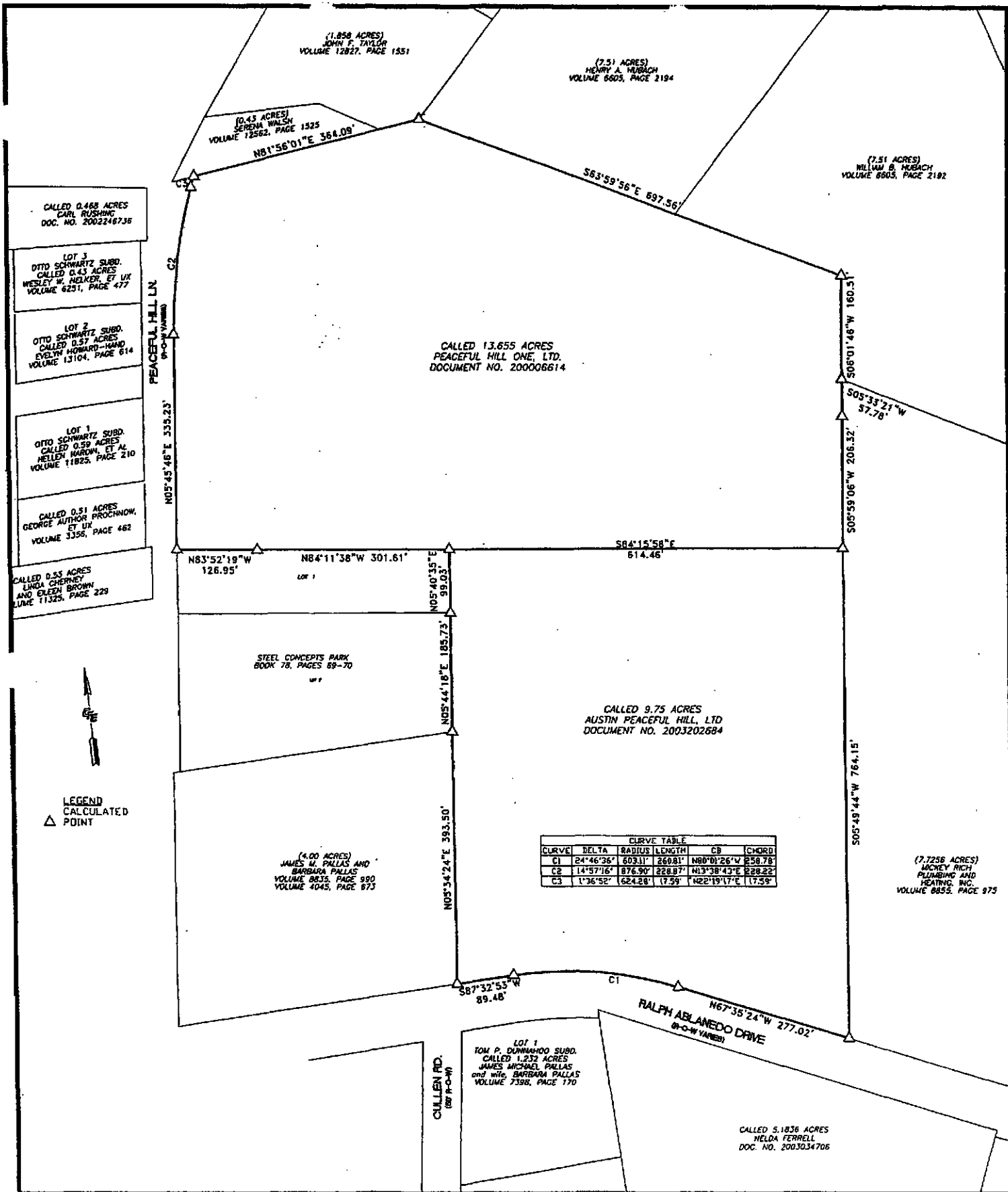
THENCE, continuing with the south line of the herein described 13.65 acre tract, being the north line of Lot 1 of said Steel Concept Park, the following two (2) courses:

1. N 84° 11' 38" W, a distance of 301.61 feet, and
2. N 83° 52' 19" W, a distance of 126.95 feet to the **POINT OF BEGINNING** and containing 13.65 acres of land.

Property Description prepared by:
CFE, L.P.
400 Bowie St, Suite 250
Austin, Texas 78703



Paul C. Sauve, Jr.
Paul C. Sauve, Jr.
Registered Professional Land Surveyor
No. 2518 - State of Texas
Date 3/8/05



400 Bowie Street, Suite 250
Austin, Texas 78703
P: 512.495.9470
F: 512.495.9473
P.O. Box 1528
Austin, Texas 78767-1528
www.cfaulknerengineering.com

TRAVIS COUNTY, TEXAS

DATE: MARCH, 2005
SURVEYOR: PAUL C. SAUVE, JR., RPLS No 251
TECHNICIAN: RLM
FIELDBOOK: N/A
JOB NUMBER: 2013.002.01
DESCRIPTION: PD005-001
DRAWING: J:\NSH\Peaceful Hill\Zone\SiteDev\Survey\ACAD\Zoning Sketch.dwg

ZONING SKETCH TO ACCOMPANY PD05-001

PD05-001.dwg

3
OF 3

PROPERTY DESCRIPTION

DESCRIPTION OF 9.75 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 9.75 ACRES BEING DESCRIBED IN A DEED TO AUSTIN PEACEFUL HILL, LTD. AND RECORDED IN DOCUMENT NO. 2003202684 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEGINNING, at the southwest corner of a called 7.7256 acre tract of land described in a deed to Mickey Rich Plumbing and Heating, Inc. and recorded in Volume 8855, Page 975 of the Real Property Records of Travis County, Texas, being in the north right-of-way of Ralph Ablanado Drive and being the southeast corner of the herein described 9.75 acre tract,

THENCE, with the north line of said Ralph Ablanado Drive, being the south line of the herein described 9.75 acre tract, the following three (3) courses:

1. N 67° 35' 24" W, a distance of 277.02 feet,
2. a distance of 260.81 feet with an arc of a curve to the left, with a radius of 603.11 feet and whose chord bears N 80° 01' 26" W, a distance of 258.78 feet, and
3. S 87° 32' 53" W, a distance of 89.48 feet to the east line of a called 4 acre tract of land described in a deed to James M. and Barbara Pallas and recorded in Volume 8835, Page 990 of the Real Property Records of Travis County, Texas, and being the southwest corner of the herein described 9.75 acre tract;

THENCE, with the east line of said 4 acre tract, being the west line of the herein described 9.75 acre tract, N 05° 34' 24" E, a distance of 393.50 feet to the northeast corner of said 4 acre tract, being the southeast corner of Lot 2 of Steel Concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas;

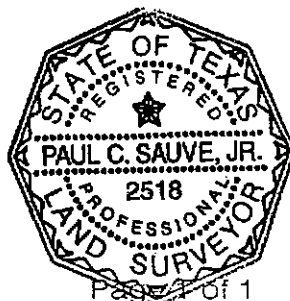
THENCE, continuing with the west line of the herein described 9.75 acre tract, being the east line of said Steel Concepts Park Subdivision, the following two (2) courses:

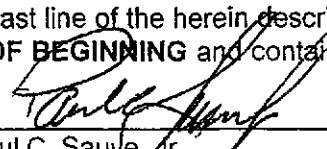
1. N 05° 44' 18" E, a distance of 185.73 feet, and
2. N 05° 40' 35" E, a distance of 99.03 feet to the northeast corner of Lot 1 of said Steel Concepts Park Subdivision, being in the south line of a called 13.655 acre tract of land described in a deed to Peaceful Hill One, Ltd, and recorded in Document No. 2000006614 of the Official Public Records of Travis County, Texas, for the northwest corner of the herein described 9.75 acre tract;

THENCE, with the south line of said 13.655 acre tract, being the north line of the herein described 9.75 acre tract, S 84° 15' 58" E, a distance of 614.46 feet to the west line of said 7.7256 acre tract, for the northeast corner of the herein described 9.75 acre tract;

THENCE, with the west line of said 7.7256 acre tract, being the east line of the herein described 9.75 acre tract; S 05° 49' 44" W, a distance of 764.15 to the **POINT OF BEGINNING** and containing 9.75 acres of land.

Property Description prepared by:
CFE, L.P.
400 Bowie St, Suite 250
Austin, Texas 78703




Paul C. Sauve, Jr.
Registered Professional Land Surveyor
No. 2518 - State of Texas

Date 3/8/05



TRAVIS COUNTY, TEXAS

ZONING SKETCH
TO ACCOMPANY
PD05-002

PD05-002.dwg

2
OF 2

RESTRICTIVE COVENANT

OWNER: Austin Peaceful Hill, Ltd., a Texas limited partnership

ADDRESS: 824 West 10th Street, Suite 101, Austin, Texas 78701

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: A 13.65 acre tract of land, more or less, out of the William Cannon League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 9.75 acre tract of land, more or less, out of the William Cannon League in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner 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. A site plan or building permit for the Property may not be approved, released, or issued, until the following construction is completed:
 - a) a pedestrian access way between the proposed development and Peaceful Hill Lane; and
 - b) a center turn lane along the Ralph Ablanedo Drive frontage of the Property.
2. A six-foot high solid masonry wall shall be provided and maintained along the property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west.
3. An eight-foot high solid fence shall be provided and maintained along the east property line that abuts an industrial use or industrial zoning district.
4. 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.

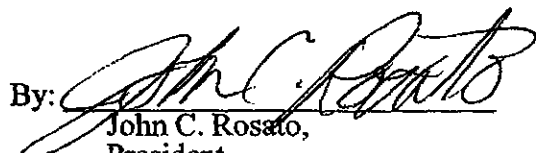
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce 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.
7. 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 to be effective the 17th day of NOVEMBER, 2005.

OWNER:

Austin Peaceful Hill, Ltd.,
a Texas limited partnership

By: APH, Inc.,
a Texas corporation,
General Partner

By: 
John C. Rosato,
President

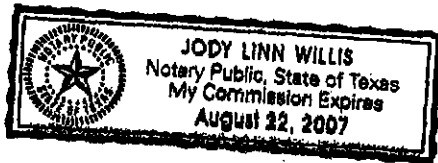
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 17th day of November, 2005, by John C. Rosato, President, of APH, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this covenant as General Partner, on behalf of Austin Peaceful Hill, Ltd., a Texas limited partnership.





Notary Public, State of Texas

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

C14-04-0034.54

EXHIBIT A
PROPERTY DESCRIPTION

DESCRIPTION OF 13.65 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 13.65 ACRES BEING DESCRIBED IN A DEED TO PEACEFUL HILL ONE, LTD. AND RECORDED IN DOCUMENT NO. 2000006614 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEGINNING, at the southwest corner of said 13.65 acre tract, being the northwest corner of Lot 1 of Steel concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas, and being the southeast corner of a strip of land dedicated to the City of Austin for additional right-of-way for Peaceful Hill Lane and recorded in Volume 10417, Page 60 of the Real Property Records of Travis County, Texas;

THENCE, with the east line of said Peaceful Hill Lane right-of-way strip, being the west line of the herein described 13.65 acre tract, the following three (3) courses:

1. N 05° 45' 46" E, a distance of 335.23 feet,
2. a distance of 228.87 feet with an arc of a curve to the right with a radius of 876.90 feet and whose chord bears N 13° 38' 43" E, a distance of 228.22 feet, and
3. a distance of 17.59 feet with an arc of a curve to the right with a radius of 624.28 feet and whose chord bears N 22° 19' 17" E, a distance of 17.59 feet to the northeast corner of said right-of-way strip, being in the south line of a called 0.4275 acre tract described in a deed to Serena Walsh and recorded in Volume 12562, Page 1525 of the Real Property Records of Travis County, Texas, and being the northwest corner of the herein described 13.65 acre tract;

THENCE, leaving said line, with the north line of the herein described 13.65 acre tract, N 81° 56' 01" E, a distance of 364.09 feet to the southeast corner of a called 1.858 acre tract of land described in a deed to John F. Taylor and recorded in Volume 12827, Page 1551 of the Real Property Records of Travis County, Texas, being the southwest corner of a called 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2194 of the Deed Records of Travis County, Texas, for the north corner of the herein described 13.65 acre tract;

THENCE, with the south line of said 7.51 acre tract, being the north line of the herein described 13.65 acre tract, and the south and west line of another 7.51 acre tract of land described in a deed to Henry A. Hubach and recorded in Volume 6605, Page 2192 of the Deed Records of Travis County, Texas, being a north and east line of the herein described 13.65 acre tract, the following two (2) courses:

