

**Zoning Ordinances/Restrictive Covenants  
CITY OF AUSTIN**

**AGENDA**

**DATE: 4/20/2006**

#69

**RECOMMENDATION FOR  
COUNCIL ACTION**

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**Subject:** C14-05-0195 - Crippen Sheet Metal - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8501 Peaceful Hill Lane (Onion Creek Watershed) from development reserve (DR) district zoning to limited industrial-conditional overlay (LI-CO) combining district zoning. First reading approved on March 2, 2006. Vote: 7-0. Second reading approved on March 23, 2006. Vote: 6-1 (Kim-Nay). Applicant: Crippen Sheet Metal (Jimmy Crippen). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

**Requesting Department: NPZD**

**For More Information:**

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### **THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-05-0195

**REQUEST:**

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8501 Peaceful Hill Lane (Onion Creek Watershed) from development reserve (DR) district zoning to limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay addresses light manufacturing as the only the permitted LI use, permits all CS uses except for the following uses which are to be prohibited: Agricultural Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal, and limit the development of the property to 300 trips per day beyond the existing trips generated by the site.

**DEPARTMENT COMMENTS:**

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at Second Reading.

**OWNER/APPLICANT:** Crippen Sheet Metal (Jimmy Crippen)

**AGENT:** Jim Bennett Consulting (Jim Bennett)

**DATE OF FIRST READING:** March 2, 2006, approved LI-CO district zoning, on First Reading (7-0).

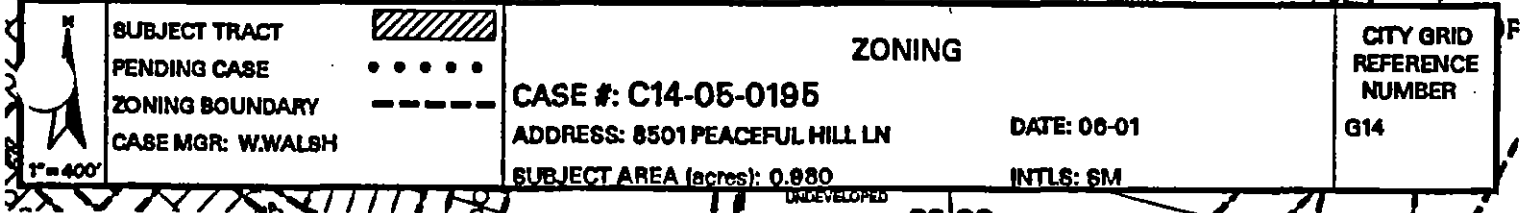
**DATE OF SECOND READING:** March 23, 2006, approved LI-CO district zoning as on First Reading with the modification of removing Building Maintenance Services and Construction Sales and Services from the prohibited use list, on Second Reading (6-1, Kim – Nay).

**CITY COUNCIL HEARING DATE:** April 20, 2006

**CITY COUNCIL ACTION:**

**ORDINANCE NUMBER:**

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



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 8501 PEACEFUL HILL LANE FROM  
3 DEVELOPMENT RESERVE (DR) DISTRICT TO LIMITED INDUSTRIAL  
4 SERVICES-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT.  
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from development reserve (DR) district to limited industrial  
10 services-conditional overlay (LI-CO) combining district on the property described in  
11 Zoning Case No. C14-05-0195, on file at the Neighborhood Planning and Zoning  
12 Department, as follows:  
13

14 Lot 1, Steel Concepts Park Subdivision, a subdivision in the City of Austin, Travis  
15 County, Texas, according to the map or plat of record in Volume 78, Page 69, of  
16 the Plat Records of Travis County, Texas (the "Property"),  
17

18 locally known as 8501 Peaceful Hill Lane, in the City of Austin, Travis County, Texas, and  
19 generally identified in the map attached as Exhibit "A".  
20

