

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0160 – Capital City Salvage
(L.K.Q.)

Z.A.P. DATE: February 7, 2012
February 21, 2012
March 6, 2012
March 20, 2012

ADDRESS: 7600-7900 South Congress Avenue

OWNER: RDO Properties, LLC
(Rob Ormond)

AGENT: Enabler Design Group
(DeVon Wood)

ZONING FROM: DR **TO:** LI

AREA: 31.194 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay: 1) prohibits basic industry and resource extraction, 2) prohibits access to Dittmar Road, 3) requires a 50-foot wide vegetative buffer and 100-foot wide building setback along the southwest property line (adjacent to the DR zoned parcel), 4) limits building height to a maximum of 45 feet, and 5) limits the development of the property to 2,000 trips per day.

A Restrictive Covenant would restrict development within the 8.361 acre area on the north side of the property.

ZONING & PLATTING COMMISSION RECOMMENDATION:

February 7, 2012: *POSTPONED TO FEBRUARY 21, 2012 WITH DIRECTION TO STAFF TO PROVIDE A MAP SHOWING THE CREEK AND FLOODPLAIN, AND ILLUSTRATIONS OF THE ON-SITE DRAINAGE PATTERNS.*

[J. MEEKER; G. ROJAS – 2ND] (4-1) S. BALDRIDGE – NAY; G. BOURGEOIS, P. SEEGER – ABSENT

NOTE: *THE PUBLIC HEARING IS CLOSED; POST ITEM FOR ACTION ONLY*

February 21, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MARCH 6, 2012*

[P. SEEGER; C. BANKS – 2ND] (6-0) G. BOURGEOIS – OFF THE DAIS

NOTE: *THE PUBLIC HEARING IS RE-OPENED; RENOTIFICATION IS REQUIRED*

March 6, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MARCH 20, 2012*

[S. BALDRIDGE; G. ROJAS – 2ND] (6-0) B. BAKER – ILL

March 20, 2012: *DENIED THE APPLICANT'S REQUEST AND STAFF RECOMMENDATION FOR LI-CO DISTRICT ZONING, WITH CONDITIONS.*

[G. BOURGEOIS, G. ROJAS – 2ND] (5-1-1) C. BANKS – NAY; S. BALDRIDGE - ABSTAIN

ISSUES:

On January 28, 2010, the property owner cleared several protected trees in the northern portion of the property without a permit, and was issued a citation. The trees were mostly located within the 100-year floodplain and cleared without using erosion controls. In addition, cut and fill was observed to be in excess of four feet. Between January 2010 and January 2011, the property owner worked with City staff to develop a tree mitigation plan for the 344 trees that were removed. The removed trees were predominantly Ashe Juniper and included 13 protected size trees (19-inches and larger, predominantly, Live Oak). A total of 341 caliper inches of trees (264 trees) were planted. Other mitigative requirements involved providing tree and root care to existing trees, soil amendments and grading improvements. The City also required that the property owner post fiscal surety in the amount of \$29,441. Final inspection will be scheduled in January 2013 and the fiscal surety may be returned to the owner if the City finds that the trees, soil amendments and grading improvements are in good condition.

The property owner was also required to obtain an amnesty certificate of occupancy, and meet other City requirements. In particular, Planning and Development Review staff worked with the owner to fulfill the requirements for site plan exemptions to install 6 to 8 foot tall fencing, an interior remodel that included the installation of restrooms, a 450 square foot modular office building, and documenting that the scrap and salvage use existed before annexation. Please refer to Exhibits B and C.

The aerial provided as Exhibit A-1 shows the centerline of Boggy Creek and the location of the 100-year floodplain. The Applicant has provided a map showing the existing drainage patterns on-site. A one lot subdivision of the property, to be known as Ormand Subdivision, is being prepared by the owner and is provided as Exhibits D and E.

DEPARTMENT COMMENTS:

The property is located at the southwest corner of West Dittmar Road and South Congress Avenue, and zoned development reserve (DR). The surrounding area contains a mixture of residential properties, intensive commercial and industrial uses, and undeveloped parcels. Immediately south of the property is a boat storage business, and south of that is a vehicle impound yard. These are zoned CS-CO and LI-CO, respectively. West and southwest of the subject property are residential properties and undeveloped tracts with zoning of SF-4A-CO, SF-2, and DR. The DR zoned property that is immediately adjacent to the subject property to the southwest is currently under City of Austin review for rezoning to townhouse and condominium residence (SF-6) zoning (C14-2011-0141 – Peaceful Hill Condominiums). Immediately west of the property is an NO-CO zoned area that is partially developed with outdoor storage land use. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The southern portion of the property is developed with an automotive salvage yard, and the northern portion that has Dittmar Road frontage is undeveloped and wooded. A review of City aerial photos indicates that the northeast corner of the site was used for the storage of vehicles beginning in the 1960s. On the south portion of the site, the salvage yard use has been in existence since 1979, prior to annexation in 1984. Therefore, the scrap and salvage yard use is considered a legal non-conforming use.