1. S 63° 59' 56" E, a distance of 697.56 feet, and
2. S 06° 01' 46" W, a distance of 160.51 feet to a southwest corner of said 7.51 acre tract, being a northeast corner of a called 7.7256 acre tract of land described in a deed to Mickey Rich Plumbing and Heating, Inc. and recorded in Volume 8855, Page 975 of the Real Property Records of Travis County, Texas;

THENCE, continuing with the east line of the herein described 13.65 acre tract, being the west line of said 7.7256 acre tract leaving said line, the following two (2) courses:

1. S 05° 33' 21" W, a distance of 57.78 feet, and

13.65 Acres
Peaceful Hill Zoning
Peaceful Hill One, Ltd.

PD05-001 (RLM)
March 8, 2005
CFE Job No. 2013.002.01

2. S 05° 59' 06" W, a distance of 206.32 feet to the northeast corner of a called 9.75 acre tract of land described in a deed to Austin Peaceful Hill, Ltd. And recorded in Document No. 2003202684 of the Official Public Records of Travis County, Texas for the southwest corner of the herein described 13.65 acre tract;

THENCE, leaving said line, with the north line of said 9.75 acre tract, being the south line of the herein described 13.65 acre tract, N 84° 15' 58" W, a distance of 614.46 feet to the northwest corner of said 9.75 acre tract, being the northeast corner of said Lot 1;

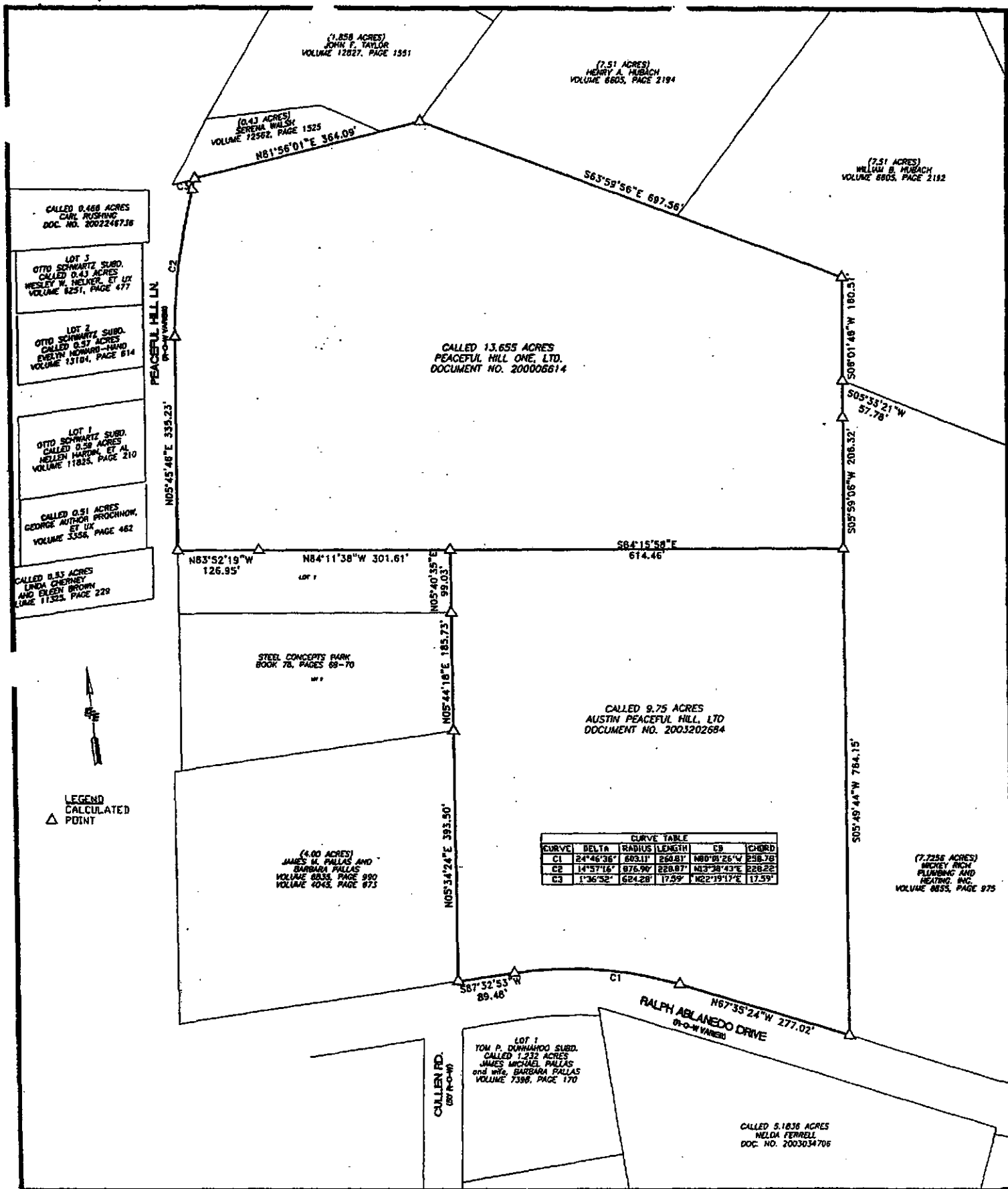
THENCE, continuing with the south line of the herein described 13.65 acre tract, being the north line of Lot 1 of said Steel Concept Park, the following two (2) courses:

1. N 84° 11' 38" W, a distance of 301.61 feet, and
2. N 83° 52' 19" W, a distance of 126.95 feet to the **POINT OF BEGINNING** and containing 13.65 acres of land.

Property Description prepared by:
CFE, L.P.
400 Bowie St, Suite 250
Austin, Texas 78703



Paul C. Sauve, Jr.
Paul C. Sauve, Jr.
Registered Professional Land Surveyor
No. 2518 - State of Texas
Date 3/8/05



400 Bowle Street, Suite 250
 Austin, Texas 78703
 P: 512.495.9470
 F: 512.495.9473
 P.O. Box 1528
 Austin, Texas 78767-1528
 www.cfaulknerengineering.com

TRAVIS COUNTY, TEXAS

DATE: MARCH, 2005
 SURVEYOR: PAUL C. SAUVE, JR., RPLS No.251
 TECHNICIAN: RLH
 FIELDBOOK: N/A
 JOB NUMBER: 2013.002.01
 DESCRIPTION: PD005-001
 DRAWING: J:\MSH\Peaceful Hill Lane\SiteDev\Survey\ACAD\Zoning Sketch.dwg

ZONING SKETCH TO ACCOMPANY PD05-001

PD05-001.dwg

3
 OF 3

PROPERTY DESCRIPTION

DESCRIPTION OF 9.75 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 9.75 ACRES BEING DESCRIBED IN A DEED TO AUSTIN PEACEFUL HILL, LTD. AND RECORDED IN DOCUMENT NO. 2003202684 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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THENCE, with the north line of said Ralph Ablanado Drive, being the south line of the herein described 9.75 acre tract, the following three (3) courses:

1. N 67° 35' 24" W, a distance of 277.02 feet,
2. a distance of 260.81 feet with an arc of a curve to the left, with a radius of 603.11 feet and whose chord bears N 80° 01' 26" W, a distance of 258.78 feet, and
3. S 87° 32' 53" W, a distance of 89.48 feet to the east line of a called 4 acre tract of land described in a deed to James M. and Barbara Pallas and recorded in Volume 8835, Page 990 of the Real Property Records of Travis County, Texas, and being the southwest corner of the herein described 9.75 acre tract;

THENCE, with the east line of said 4 acre tract, being the west line of the herein described 9.75 acre tract, N 05° 34' 24" E, a distance of 393.50 feet to the northeast corner of said 4 acre tract, being the southeast corner of Lot 2 of Steel Concepts Park Subdivision, a subdivision as recorded in Book 78, Page 69 of the Plat Records of Travis County, Texas;

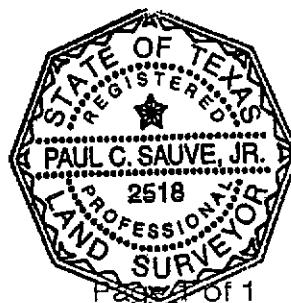
THENCE, continuing with the west line of the herein described 9.75 acre tract, being the east line of said Steel Concepts Park Subdivision, the following two (2) courses:

1. N 05° 44' 18" E, a distance of 185.73 feet, and
2. N 05° 40' 35" E, a distance of 99.03 feet to the northeast corner of Lot 1 of said Steel Concepts Park Subdivision, being in the south line of a called 13.655 acre tract of land described in a deed to Peaceful Hill One, Ltd, and recorded in Document No. 2000006614 of the Official Public Records of Travis County, Texas, for the northwest corner of the herein described 9.75 acre tract;

THENCE, with the south line of said 13.655 acre tract, being the north line of the herein described 9.75 acre tract, S 84° 15' 58" E, a distance of 614.46 feet to the west line of said 7.7256 acre tract, for the northeast corner of the herein described 9.75 acre tract;

THENCE, with the west line of said 7.7256 acre tract, being the east line of the herein described 9.75 acre tract; S 05° 49' 44" W, a distance of 764.15 to the **POINT OF BEGINNING** and containing 9.75 acres of land.

Property Description prepared by:
CFE, L.P.
400 Bowie St, Suite 250
Austin, Texas 78703



Paul C. Sauve, Jr.
Paul C. Sauve, Jr.
Registered Professional Land Surveyor
No. 2518 - State of Texas

