

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 31
AGENDA DATE: Thu 04/01/2004
PAGE: 1 of 1

SUBJECT: C14-03-0120 - Centrum - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway (Shoal Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning and general office-conditional overlay (GO-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning for Tract A and community commercial-conditional overlay (GR-CO) combining district zoning for Tract B, with conditions. First reading on February 12, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by Council on first ordinance reading. Applicant: Balcones Centrum Ltd. (Gerald Kucera). Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-03-0120

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 3413 North Hills Drive, 6415 Hart Lane and 6426 Mopac Expressway from general office-conditional overlay (GO-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A.

DEPARTMENT COMMENTS

The applicant and several resident associations have come to an agreement that was approved at Council on first ordinance reading (see attached agreement). The proposed change is for GO-CO for tract A and GR-CO for tract B with the following conditions:

For tract A only the following uses will be permitted:

- Medical Offices (over 5,000 square feet)
- Medical Offices (under 5,000 square feet)
- Hospital Services (limited)
- Professional Offices
- Administrative and Business Offices
- Software Development
- Churches

For tract B the only allowed GR use shall be for financial services and the permitted GO uses for tract A above.

In addition the following development standards will apply for both tracts:

- Access to Hart lane shall be prohibited.
- A 55 foot building setback shall be established along the rear (western) property line.
- The roof deck of any structure may not exceed 765 feet above sea level and the combined height of the roof deck and mechanical screening or parapet on any structure may not exceed 771 feet above sea level.

PROPERTY OWNER: The Kucera Company (Gerald Kucera)

AGENT: Crocker Consultants (Sarah Crocker)

DATE OF FIRST READING/VOTE:

February 12, 2004 – Approved community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A (Vote: 7-0).

CITY COUNCIL DATE:

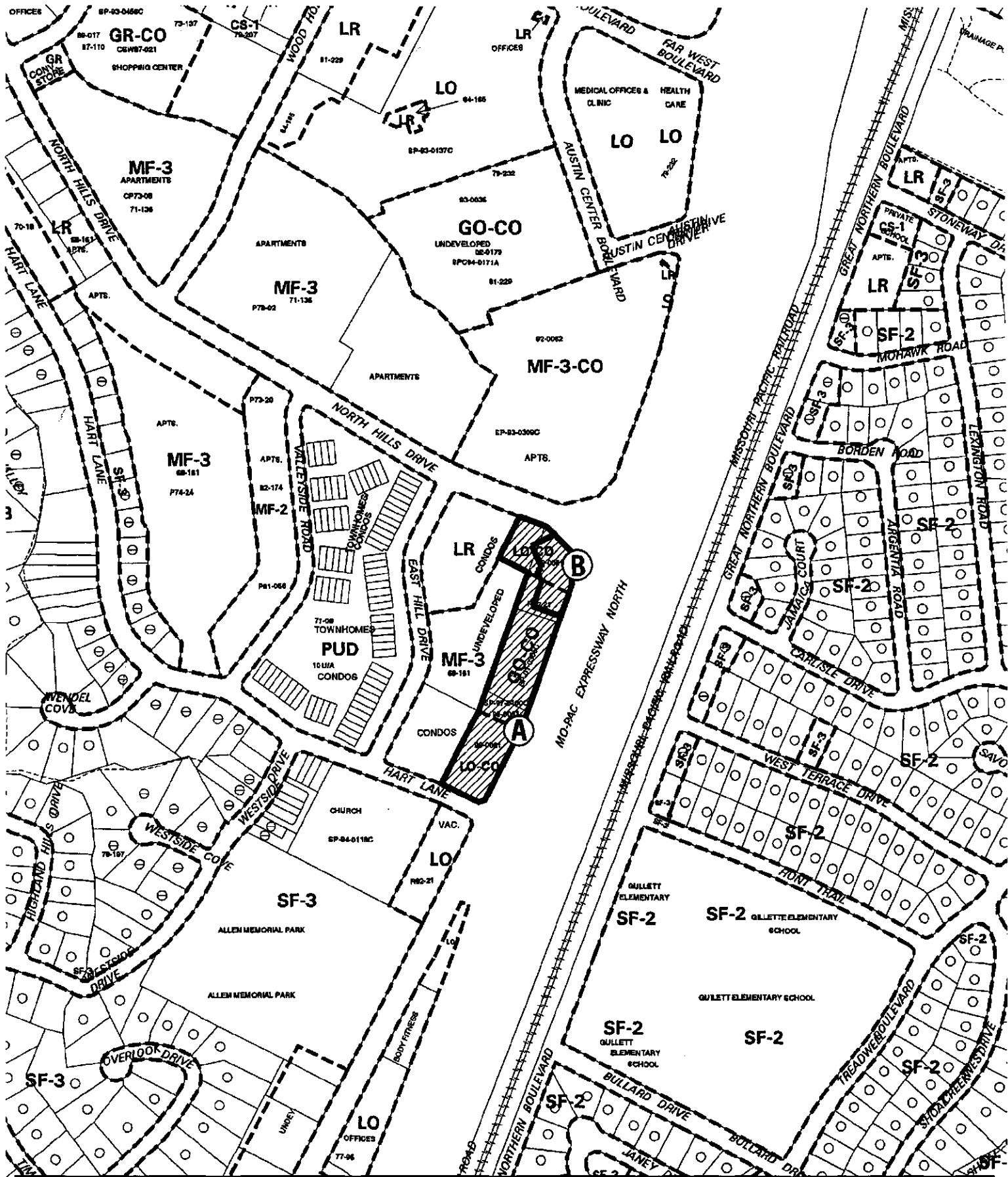
December 4, 2004 – Postponed at the request of the applicant to 2/5/04 (Vote: 6-0, J. Goodman – off dais).