21 PART 2. The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:  
23

- 24 1. A site plan or building permit for the Property may not be approved, released, or  
25 issued, if the completed development or uses of the Property, considered cumulatively  
26 with all existing or previously authorized development and uses, generate traffic that  
27 exceeds 300 trips per day above the trips generated by the existing or approved  
28 development.  
29
- 30 2. The following uses are prohibited uses of the Property:  
31

32 Agricultural sales and services  
33 Drop-off recycling collection facility  
34 Equipment sales  
35 Kennels  
36 Liquor sales  
37 Resource extraction  
38 Transportation terminal

Basic industry  
Equipment repair services  
General warehousing and distribution  
Laundry services  
Recycling center  
Scrap and salvage  
Vehicle storage

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

**PART 3. This ordinance takes effect on \_\_\_\_\_, 2006.**

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

§  
§  
§  
§

Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shirley A. Gentry  
City Attorney City Clerk



## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0195

**Z.P.C. DATE:** December 20, 2005

January 17, 2006

January 31, 2006

**ADDRESS:** 8501 Peaceful Hill Lane

**OWNER:** Crippen Sheet Metal, Inc.  
(Jimmy Crippen)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**ZONING FROM:** DR      **TO:** LI      **AREA:** 0.98 acres (42,688.80 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services-conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) limits structure height to 30 feet; 2) limits the development of the property to 300 trips per day beyond the existing trips generated by the site; and 3) prohibits the following uses: Agricultural Sales and Services; Building Maintenance Services; Construction Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

December 20, 2005: *APPROVED A POSTPONEMENT REQUEST TO 01/17/06 (STAFF)*

*[J. MARTINEZ; J. GOHIL - 2<sup>ND</sup>] (9-0)*

January 17, 2006: *APPROVED A POSTPONEMENT REQUEST TO 01/31/06 (STAFF)*

*[J. MARTINEZ; M. HAWTHORNE - 2<sup>ND</sup>] (7-0) J. GOHIL; K. JACKSON - ABSENT*

January 31, 2006: *APPROVED LI-CO DISTRICT ZONING; ALLOW ONLY THE EXISTING INDUSTRIAL USES (BEING LIGHT MANUFACTURING), ALL OTHER LR USES; 300 TRIP LIMIT ABOVE THE EXISTING NUMBER OF TRIPS GENERATED BY THE SITE.*

*[K. JACKSON, J. MARTINEZ 2<sup>ND</sup>] (8-0) J. GOHIL - ABSENT*

### **ISSUES:**

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at Second Reading.

At Second Reading, the Applicant requested that City Council reconsider their action to prohibit Building Maintenance Services and Construction Sales and Services, as

approved at First Reading. The Staff recommended prohibiting these uses due to concern about the possible chemicals, noise and expanded hours of operation commonly associated with these uses given that the adjacent property to the north and west is planned for a S.M.A.R.T. Housing development.

**DEPARTMENT COMMENTS:**

The subject platted lot is developed with a sheet metal fabrication business (considered a light manufacturing use), zoned development reserve (DR) and takes access to Peaceful Hill Lane. The surrounding area consists of residential, and intensive commercial and industrial uses. There are two industrial uses directly south (a fiberglass supplier and a vehicle impound facility); undeveloped land adjacent to the north and east that was recently approved for single family residence – small lot (SF-4A-CO) zoning; an industrial park further east; and single family homes, mobile homes, undeveloped land, and a City fire station and police substation to the west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The property has been used for industrial purposes since 1968 and was originally a steel fabrication business, followed by a roofing company with a metal fabrication component and warehouse, then a fire restoration business, and since July 1984, Crippen Sheet Metal. The lot was annexed on November 15, 1984 and since the use existed prior to annexation, it is considered a legal nonconforming use. Crippen Sheet Metal does not include an outside storage component, and therefore, is not subject to the discontinuance provisions described in Section 25-2-947 of the Land Development Code.

The Applicant is seeking limited industrial services (LI) zoning to reflect the use of the property. The Applicant reports that changes to the current operations are not proposed at this time.