Date 3/8/05

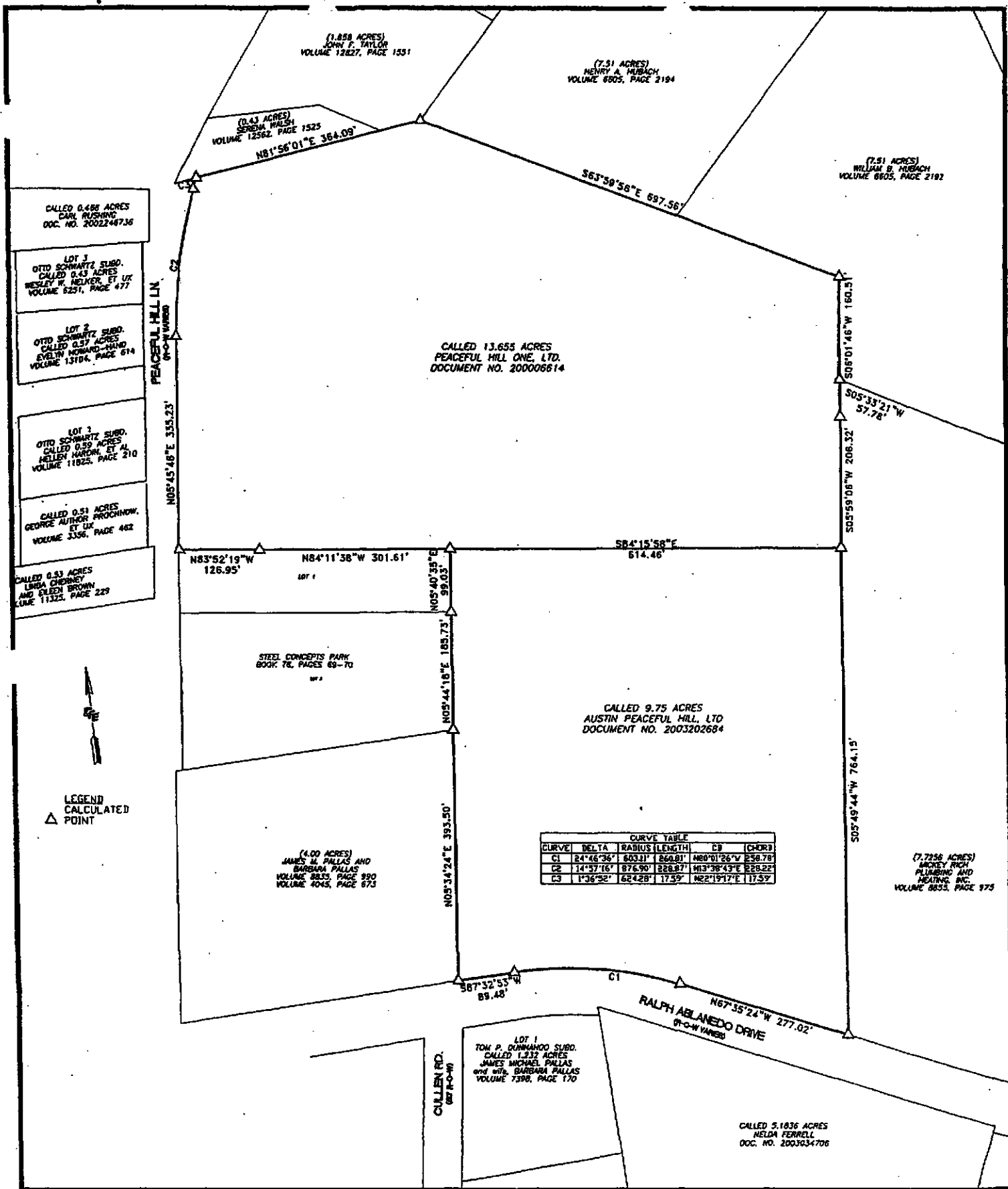




Exhibit C-1

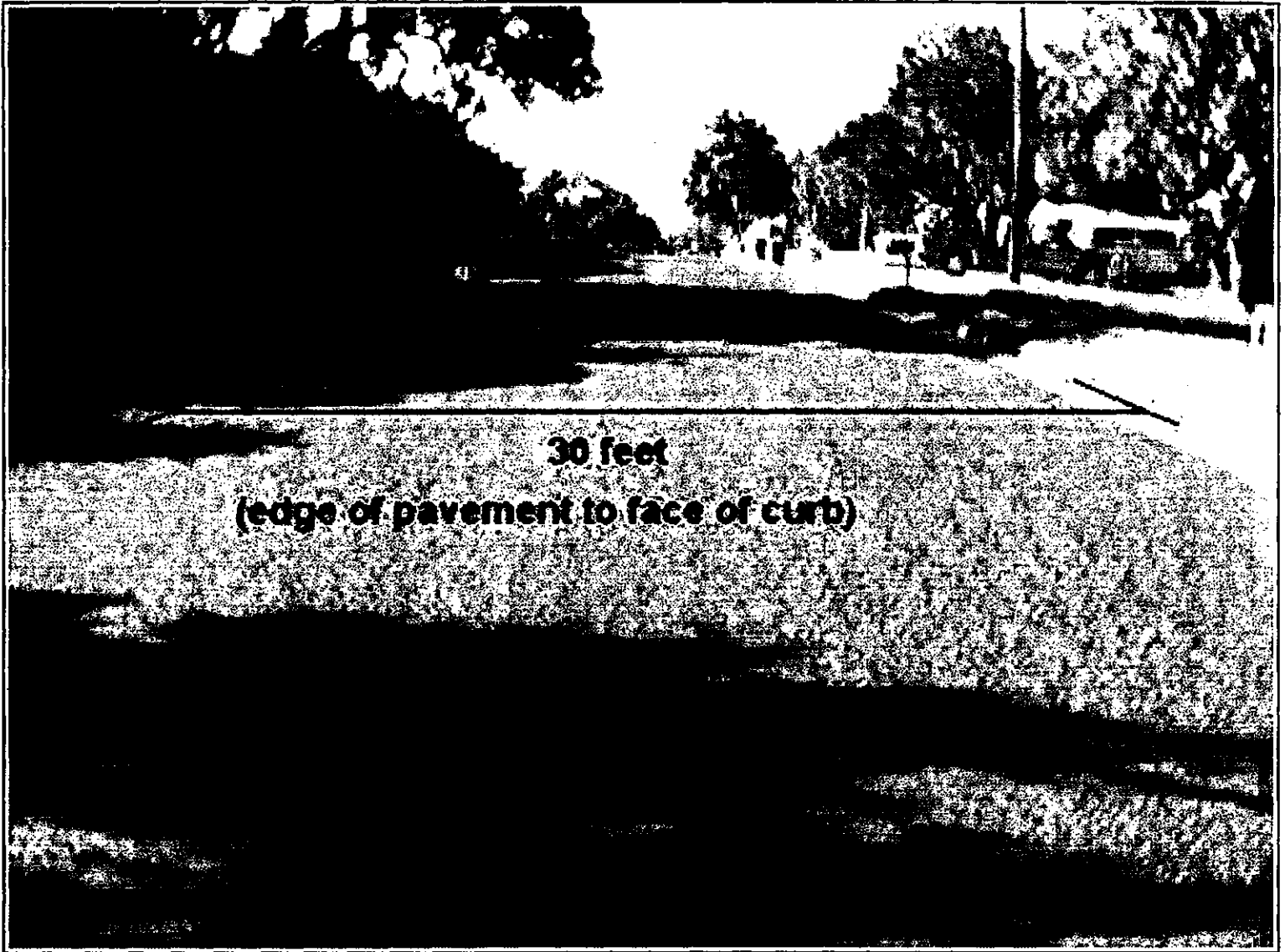
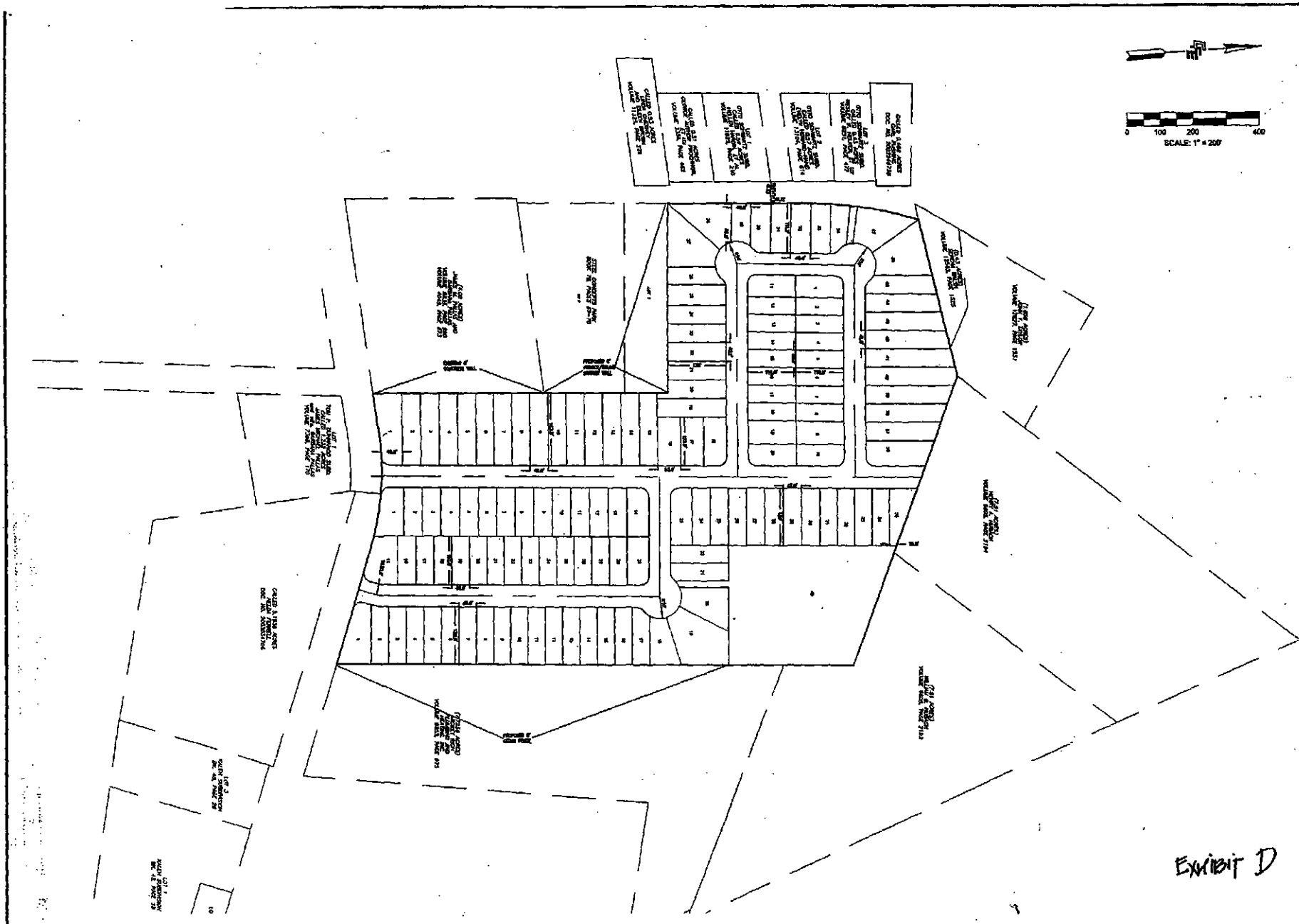
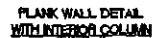
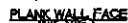
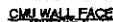


EXHIBIT C-2



EXHIBIT C-3





EXIST D-1



C FAULKNER ENGINEERING

400 Bowie Street, Suite 250
Austin, Texas 78703

Mailing Address: PO Box 1528
Austin, Texas 78767-1528

P: 512.495.9470

F: 512.495.9473

October 24, 2005

Wendy Walsh
Neighborhood Planning and Zoning Dept.
City of Austin
505 Barton Springs Road
Austin, TX 78704

Peaceful Hill
Zoning Application
C14-05-0034.SH

To Whom It May Concern:

The proposed Peaceful Hill subdivision is a 23.40-acre SMART Housing development in the Onion Creek and South Boggy Creek Watershed, which is a suburban watershed. The site is located entirely in the City of Austin Full Purpose Jurisdiction and in Travis County.

A number of concerns have arisen during the re-zoning process. These items need to be addressed, and as the engineer of record, C. Faulkner Engineering feels that all of these items can be solved using prudent land planning and engineering during the platting and construction process.

One of the concerns is that there is insufficient Right Of Way (ROW) along Peaceful Hill Road as well as along Ralph Ablanado Drive. Main Street Homes will dedicate all necessary ROW with the plat in order to assure that the boundary roads have the room to grow to accommodate current and future development in the area.

Another issue is from where the development will take access. The original plan called for two streets to connect to Ralph Ablanado Drive, and two streets to connect Peaceful Hill Road. But in response to the neighborhood's request, the access to Peaceful Hill Road was removed. However, it is now been pointed out that the staff would like the subdivision to take access from Peaceful Hill, so the layout can easily be changed to do so again. Both designs are feasible and we will be happy to do whatever is determined is best for transportation in and around the subdivision. In addition, Main Street Homes will also do boundary street improvements to any street from which the development takes access. These improvements could include turn lanes, a center lane, and/or road widening, as needed. Fiscal will be posted for all planned boundary street improvements associated with the proposed SMART Housing subdivision.

Because of the proximity to other types of existing development/land uses, buffers between the proposed development and adjacent pieces of property were recommended. This buffering will be accomplished in a number of ways. First, the lots adjacent to the existing non-residential development will be deeper than the standard lot (+/- 140'). Second, a fence and/or wall will be erected in order to shield any noise from the neighbors. Per the attached

EXHIBIT D-2

10/24/05

PAGE 2



exhibits, a 6'tall masonry wall (or a wall of similar material and sound dampening ability) will be constructed on the southwestern sides of the property that will match the existing concrete wall already in place along a portion of the boundary. Also, an 8' tall cedar fence will be constructed on the eastern side of the property as well.

C Faulkner Engineering and the developer feel that these engineering and planning solutions will adequately address any concerns raised by the staff and neighborhood. Main Street Homes' goal is to provide affordable housing as close to downtown as possible, and to turn this property that has been vacant for years into a successful SMART Housing development. If you have any questions or comments, please feel free to give me a call at 433-2602. Thank you for your time.

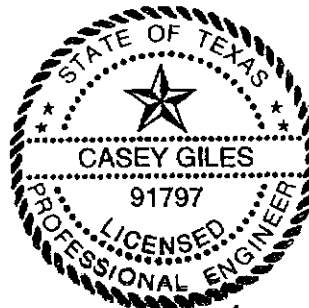
Sincerely,

Casey Giles, P.E.