February 5, 2004 – Postponed at the request of Council to 2/12/04 (Vote: 6-0, D. Thomas – absent).

February 12, 2004 – Approved community commercial-conditional overlay (GR-CO) combining district zoning for tract B and general office-conditional overlay (GO-CO) combining district zoning for tract A (Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	CASE #: C14-03-0120 ADDRESS: NORTH HILLS LA BETWEEN HART LA & N MO-PAC NB EXPY SUBJECT AREA (acres): 3.340	DATE: 04-02 INTLS: SM	CITY GRID REFERENCE NUMBER H29	
	PENDING CASE 				ZONING
	ZONING BOUNDARY 				
	CASE MGR: G. RHOADES				

SARAH PUTNAM CROCKER
CONSULTANT
809 SOUTH LAMAR BLVD.
AUSTIN, TEXAS 78704

PHONE (512) 476-6598

FAX (512) 474-8050

February 11, 2004

The Honorable Mayor Will Wynn and Council Members
P.O. Box 1088
City of Austin
Austin, Texas
78767

RE: LETTER OF AGREEMENT FOR ZONING CASE # C14-03-0120

Dear Mayor Wynn and Council Members,

The applicant and the neighborhood have reached an agreement on the above referenced zoning case. We have met with Greg Guernsey and Deborah Thomas to discuss the manner in which the key points of our agreement can be included in the zoning ordinance. As per our discussion it is our understanding that all of these items can be included as part of the Conditional Overlay.

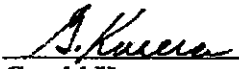
All parties have worked diligently to arrive at this agreement and we would respectfully request the Councils consideration and approval of this case on first (1st) reading.


- As per the attached exhibit the property be rezoned from LO-CO and GO-CO to GO-CO for Tract A and GR-CO for Tract B (footprint zoning for the proposed bank)
- That access to Hart Lane is prohibited.
- The trip limitation for this tract is 3230 trips per day which represents the maximum number of trips that will be generated by the proposed development (see attached memo from WHM traffic engineers)
- As per our negotiations we agree that the uses listed below shall be permitted for Tract A. All other uses in GO shall be prohibited.
 - a.) Medical offices up to 5000 sq.ft.
 - b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Professional Offices
 - e.) Administrative and Business Offices
 - f.) Software Development
- As per our negotiations we agree that the uses listed below shall be permitted for Tract B. All other uses in GR shall be prohibited.
 - a.) Medical offices up to 5000 sq.ft.

