

A U S T I N C I T Y C O U N C I L

AGENDA

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Thursday, August 10, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 70

Subject: C14-06-0086 - Bill's Auto Parts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8200 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning and single-family residence-standard lot (SF-2) district zoning to limited industrial (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial-conditional overlay (LI-CO) combining district zoning for Tract 1, and rural-residence-conditional overlay (RR-CO) combining district zoning for Tract 2. Applicant: South Side Storage (Bobby New). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

Additional Backup Material

(click to open)

- ☐ Ordinance
- ☐ Staff Report

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0086

Z.P.C. DATE: June 6, 2006
June 20, 2006

ADDRESS: 8200 South Congress Avenue

OWNER: South Side Storage
(Bobby New)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: DR; SF-2

TO: LI

AREA: 7.5 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay restricts development of the property by: 1) limiting the number of vehicle trips to less than 2,000 per day; and 2) prohibits the following uses: basic industry and resource extraction.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 6, 2006: *APPROVED A POSTPONEMENT REQUEST TO 06/20/06 (STAFF)*
[J. MARTINEZ; J. PINNELLI 2ND] (9-0)

June 20, 2006: *APPROVED STAFF'S RECOMMENDATION FOR LI-CO ZONING.*

- *FIELD NOTES FOR TRIANGULAR PORTION AT THE NORTHWEST CORNER TO BE ZONED RR.*
- *PROHIBIT PAWNSHOPS;*
- *PROHIBIT EXTERMINATING SERVICES.*

[J. MARTINEZ, J. PINNELLI 2ND] (5-0) T. RABAGO, M. HAWTHORNE – OFF THE DAIS; J. GOHIL, S. HALE – ABSENT

ISSUES:

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

DEPARTMENT COMMENTS:

The subject tract is developed with an auto salvage business, zoned single family residence standard lot (SF-2) and development reserve (DR), and located along South Congress Avenue. With the exception of two large tracts of land to the west and north which contain a limited number of single family residences (zoned DR), the surrounding area consists of intensive commercial and industrial uses. There are auto-related uses further north and southeast (auto salvage – DR; LI-CO), a proposed transportation terminal to the northeast (proposed LI-PDA), an industrial park to the south (LI-CO); and undeveloped land that was

recently approved for single family – small lot residence (SF-4A-CO) to the west. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

South Side Storage, a scrap and salvage use, has been in business since the late 1960s. The property was annexed on November 15, 1984 and the use existed prior to annexation. South Side Storage includes an outside storage component, and therefore, is subject to the discontinuance provisions outlined in Section 25-2-947 of the Land Development Code.

The Applicant proposes to rezone the tract to the limited industrial services (LI) district for the auto salvage use, which is a conditional use in this district. The Applicant also intends to continue towing services (vehicle storage, a CS use) and host auto auctions (also falls under the definition of scrap and salvage) twice a week. If LI zoning is obtained, then a conditional use permit site plan will be required for any expansion of the auto salvage use.

In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, similar and existing operations to the north and southeast, and frontage on a major arterial, Staff recommends the LI-CO district. The Conditional Overlay limits the number of daily vehicle trips to 2,000 trips, and prohibits basic industry and resource extraction.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR; SF-2	Auto salvage
<i>North</i>	DR	Three single family residences; RV & Boat Storage; Convenience storage; Auto salvage
<i>South</i>	GR-CO	Heating and air conditioning repair; Cocktail lounge; Recycling business; Convenience storage; Service station
<i>East</i>	LI-CO; GR (proposed for LI-PDA)	Auto salvage; Capital Area Food Bank; Undeveloped; Undeveloped (proposed for a Capital Metro transit facility)
<i>West</i>	DR; LI-CO; SF-4A-CO	Existing single family residences; Mechanical contractor; Industrial park; Proposed subdivision for 131 single family residences

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy 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