Attachments:

Site Layout

Sound Barrier Wall Detail



10/24/05

Engineer's Opinion of Probable Construction Costs

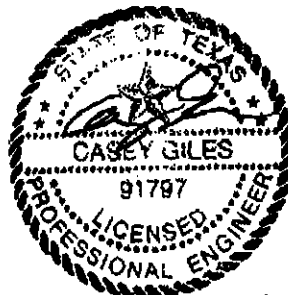
Ralph Ablonado Turn Lane

Based On: Conceptual Construction Plans

Date: 10/20/05

| Street Improvements | | | | | |
|----------------------------|--|--------------|------|-----------------|--------------------|
| Bid Item | Description | Bid Quantity | Unit | Unit Price | Total |
| S1 | Excavation and Embankment | 1147 | SY | \$5.00 | \$5,733.33 |
| S2 | Subgrade Prep | 1147 | SY | \$4.90 | \$5,618.67 |
| S3 | 21" Compacted Flexible Base | 1577 | SY | \$5.55 | \$8,750.50 |
| S4 | 2" Asphalt - Type D (Plus resurface of existing road) | 2867 | SY | \$3.50 | \$10,033.33 |
| S5 | 8" broken white lane delineation line | 1290 | LF | \$0.85 | \$1,095.50 |
| S6 | 8" solid yellow lane delineation line | 1290 | LF | \$0.95 | \$1,225.50 |
| S7 | Traffic Control | 1 | LS | \$10,000.00 | \$10,000.00 |
| S8 | Sidewalks | 640 | LF | \$10.00 | \$6,400.00 |
| | | | | SUBTOTAL | \$48,857.83 |

| Erosion Control | | | | | |
|------------------------|--------------|--------------|------|-----------------|-------------------|
| Bid Item | Description | Bid Quantity | Unit | Unit Price | Total |
| E1 | Silt Fence | 645 | LF | \$2.50 | \$1,612.50 |
| E2 | Revegetation | 1433 | SY | \$0.49 | \$702.33 |
| | | | | SUBTOTAL | \$2,314.83 |

TOTAL ESTIMATED CONSTRUCTION COSTS**\$51,172.67**

10/26/05

Engineer's Opinion of Probable Construction Costs

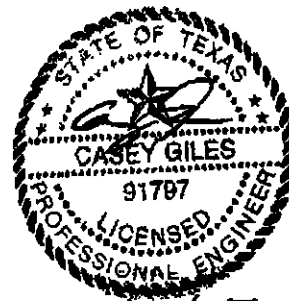
Peaceful Hill Turn Lane

Based On: Conceptual Construction Plans

Date: 10/20/05

| Street Improvements | | | | | |
|---------------------|--|--------------|------|-----------------|--------------------|
| Bid Item | Description | Bid Quantity | Unit | Unit Price | Total |
| S1 | Excavation and Embankment | 1284 | SY | \$5.00 | \$6,422.22 |
| S2 | Subgrade Prep | 1284 | SY | \$4.90 | \$6,293.78 |
| S3 | 21" Compacted Flexible Base | 1413 | SY | \$5.55 | \$7,841.53 |
| S4 | 2" Asphalt - Type D (Plus resurface of existing road) | 2669 | SY | \$3.50 | \$8,991.11 |
| S5 | 8" broken white lane delineation line | 1156 | LF | \$0.85 | \$982.80 |
| S6 | 8" solid yellow lane delineation line | 1156 | LF | \$0.85 | \$1,088.20 |
| S7 | Traffic Control | 1 | LS | \$10,000.00 | \$10,000.00 |
| S8 | Sidewalks | 578 | LF | \$10.00 | \$5,780.00 |
| | | | | SUBTOTAL | \$47,489.44 |

| Erosion Control | | | | | |
|-----------------|--------------|--------------|------|-----------------|-------------------|
| Bid Item | Description | Bid Quantity | Unit | Unit Price | Total |
| E1 | Silt Fence | 578 | LF | \$2.50 | \$1,445.00 |
| E2 | Revegetation | 1284 | SY | \$0.49 | \$629.36 |
| | | | | SUBTOTAL | \$2,074.36 |

TOTAL ESTIMATED CONSTRUCTION COSTS**\$49,483.82**

10/26/05

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0034.SH

Z.P.C. DATE: August 2, 2005
August 16, 2005

ADDRESS: 308 Ralph Ablanedo Drive and 8319 Peaceful Hill Lane

OWNER: Southwest Strategies Group
(John Rosato)

AGENT: Main Street Homes
(Ken Blaker)

ZONING FROM: SF-6; W/LO; LI; DR **TO:** SF-4A **AREA:** 23.4 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny single family residence small lot (SF-4A) district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends: 1) a Conditional Overlay limiting development to less than 2,000 vehicle trips per day and 2) a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 25, 2005 and provided as Attachment B.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 2, 2005: *POSTPONEMENT REQUEST TO 08/16/05 (APPLICANT)*
[J. GOHIL; C. HAMMOND – 2ND] (8-0) J. MARTINEZ – ABSENT

August 16, 2005: *APPROVED STAFF'S RECOMMENDATION TO DENY THE REQUEST FOR SF-4A DISTRICT ZONING.*

[J. DONISI; T. RABAGO – 2ND] (5-3) B. BAKER, M. HAWTHORNE, J. PINNELLI – NAY; K. JACKSON – ABSENT

ISSUES:

Transportation and Circulation Issues

Although the Staff is not recommending the Applicant's requested rezoning to SF-4A-CO, the Staff prefers that vehicular access be taken to Peaceful Hill Lane along with construction of the roadway improvements as outlined in the Neighborhood Traffic Analysis. However, the Applicant has revised the conceptual subdivision layout to take all vehicular access from Ralph Ablanedo Drive. Should vehicular access to Peaceful Hill Lane be prohibited as a condition of zoning approval, then Staff recommends: 1) a conditional overlay limiting development to less than 2,000 trips per day, 2) a Restrictive Covenant to dedicate a pedestrian access easement from the proposed development to Peaceful Hill Lane, and 3) a Restrictive Covenant to include roadway improvements for Ralph Ablanedo Drive.

The developer agrees to widen Ralph Ablanedo Drive by providing a separate left-turn lane at the two (2) new streets that will serve as access into this subdivision. Since the turn lane

improvement is serving only one project, the Applicant is responsible for 100% of the funding. This roadway improvement should be implemented by the applicant during the subdivision construction phase of the project. The dedication of additional rights-of-way for Ralph Ablanado Drive and Peaceful Hill Lane may be deferred until the subdivision process.

On October 24, 2005, two sections of Peaceful Hill Lane and one section of Ralph Ablanado were measured. Peaceful Hill Lane measures 19 feet wide on its south end and 30 feet further north. Ralph Ablanado Drive measures 23 feet wide approximately 80 feet west of its intersection with Peaceful Hill Lane. Please refer to Exhibits C-1, C-2 and C-3.

Buffering

Although the Staff is not recommending the Applicant's requested rezoning, the Staff prefers that a minimum 6' high masonry wall be constructed adjacent to the existing industrial uses along the east and west sides of the property. The Applicant is proposing an 8' high cedar fence along the east property line (adjacent to the industrial park), a 6' high masonry wall along the southwestern sides of the property (adjacent to the fiberglass supplier and steel fabrication business) to match the existing concrete wall already in place along the vehicle impound facility, and a 6' high wood privacy fence along Peaceful Hill Lane. The fencing and wall provisions described above are also included in the Restrictive Covenant. Details of the revised conceptual subdivision layout, the two fencing options adjacent to the industrial businesses, as well as correspondence from the Applicant are provided in Exhibits D, D-1 and D-2. The Applicant intends to provide deeper lots than as an additional buffer to the industrial uses: 163 feet long on west property line and 130 feet long on the east property line.

Petition Results

A valid petition of 72.39% has been filed by the adjacent property owners in opposition to this rezoning request and follows the Neighborhood's letter. Petition information is located at the back of the Staff report.

Participation in the S.M.A.R.T. Housing Program

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment A.

DEPARTMENT COMMENTS:

The subject property is undeveloped and is zoned townhouse and condominium residence (SF-6), warehouse / limited office (W/LO) and limited industrial services (LI) by way of a 1986-87 case, and development reserve (DR) zoning. The property has frontage along Peaceful Hill Lane and Ralph Ablanado Drive, both of which are collector streets. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) and Related Case Information on Page 3 for additional zoning history, including access restrictions to Peaceful Hill on this property.

The applicant proposes to rezone the property to the single family residence – small lot (SF-4A) district for the development of 130 single family residences and provide infill housing. The conceptual subdivision layout is illustrated in Exhibit B.

Except for the subject undeveloped property, the adjacent land uses on the north side of Ralph Ablanado Drive, between Peaceful Hill Lane and South Congress Avenue have an industrial character. These uses include a steel fabrication company, fiberglass supplier, vehicle impound facility, an industrial park, mechanical contractor and warehouses. Along the west side of Peaceful Hill Lane, there is a mixture of mobile homes, single family residences, undeveloped land and restricted (emergency only) access to Peaceful Hill Lane for the fire and police stations SF-2; DR; P). The south side of Ralph Ablanado consists of the Park Ridge subdivision, vehicle storage and auto salvage uses, an urban farm and towing services (SF-4A-CO; CS-CO; SF-2; GR-MU-CO).

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

EXISTING ZONING AND LAND USES:

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

AREA STUDY: N / A

TIA: Is not required

WATERSHED: South Boggy Creek;
Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association
 262 – Beaconridge Neighborhood Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 499 – Park Ridge Owners Association
 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School Bedichek Middle School

Akins High School

Williams – 89% at capacity in 2005

Bedichek Middle School – 83% at capacity in 2005

Akins – 101% at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief.

Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|------------------------|----------------|---|--|
| C14-05-0045 – Pallas 4 | DR to LI | To Grant LI-CO for Tract 1; CS-CO for Tract 2 (west 50 feet of the property). CO is for prohibited uses, 35' height limit and 300 trips per day. | Approved LI-CO for Tract 1; CS-CO for Tract 2, as recommended by Commission (6-23-05). |
| C14-04-0179 – Big 4 | DR; SF-2 to CS | To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation. | Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05). |
| C14-03-0076 – | DR to GR-MU | To Grant GR-MU-CO, | Approved GR-MU-CO |

| | | | |
|--|----------------|--|--|
| Ferrell's Farmers Market | | with the CO prohibiting all residential uses except for the existing residences and 2,000 trips. | as ZAP recommended (7-17-03). |
| C14-00-2018 – Wattinger Acres | 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 – Mickey Rich Plumbing and Heating, Inc. | 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). |
| C14-94-0046 – Theriot Tract | DR to | To Grant SF-4A-CO with CO limiting residential development to 8 units per acre. | Approved SF-4A-CO as Commission recommended (9-1-94). |
| C14-85-093 – Bruce Patterson | I-RR to LI | To Grant LI with use limited to steel fabrication and / or warehousing activities. | Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86). |

RELATED CASES:

The northern portion of the property was rezoned from DR to LI for Tract 1, W/LO for Tract 2 and SF-6 for Tract 3 on May 14, 1987 (C14-86-137 – Marbella Development Co.). There is a Restrictive Covenant that 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 foot landscape buffer along Peaceful Hill Lane and adjacent to the SF-2 zoned property along the north property line. ***If SF-4A zoning is granted, then the Restrictive Covenant must be Terminated prior to approval of a Subdivision application.***

The southern portion of the property was recommended for rezoning from DR to LI, subject to conditions by the Planning Commission (C14-86-124 – Robert J. Wilson, Trustee). The Council approved LI zoning on First Reading, however Second and Third Readings did not occur within the standard time frame, and therefore, the case expired and DR zoning remains on the property.

An Agent for the Applicant's Agent submitted a Site Plan Exemption application for tree clearing, which was approved by the City in February, 2005 (SPX-05-0652 – Peaceful Hill Subdivision – S.M.A.R.T. Housing). The scope of the permit was subsequently exceeded which resulted in excessive clearing and the City issued an environmental red tag on the property.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Average Daily Trips | Sidewalks | Bus Route | Bike Route |
|----------------------|--------------|--------------|----------------|---------------------|---------------------------------|--|------------|
| Ralph Ablanedo Drive | 55 – 70 feet | 23 – 30 feet | Collector | 2,295 (2005) | No, not along property frontage | Not within ¼ mile | No |
| Peaceful Hill Lane | 40 – 64 feet | 19 – 30 feet | Collector | 817 (2005) | No, not along property frontage | Yes, within ¼ mile; Feeder route #252 (Mario Street / Lunar Drive) | No |

CITY COUNCIL DATE: September 29, 2005 **ACTION:** Approved SF-4A-CO district zoning with the CO for 2,000 trips per day and a Restrictive Covenant to address all the recommendations in the Neighborhood Traffic Analysis dated July 25th, 2005, on First Reading (7-0).

Note: Staff to look into buffers and access restrictions to Peaceful Hill Lane, as well as to clarify the roadway dimensions of Peaceful Hill Lane.

November 3, 2005 Approved a Postponement request by the Neighborhood to 11-17-05 (7-0).