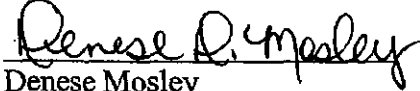
- b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Professional Offices
 - e.) Administrative and Business Offices
 - f.) Software Development
 - g.) Financial Services
- A 55-foot building setback shall be established along the rear (western) property boundary.
 - The following height restrictions shall apply to the entire tract:
 - a.) The roof deck of any structure may not exceed 765 feet above sea level
 - b.) The combined height of the roof deck and mechanical screening or parapet erected on any structure may not exceed 771 above sea level

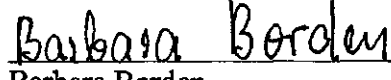
This agreement represents the first time in almost twenty years that a zoning case will be presented to the City Council for this tract without a valid petition. On behalf of all the participants in this process, I would request that Council approve the zoning request on this tract with these conditions.

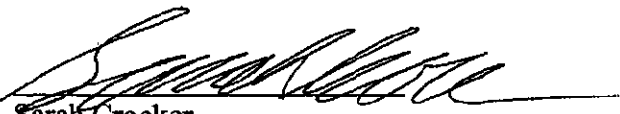
Sincerely,


 Gerald Kucera
 Balconies Centrum Ltd.
 Applicant


 William Bradley
 President
 Northwest Civic Association


 Denese Mosley
 President
 Imperial Condominiums
 Homeowners Association


 Barbara Borden
 President
 Balcones Tower
 Homeowners Association


 Sarah Crocker
 Authorized Agent for
 Balconies Centrum Ltd.
 Applicant

FIELD NOTE DESCRIPTION FOR A 2.764 ACRE PARCEL
(GO ZONING)

DESCRIPTION OF A 2.764 ACRE TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 AND ALL OF LOTS 2 AND 3 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.764 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas, being also in the south line of North Hills Drive, a 60 foot wide right-of-way, and being the northwest corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central zone NAD83, U.S. Feet) values of N=10,099,701.06 and E=3,110,800.78;

THENCE with the north line of said Lot 4, the south line of said North Hills Drive, and the north line of the herein described tract, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point;

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, the following six (6) courses and distances;

1. S 64°54'26" W for a distance of 83.79 feet to a calculated point,
2. S 25°05'34" E for a distance of 80.63 feet to a calculated point,
3. S 64°54'26" W for a distance of 19.82 feet to a calculated point,
4. S 25°05'34" E for a distance of 40.29 feet to a calculated point,
5. S 19°54'26" W for a distance of 85.50 feet to a calculated point, and
6. S 70°05'34" E for a distance of 98.37 feet to a calculated point in the east line of said Lot 4 and being in the west line of said Loop 1 Frontage Road;

THENCE S 19°54'26" W with the east line of said Lot 4, the west line of said Loop 1 Frontage Road and the east line of the herein described tract, at a distance of 24.99 feet pass a ½ inch iron rod found for the southeast corner of said Lot 4 and being the northeast corner of Lot 3 of said Northwest Hills Section 15-A, at a distance of 329.94 feet pass a cotton spindle found for the southeast corner of said Lot 3 and being the northeast corner of Lot 2 of said Northwest Hills Section 15-A, for a total distance of 385.76 feet to a concrete monument found for an angle point in the east line of said Lot 2, being also an angle point in the east line of the herein described tract and being an angle point in the west line of said Loop 1 Frontage Road;

THENCE continuing with the east line of said Lot 2, the east line of the herein described tract and the west line of said Loop 1 Frontage Road the following two (2) courses and distances;

1. S 27°03'48" W for a distance of 260.65 feet to a ½ inch iron rod found for an angle point, and
2. S 73°28'22" W for a distance of 20.78 feet to an "X" found marked in concrete at the intersection of said west line of Loop 1 Frontage Road and the north line of Hart Lane, a 60 foot wide right-of-way, being also the most southerly southeast corner of said Lot 2 and being the most southerly southeast corner of the herein described tract;

THENCE with the north line of said Hart Lane, the south line of said Lot 2 and the south line of the herein described tract, the following two (2) courses and distances;