The property owner and a new long-term (25 years) lessee (L.K.Q.) would like to continue improving the property and the salvage yard use, including the addition of a security building, restrooms, perimeter fencing, and a building that houses a fluid management area which includes a crusher slab to separate oil and water and double-walled tanks. The Applicant proposes to rezone the tract to the limited industrial service (LI) district for the auto salvage use, which is a conditional use in this district. A conditional use permit is required if significant expansion of the structure is proposed. No development is proposed to occur on the 8.361 acres that is closest to Dittmar Road, which contains Boggy Creek and includes the 100-year floodplain. This area is presently separated from the scrap and salvage use by a fence. The Staff has approached the property owner about entering into a public Restrictive Covenant for the purpose of restricting development on this acreage, and the property owner has indicated his willingness to do so.

The Staff recommendation for LI-CO district zoning considers that while the present use is legal and non-conforming since it was in existence prior to annexation, the property is over 31 acres in size and therefore, could be redeveloped in the future. The recommended Conditional Overlay would prohibit basic industry and resource extraction uses, establish setbacks to adjacent residential properties, and a 45 foot height limit in an effort to provide greater compatibility with all adjacent land uses. LI-CO zoning would be consistent with the CS-CO zoning of the boat storage facility to the south and the CS-CO / LI-CO zoning granted to the vehicle impound yard further south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Automotive salvage yard
<i>North</i>	RR, MF-2, SF-2	Floodplain, Undeveloped, Residential
<i>South</i>	DR, CS-CO, LI-CO	Undeveloped, Boat Storage, Warehouse, Vehicle Impound Facility
<i>East</i>	CS, GR, SF-2, SF-3	Undeveloped, Cemetery, Church
<i>West</i>	NO-CO, SF-2, DR, SF-3	Undeveloped, Residences, Outdoor Storage

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 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc. 1340 – Austin Heritage Tree Foundation

SCHOOLS:

Williams Elementary School Bedichek Middle School Crockett High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
South Congress Avenue	114 feet	Varies	Major Arterial, 10,000 vpd	No	Yes	Yes

- Capital Metro bus service (Routes No. 1L and 201) is available along South Congress Avenue.
- South Congress Avenue is classified in the Bicycle Plan as Bike Route No. 47.

RELATED CASES:

The property was annexed into the City limits in November 1984. There are no related cases on the subject property at this time, however, the Applicant intends to pursue a one lot subdivision as shown in Exhibit E, as well as a site plan.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0141 – Peaceful Hill Condominiums – 8107 Peaceful Hill Lane; 501 Hubach Lane	DR to SF-6	To Grant SF-6-CO w/an additional CO establishing a max. of 60 units, and a public Restrictive Covenant for the conditions of the Neighborhood Traffic Analysis, prohibiting the use of gating and requiring a connection to Shallot Way	Scheduled for 4-26-2012
C14-2008-0100 – South Congress	DR to CS	To Grant CS-CO w/CO of 100' bldg. setback, 50' buffer from DR, prohibit adult businesses,	Approved CS-CO (9-25-2008).

Storage Rezoning – 8008 S. Congress Ave.		automotive rentals, repair and sales, commercial blood plasma center, and pawn shops, traffic < 2000/day	
C14-2008-0050 – Clark & Southside 13 – 8104 and 8200 S. Congress Ave.	DR; RR-CO; SF-2 to CS	To Grant CS-CO with the CO for list of prohibited uses being auto-related uses including vehicle storage, convenience storage, commercial blood plasma center, adult businesses and pawn shops; 50' landscape buffer, 100' building setback adjacent to DR zoned property & 2,000 trips.	Approved CS-CO as Commission recommended except for removing convenience storage and vehicle storage use from the prohibited use list (6-18-08).
C14-06-0086 – South Side Storage – 8200 S. Congress Ave.	SF-2 to LI	To Grant LI-CO w/CO to prohibit pawn shops and exterminating services	Approved LI-CO (8-10-2006).
C14-02-0169 – Agape Christian Ministries – 7715 Byrdhill Ln.	DR to NO-CO	To Grant NO-CO w/CO- 20' buffer along Peaceful Hill; 579 trips per day if access is taken to Peaceful Hill, increases to 2,000 if road is widened to 40' pavement	Approved NO-CO (6-5-2003)
C14-02-0168 Agape Christian Ministries – 7809 Peaceful Hill Ln.	DR to NO-CO	To Grant NO-CO w/ CO- 20' buffer along Peaceful Hill; 579 trips per day if access is taken to Peaceful Hill, increases to 2,000 if road is widened to 40' pavement	Approved NO-CO (6-5-2003).