In consideration of the property's proximity to residential uses to the west and east, Staff recommends the CS-CO district. The Staff recommendation considers that while the present use is legal and non-conforming since it existed prior to annexation, the property could be redeveloped in the future and CS-CO zoning would provide greater compatibility with the nearby existing and planned residences. The Conditional Overlay prohibits several uses in order to provide more compatibility with the existing residences to the west and planned residential development adjacent to the north and east: 1) limits structure height to 30 feet; 2) limits the number of daily vehicle trips to 300 beyond the existing trips generated by the site; and 3) prohibits the following uses that are more intensive commercial operations with significant truck-generation, since the direct access is to a residential collector street: Agricultural Sales and Services; Building Maintenance Services; Construction Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal.



**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Sheet metal fabrication business
<i>North</i>	SF-4A-CO	Undeveloped
<i>South</i>	LI; CS-CO; LI-CO	Fiberglass supplier; Vehicle impound yard facility
<i>East</i>	SF-4A-CO	Undeveloped
<i>West</i>	SF-2; DR; P	Single family residences; Undeveloped; Restricted access for police substation and fire station

**AREA STUDY:** N / A**TIA:** Is not required**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 - Far South Austin Community Association  
 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

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-05-0209 – Big 4	SF-2 to LI	To Grant LI-CO with scrap and salvage as only LI use, permitted GR uses, prohibit pawn shops, 300 trips above existing traffic.	Approved LI-CO with the CO for scrap and salvage as the only LI use, and all CS uses except pawn shop services which is to be prohibited, and 300 trips above existing traffic (3-23-06).
C14-05-0045 – Big 4	DR to LI	To Grant LI-CO for Tract 1 with CO to prohibit basic industry	Approved LI-CO; CS-CO as ZAP recommended (6-23-

		and resource extraction; CS-CO for Tract 2 (west 50 feet) with CO for 30' height limit. Additional CO for 300 trips beyond the existing generated.	05).
C14-05-0034.SH – Peaceful Hill Subdivision	SF-6; W/LO; LI; DR to SF-4A	To Deny SF-4A	Approved SF-4A-CO with CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels; 4) a 30-foot wide rear yard setback shall be established for a residential structure adjacent to a non-residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal. Restrictive Covenant for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanado Drive frontage; 4) 6' 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 5) an 8-foot high solid fence along the east property line (12-15-05).
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).
C14-00-2018 – 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).
C14-85-093 – Bruce Patterson, 8501 Peaceful Hill Lane	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86).

**RELATED CASES:**

The property was annexed into the City limits in November 1984. The subject property is platted as Lot 1 of Steel Concepts Park, a subdivision recorded in May 1979. Please refer to Exhibit B.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
Peaceful Hill Lane	42 feet	22 feet	Residential collector	A sidewalk is being constructed on the west side; No sidewalk on east side.	No	# 45

**CITY COUNCIL DATE:** March 2, 2006

**ACTION:** Approved LI-CO district zoning with the CO to address light manufacturing as the only the permitted LI use, all CS uses except for the following uses which are to be prohibited: Agricultural Sales and Services; Building Maintenance Services; Construction Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal, and limit the development of the property to 300 trips per day beyond the existing trips generated by the site, on First Reading (7-0).

March 23, 2006

Approved LI-CO district zoning as on First Reading with the modification of removing Building Maintenance Services and Construction Sales & Services from the prohibited use list, on Second Reading (6-1, Kim – Nay).