1. N 62°53'45" W for a distance of 114.70 feet to a ½ inch iron rod found for an angle point, and

2. N 69°26'47" W for a distance of 21.48 feet to a ½ inch iron rod found for the southwest corner of said Lot 2, being also the southwest corner of the herein described tract and being the southeast corner of Lot 3 of Northwest Hills, Section Eleven, Phase Two, a subdivision of record in Book 42, Page 7 of the Plat Records of Travis County, Texas;

THENCE N 27°12'46" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 3, Northwest Hills Section Eleven, Phase Two, for a distance of 265.22 feet to a ½ inch iron rod found for an angle point in the west line of said Lot 2, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northeast corner of said Lot 3, Northwest Hills Section Eleven, Phase Two and being the southeast corner of Lot 2 of said Northwest Hills Section Eleven, Phase Two;

THENCE with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 2, Northwest Hills Section Eleven, Phase Two, the following two (2) courses and distances;

1. N 19°51'32" E, at a distance of 64.06 feet pass a ½ inch iron rod found for the northwest corner of said Lot 2, Northwest Hills Section 15-A and being the southwest corner of said Lot 3, Northwest Hills Section 15-A, for a total distance of 294.13 feet to a ½ inch iron rod found for an angle point, and
2. N 20°33'36" E, at a distance of 58.99 feet pass a ½ inch iron rod found for the northwest corner of said Lot 3, Northwest Hills Section 15-A and being in the southwest corner of said Lot 4, Northwest Hills Section 15-A, for a total distance of 183.95 feet to a ½ inch iron rod found for the northeast corner of said Lot 2, Northwest Hills Section Eleven, Phase Two, being also an angle point in the west line of said Lot 4, Northwest Hills Section 15-A and being an angle point in the west line of the herein described tract;

THENCE N 63°09'05" W, with the north line of said Lot 2, Northwest Hills Section Eleven, Phase Two, and a south line of said Lot 4, Northwest Hills Section 15-A and a south line of the herein described tract, for a distance of 108.17 feet to a ½ inch iron rod found for the most westerly southwest corner of said Lot 4, Northwest Hills Section 15-A, being also an angle point in the west line of the herein described tract, being also the northwest corner of said Lot 2, Northwest Hills Section Eleven, Phase Two and being in the east line of said Lot 1, Northwest Hills Section Eleven, Phase One;

THENCE N 27°11'03" E, with the west line of said Lot 2, Northwest Hills Section 15-A, the west line of the herein described tract and the east line of said Lot 1, Northwest Hills Section Eleven, Phase One, for a distance of 149.95 feet to the POINT OF BEGINNING and containing 2.764 acres of land.

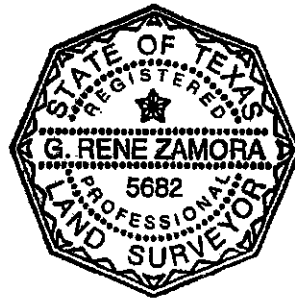
BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.


THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



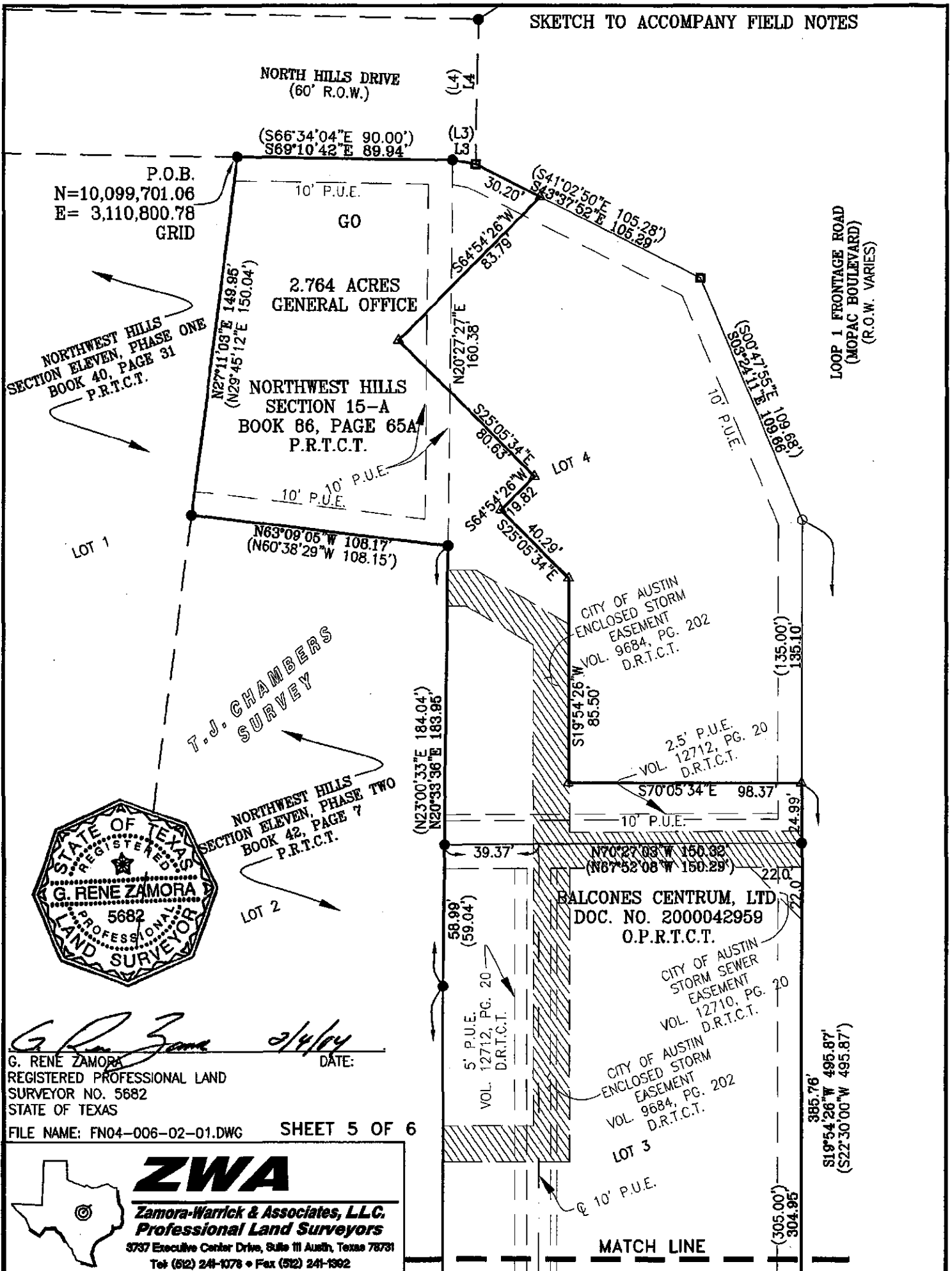
Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-01

SKETCH TO ACCOMPANY FIELD NOTES



L1 S73°28'22"W 20.78'
 L2 N69°26'47"W 21.48'
 L3 S60°22'41"E 9.84'
 L4 N20°51'01"E 59.85'
 L5 N27°10'37"E 59.84'

(L1) S74°41'45"W 21.21'
 (L2) N66°38'00"W 21.45'
 (L3) S57°46'19"E 9.84'
 (L4) N23°27'52"E 60.06'
 (L5) N29°41'45"E 59.63'

NORTHWEST HILLS
 SECTION ELEVEN, PHASE TWO
 BOOK 42, PAGE 7
 P.R.T.C.T.



SCALE: 1" = 50'
 FEBRUARY, 2004
 TRAVIS COUNTY, TEXAS

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ⊗ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