November 17, 2005 Approved SF-4A-CO district zoning with the Conditional Overlay for 2,000 trips and prohibiting vehicular access to Peaceful Hill Lane; and a Restrictive Covenant covering 1) the construction of a pedestrian access way to Peaceful Hill Lane, 2) a center turn lane along the Ralph Ablanado Drive frontage, 3) a 6-foot high solid masonry wall along property lines that do not abut Ralph Ablanado Drive on the south and Peaceful Hill Lane on the west, and 4) an 8-foot high solid fence along the east property line (7-0).

NOTE: Applicant and Staff to meet with the Neighborhood Associations between 2nd and 3rd Readings.

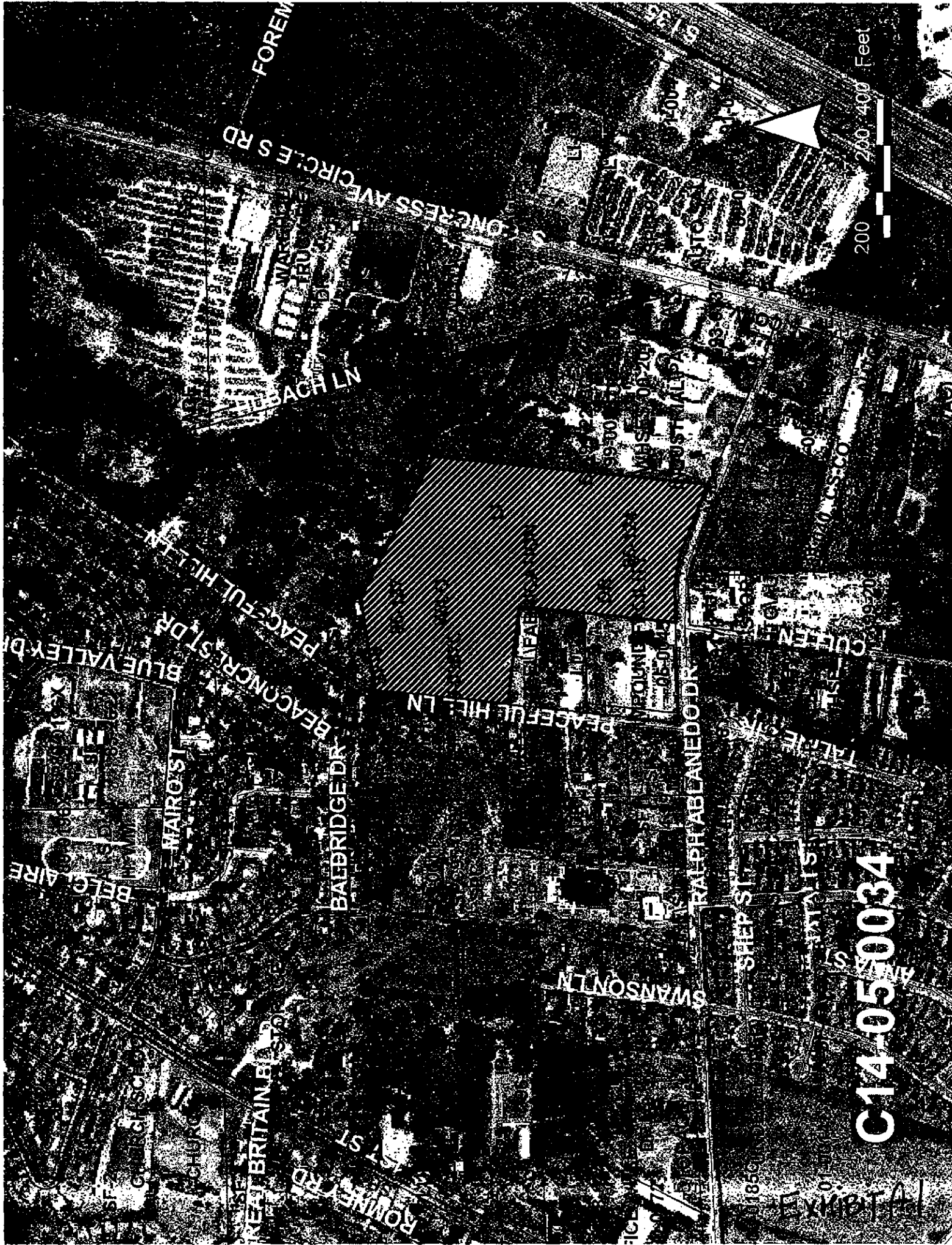
December 15, 2005

ORDINANCE READINGS: 1st September 29, 2005 2nd November 17, 2005 3rd

ORDINANCE NUMBER:

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

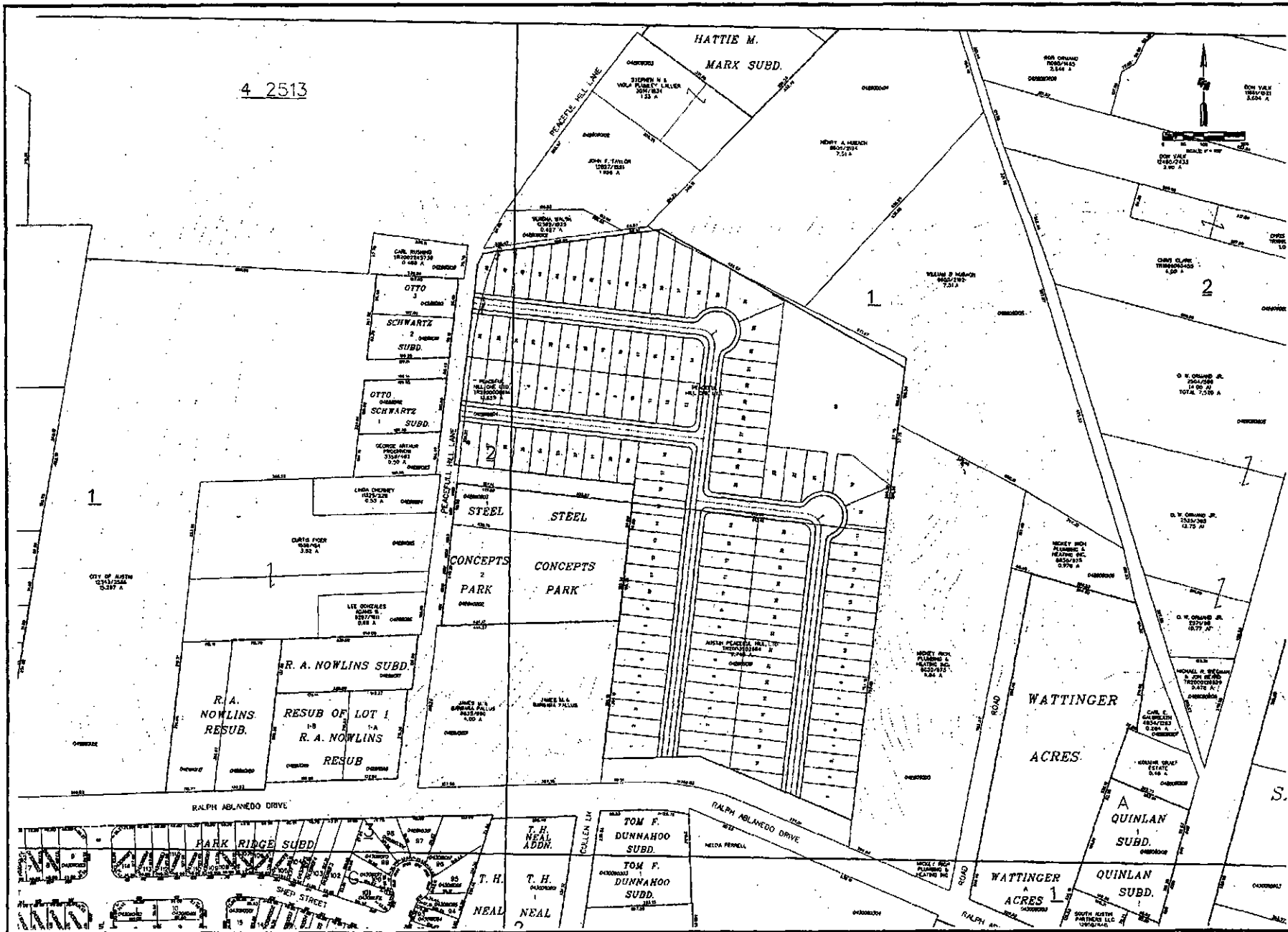
PHONE: 974-7719



C14-0520034

EXHIBIT A





NOT FOR CONSTRUCTION
 PEACE HILLS SUBDIVISION
 MAIN STREET HOMES
 ISSUED FOR REVIEW
 OF 101

Exhibit B
 Applicant's
 Conceptual
 Plan



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, regina.copic@ci.austin.tx.us

February 15, 2005

S.M.A.R.T. Housing Certification
Main Street Homes Peaceful Hill Subdivision
308 Ralph Ablanado & 8319 Peaceful Hill Ln

TO WHOM IT MAY CONCERN:

Main Street Homes (Ken Blaker, 327-8620 x133 (o), 748-3887 (m), kblaker@mainstreethomes.com; engineering contact Casey Giles, C. Faulkner Engineering, 433-2602, cgiles@cfaulknerengineering.com) is planning to develop a 130 unit single-family development at 308 Ralph Ablanado & 8319 Peaceful Hill Ln, not located in an active Neighborhood Planning Area.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the homes will serve households at or below 80% Median Family Income (MFI) or below, the development will be eligible for full waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Construction Inspection

Concrete Permit
Electrical Permit
Subdivision Plan Review
Regular Zoning Fee

Mechanical Permit
Plumbing Permit
Zoning Verification
Land Status Determination

Prior to filing of building permit applications and starting construction, the developer must:

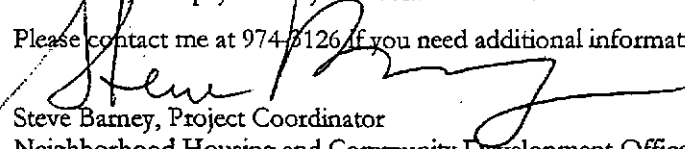
- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Dick Peterson, 482-5372).
- ◆ Submit the S.M.A.R.T. Housing Residential Completeness Check, Permit Application, and plans demonstrating compliance with visitability and transit-oriented standards to single-family permit intake staff at One Texas Center, 505 Barton Springs Road.

Before a Certificate of Occupancy will be granted, units in the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that visitability and/or accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the homes, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3126 if you need additional information.


Steve Barney, Project Coordinator
Neighborhood Housing and Community Development Office

Cc: Gina Copic, NHCD
Javier Delgado, NHCD
Robby McArthur, WWW Taps
Adam Smith, NPZD

Stuart Hersh, NHCD
Janet Gallagher, WPDR
Dick Peterson, Austin Energy
Ricardo Soliz, NPZD

Yolanda Parada, WPDR
Marzia Volpe, WPDR
Lisa Nickle, WPDR

ATTACHMENT A



MEMORANDUM

TO: Wendy Walsh, Case Manager
CC: Members of the Zoning and Platting Commission
Ken Blaker, Main Street Homes
FROM: Joe Almazan, Transportation Reviewer
DATE: July 25, 2005
SUBJECT: Neighborhood Traffic Analysis for Peaceful Hill Subdivision
Zoning Case No. C14-05-0034.SH

Section 25-6-114 of the Land Development Code requires that a neighborhood traffic analysis be conducted for a project proposed with a zoning application if:

- (1) the project has access to a residential local or collector street; *and*
- (2) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day.

The 23.40 acre tract is located in south Austin on Peaceful Hill Road north of Ralph Ablanado Drive and south of West Dittmar Road. The site is currently zoned primarily for industrial and warehouse-limited office land uses with LI and W/LO zoning. Surrounding development includes intensive commercial and industrial properties adjacent to the south and east, and single-family residential to the north and northwest. The applicant's zoning request is for SF-4A single-family residential with small lot density zoning. If the acres to be rezoned would be allowed to develop to the maximum permitted density under the zoning request, the trip generation for the project is estimated will generate approximately 2,714 vehicle trips per day. The conditional overlay would limit the development of the site to 2,000 vehicles per day. However, the applicant is planning to develop 130 single-family residences under the S.M.A.R.T. Housing Program, which is estimated will generate approximately 1,324 vehicle trips per day. Completion of the project is planned for 2007.