511 - Austin Neighborhoods Council

627 - Onion Creek Homeowners Association

742 - Austin Independent School District

948 - South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0119 – Beverly's	DR to CS-1	Scheduled for ZAP 7-18-06.	Pending
C14-06-0078 – South IH-35 Transit Facility	GR to LI-PDA	Scheduled for ZAP 7-18-06.	Pending
C14-86-137 (RCT) – Peaceful Hill	To terminate the Restrictive Covenant addressing access, minimum lot size, prohibited uses and a landscape buffer	To Grant the termination.	Scheduled for CC 06-22-06.
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).
C14-05-0195 – Crippen Sheet Metal	DR to LI	To Grant LI-CO with light manufacturing as the only LI use, all LR uses and 300 trips above the existing number generated.	Approved LI-CO with CO for light manufacturing, all CS uses with certain prohibited uses and 300 trips above the existing number generated (4-20-06).
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	<p>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.</p> <p>Restrictive Covenant for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanedo Drive frontage; 4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and</p>

			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).
C14-95-0048 – NFP Partnership Zoning Change	DR; SF-2 to LI	To Grant	Approved LI-CO with conditions including performance standards (6-22-95).
C14-91-0047 – Dave Transportation Services, Inc.	DR; SF-2 to LI	To Grant LI	Approved LI-CO with CO to prohibit general retail sales (general and convenience), PDA performance standards and no structure within 25' of the front yard (7-11-91).
C14-89-0077 – F.	DR; SF-2 to LI	To Grant LI-CO with	Approved LI-CO with

G. Spillman, et al		conditions	CO for PDA performance standards, and no structure within 25' of the front yard (7-12-90).
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.

ABUTTING STREETS:

NAME	ROW	PAVMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
South Congress Avenue	120 feet	Varies	Arterial	No	Yes	No
Hubach Lane	50 feet	Varies	Local	No	No	No

CITY COUNCIL DATE: August 10, 2006

ACTION:

ORDINANCE READINGS: 1st

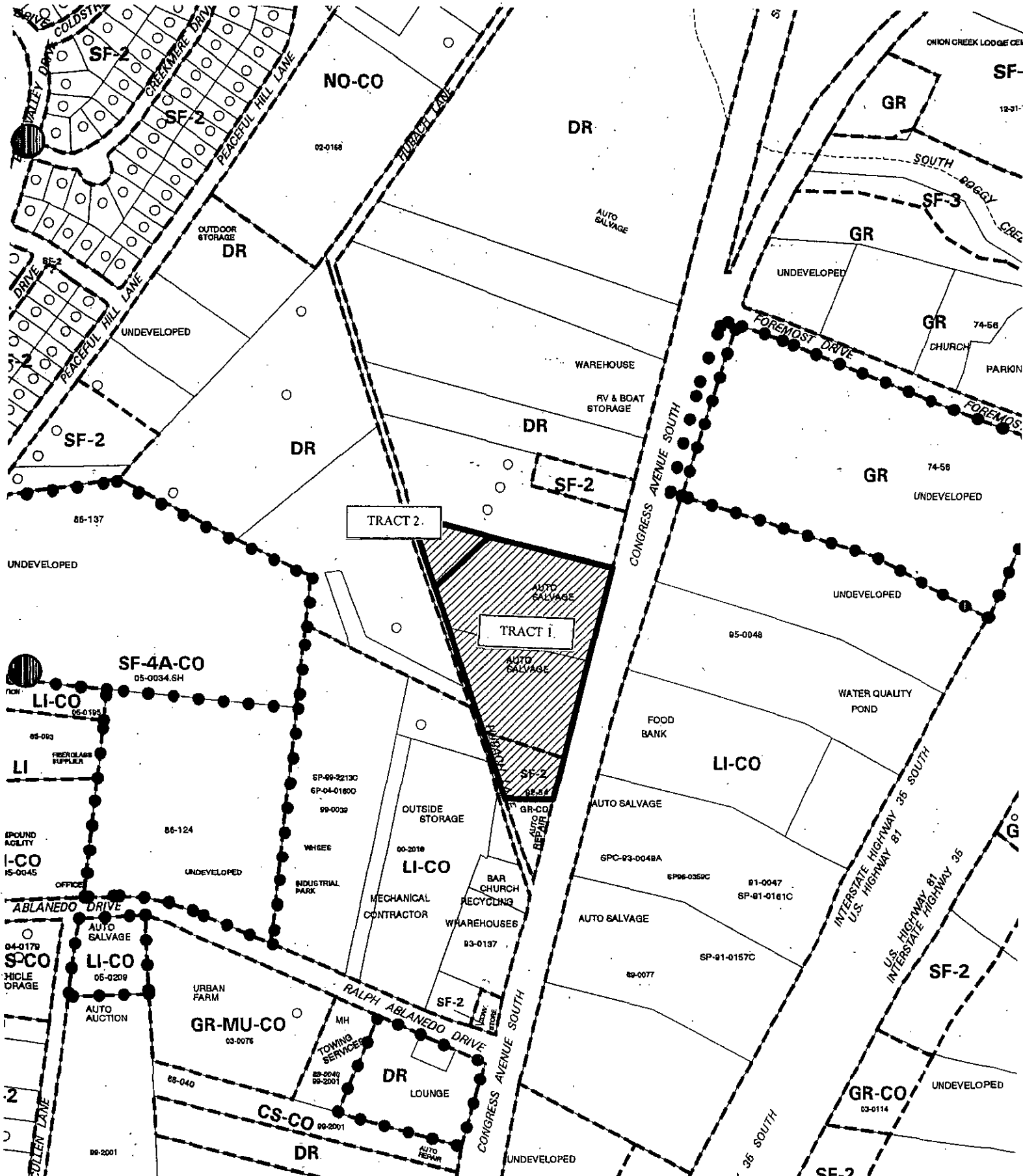
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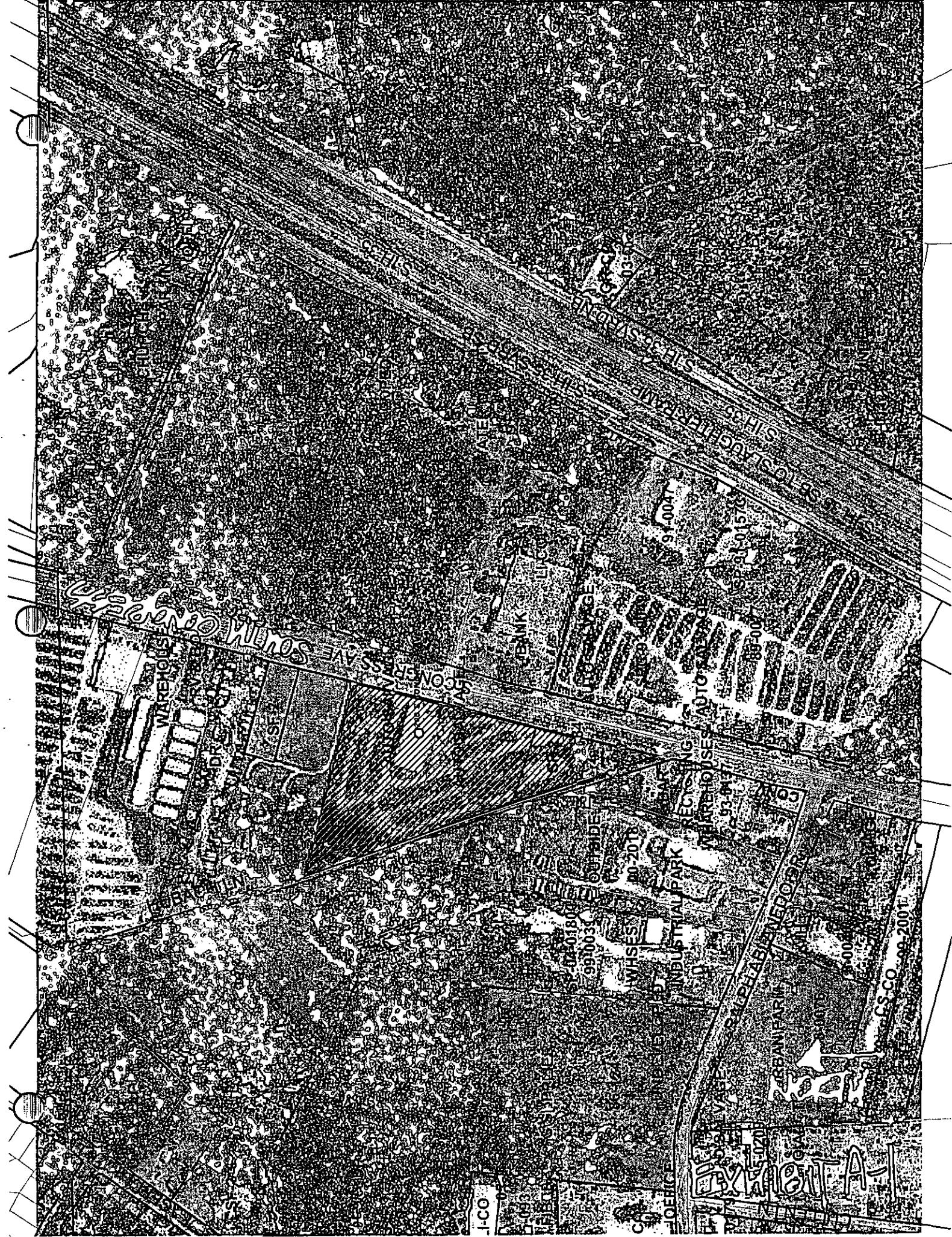
ORDINANCE NUMBER:

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

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT 	ZONING Exhibit A	CITY GRID REFERENCE NUMBER G14
	PENDING CASE 		
	ZONING BOUNDARY 		
	CASE MGR: W.WALSH		
CASE #: C14-06-0086		DATE: 06-07	
ADDRESS: 8200 S CONGRESS AVE		INTLS: SM	
SUBJECT AREA (acres): 7.500			



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay restricts development of the property by: 1) limiting the number of vehicle trips to less than 2,000 per day; and 2) prohibits the following uses: basic industry and resource extraction.

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.

- 2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, similar and existing operations to the north and southeast, and frontage on a major arterial, Staff recommends the LI-CO district. The Conditional Overlay limits the number of daily vehicle trips to 2,000 trips, and prohibits basic industry and resource extraction.

EXISTING CONDITIONS

Site Characteristics

The site contains an auto salvage business. The property slopes gently to the east and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LI zoning district would be 80% which is a consistent figure between the watershed and zoning 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 South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%

Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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

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

Transportation

Additional right-of-way may be required at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 14,660 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

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 adjustments, or utility relocation are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The site is subject to compatibility standards. Along the north and west property line (it appears to be used as SF), the following standards apply:

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

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

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8200 SOUTH CONGRESS AVENUE FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED INDUSTRIAL SERVICE-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT ON TRACT ONE AND TO RURAL RESIDENCE-CONDITIONAL OVERLAY (RR-CO) COMBINING DISTRICT ON TRACT TWO.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district zoning on the property (the "Property") described in Zoning Case No. C14-06-0086, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district and single family residence standard lot (SF-2) district to limited industrial service-conditional overlay (LI-CO) combining district.

A 7.528 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, Texas, the tract of land being more particularly described by metes and bounds on Exhibit "A", incorporated into this ordinance, save and except a 0.603 acre tract of land described as Tract Two as follows:

Tract Two: From development reserve (DR) district to rural residence-conditional overlay (RR-CO) combining district.

A 0.603 acre (26,270 square feet), tract of land out the William Cannon Survey No. 19, Abstract No. 6, in Travis County, Texas, the tract of land being more particularly described by metes and bounds on Exhibit "B", incorporated into this ordinance,

locally known as 8200 South Congress Avenue in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

6 B. The following uses are prohibited uses of Tract One:

8 Basic industry

Exterminating services

9 Pawn shop services

Resource extraction

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

14
15
16 **PART 3.** This ordinance takes effect on _____, 2006.