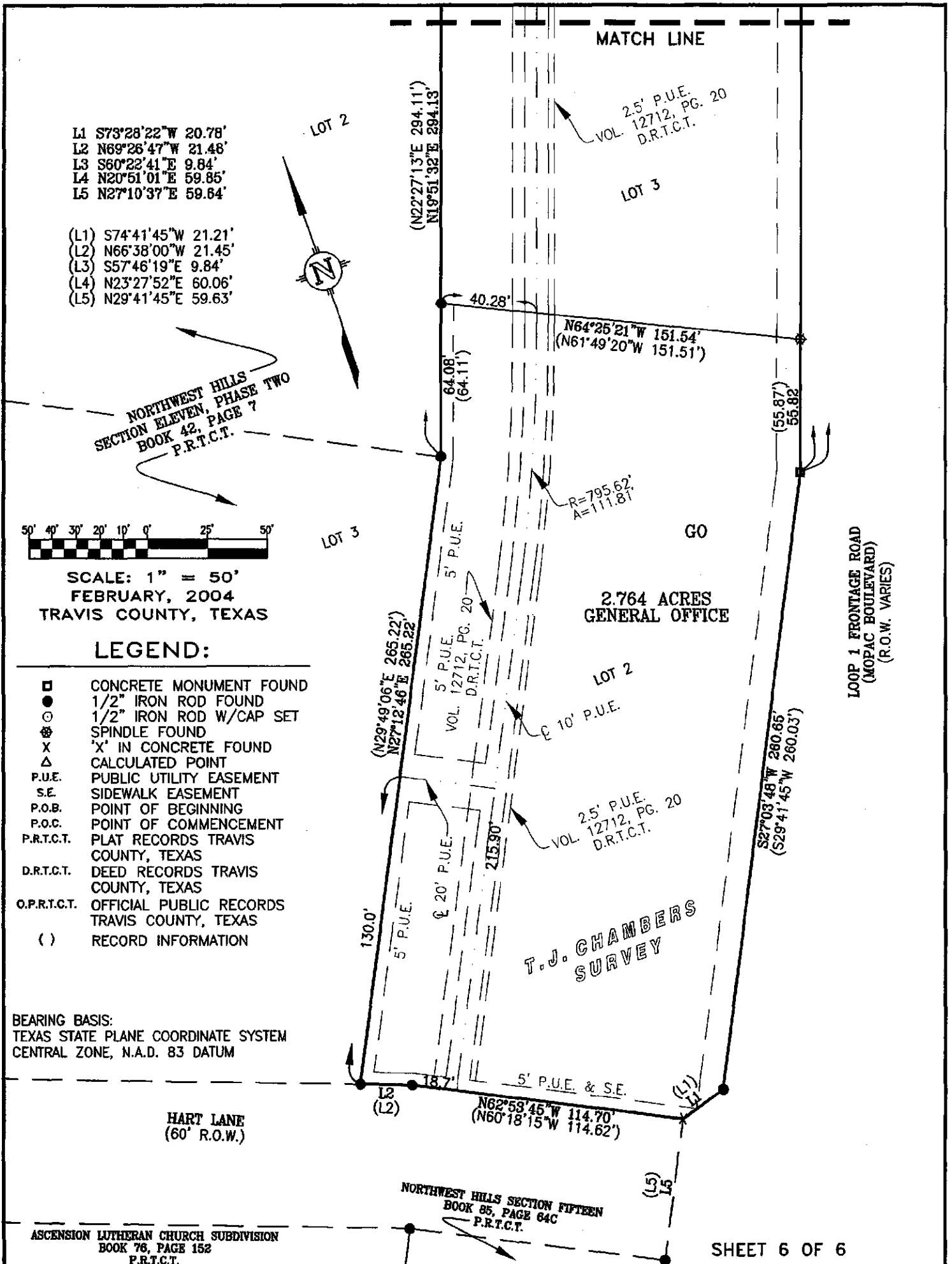
BEARING BASIS:
 TEXAS STATE PLANE COORDINATE SYSTEM
 CENTRAL ZONE, N.A.D. 83 DATUM

HART LANE
 (60' R.O.W.)

ASCENSION LUTHERAN CHURCH SUBDIVISION
 BOOK 76, PAGE 152
 P.R.T.C.T.

NORTHWEST HILLS SECTION FIFTEEN
 BOOK 85, PAGE 64C
 P.R.T.C.T.