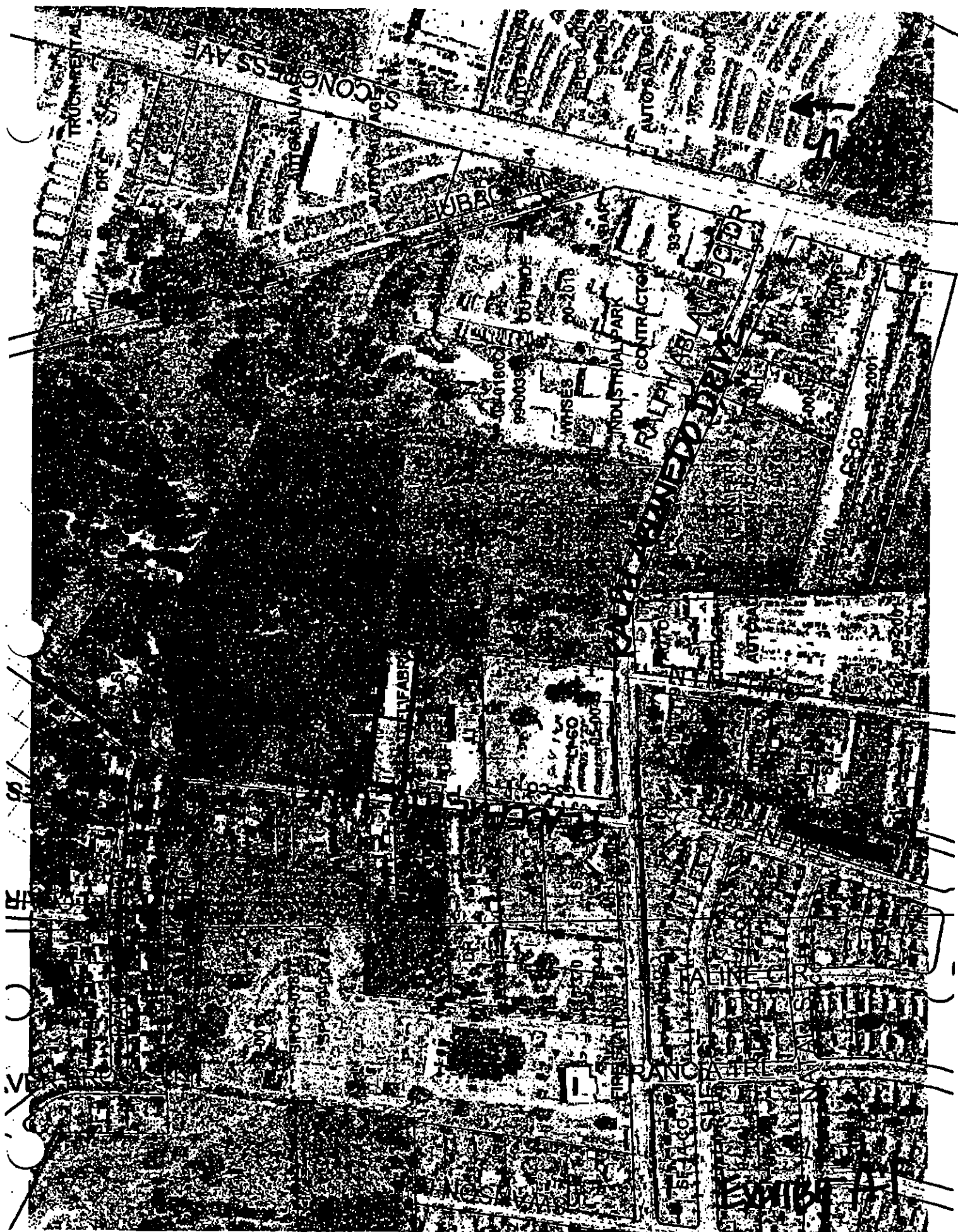
April 20, 2006

**ORDINANCE READINGS:** 1<sup>st</sup> March 2, 2006 2<sup>nd</sup> March 23, 2006 3<sup>rd</sup>**ORDINANCE NUMBER:**

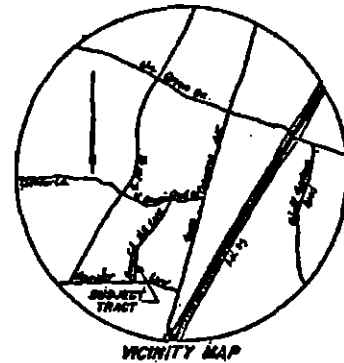
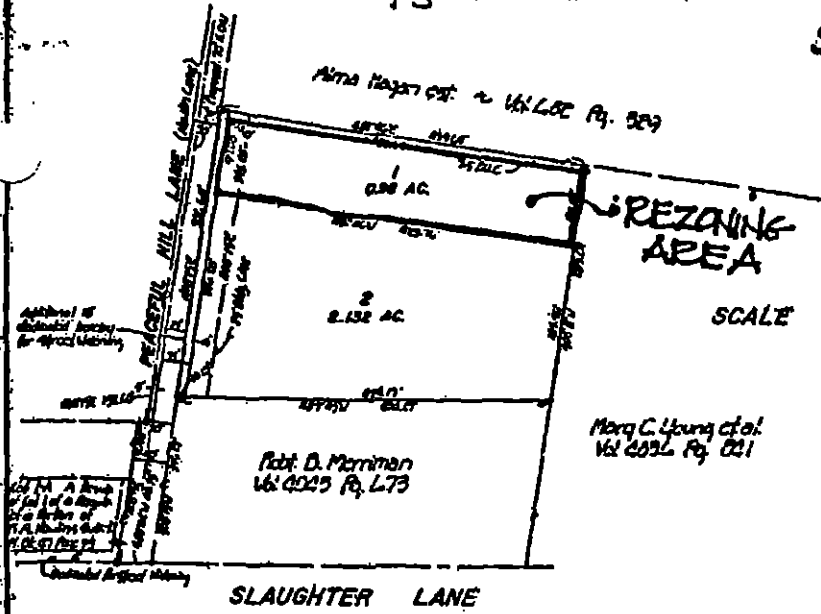
**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719





# STEEL CONCEPTS PARK



**LEGEND**  
 --- 1/2" = 100'  
 --- 1/4" = 100'

STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME BY THESE PRESENTS

THAT WE, BARBARA C. BROWN, OWNER OF A 2.132 ACRE TRACT OF LAND OUT OF THE WILLIAM CANNON LEASE IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO ME BY DEED RECORDED IN VOLUME 6430, PAGE 1543 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND STEEL CONCEPTS INC., A TEXAS CORPORATION HAVING ITS HOME OFFICE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OWNER OF A 1.60 ACRE TRACT OF LAND OUT OF THE WILLIAM CANNON LEASE IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 6510, PAGE 1074 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ACTING HEREIN BY AND THROUGH ITS PRESIDENT, BARBARA C. BROWN, DO HEREBY SUBDIVIDE THE SAID PARCELS OF LAND IN ACCORDANCE WITH THE PLAN AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS STEEL CONCEPTS PARK, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS THE HAND OF BARBARA C. BROWN, AN INDIVIDUAL AND PRESIDENT, STEEL CONCEPTS INC., THIS 15<sup>TH</sup> DAY OF May, 1979, A.D.

*Barbara C. Brown*  
 BARBARA C. BROWN, An Individual - Box 955, Manchaca, Texas 78652  
 President, Steel Concepts Inc.  
 8501 Pasopahill Hill Lane  
 Austin, Texas 78743

STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BARBARA C. BROWN, AN INDIVIDUAL AND PRESIDENT OF STEEL CONCEPTS INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15<sup>TH</sup> DAY OF May, 1979, A.D.

*Mary Saucedo*  
 MARY SAUCEDO  
 Notary Public in and for Travis County, Texas

## HEALTH DEPARTMENT RESTRICTIONS:

No structure in this subdivision shall be occupied until connected to a public sewer system or to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department.

No structure in this subdivision shall be occupied until connected to a potable water supply from an approved public water supply with adequate quantity for family use and operation of an approved septic tank system.