CITY COUNCIL DATE: March 8, 2012

ACTION: Approved a Postponement request by Staff to April 26, 2012 (7-0).

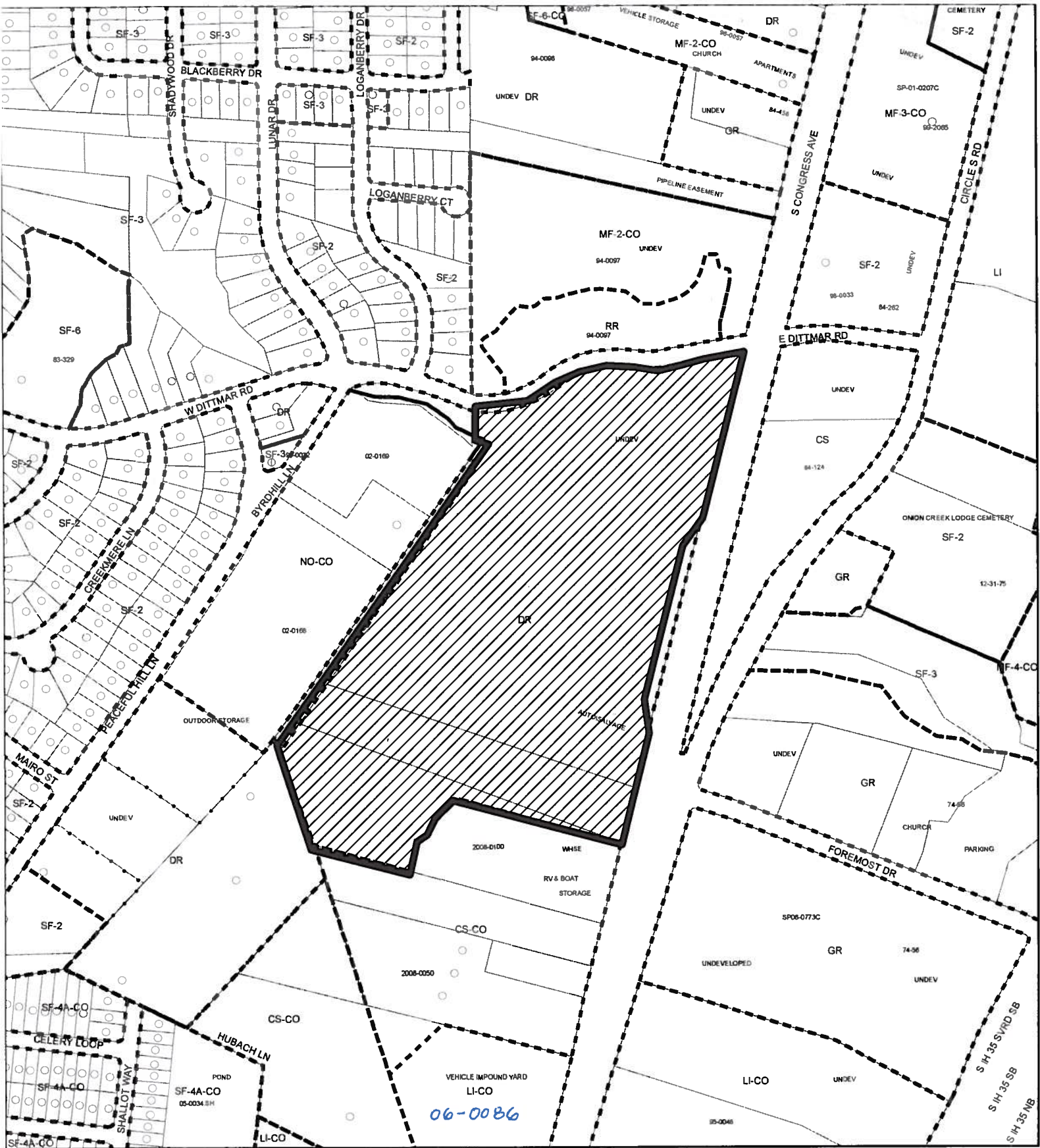
April 26, 2012

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

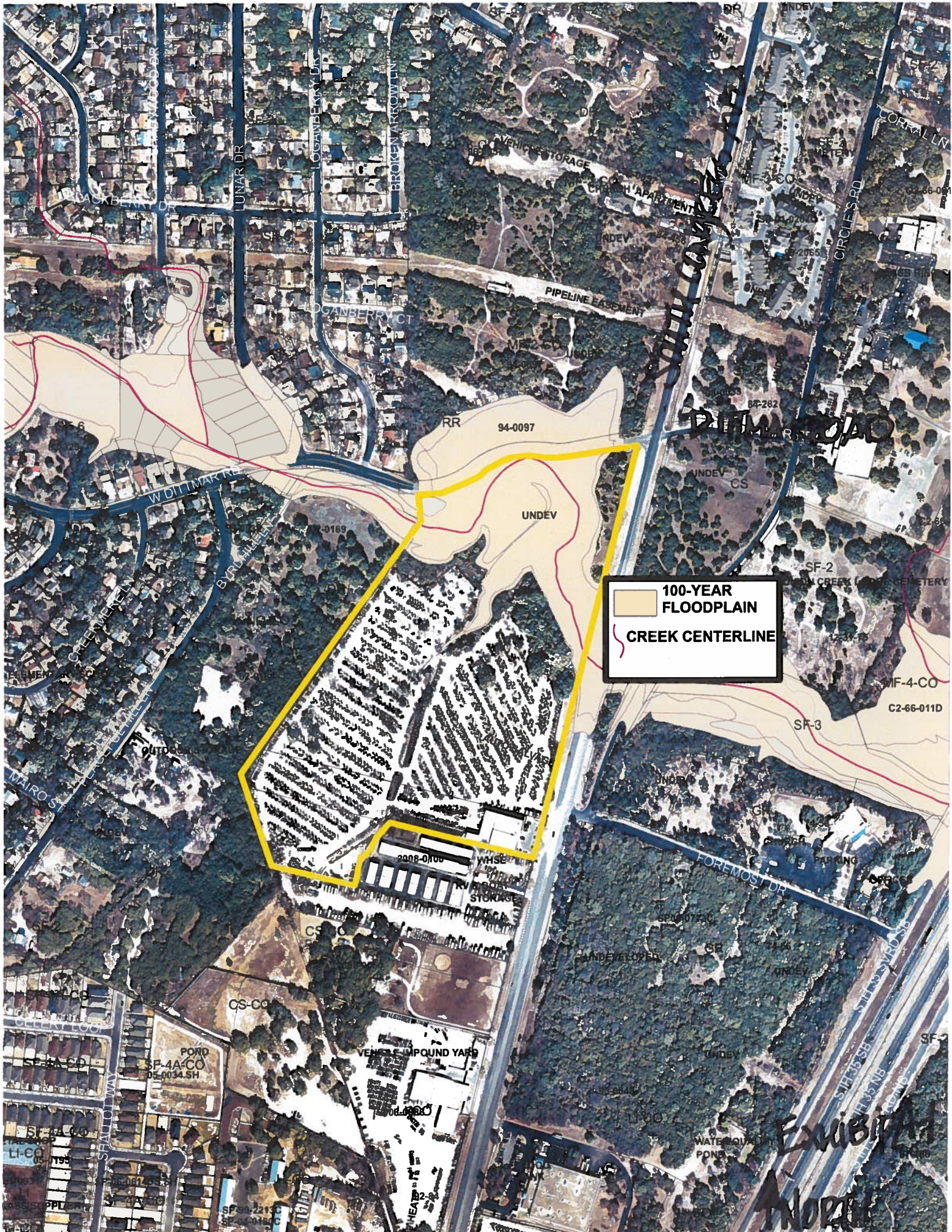
ZONING CASE#: C14-2011-0160

Exhibit A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





100-YEAR
FLOODPLAIN

CREEK CENTERLINE

Exhibit A
North



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 2011-022962 BP

ISSUE DATE: 06/21/2011

BUILDING ADDRESS: 7900 S CONGRESS AVE

LEGAL DESCRIPTION:

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel

Remodel - Amnesty C.O. and Interior Remodel to install restrooms for Salvage Yard.

BUILDING GROUP / DIVISION: B / S-1

REMODEL BUILDING SQUARE FOOTAGE: 18350 SQ. FT.

SPRINKLER SYSTEM: NA

CODE YEAR: 2009

CODE TYPE: IBC

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY: 12

TYPE OF CONSTRUCTION:

CONTRACTOR: DE V M, D & S Remodeling

******* CERTIFICATE OF OCCUPANCY *******

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE

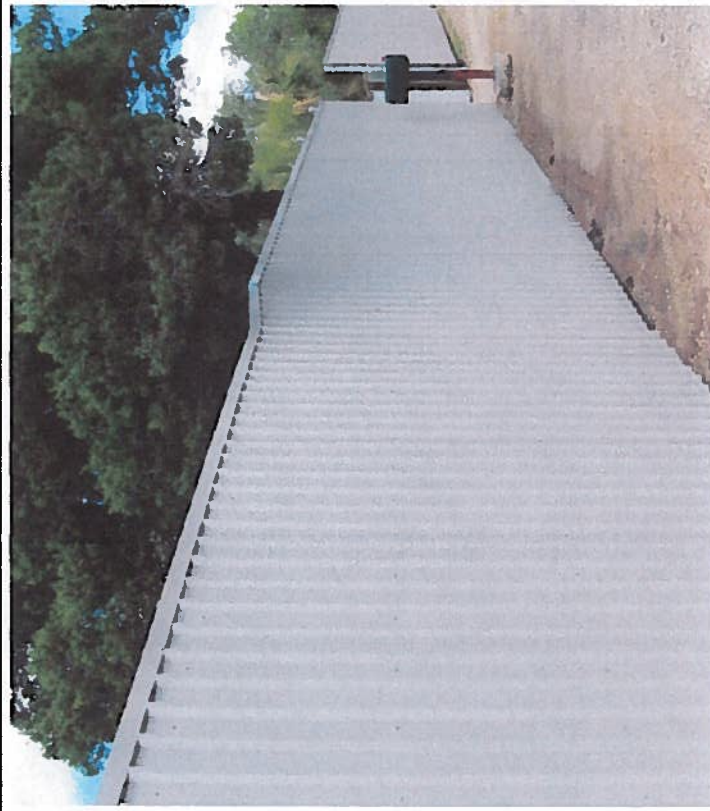
THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE, OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY", OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

BUILDING CODE REVIEWER: Ron Menard

RA3L

For Leon Barba, Building Official

Exhibit B



New Perimeter Fencing will resemble pictures shown above except height = 8-ft
 Panel Color = Ash Gray;
 Top Cap Trim Color = Blue (same color in company logo below)

NOTES / LEGEND:

- Custom Roof Panel Fence
- Height - 8-ft
 - Posts - Galvanized Steel, 3-in. dia., Sch. 40
 - Rails (3) - Galvanized Steel Channel, 2x4-in., 14ga.
 - Panels & Panel Fasteners - Supplied by Client
 - Top Cap - Supplied by Client
 - Post Spacing - 10-ft
 - Post Depth - 3-ft