SHEET 6 OF 6



FIELD NOTE DESCRIPTION FOR A 0.572 ACRE PARCEL
(GR ZONING)

DESCRIPTION OF A 0.572 ACRE (24,906 SQUARE FEET) TRACT OF LAND, HEREIN IN THE T. J. CHAMBERS SURVEY IN TRAVIS COUNTY, TEXAS BEING PART OF THAT LOT 4 OF NORTHWEST HILLS SECTION 15-A, A SUBDIVISION OF RECORD IN BOOK 86, PAGE 65A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO BALCONES CENTRUM, LTD., OF RECORD IN DOCUMENT NO. 2000042959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.572 ACRE (24,906 SQUARE FEET) TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½ inch iron rod found for the northwest corner of Lot 4 of said Northwest Hills Section 15-A, being also the northeast corner of Lot 1 of Northwest Hills, Section Eleven, Phase One, a subdivision of record in Book 40, Page 31 of the Plat Records of Travis County, Texas and being in the south line of North Hills Drive, a 60 foot wide right-of-way;

THENCE with the north line of said Lot 4 and the south line of said North Hills Drive, the following two (2) courses and distances;

1. S 69°10'42" E for a distance of 89.94 feet to a ½ inch iron rod found for an angle point, and
2. S 60°22'41" E for a distance of 9.84 feet to a concrete monument found for an angle point in the north line of said Lot 4 and being at the intersection of the south line of said North Hills Drive and the west line of Loop 1 Frontage Road (MoPac Boulevard) a varying width right-of-way;

THENCE S 43°37'52" E, with the northeast line of said Lot 4 and the west line of said Loop 1 Frontage Road, for a distance of 30.20 feet to a calculated point for the POINT OF BEGINNING and the most northerly corner of the herein described tract, said point having a Texas State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet) values of N=10,099,642.36 and E=3,110,914.24;

THENCE continuing with the northeast and east lines of said Lot 4 and the west line of said Loop 1 Frontage Road right-of-way and with the east line of the herein described tract, the following three (3) courses and distances;

1. S 43°37'52" E for a distance of 75.09 feet to a concrete monument found,
2. S 03°24'11" E for a distance of 109.66 feet to a ½ inch iron rod with cap set for an angle point, and
3. S 19°54'26" W for a distance of 110.10 feet to a calculated point for the southeast corner of the herein described tract;

THENCE departing the west line of said Loop 1 Frontage Road and over and across said Lot 4, with the south and west lines of the herein described tract, the following six (6) courses and distances;

1. N 70°05'34" W for a distance of 98.37 feet to a calculated point,
2. N 19°54'26" E for a distance of 85.50 feet to a calculated point,
3. N 25°05'34" W for a distance of 40.29 feet to a calculated point,
4. N 64°54'26" E for a distance of 19.82 feet to a calculated point,
5. N 25°05'34" W for a distance of 80.63 feet to a calculated point, and
6. N 64°54'26" E for a distance of 83.79 feet to the POINT OF BEGINNING and containing 0.572 acres (24,906 square feet) of land.

BEARING BASIS NOTE

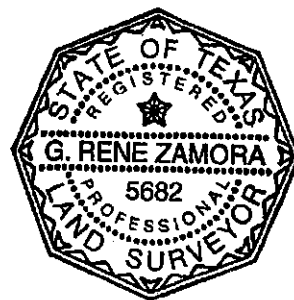
The bearings described herein are Texas State Plane Grid Bearings, Texas Central Zone (4203), NAD 83 (CORS). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2004 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004, A.D.



Zamora-Warrick and Associates, L.L.C
3737 Executive Center Drive, Suite 111
Austin, Texas 78731
512-241-1078


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 -- State of Texas

REFERENCES

TCAD PARCEL NO. 0136010105
ZWA FIELD NOTE NO. FN 04-006-02-02

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NORTHWEST HILLS
SECTION ELEVEN, PHASE ONE
BOOK 40, PAGE 31
P.R.T.C.T.

L3 S60°22'41"E 9.84'
L4 N20°51'01"E 59.85'
(L3) S57°46'19"E 9.84'
(L4) N23°27'52"E 60.06'

NORTH HILLS DRIVE
(60' R.O.W.)
(S66°34'04"E 90.00')
(S69°10'42"E 89.94')

THE AUSTIN CENTER
PHASE TWO

P.O.B.
N=10,099,642.36
E= 3,110,914.24
GRID

NORTHWEST HILLS
SECTION 15-A
BOOK 86, PAGE 65A
P.R.T.C.T.

LOT 1

LOT 4

BALCONES CENTRUM, LTD.
DOC. NO. 2000042959
O.P.R.T.C.T.

10' P.U.E.