No construction may begin on any lot until plans for a sewage disposal system are submitted to and approved by the Austin-Travis County Health Department.

These restrictions are enforceable by the Austin-Travis County Health Department and/or the owners or developer.

This subdivision has been accepted for development for septic tank use by the Austin-Travis County Health Department.

**NOTE:** Prior to construction on lots 1 & 2, drainage plans will be submitted to the City Engineering Department for approval. Aerial report shall be filed in the record office of said department within 90 days of passing of other approved matters.

As part of this deed to which the boundaries of the 20 acre tract shown on the plat were obtained from the Travis County Engineering office. Source - LRS / Smith and Carter, Inc. and Recorder's Office.

*Thomas E. Green*  
 HEALTH OFFICER  
 Thomas E. Green

5-21-79  
 DATE

EXHIBIT B  
 RECORDED PLAT

RECEIVED  
 MAY 16 1979  
 CITY PLANNING  
 CITY OF AUSTIN

83-79-085  
 SHEET 1 OF 2

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services-conditional overlay (CS-CO) combining district zoning. The Conditional Overlay: 1) limits structure height to 30 feet; 2) limits the development of the property to 300 trips per day beyond the existing trips generated by the site, and 3) prohibits the following uses: Agricultural Sales and Services; Building Maintenance Services; Construction Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal.

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

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

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

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

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

The Staff recommendation considers that while the present use is legal and non-conforming since it existed prior to annexation, the property could be redeveloped in the future and CS-CO zoning would provide greater compatibility with the nearby existing and planned residences. The Conditional Overlay prohibits several uses in order to provide more compatibility with the existing residences to the west and planned residential development adjacent to the north and east

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

The property is developed as a sheet metal fabrication business and slopes to the east.

**Impervious Cover**

The maximum impervious cover allowed by the LI or CS zoning districts would be 80%, which is based on the more restrictive watershed regulations.



**Environmental**

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

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

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

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

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

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

**Transportation**

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

The trip generation under the requested zoning is estimated to be 3,905 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). The existing sheet metal fabrication use generates approximately 35 vehicle trips per day.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6.117]

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation or utility adjustments are required, the landowner, at own

expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Zoning Setbacks**

By Section 25-2-601 (B)(1) of the Land Development Code, a minimum 50 foot wide building setback for both interior and rear yards is required where LI zoning is adjacent to SF-4A zoning. The 50 foot wide setback would apply along the north and east property lines, if LI zoning is approved for the subject property and re-development occurs.

### **Compatibility Standards**

There are no existing site plans in review.

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

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

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

## 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](http://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: C14-05-0195

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 20, 2005 Zoning and Platting Commission

LINDA CHERNEY

Your Name (please print)

8410/8410A PEACEFUL HILL LN, AUSTIN

Your address(es) affected by this application

78748-5517

Linda H. Charnay 14 Dec. 2005

Signature

Date

Comments:

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

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Case Number: C14-05-0195

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 20, 2005 Zoning and Platting Commission

Curtis B. Figer

Your Name (please print)

8506 Beech Hill, Austin, TX

Your address(es) affected by this application

Curtis B. Figer

Signature

12-16-05

Date

☒ I am in favor  
☐ I object

Comments: I am in favor of a zoning change on this property to LP - Limited Industrial Service because commercial services and manufacturing uses of this property is the most appropriate use and because there is currently commercial use of adjoining property.

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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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.cl.aust.tx.us/development](http://www.cl.aust.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: C14-05-0195

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

December 20, 2005 Zoning and Planning Commission

Jim Pallas

Your Name (please print)

8601 Pullen Ln, 8602 Pullen Ln 220 Ralph Ablando Drive

Your address(es) affected by this application

[Signature]

Signature

1/24/06

Date

Comments: LI ZONING FOR THIS PROPERTY IS

A FORMALITY TO MEET REQUIREMENTS SET

OUT BY THE CITY AS THIS PROPERTY HAS

CONTINUING USE PRIOR TO ANNEXATION, HAS

DEMONSTRATED EXEMPLARY CONSIDERATION

TOWARDS ITS MEMBERS, AND PROVIDES A NECESSARY

PRODUCT AND EMPLOYMENT FOR THIS COMMUNITY.