17
18
19 **PASSED AND APPROVED**

20
21
22 §
23 §
24 §

2006

24 Will Wynn
25 Mayor

26
27
28 **APPROVED:**

28 David Allan Smith
29 City Attorney

28 **ATTEST:**

28 Shirley A. Gentry
29 City Clerk

FIELD NOTES

C14-06-1986

TRACT 1
SAVE & EXCEPT
TRACT 2
LI-CO

Being 7.528 acres out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, Texas, being the same tract described as 3 separate tracts recorded in Volume 2525, Page 365; Volume 2571, Page 68; and Volume 2504, Page 566, Deed Records, Travis County, Texas, as shown on accompanying survey plat and being more particularly described as follows:

BEGINNING at a ½" iron pipe found in the west line of South Congress Avenue (R.O.W. varies), at the northeast corner of a tract called 0.478 acre in a deed to M. R. Wiegman and J. Beard recorded in Document No. 2000126929, Official Public Records, Travis County, Texas, for the southeast corner of this tract.

THENCE, with the north line of said 0.478 acre tract and the south line of this tract, N 87°30'00" W, said course being the bearing base for this survey, 155.92', to a ½" iron pin set in the east line of Hubach Lane (R.O.W. varies), at the northwest corner of said 0.478 acre tract, for the southwest corner of this tract.

THENCE, with the east line of Hubach Lane and the west line of this tract, the following three (3) courses:

- 1.) N 16°26'14" W, 811.92', to a 1" pipe found at an angle point;
- 2.) N 16°23'55" W, 146.77', to a 1" iron pipe found at the southwest corner of a tract called 4.00 acres in a deed to C. Clark, recorded in Document No. 1999065455, Official Public Records, Travis County, Texas, for the northwest corner of this tract.

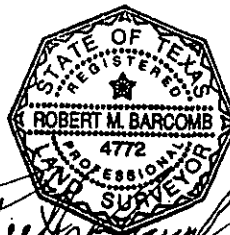
THENCE, with the south line of said 4.00 acre tract and the north line of this tract, S 73°45'00" E, 668.11', to a ½" iron pin set in the west line of South Congress Avenue, at the southeast corner of said 4.00 acre tract, for the northeast corner of this tract.

THENCE, with the west line of South Congress Avenue and the east line of this tract, S 16°10'33" W, passing at 305.77', a ½" iron pipe found, in all 769.85', to the **PLACE OF BEGINNING** and containing 7.528 acres of land, more or less.

Prepared from a survey made on the ground November 25, 2003, by:

Arpentours Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232

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Robert M. Barcomb
R.P.L.S. No 4772

EXHIBIT A

C14-06-00066
TRACT 2
RR-CO

FIELD NOTES

Being 0.603 acre or 26,270 square feet, part of that tract called 7.528 acres in a deed recorded in Document No. 2003288996, Official Public Records, Travis County, Texas, situated in the William Cannon Survey No. 19, Abstract No. 6, in Travis County, Texas.

BEGINNING at a 1" iron pipe found in the east line of Hubach Lane (R.O.W. varies), at the northwest corner of said 7.528 acre tract, for the northwest corner of this tract.

THENCE, with the north line of said 7.528 acre tract and the north line of this tract, S 73°45'00" E, said course being the bearing base for this survey, 260.00', to the northeast corner of this tract, from said point, a ½" iron pin found in the east line of South Congress Avenue (R.O.W. varies), at the northeast corner of said 7.528 acre tract bears, S 73°45'00" E, 408.11'.

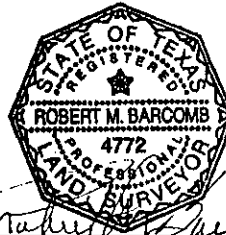
THENCE, through the interior of said 7.528 acre tract, with the south line of this tract, S 49°06'09" W, 240.51', to the southwest corner of this tract, in the east line Hubach Lane, from said point, a ½" iron pin found at the southwest corner of said 7.528 acre tract bears, S 16°26'14" E, 718.69'.

THENCE, with the east line of Hubach Lane, the west line of said 7.528 acre tract, and the west line of this tract, the following two (2) courses:

- 1.) N 16°26'14" W, 93.23', to a 1" iron pipe found at an angle point;
- 2.) N 16°23'55" W, 146.77', to the **PLACE OF BEGINNING** and containing 0.603 acre or 26,270 square feet of land more or less.