Capitol Fence & Deck Co

13724 Ave K
 Austin, Texas 78728
 Phone: 512-990-2300
 Fax: 512-990-0559

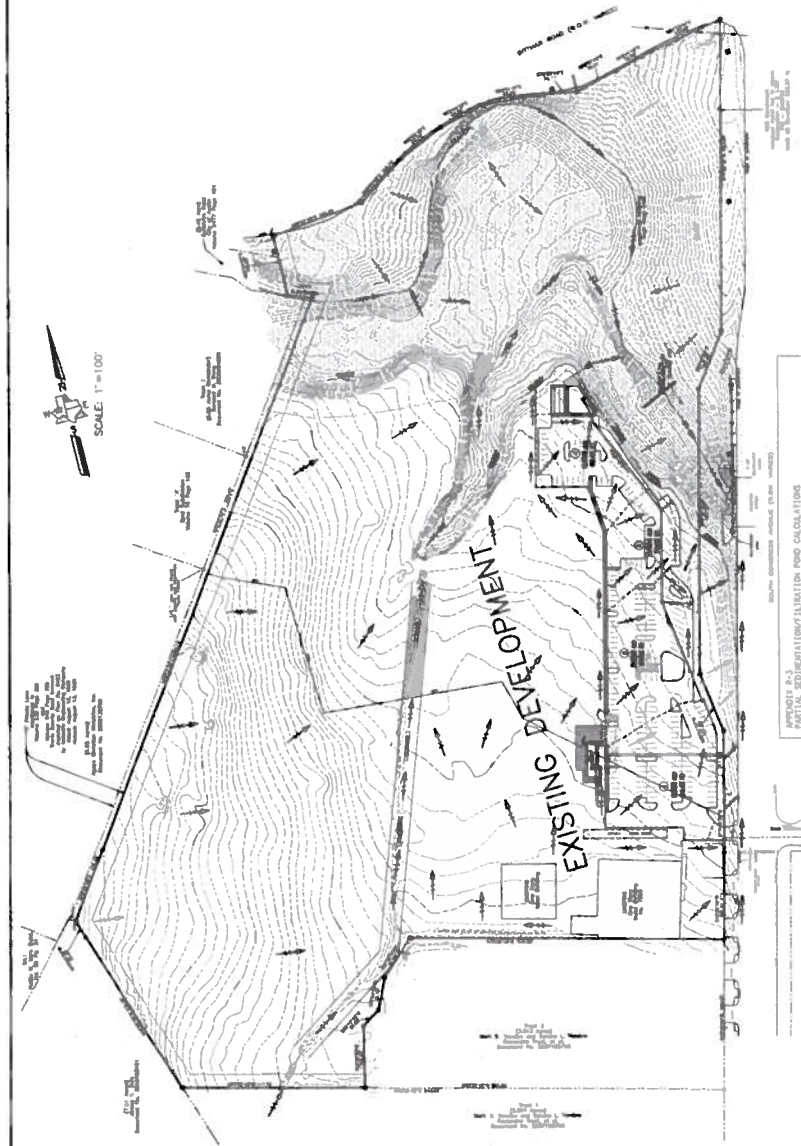


Perimeter Fencing
 Rendering:

LKQ Corporation
 Attn: Johnny Stephens
 7900 S. Congress Ave.
 Austin, Texas 78745

512-282-8800
 281-203-7651
 jstephens@lkqcorp.com

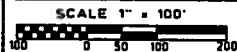
Exhibit C



AREA 1	0.851	oc
AREA 2	0.828	oc
AREA 3	0.434	oc
AREA 4	0.586	oc
TOTAL	2.709	oc

[illegible]

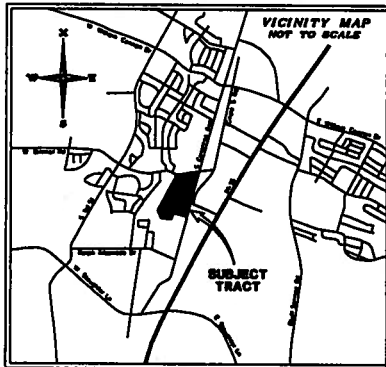
EXHIBIT D
DRAINAGE MAP



ORMAN SUBDIVISION

Legend

- Calculated Point
- Concrete Right-of-Way Monument Found Onsite
- Iron Rod Found
- Iron Pipe Found
- Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."
- Concrete "T" Set
- 4" Pin Set
- Limits of 100 Year Flood Plain
- Proposed Concrete Slabroad
- (Water Survey and District)



LOT SUMMARY
Total Number of Lots: 1
Lot 1: 31.194 Acres
Total Area: 138,880 Square Feet - 3.164 Acre
Lot 1 Commercial Use

OWNER/SUBDIVIDER: RDO Properties, LLC
2209 Hazeltine Lane
Austin, Texas 78717

ENGINEER: PROSSER AND ASSOCIATES
13277 Pond Springs Road
Austin, Texas 78729

SURVEYOR: HOLT CARSON, INC.
1801 Fortview Road
Austin, Texas 78704

NUMBERED COURSES		
118	77.00'-00"	W - 84.00'
218	27.00'-00"	W - 63.00'
318	17.00'-00"	E - 170.00'
418	27.00'-00"	E - 80.00'
518	1.00'-00"	W - 107.00'
618	7.00'-00"	E - 81.63'
718	30.00'-00"	W - 128.33'
818	18.00'-00"	W - 250.00'
918	09.00'-00"	W - 118.00'
1018	18.00'-00"	W - 85.00'
1118	35.00'-00"	W - 80.00'
1218	24.00'-00"	W - 118.00'
1318	11.00'-00"	E - 40.00'
1418	11.00'-00"	E - 85.00'
1518	11.00'-00"	E - 175.00'
1618	25.00'-00"	W - 85.00'
1718	24.00'-00"	W - 85.00'
1818	24.00'-00"	W - 115.00'
1918	28.00'-00"	W - 70.00'

17' Private Lane
continued in
Volume 255 Page 322
and
Volume 145 Page 399
Travis County Deed Records
deducted on Plan No. 5423
by Hestatic Engineering Company
dated August 12, 2016
revised August 12, 2016

T1.1
Holt Carson Subd.
Vol. 55 Pg. 24

17.81 Acres
James E. Holt
Document No. 1010103101

Tract 1
12.891 Acres
Mark S. Yandow and Sandra L. Yandow
Revestable Trust, et al.
Document No. 200705788

WILLIAM CANNON LEAGUE ABSTRACT NO. 6

Exhibit E
Proposed Subdivision

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – conditional overlay (LI-CO) combining district zoning. The Conditional Overlay: 1) prohibits basic industry and resource extraction, 2) prohibits access to Dittmar Road, 3) requires a 50-foot wide vegetative buffer and 100-foot wide building setback along the southwest property line (adjacent to the DR zoned parcel), 4) limits building height to a maximum of 45 feet, and 5) limits the development of the property to 2,000 trips per day.

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 medium or large sized site.