I FULLY SUPPORT THEIR REQUEST FOR

"LI" ZONING.

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

☒ I am in favor  
☐ I object

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Case Number: C14-05-0195  
Contact: Wendy Walsh, (512) 974-7719  
Public Hearing:  
December 20, 2005 Zoning and Planning Commission

Your Name (please print) Rox Ribelin

Your address(es) affected by this application 2505 Pense de la Ville Austin, 78745

[Signature]  
Signature  
Date 1-18-06

Comments: \_\_\_\_\_

As a connecting direct neighbor to this property, for some nine years, I want to pledge my 100 % approval for their zoning change request. They have been a supporting, contributing, and integral part of this business community. We look forward to many more years of enjoying their continued growth and contribution to this region's commercial environment. Approval of this zone change request will be a testament to this cities commitment to support the growth of its business contributors.

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

- 8. Restrictive Covenant Amendment:** **C14-85-055 (RCA) - Lelah's Crossing**
- Location:** 1300 West Dittmar Road, South Boggy Creek Watershed
- Owner/Applicant:** Dittmar Properties, Ltd. (John Kleas)
- Agent:** Thrower Design (Ron Thrower)
- Postponements:** Postponed from 12/06/05 (staff); Postponed from 12/20/05 (Adj. Prop. Owner)
- Request:** To amend the Restrictive Covenant that addresses the discontinuance of a Hospital (General) use.
- Staff Rec.:** RECOMMENDED.
- Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**POSTPONED TO 02/21/06; BY APPLICANT, NEIGHBORHOOD & ADJACENT PROPERTY OWNER.**

**[C.HAMMOND, J.MARTINEZ 2<sup>ND</sup>] (8-0) J.GOHIL - ABSENT**

- 9. Rezoning:** **C14-05-0195 - Crippen Sheet Metal**
- Location:** 8501 Peaceful Hill Lane, Onion Creek Watershed
- Owner/Applicant:** Crippen Sheet Metal, Inc. (Jimmy L. Crippen/ Phil Parker).
- Agent:** Jim Bennett Consulting (Jim Bennett)
- Postponements:** Postponed from 12/20/05 (staff); Postponed from 01/17/06 (staff)
- Request:** DR to LI
- Staff Rec.:** RECOMMENDATION OF CS-CO
- Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**APPROVED LI-CO DISTRICT ZONING; ALLOW ONLY THE EXISTING INDUSTRIAL USES (BEING LIGHT MANUFACTURING), ALL OTHER LR USES; 300 TRIP LIMIT ABOVE THE EXISTING NUMBER OF TRIPS GENERATED BY THE SITE.**

**[K.JACKSON, J.MARTINEZ 2<sup>ND</sup>] (8-0) J.GOHIL - ABSENT**

### **SUMMARY**

*Wendy Walsh, staff, gave staff presentation.*

*Commissioner Baker - There's no outside storage to this facility, it's not in violation of the Land Development Code, and he can continue this use forever and ever?*

*Ms. Walsh - Yes, he could.*

*Commissioner Baker - Without a zoning change?*

*Ms. Walsh - Yes, without a zoning change; although since the Peaceful Hill Subdivision zoning case came in last year the property owners now realize the benefits and value of zoning.*

*Commissioner Baker – There was a valid petition in opposition to the SF-4A zoning, I remember this case because it was not an easy case that we had, did this particular applicant sign that petition?*

*Ms. Walsh – Yes he did.*

*Ms. Walsh – Previously that property was zoned W/LO; what's now SF-4A was previously zoned W/LO and LI and he was in opposition to future residences being constructed.*