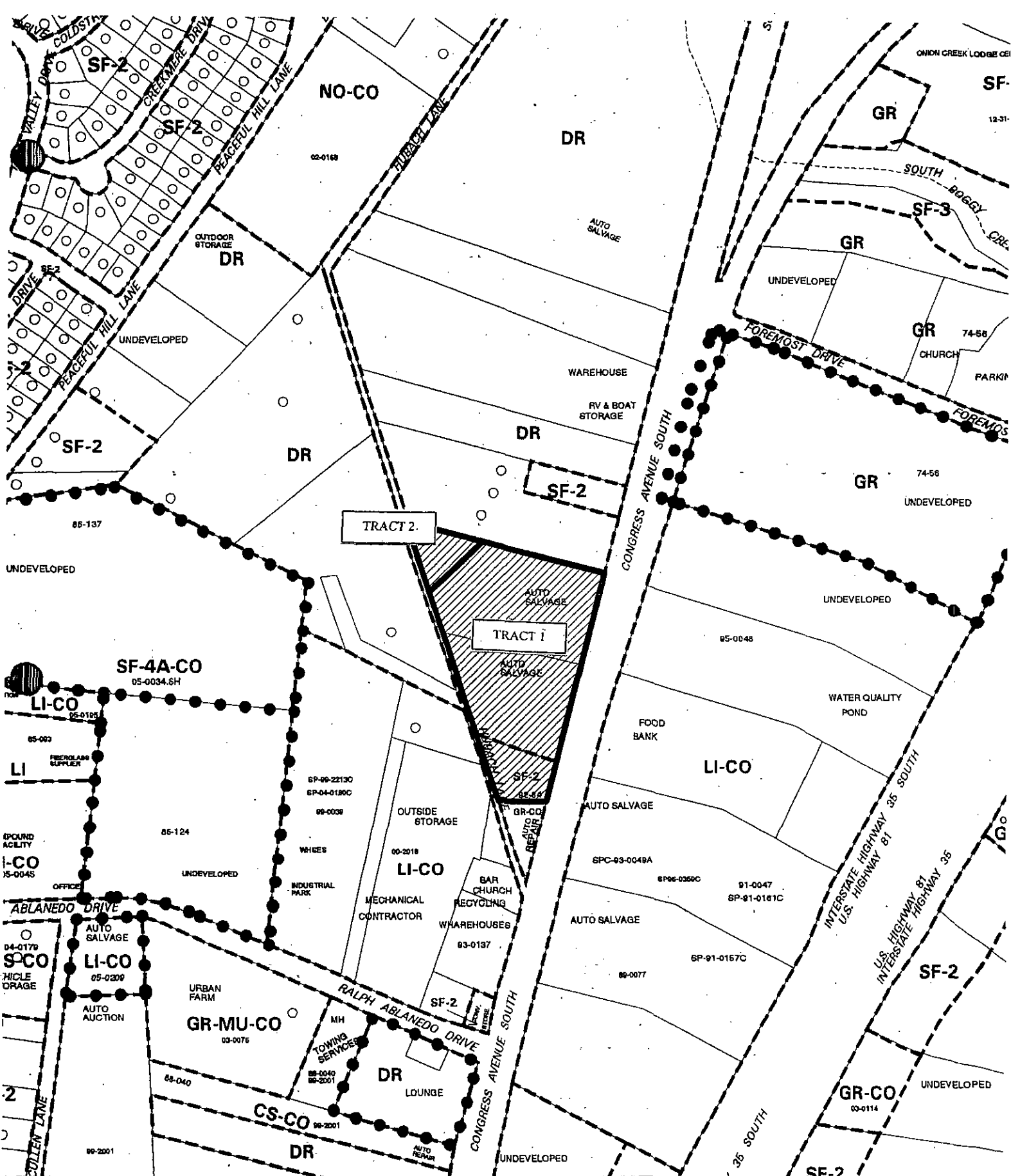
Prepared from a survey made on the ground November 20, 2003, by:

Arpentours Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232
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Robert M. Barcomb
R.P.L.S. No 4772

EXHIBIT B



<p>1" = 400'</p>	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH	 	ZONING EXHIBIT C CASE #: C14-06-0086 ADDRESS: 8200 S CONGRESS AVE SUBJECT AREA (acres): 7.500	DATE: 06-07 INTLS: SM	CITY GRID REFERENCE NUMBER G14
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