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

The Staff recommendation considers that while the present use is legal and non-conforming since it was in existence prior to annexation, the property is over 31 acres in size and therefore, could be redeveloped in the future. The recommended Conditional Overlay would prohibit basic industry and resource extraction uses, in an effort to provide greater compatibility with all adjacent land uses. LI-CO zoning would be consistent with the CS-CO zoning of the boat storage facility to the south and the CS-CO / LI-CO zoning granted to the vehicle impound yard further south.

EXISTING CONDITIONS

Site Characteristics

The southern portion of the property is developed with an automotive salvage yard, and the northern portion is undeveloped and wooded. There is 100-year floodplain on the northern, undeveloped portion of the property.

Environmental

The site is not located over the Edwards 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:

<u>Development Classification</u>	<u>% of Net Site Area</u>	<u>% with Transfers</u>
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 a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone; impervious cover is limited to 30% in the Water Quality Transition Zone.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

Transportation

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

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. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

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

Any construction on this site would be subject to compatibility development regulations due to the existing DR zoned property to the southwest, and would be subject to the following requirements:

- The site is subject to compatibility standards. Along the north, east and south property line, the following standards apply:
- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Rhoades, Wendy

From: Joan Judy [mailto:judy@capitalareafdb.org]
Sent: Tuesday, February 07, 2012 9:38 AM
To: Rhoades, Wendy
Subject: C14-2011-0160

Hi Wendy:

This email concerns the request for rezoning from DR to LI on the Ormond Tract on at 7600 S. Congress. This tract has seen it's share of problems, most dramatically in late 2010 when the owner (Rob Ormond) clear cut the northern end of property of all large trees in direct violation of city environmental and zoning laws. He was required to re-mediate the property with some landscaping. Unfortunately, last year's drought killed most of the new trees.

My concern is for the creek and the effect of placing junked cars in stacks next to the creek. I do not oppose the plan to improve the existing site. CCAP is not going anywhere. I would like to voice my request for strong oversight by the city for any current or future site plans for the north section of the property. South Boggy Creek is a lovely little meandering creek, that once was home to owl families (they were displaced when the illegal cutting took down their nests). We have seen deer, foxes and coyotes in the area. Very riparian for an Austin neighborhood. The neighborhood would like to maintain the maximum buffer between homes and yards and the proposed Light Industrial zoning.

I would request that the owners consider the neighborhood and nearby businesses when creating new signage. The nearby Capital Area Food Bank has done a wonderful job with their site plan and signs. The very productive site looks good from S. Congress. I would urge CCAP to emulate their good neighbor and not place a large or garish sign in front of their business.

Again, I thank you for time and consideration. I appreciate the opportunity to voice my concerns through email communication.

Joan Judy
7607 Loganberry Drive
78745
789-1455

2/7/2012

Rhoades, Wendy

From: Michael Fossum [mailto:mfossum@atf-foundation.com]
Sent: Tuesday, March 20, 2012 1:03 PM
To: Rhoades, Wendy
Subject: opposing zoning change for Salvage yard South Congress

Wendy,

To let you know that the Austin Heritage Tree Foundation is an interested party and we are opposed to the zoning change for C14-2011-0160 South Congress capital City Salvage yard. We feel that this zoning change will prompt expansion of the salvage yard, and that even currently, there may not be sufficient filters to prevent contamination of the creek. This salvage yard is too massive already and too close to the creek and tributary. We feel that the proposed covenant of a 50 ft. vegetative buffer and 100 ft. wide building setback may not sufficient to control potential contamination, much less if there was an accidental spill.

We request that the zoning change be denied. If the zoning change is approved, we request that at minimum the following be added to the covenant: that the applicant continue to provide sufficient supplemental water to all of the mitigation trees planted in 2010, for a total of 5 years, due to the drought, and that they be replaced with similar trees of good stock, under the approval from the City Arborist Office, if any of these trees were to die before the 5 years. It is our understanding that a few of these trees have died already.

Regards,
Michael

Michael Fossum
Executive Director
Austin Heritage Tree Foundation

3/20/2012

Rhoades, Wendy

From: ~~cc: [REDACTED]@cityofcapitolcity.com~~
Sent: Monday, March 12, 2012 3:19 PM
To: Rhoades, Wendy
Subject: Re: wrecking yard

Wendy:

Thanks very much for taking the time to respond in such detail. As always, I appreciate your efforts.