Roadways

The tract proposes access to Peaceful Hill Road via two (2) proposed roadways and to Ralph Ablanado Drive via two (2) roadways based on the preliminary plan. The single-family residential development will be served by local residential "elbow" streets. Elbow streets are intended to serve low density areas which connect two (2) local streets or a residential collector street with a local street and are not intended to carry through traffic. The subject tract is oriented to a residential collector street (Peaceful Hill Road) and the remaining portion of the tract is oriented to a non-residential collector street (Ralph Ablanado Drive).

Peaceful Hill Road is classified as a residential collector with right-of-way that varies between 40 and 60 feet. The pavement width is 30 feet south of West Dittmar Road but narrows to 19 or less adjacent to the site. Under Section 25-6-114 of the Land Development Code, this portion of Peaceful Hill Road is considered a residential collector street because at least 50 percent of its frontage is zoned for SF-5

or more restrictive uses. In May 2005, the traffic volume on Peaceful Hill Road was 817 vehicles per day (north of Ralph Ablanedo Drive).

Ralph Ablanedo Drive is classified as a non-residential collector with right-of-way that varies between 55 and 70 feet. Although Ralph Ablanedo Drive is not subject to Section 25-6-114 of the Land Development Code, it will serve as a major access point for this residential development and therefore is included as part of this analysis. The pavement width varies between 23 and 30 feet adjacent to the site. In May 2005, the traffic volume on Ralph Ablanedo Drive was 2,295 vehicles per day.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, 7th Edition, the 130 single-family residential dwelling units proposed with this S.M.A.R.T. Housing development will generate 1,324 vehicle trips per day (vpd). Site traffic is expected to use Peaceful Hill Road, a substandard residential street with predominately single-family residential usage. Approximately 50% of the site traffic will be directed to Peaceful Hill Road en route to West Dittmar Road (north) or Ralph Ablanedo Drive (south), while the remaining 50% of the site traffic will be directed to Ralph Ablanedo Drive en route towards South 1st Street (west) or South Congress Avenue (east). A small percentage of site traffic may be expected to use the surrounding streets (e.g. Mairo Street) for access to the elementary school or as an alternate travel route. Trip generation for the 130 single-family residential dwelling units is summarized in Table 1.

| Table 1. | | |
|-----------------|-------------|------------------------|
| Land Use | Size | Trip Generation |
| Single-Family | 130 d.u. | 1, 324 |

Table 2 represents the expected distribution of the 1, 324 trips:

| Table 2. | |
|----------------------|--|
| Street | Traffic Distribution by Percent |
| Peaceful Hill Road | 50% |
| Ralph Ablanedo Drive | 50% |

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways is less than 1,200 vehicle trips per day. Streets which are 30 feet in width but less than 40 feet in width have a desirable operating level of 1,800 vehicle trips per day or less. In 2005, the existing daily traffic volume on Peaceful Hill Road was 817 vehicles per day.

For this study, existing traffic counts on Peaceful Hill Road were taken since this collector serves as a major artery for the surrounding residential properties. Peaceful Hill Road is a substandard roadway with less than 20 feet of pavement width adjacent to the site. The existing roadway is lined with drainage ditches and has no shoulder area. The existing roadway is also surrounded with heavy tree and vegetation coverage, which creates significant access and sight visibility restrictions for traffic using Peaceful Hill Road adjacent to the site.

Table 3 represents a breakdown of existing traffic, proposed site traffic, total traffic after development and percentage increase in traffic on Peaceful Hill Road and Ralph Ablanedo Drive.

| Table 3. | | | | | | |
|----------------------|---------------------|--------------------------------|------------------------|---------------------------|-----------------|--------------------------------|
| Street | Pavement Width (ft) | Maximum Desirable Volume (vpd) | Existing Traffic (vpd) | Proposed New Site Traffic | Overall Traffic | Percentage Increase in Traffic |
| Peaceful Hill Road | 19' | 1,200 | 817 | 662 | 1,473 | 81% |
| Ralph Ablanedo Drive | 23'-30' | * | 2,295 | 662 | 2,957 | 29% |

Recommendations/Conclusions

1. If the zoning request is granted, then up to 30 feet of additional right-of-way from the existing centerline of Peaceful Hill Road should be dedicated in accordance with the Transportation Criteria Manual.
2. If the zoning request is granted, then up to 35 feet of additional right-of-way from the existing centerline of Ralph Ablanedo Drive should be dedicated in accordance with the Transportation Criteria Manual.
3. Prior to final reading of the zoning, the applicant should post fiscal for the estimated cost to widen Peaceful Hill Road at the two (2) site roadways (based on the preliminary plan) serving the subdivision to provide a separate left-turn lane and a right-turn deceleration lane for entering site traffic. Turn lanes serving only one project (e.g. left or right turn lanes) is funded 100% by the applicant. The applicant should submit a schematic drawing with dimensions and a construction cost estimate signed and sealed by an engineer to verify the amount required for posting. It is recommended that these improvements be implemented by the applicant to assure safer access and circulation into the subdivision. The roadway improvements should be included with the subdivision construction phase of the project.
4. Traffic on Peaceful Hill Road will increase by 81% with the addition of this proposed development. The increase in site traffic will result in Peaceful Hill Road operating over the desirable level of 1,200 vehicles per day. At the time of subdivision application, the applicant will be required to post fiscal for improving the roadway width up to 40 feet of pavement for the entire street frontage. As part of boundary street fiscal surety requirements, the applicant will be responsible for one-half (50%) of the roadway improvements, which will be determined during the subdivision review process. The applicant must submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.
5. Although Ralph Ablanedo is not subject to Section 25-6-116 of the Land Development Code, the applicant will also be required to post fiscal for improving the roadway width up to 48 feet of pavement for the entire street frontage. As part of boundary street fiscal surety requirements, the applicant will be responsible for one-half (50%) of the roadway improvements, which will be determined during the subdivision review process. The applicant must submit a construction cost estimate signed and sealed by an engineer to verify the amount required for posting.

If you have any questions or require additional information, please contact me at 974-2674.

Joe R. Almazan

Joe R. Almazan
Development Services Process Coordinator
Land Use Review/S.M.A.R.T. Housing Program
Watershed Protection and Development Review Department

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny single family residence small lot (SF-4A) district zoning.

However, if the requested zoning is recommended for this site, then the Staff recommends:

1) a Conditional Overlay limiting development to less than 2,000 vehicle trips per day and 2) a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 25, 2005 and provided as Attachment B.

BACKGROUND

The subject property is undeveloped and is zoned townhouse and condominium residence (SF-6), warehouse / limited office (W/LO) and limited industrial services (LI) by way of a 1986-87 case, and development reserve (DR) zoning. The property has frontage along Peaceful Hill Lane and Ralph Ablanado Drive, both of which are collector streets.

The applicant proposes to rezone the property to the single family residence – small lot (SF-4A) district for the development of 130 single family residences and provide infill housing. The conceptual subdivision layout is illustrated in Exhibit B.

Except for the subject undeveloped property, the adjacent land uses on the north side of Ralph Ablanado Drive, between Peaceful Hill Lane and South Congress Avenue have an industrial character. These uses include a steel fabrication company, fiberglass supplier, vehicle impound facility, an industrial park, mechanical contractor and warehouses. Along the west side of Peaceful Hill Lane, there is a mixture of mobile homes, single family residences, undeveloped land and restricted (emergency only) access to Peaceful Hill Lane for the fire and police stations SF-2; DR; P). The south side of Ralph Ablanado consists of the Park Ridge subdivision, vehicle storage and auto salvage uses, an urban farm and towing services (SF-4A-CO; CS-CO; SF-2; GR-MU-CO).

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The single family residence small lot (SF-4A) district is intended as an area for moderate density single-family residential use, with a minimum lot size of 3,600 square feet. In

appropriate locations, small lot single-family use is permitted under standards that maintain single-family neighborhood characteristics.

The Applicant is seeking SF-4A zoning to construct a 130 lot single family residential – small lot subdivision.

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

The Staff is unable to recommend SF-4A district zoning, based on the following considerations: 1) It is adjacent to existing industrial uses and zoning (sharing common south, west and east property lines) and this land use pattern extends east to South Congress Avenue; 2) new residential development adjacent and in close proximity to industrial uses, operations and corresponding truck traffic creates a land use compatibility and does not promote an orderly relationship among land uses or the public health, safety and welfare; and 3) it would set an undesirable precedent for other properties in the neighborhood or within other areas of the City.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and moderately wooded. 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 SF-4A zoning district would be 55%, which is based on the more restrictive watershed regulations described below.

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 and South Boggy Creek Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds 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% |

SF-4A allows for 55% of the net site area.

According to flood plain maps, there 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 rim-rock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

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

Transportation

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Ralph Ablanado Drive 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.

If the requested zoning is recommended for this site, 32 feet of right-of-way should be dedicated from the centerline of Peaceful Hill Lane 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.

The trip generation under the requested zoning is estimated to be 2,714 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) The developer is proposing to develop 130 single-family residential dwelling units which is estimated will generate 1,242 trips per day.

A Neighborhood Traffic Analysis is required and will be performed for this project by the transportation review staff (LDC, 25-6-114). Results are provided in Attachment B.

Water and Wastewater

The landowner intends to serve each lot 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, and utility adjustment to serve each lot 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.

Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Due to existing neighboring manufacturing uses, reviewer recommends a 50-foot residential building setback from all commercially zoned properties or existing commercial uses.

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: C14-05-0034.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 2, 2005 Zoning and Platting Commission.

☐ I am in favor
☒ I object

PHILLIP PARKER

Your Name (please print)

8501 PEACEFUL HILL LANE

Your address(es) affected by this application

Phillip Parker

Signature

7-26-05

Date

Comments: I AM A PARTNER IN A BUSINESS
LOCATED AT THIS ADDRESS. THE PROPERTY IN
QUESTION IS SURROUNDED BY BUSINESSES THAT
WOULD NOT BE ALLOWED TO LOCATE NEXT TO
A NEIGHBORHOOD. THEY ARE A SHEET METAL
FABRICATOR, A FIBERGLASS SUPPLIER HANDLING
HIGHLY FLAMMABLE CHEMICALS, A VEHICLE IMPOUND
LOT, AN AUTO SALVAGE YARD, AN INDUSTRIAL PARK
AND A MECHANICAL CONTRACTOR. WHY WOULD YOU
DROP A SUBDIVISION IN THE CENTER OF THIS
CIRCLE. IT WOULD NOT BE LONG BEFORE

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

(OVER)

THE NEW NEIGHBORS COMPLAIN ABOUT ~~THE~~
NOISE EARLY IN THE MORNING, DUST,
TRUCK TRAFFIC, OUTDOOR AUTO AUCTIONS,
THE SOUND OF A CAR CRUSHER, ~~EARLY IN~~
~~THE~~ AND THE SMELLS ASSOCIATED WITH
THESE BUSINESSES, INVADING THEIR NEW
HOMES. WE HAVE RECENTLY SIGNED A
TEN YEAR LEASE AT THIS LOCATION AND
HAVE BEEN OPERATING AT THIS LOCATION
SINCE ~~BEFORE~~ THE CITY'S ANNEXATION OF THE
AREA. OUR PAYROLL EXCEEDS 1 MILLION
DOLLARS ANNUALLY. I, (WE) FEEL THIS
DEVELOPMENT WOULD JEOPARDIZE OUR
ABILITY TO DO BUSINESS AS WE
HAVE FOR DECADES. IF FORCED OUT,
THE JOBS, PAYROLL, AND TAXES ASSOCIATED
WITH OUR COMPANY WOULD LEAVE THE
CITY.

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0034.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 2, 2005 Zoning and Platting Commission.

| |
|--|
| <input type="checkbox"/> I am in favor |
| <input checked="" type="checkbox"/> I object |

DENNIS M. Strickland
Your Name (please print)

401 Baldrige
Your address(es) affected by this application

Dennis M. Strickland 25 July 05
Signature Date

Comments: This project sounds
like low cost housing -
These projects have a
history of crime - why
not put them on the old
airport - or better still
just flatten the Dove Spring
area & rebuild where
the crime is already high
- Neighborhood is quite, keep
it that way

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

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0034.SH

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

August 2, 2005 Zoning and Platting Commission.

Donna F. Adams

Your Name (please print)

8506 Peaceful Hill

Your address(es) affected by this application

Donna F. Adams

Signature

☐ I am in favor
☒ I object

7-27-05

Date

Comments:

Peaceful Hill Lane is already too small for to accommodate the current traffic needs. New houses will make my street too dangerous. Keep the zoning as is.

