

69

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 309 RALPH ABLANEDO DRIVE AND 8319
3 PEACEFUL HILL LANE FROM TOWNHOUSE AND CONDOMINIUM
4 RESIDENCE (SF-6) DISTRICT, WAREHOUSE LIMITED OFFICE (W/LO)
5 DISTRICT, LIMITED INDUSTRIAL SERVICES (LI) DISTRICT, AND
6 DEVELOPMENT RESERVE (DR) DISTRICT TO SINGLE FAMILY RESIDENCE
7 SMALL LOT-CONDITIONAL OVERLAY (SF-4A-CO) COMBINING DISTRICT.

8
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from townhouse and condominium residence (SF-6) district,
13 warehouse limited office (W/LO) district, limited industrial services (LI) district, and
14 development reserve (DR) district to single family residence small lot-conditional overlay
15 (SF-4A-CO) combining district on the property described in Zoning Case No. C14-05-
16 0034.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

17
18 A 13.65 acre tract of land, more or less, out of the William Cannon League in
19 Travis County, the tract of land being more particularly described by metes and
20 bounds in Exhibit "A" incorporated into this ordinance; and

21
22 A 9.75 acre tract of land, more or less, out of the William Cannon League in Travis
23 County, the tract of land being more particularly described by metes and bounds in
24 Exhibit "A" incorporated into this ordinance (the "Property"),

25
26 locally known as 309 Ralph Ablanedo Drive and 8319 Peaceful Hill Lane, in the City of
27 Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

28
29 **PART 2.** The Property within the boundaries of the conditional overlay combining district
30 established by this ordinance is subject to the following conditions:

- 31
32 1. A site plan or building permit for the Property may not be approved, released, or
33 issued, if the completed development or uses of the Property, considered cumulatively
34 with all existing or previously authorized development and uses, generate traffic that
35 exceeds 2,000 trips per day.
36

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
12 **PASSED AND APPROVED**
13

14
15 _____, 2005
16

17 Will Wynn
18 Mayor
19

20
21 **APPROVED:**

22 David Allan Smith
23 City Attorney

ATTEST

Shirley A. Brown
City Clerk

13.65 Acres
Peaceful Hill Zoning
Peaceful Hill One, Ltd

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

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

9.75 Acres
Peaceful Hill Zoning
Austin Peaceful Hill, Ltd

PD05-002 (RLM)
March 8, 2005
CFE Job No 2013 002 01

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;

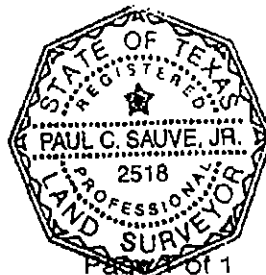
THENCE, continuing with the west line of the herein described 9.75 acre tract, being the east line of said Steel Concepts Park Subdivision, the following two (2) courses.

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.