From: Rhoades, Wendy
Sent: Monday, March 12, 2012 2:08 PM
To: ~~cc: [REDACTED]@cityofcapitolcity.com~~
Subject: RE: wrecking yard

Chris,

I will send along the completed backup for the Capitol City Salvage case as soon as it is complete later this week. The Staff is recommending LI-CO with conditions for the case. Ms. Baker is referencing a section in the zoning code which addresses non-conforming uses. Section 25-2-947 states "A person shall discontinue a nonconforming use not later than 10 years after the date the use becomes nonconforming, if the use occurs outside a structure or in a structure valued less than \$10,000." This applies to properties that had *residential* zoning, but were developed with commercial or industrial uses. The Capitol City Salvage property, along with the surrounding area was annexed into the City in November 1984. The Capitol City Salvage business, known as a scrap and salvage use, became non-conforming at the time of annexation. I am checking to see what kind of zoning Capitol City Salvage had at the time it was annexed to see if it fit within this Section of the Code. The property is presently zoned DR, Development Reserve, which is not designated as a residential zoning district, but a special purpose base district.

Also in 1984, the City converted many of its zoning districts from an older code to the current one. For example, "A" Residence converted to SF-3 zoning, and "O-1" converted to Limited Office. Prior to the conversion taking place, the City sent a letter to all property owners across the City advising of the changes in the zoning districts. As I understand it, the City letter may have included Section 25-2-947 (as described in the above paragraph) in the letter and advised that property owners which fit this particular set of circumstances had 10 years from that date forward to obtain the correct zoning for their uses. I don't know how many property owners sought rezoning based on that correspondence, or if the City followed up in the mid-1990's after 10 years had passed. Since 2001, I have been the case manager for a number of properties that have heavy commercial / industrial uses on South Congress, Ralph Ablanado and Peaceful Hill Lane and were zoned DR and requesting the CS or LI zoning district.

I hope this information is helpful to you.

Wendy

3/12/2012

From: [REDACTED]
Sent: Friday, March 09, 2012 3:36 PM
To: Rhoades, Wendy
Subject: wrecking yard

Wendy:

Would it be possible for me to get a copy of Capitol City wrecking yard's info re: zoning change from DR to LI? Also, I spoke with Betty Baker earlier this week and she made the statement that 'they'd been given ten years to move' and haven't done anything. do you know what she's referencing? I also heard her say this at the ZAP meeting when she and Rob Ormand sort of 'got into it', that they were supposed to have made arrangements to move within ten years and now here they were, looking to expand. Was there some directive/ordinance/instruction by some city organization/board/commission for them to move within a certain period of time? Has staff approved their zoning request? Initially, my wife and I declined to oppose the application for LI zoning, mainly because Rob Ormand had been such a horrible neighbor, we thought the new company, LKQ would be a vast improvement. and so far, they have been. but if there's some past directive for them to have made arrangements to move and they've failed to comply, that would change my attitude towards this project. Thanks, Wendy.

chris clark
8104 south congress

3/12/2012

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, March 20, 2012 2:27 PM
To: 'Michael Fossum'
Subject: RE: opposing zoning change for Salvage yard South Congress

Michael,

Thank you for your email. This case is scheduled for this evening's Zoning and Platting Commission meeting as Item #C-4 and will be a discussion item. Staff has approached the property owner about entering into a public Restrictive Covenant for the purpose of restricting development on 8.361 acres that is closest to Dittmar Road, which contains Boggy Creek and includes the 100-year floodplain, and the property owner has indicated his willingness to do so.

In response to the clearing of trees by the Applicant in January 2010 and subsequent mitigation plan directed by the City, the property owner posted fiscal surety in the amount of \$29,441. Final inspection will be scheduled in January 2013 and the fiscal surety may be returned to the owner if the City finds that the trees, soil amendments and grading improvements are in good condition.

I hope that this explanation is helpful to you.

Wendy

From: Michael Fossum [mailto:~~mfoosum@atstree.org~~]
Sent: Tuesday, March 20, 2012 1:03 PM
To: Rhoades, Wendy
Subject: opposing zoning change for Salvage yard South Congress

Wendy,

To let you know that the Austin Heritage Tree Foundation is an interested party and we are opposed to the zoning change for C14-2011-0160 South Congress capital City Salvage yard. We feel that this zoning change will prompt expansion of the salvage yard, and that even currently, there may not be sufficient filters to prevent contamination of the creek. This salvage yard is too massive already and too close to the creek and tributary. We feel that the proposed covenant of a 50 ft. vegetative buffer and 100 ft. wide building setback may not sufficient to control potential contamination, much less if there was an accidental spill.

We request that the zoning change be denied. If the zoning change is approved, we request that at minimum the following be added to the covenant: that the applicant continue to provide sufficient supplemental water to all of the mitigation trees planted in 2010, for a total of 5 years, due to the drought, and that they be replaced with similar trees of good stock, under the approval from the City Arborist Office, if any of these trees were to die before the 5 years. It is our understanding that a few of these trees have died already.

Regards,
Michael

Michael Fossum
Executive Director
Austin Heritage Tree Foundation

3/21/2012