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

P E T I T I O N

Date: April 20, 2005

File Number: C14-05-0034 SH

Address of 308 Ralph Ablanado Drive
Rezoning Request: 8319 Peaceful Hill Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO, LR, CS, W/LO, LI, GO, GR, or NO.

- The parcel at 8602 Cullen Ln. is zoned CS which by the city's definition is considered "generally incompatible with residential environments."
- The parcel at 220 Ralph Ablanado Dr. is ^{pending} zoned LI and is presently used as a vehicle crushing facility and storage site thus making it incompatible with residential environments.
- Parcels at 8505 Peaceful Hill Ln, 130 Ralph Ablanado Dr. are also designated as LI or LI-CO ~~and~~ would additionally not be suited to residential environments.

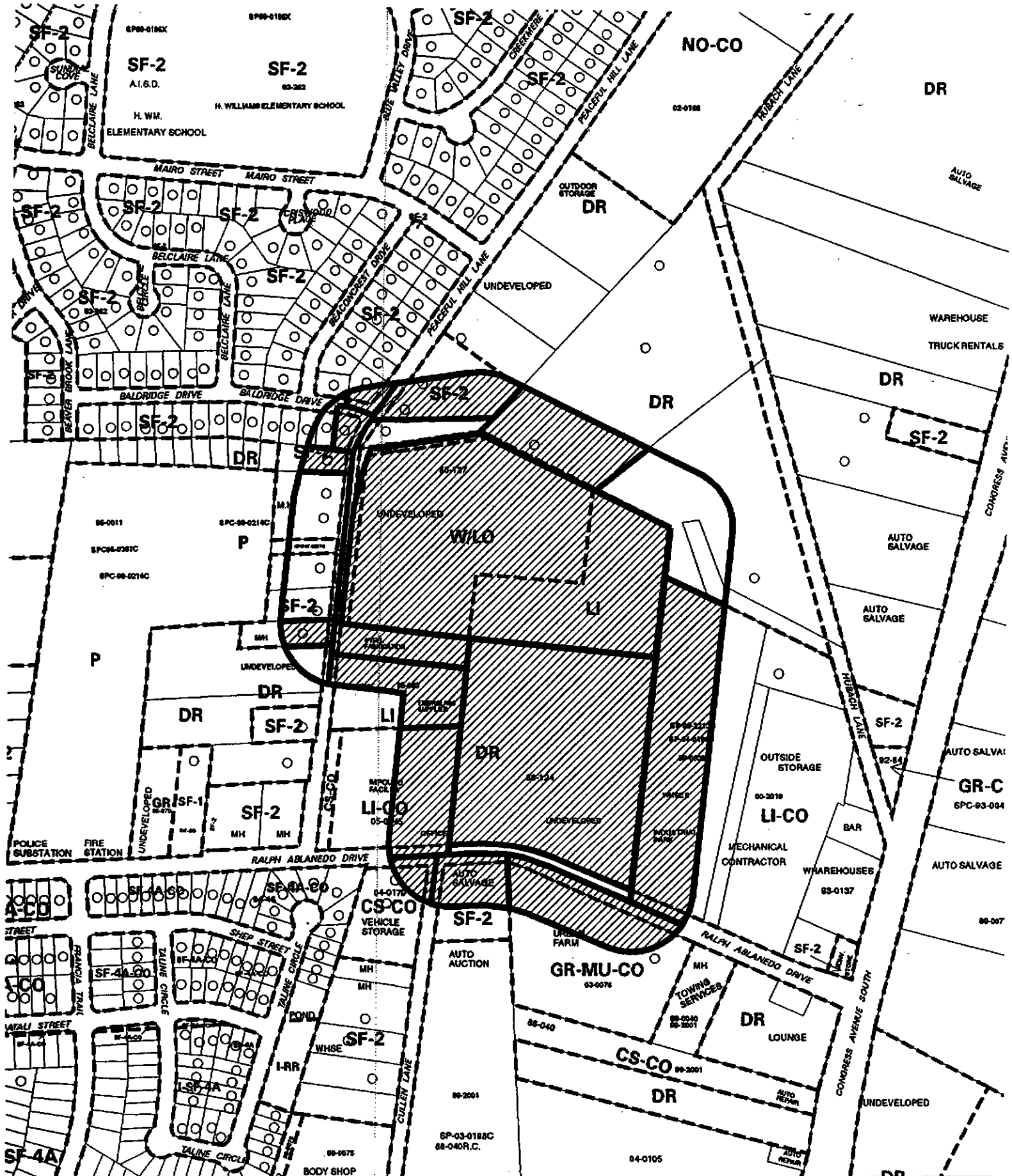
(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| <u>Signature</u> | <u>Printed Name</u> | <u>Address</u> |
|------------------|---------------------|-------------------------------------|
| | - JIM PALLAS | 8601 Cullen LN (221 Ralph Ablanado) |
| | - JIM PALLAS | 8602 Cullen LN |
| | - JIM PALLAS | 220 RALPH Ablanado |
| | - Roy Ribelin | 8505 Peaceful Hill Ln. |
| | - Mickey Rich | 130 Ralph Ablanado |
| | - JIMMY CRIPPEN | 8501 PEACEFUL HILL LA. |
| | - Donna F. Adams | 8506 Peaceful Hill La. |
| | - CARL RUSHING | 8300 PEACEFUL HILL LA |
| | - HENRY A. HUBACH | 501 HUBACH LANE |
| | - Arlene M. Valls | 8204 Peaceful Hill LA. |
| | - JUDY F. SHORT | 8400 Peaceful Hill Lane |
| | - LINDA CHERNEY | 8410A PEACEFUL HILL LN. |
| | - PATRICIA NELKER | 8306 Peaceful Hill Ln. |
| | - Chris Clearman | 203 Ralph Ablanado |
| | - KATHERINE ALT | 400 BALDRIDGE DR |
| | - John F. Taylor | 8201 Peaceful Hill Ln. |

Date: _____ Contact Name: Jennifer Stapleton
Phone Number: (512) 731-7731

Dennis Strickland 401 Baldridge

Ed Prochnow - 8406 Peaceful Hill Lane



| | | | | | |
|---------------|----------------------------|--|--|--------------------------|--|
| 1" = 400' | SUBJECT TRACT | PETITIONS CASE #: C14-05-0034 ADDRESS: 308 RALPH ABLANEDO DR & 8319 PEACEFUL HILL LANE SUBJECT AREA (acres): 23.400 | | DATE: 05-08 INTLS: SM | CITY GRID REFERENCE NUMBER G14 |
| | PENDING CASE | | | | |
| | ZONING BOUNDARY | | | | |
| | CASE MGR: W. WALSH | | | | |

PETITION

Case Number:

C14-05-0034.SH

Date:

Aug. 2, 2005

Total Area within 200' of subject tract: (sq. ft.)

1,029,779.18

| | | | | |
|----|---------------------|-------------------------------|-------------------|---------------|
| 1 | <u>04-2809-0104</u> | <u>HUBACH HENRY A</u> | <u>88,422.17</u> | <u>8.59%</u> |
| 2 | <u>04-2809-0110</u> | <u>RICH MICKEY</u> | | |
| | | <u>PLUMBING & HEATING</u> | <u>211,604.71</u> | <u>20.55%</u> |
| 3 | <u>04-2811-0109</u> | <u>RUSHING CARL</u> | <u>12,309.51</u> | <u>1.20%</u> |
| 4 | <u>04-2811-0114</u> | <u>CHERNEY LINDA &</u> | | |
| | | <u>EILEEN BROWN</u> | <u>14,178.78</u> | <u>1.38%</u> |
| 5 | <u>04-2811-0201</u> | <u>PALLAS JAMES M &</u> | | |
| | | <u>BARBARA</u> | <u>85,453.26</u> | <u>8.30%</u> |
| 6 | <u>04-2811-0202</u> | <u>RIBELIN ROY A II</u> | <u>64,948.21</u> | <u>6.31%</u> |
| 7 | <u>04-2811-0203</u> | <u>CRIPPEN JIMMY L</u> | <u>44,958.10</u> | <u>4.37%</u> |
| | | <u>PALLAS JAMES M &</u> | | |
| 8 | <u>04-3009-0201</u> | <u>BARBARA J</u> | <u>15,755.44</u> | <u>1.53%</u> |
| 9 | <u>04-3009-0303</u> | <u>PALLAS JAMES</u> | | |
| | | <u>MICHAEL</u> | <u>41,102.33</u> | <u>3.99%</u> |
| 10 | <u>04-3009-0304</u> | <u>FERRELL NELDA</u> | <u>87,877.69</u> | <u>8.53%</u> |
| | | <u>STRICKLAND DENNIS</u> | | |
| 11 | <u>04-2513-0605</u> | <u>M</u> | <u>13,086.17</u> | <u>1.27%</u> |
| | | <u>ALT KATHERINE</u> | | |
| 12 | <u>04-2513-0509</u> | <u>JEANNE</u> | <u>9,902.69</u> | <u>0.96%</u> |
| | | <u>TAYLOR JOHN F &</u> | | |
| 13 | <u>04-2809-0102</u> | <u>ANNELL</u> | <u>55,814.87</u> | <u>5.42%</u> |
| 14 | | | | <u>0.00%</u> |
| 15 | | | | <u>0.00%</u> |
| 16 | | | | <u>0.00%</u> |
| 17 | | | | <u>0.00%</u> |
| 18 | | | | <u>0.00%</u> |
| 19 | | | | <u>0.00%</u> |
| 20 | | | | <u>0.00%</u> |
| 21 | | | | <u>0.00%</u> |
| 22 | | | | <u>0.00%</u> |
| 23 | | | | <u>0.00%</u> |
| 24 | | | | <u>0.00%</u> |
| 25 | | | | <u>0.00%</u> |
| 26 | | | | <u>0.00%</u> |
| 27 | | | | <u>0.00%</u> |
| 28 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

745,413.94

Total %

72.39%



August 2, 2005

Ms. Wendy Walsh
Senior Planner
City of Austin
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, Tx. 78767-8810

Re: Zoning Case No. C14-05-0034.SH

Dear Ms. Walsh:

As you are aware the above zoning case is scheduled to be heard by the Zoning and Platting Commission tonight. On behalf of Main Street Homes and the property's owners we hereby respectfully request that this application be postponed to the Commission's August 16th meeting. Unfortunately we did not realize that today is national night out for residential communities and as such attendance may be light. We would like for all who wish to discuss this case to have an opportunity to do so. We appreciate your assistance in overseeing this request and apologize for its lateness.

Thank you for your time regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth T. Blaker".

Kenneth T. Blaker
V.P. – Land Development

cc: Betty Baker, Chair Zoning and Platting Commission

MEMORANDUM

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

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

DATE: September 22, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0034.SH

14. Rezoning: **C14-05-0034.SH - Peaceful Hill Subdivision - S.M.A.R.T. Housing**
Location: 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane, South Boggy Creek; Onion Creek Watershed
Owner/Applicant: Peaceful Hill One, Ltd.; Austin Peaceful Hill Ltd. (John C. Rosato)
Agent: Main Street Homes (Ken Blaker)
Postponements: Postponed from 08/02/05 (applicant)
Request: **DR; LI; W/LO; SF-6 to SF-4A**
Staff Rec.: **NOT RECOMMENDED**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff, gave her presentation to the full Commission.

Stuart Hersh, S.M.A.R.T. Housing staff, gave a presentation to the full Commission, in favor for the S.M.A.R.T. Housing project.

Commissioner Baker – “Mr. Hersh, you really tip-toed through the tulips and I appreciate it because you did it so well; I just have a problem, don’t you tie up funds when you issue this?”

Mr. Hersh – “No”.

Commissioner Baker – “Oh okay, because I thought you were. I guess I’m concerned when one City department says one thing and another City department says another”.

Mr. Hersh – “We support the zoning; Staff speaks with one voice and that voice is Neighborhood Planning and Zoning. We are here in the event that the applicant is successful, then there’s the potential of this being a S.M.A.R.T. Housing subdivision. In the event that the application is not successful, then the likelihood that the existing SF-6 zoning will likely be market rate housing with no affordability component. That is our role in this case”.

Commissioner Donisi – “How far is this from I-35?”

Mr. Hersh – “It’s couple of miles from I-35, it’s on South Congress”.

Commissioner Donisi – “I don’t think it’s a couple of miles. Is the reason you are making this case only because it is on the west side of I-35?”