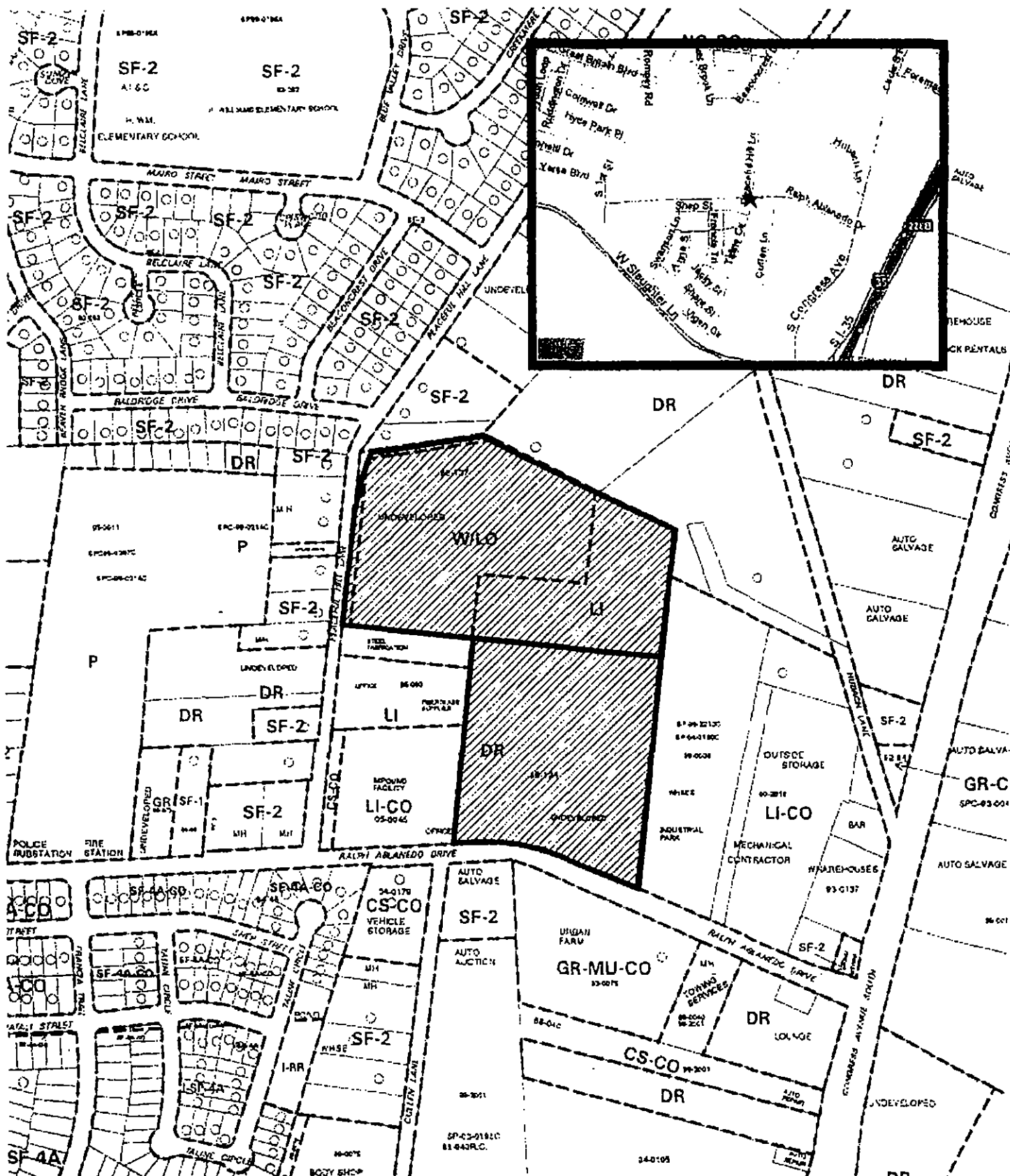
THENCE, with the south line of said 13.655 acre tract, being the north line of the herein described 9.75 acre tract, S 84° 15' 58" E, a distance of 614.46 feet to the west line of said 7.7256 acre tract, for the northeast corner of the herein described 9.75 acre tract;

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



 1" = 400'	SUBJECT TRACT	ZONING EXHIBIT B CASE #: C14-05-0034.SH ADDRESS: 308 RALPH ABLANEDO DR & 8319 PEACEFUL HILL LANE SUBJECT AREA (Acres): 2.5400	DATE: 05-11 INTLS: SM	CITY GRID REFERENCE NUMBER G14
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			

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, or, a six-foot high masonry wall, 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 _____ day of _____, 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 ____ day of _____, 2005, by John C. Rosato, President, of APII, 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

13.65 Acres
Peaceful Hill Zoning
Peaceful Hill One, Ltd

C14-04-0034.54
PD05-001 (RLM)
March 8, 2005
CPE Job No. 2013.002.01

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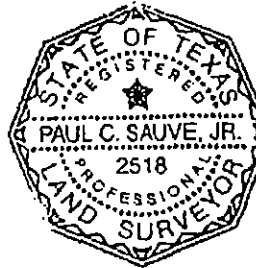
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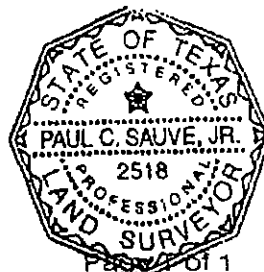
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