*Commissioner Baker – Okay, thank you.*

*Jim Bennett, behalf of applicant, gave his presentation to the commission – The surrounding properties were zoned W/LO and LI until the Main Street case came before you and that was rezoned to CS. The owner of the property is requesting to get zoning because he wants the LI zoning, he is non-conforming, however, should they desire to sell the property then that puts a burden on the purchaser of the property to buy a non-conforming piece of property versus one that is zoned. My client did sign the petition in opposition to the zoning change on the adjacent residential. At that time it did not feel like residential zoning was appropriate with the commercial and industrial uses that you have in the immediate vicinity of this location; that was the reason for signing the petition. As a result of that, that case went before Council and was rezoned, so we're requesting that with full knowledge, these cases were filed when that adjoining residential case was filed that this go forward with the LI zoning. We think, in talking with staff, that their reason for their limited CS zoning versus the LI zoning is because now the property adjacent is zoned SF instead of the LI and W/LO that previously existed. Property is being used for industrial and commercial purposes around and in the immediate vicinity and we would request that the commission recommend the LI zoning to coincide with the existing non-conforming use.*

#### **FAVOR**

*Jim Pallas, industrial owner in the area – Spoke in favor.*

*Commissioner Hammond – You got a lot of industrial out there on Peaceful Hill; what do you see for the future for that area?*

*Jim Pallas – I can see the west side of Peaceful Hill becoming LO, light office or something, we're not going anywhere and I'm too young to retire. We're going to work with our neighbors, even with the subdivision that's coming in.*

*Phil Parker, applicant – Spoke in favor. I plan on being there and I am not retiring anytime soon.*

*Linda Cherney, resident – Spoke in favor.*

#### **OPPOSITION**

*No Speakers.*



*Commissioner Martinez and Hawthorne moved to close the public hearing.*

*Commissioner Jackson – I make a motion to approve LI-CO, allowing the existing uses, the only industrial use on the property; all other uses will be LR uses and limiting the trips to 300 over what's there today.*

*Commissioner Martinez – Second.*

*Commissioner Baker – The motion is LI-CO, with the conditional overlay limiting the current commercial industrial use as the only permitted use, except for permitted LR uses and the trip limitation as recommended by staff.*

*Motion carried. (8-0)*

*Commissioner Baker – Sir, I need to tell you that that allows your use to continue.*

**10. Rezoning:** C14-05-0209 - Big 4  
**Location:** 221 Ralph Ablanedo Drive, Onion Creek Watershed  
**Owner/Applicant:** Big 4 Auto Parts (Jim Pallas)  
**Agent:** Jim Bennett Consulting (Jim Bennett)  
**Postponements:** Postponed from 12/20/05 (staff); Postponed from 01/17/06 (staff)  
**Request:** SF-2 to LI  
**Staff Rec.:** RECOMMENDATION OF CS-CO  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**APPROVED LI-CO DISTRICT ZONING WITH SCRAP & SALVAGE USE AS THE ONLY PERMITTED LI USE, PERMITTED GR USES; STAFF RECOMMENDATION FOR VEHICLE TRIPS AND PROHIBIT PAWN SHOP SERVICES.**

**[K.JACKSON, J.MARTINEZ 2<sup>ND</sup>] (8-0) J.GOHIL – ABSENT**

**SUMMARY (Pending)**

**11. Rezoning:** C14-05-0210 - TX Far West Rezoning  
**Location:** 6835 Austin Center Boulevard, Shoal Creek Watershed  
**Owner/Applicant:** Kemp Management (Casey Beasely)  
**Agent:** C. Faulkner Engineering (Stephanie M. Stanford)  
**Request:** LO to GR  
**Staff Rec.:** RECOMMENDED  
**Staff:** Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**POSTPONED TO 02/07/06 (APPLICANT); BY CONSENT**

**[J.MARTINEZ; M.HAWTHORNE 2<sup>ND</sup>] (8-0) J.GOHIL – ABSENT**