Mr. Hersh – “No, we are making this case because there’s the potential of getting a portion of this development to be affordable when the existing zoning were not to change, would yield only market housing, none of which would serve families at 80% MFI; whether it’s west of I-35 or east of I-35, it would be the same issue”.

Commissioner Donisi – “Thank you”.

Commissioner Hammond – “This site has got a sheet metal fabricator, a fiber glass company handling highly flammable chemicals, a vehicle impound lot and an auto salvage yard, industrial park and a mechanical contractor all adjacent to this proposal. I can't imagine somebody coming in with a higher use subdivision on this property; it just seems so inappropriate to me”.

Mr. Hersh – “You'll find that an SF-4A is a less intense use than the existing SF-6 entitles would allow on that portion of the site”.

Commissioner Hawthorne – “Is the SF-6 just a buffer strip?”

Ms. Walsh – “Yes, the SF-6 is on the north and west side of the property, it's 30-feet wide, it's intended as a landscape buffer before we had conditional overlays. The idea was to prohibit access to Peaceful Hill Lane”.

Commissioner Hawthorne – “So the SF-6 is not a usable section in terms of build-ability?”

Ms. Walsh – “Not at 30-feet wide”.

Commissioner Hawthorne – “I thought the SF-6 was a buffer because it doesn't even come up on the map as showing SF-6”.

Commissioner Donisi – “Do you feel comfortable representing the City in this situation, putting people who are at lower income, placing them in a neighborhood next to a steel fabrication company, fiber glass supplier, a vehicle impound facility, industrial park, mechanical contractor and warehouses? You want to encourage people at that income level to move into a neighborhood in that situation?”

Mr. Hersh – “I think the Neighborhood Planning and Zoning staff has spoken to you about their perspective on the appropriateness from their point of view of this land use relative to the other uses. If this land use is granted then there would have to be certain issues addressed relative to those other uses. I'm confident that our Land Development Code provides a sufficient level of safety, as long as they comply with all of those standards, then we will end up with people in safe homes”.

Ken Blaker, representing the Main Street Homes – “We're in the business of providing quality, reasonably-priced housing in and around the Austin Metropolitan Area; this tract is a unique tract, you have W/LO, LI, and it has DR. It is very difficult to provide affordable housing on the west side of I-35; we have also located this tract close to shopping facilities that are coming in”. [Mr. Blaker continued with his presentation to the full Commission].

Commissioner Rabago – “The lots are going to be 3,600 square feet?”

Mr. Blaker – “No, that is the minimum criteria of the SF-4 zoning; its 3,600 square feet up to 5,750 square feet; our lot sizes will roughly be about 5,200 to 5,500 square feet”.

Commissioner Rabago – “I’m confused about whether or not the S.M.A.R.T. Housing opportunities through Main Street Homes are going to provide lots that are affordable for the buyers that are in the 80% median income? The affordable housing isn’t limited to the smaller lots that will allow for people to move to the west side of I-35”.

Commissioner Baker – “Let’s try it this way; what’s your price range?”

Mr. Blaker – “My price range will probably be in the high \$80’s to about \$130’s”.

Commissioner Rabago – “So the \$80,000 maybe the smaller lots?”

Mr. Blaker – “Yes”.

Commissioner Hammond – “How will you be marketing this, will you be trying to sell with benefits to living next to an auto salvage yard? I see some obstacles here; this site does have a lot of impediments”.

Mr. Blaker – “It does and there’s no question about that; I can tell you that it is going to sell, there’s a railroad where homes back up to it and those homes sold”.

Commissioner Hammond – “I know we’re not talking about the site plan tonight, but is there anything that you guys could do on a site plan to give some sort of buffer between the subdivision and these very heavily commercial uses?”

Mr. Blaker – “I don’t know so much for a buffer, but there’s something that we can probably work out from a wall standpoint, we can look at something like that, especially for the west side of the tract. On the north side tract where the SF-2 properties are, the lots are deeper from a buffer standpoint to the SF-2 tracts and DR tract”.

Commissioner Rabago – “What will the square footage will be of the improvement that will be listed at \$80,000?”

Mr. Blaker – “It will probably start at 1,100 square feet”.

FAVOR

No Speakers.

OPPOSITION

Jennifer Stapleton, resident – Spoke in opposition. Mrs. Stapleton spoke in regards to a valid petition that the neighborhood has submitted.

Commissioner Hammond – “You said you have a property on Ralph Albanedo, is that your residence?”

Mrs. Stapleton – “Right now it is, the property is zoned GR-MU-CO because the house was already in existence, it’s been in my family for over 40-years. None of the members in my family believe that this is an appropriate residential environment. Honestly, my brother and I can’t wait to get out”.

Commissioner Baker – “Wasn’t there a residence recently built on that site?”

Mrs. Stapleton – “Yes, a guest house”.

Jim Crippen, Owner of the sheet metal shop – Spoke in opposition. “I don’t know if any of you have ever heard a screw compressor a jet pump come on at 5:30 in the morning; but they are very loud. I can’t imagine anyone wanting to live or build a house 30 or 40 feet off a buffer; 30 or 40 feet is not a reasonable buffer when you’re dealing with the kind of equipment that we have in our shop. There will be noise and security factor. I don’t believe that this is a good place for homes”.

Commissioner Baker – “Does your noise level comply with the City’s noise ordinance?”

Mr. Crippen – “Yes”.

Commissioner Hammond – “What do you build at your fabrication?”

Mr. Crippen – “We built the lights in here (Council Chambers), we build for the semiconductor industry; we do specialty type metal work”.

Commissioner Hawthorne – “What type of truck traffic do you have at your business?”

Mr. Crippen – “We have 16 work trucks, everything from pick-ups to flat bed trucks; most of our delivery trucks are 18-wheelers”.

Commissioner Baker – “Wow, and this is Peaceful Hill”.

[Laughter]

Pat Nelker, resident – Spoke in opposition. Mrs. Nelker spoke in regards to traffic increase, safety of children and inability of the City to uphold their promises to the homeowners on Peaceful Hill that the large fire trucks will not use Peaceful Hill to access the Beacon Ridge housing area, unless there was a fire or there was traffic accidents on Ralph Albanedo in such a fashion that they could not reach Congress or 1st Street. There are no sidewalks or curbs”.

Commissioner Baker – “Do you have children?”

Mrs. Nelker – “I have a daughter who was 10-years old when we moved in”.

Commissioner Baker – “So the steel fabrication was not a danger to her?”

Mrs. Nelker – “I’m at the far end of Peaceful Hill and the commercial businesses are closer to Ralph Albanedo end of that section”.

Commissioner Hammond – “If this doesn’t become a subdivision, it’s going to become something else, it could be another auto recycling center or more steel fabricators or other types of uses, is that a better option for you?”

Mrs. Nelker – “Do I want a salvage yard across the street that I have to look at when I sit on my porch? NO. But neither do I want to see 150 houses with 300 cars and 300 children trying to run up and down a road; someone will get hurt. It’s a safety issue in my mind”.

Linda Cherney, resident – Spoke in opposition. Mrs. Cherney spoke in regards to the noise in the neighborhood. “Most of us that are there have been there for a long time, it’s not the same as adding more people in the middle of what already exist. The streets are very narrow and unsafe”.

Jim Pallas, property owner – Spoke in opposition. He stated that property owners were not notified about the project until just 3 days prior to the last scheduled hearing.

Commissioner Baker – “What is the current use on the property you own?”

Mr. Pallas – “I have the junk yard; the auto salvage”.

Commissioner Baker – “The LI-CO across from the vehicle storage is an impound facility, is that the City’s?”

Mr. Pallas – “Yes”.

REBUTTAL

Mr. Blaker – “I don’t disagree with Peaceful Hill on the substandards of the road, I too would not want to accidents on the road. The fact is that you had recent properties come through that was recently rezoned and had no conditions on upgrading those roads even though they are doing commercial traffic through the area. We agree to upgrade to the standard that is needed, we will also agree to prohibit access, if that would help and to take access off of Ralph Albanedo; to that end Ralph Albanedo is a collector, it is designed to carry the traffic that we would be having. We did get a permit from the City, we were red tagged, we were red tagged because of tracking mud on the streets, we fixed the problem. We request for your approval for the SF-4A zoning”.

Commissioner Martinez and Hammond moved to close the public hearing.

Commissioner Baker – “I can’t think of anything more difficult to address, so I’m going to play the devil’s advocate on both sides of this issue. I’m not going to say that I’ve lived out there longer than Mr. Crippen, but I probably have, not in this immediate area but I can remember when Beverly’s was something else as far as the name. My grandfather ran a grocery store; so you’re going to have to go far pretty far back to know more about the area than I do. I understand every word you’ve said, I have been down Peaceful Lane as a Staff member with the City doing site visits and zoning recommendations, I think I did the W/LO zoning case and the LI zoning case. If I thought it was legitimate I would probably abstain. It is a mess and Mr. Crippen, Mr. Pallas, in a way I can understand your concerns, I’m just wondering if you had a really big steel, industrial, fabricating plant come, widen Peaceful Hill from that turn all the way down to Ralph Albandedo, you’d have 18-wheelers, you’d have a lot of things going in and out of there, it’s zoned for it. We wouldn’t even see it, it would be an administrative site plan. Now I’ll do the other side, because I can do both sides to this. Park Ridge, I remember it well because of the Wal-Mart case...

[Technical audio problems occurred].

Commissioner Donisi – “I’ll like to move that we accept the Staff’s recommendation to deny the zoning change”.

Commissioner Rabago – “Second”.

Commissioner Baker – “I’m going to oppose the motion; I think anything is better than the zoning that is currently there”.

Motion carried. (5-3)

**COMMISSION ACTION:
MOTION:**

AYES:

NAY:

ABSENT:

DONISI, RABAGO

APPROVED

**STAFF’S
RECOMMENDATION TO DENY THE
REQUEST FOR SF-4A DISTRICT
ZONING.**

**HAMMOND, GOHIL, RABAGO,
MARTINEZ, DONISI**

**BAKER, HAWTHORNE, PINNELLI
JACKSON**

MOTION CARRIED WITH VOTE: 5-3.

Crippen Sheet Metal Inc.

P.O. BOX 18389 8501 PEACEFUL HILL LANE

AUSTIN, TEXAS 78760
(512) 282-9550

OCT 31, 2005

MS. WENDY WALSH
SENIOR PLANNER
CITY OF AUSTIN
NEIGHBORHOOD PLANNING & ZONING DEPARTMENT
P.O. BOX 1088
AUSTIN, TX 78767-8810

RE: ZONING CASE NO. C14-05-0034.SH

DEAR MS. WALSH:

AS YOU ARE AWARE THE ABOVE ZONING CASE IS SCHEDULED TO BE HEARD BY THE CITY COUNCIL ON NOV. 3RD, 2005, FOR A SECOND READING. WE, THE MAKERS OF THE VALID PETITION IN THIS CASE WOULD LIKE TO RESPECTFULLY REQUEST THAT THE SECOND READING BE POSTPONED AT LEAST UNTIL THE NOV 17TH CITY COUNCIL MEETING. WE WERE VERY SURPRISED WHEN THE COUNCIL WENT AGAINST STAFF RECOMMENDATION. WE HAVE BEEN GATHERING INFORMATION CONCERNING THIS CASE AND WOULD LIKE TO MEET WITH COUNCIL PRIOR TO SECOND READING, TO PRESENT THEM WITH IT. WE WILL TRY TO CONTACT THE

Crippen Sheet Metal Inc.

P.O. BOX 18389 8501 PEACEFUL HILL LANE

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INDIVIDUAL COUNCIL OFFICES TO SET UP THESE MEETINGS. AS A NEIGHBORHOOD THIS IS THE FIRST ZONING WE HAVE HAD TO FIGHT, AND IT TAKES US A LITTLE LONGER TO "LEARN THE ROPES" AND "JUMP THROUGH THE HOOPS". OUR PROPERTY VALUES AND LIVLIHOODS ARE ON THE LINE HERE, AND WE MUST HAVE THIS OPPORTUNITY TO PRESENT OUR CASE. WE APPRECIATE YOUR ASSISTANCE IN OVERSEEING THIS REQUEST AND APOLOGIZE FOR ITS LATENESS. THANK YOU FOR YOUR TIME REGARDING THIS MATTER. PLEASE FEEL FREE TO CONTACT ME WITH ANY QUESTIONS YOU MAY NEED ANSWERED TO FACILITATE THIS REQUEST.

PHIL PARKER
AGENT FOR JIM CRIPPEN,
OWNER- CRIPPEN SHEET METAL

(512) 282-9550

FAX(512) 282-0550