GR

0.572 ACRES
24,906 SQ. FT.
GENERAL RETAIL

T. J. CHAMBERS
SURVEY

CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

2.5' P.U.E.
VOL. 12712, PG. 20
D.R.T.C.T.

LOT 3

CITY OF AUSTIN
STORM SEWER
EASEMENT
VOL. 12710, PG. 20
D.R.T.C.T.

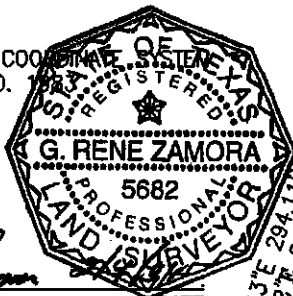
CITY OF AUSTIN
ENCLOSED STORM
EASEMENT
VOL. 9684, PG. 202
D.R.T.C.T.

LOOP 1 FRONTAGE ROAD
(MOPAC BOULEVARD)
(R.O.W. VARIES)

LEGEND:

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/CAP SET
- ⊗ SPINDLE FOUND
- X 'X' IN CONCRETE FOUND
- △ CALCULATED POINT
- P.U.E. PUBLIC UTILITY EASEMENT
- S.E. SIDEWALK EASEMENT
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM
CENTRAL ZONE, N.A.D.



G. RENE ZAMORA
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5682
STATE OF TEXAS

FILE NAME: FN04-006-02-02.DWG



ZWA

Zamora-Warrick & Associates, L.L.C.
Professional Land Surveyors

3737 Executive Center Drive, Suite 111 Austin, Texas 78731

TEL (512) 241-1078 • FAX (512) 241-1392

SHEET 4 OF 4

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0120

Z.A.P. DATE: November 18, 2003

C.C. DATE: December 4, 2003
February 5, 2004
February 12, 2004
April 1, 2004

ADDRESS: 3413 North Hills Dr., 6415 Hart Lane and 6426 Mopac Expressway

OWNER/APPLICANT: Balcones Centrum Ltd.
(Gerald Kucera)

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: LO-CO and GO-CO

TO: CS-MU
Amended to GR-MU by
applicant.

AREA: 3.34 acres

SUMMARY STAFF RECOMMENDATION:

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning. If the proposed zoning is granted, staff requests that the recommendations put forth in the attached Traffic Impact Analysis be incorporated into the ordinance.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

November 18, 2003 – To approve LR-MU-CO, Neighborhood Commercial-Mixes Use-Conditional Overlay district zoning. The conditional overlay limits the uses to financial services as the only allowable LR use and all GO uses with the exception of guidance services, personal services. Limit height to the most restrictive height between the 795 and 765 mean sea level on the two tracts. Height is not to exceed 40 feet of the median sea level measurements. In addition, the property will be limited to the vehicle trips set out in the TIA. (Vote: 9-0).

ISSUES:

Due to a notification error, staff requests a postponement until December 11, 2003.

The property has been the subject of two zoning cases in the recent past. The first was in 1997 (C14-96-0151), and the request was from LO to CS-CO. The conditional overlay would have limited the site to convenience storage as the only allowable CS use and all GO uses as well a 24-foot height limit and a 2,000 vehicle trip limit. At the time, the neighborhood submitted a valid petition that was calculated at 39.26%. It was denied by the Planning Commission and was eventually withdrawn.

The second case, establishing the zoning on the property that exists today (C14-99-0081, see exhibit A) rezoned the property from LO to GO-CO for tract A and LO-CO for tract B and C. Tract A is subject to the following conditions:

1. The total building square footage may not exceed 126,000 square feet.
2. A structure or portion of any structure may not exceed a height of 795 feet above sea level
3. The following uses will be prohibited:

Business Support Services
Off-Site Accessory Parking
Guidance Services
Hospital Services (general)
Private Secondary Educational Facilities

Campground
Personal Services
Restaurant (Limited)
College and University Facilities

Tract B is subject to the following conditions:

1. A structure or portion of a structure may not exceed 765 feet above sea level.
2. Vehicle access to tract B from Hart Lane shall be by right turn-in entry lane only.

Tract C is subject to the following conditions:

1. A structure or portion of a structure may not exceed a height of 765 feet above sea level

In addition, the site is limited to 2,000 trips per day.

The property owner requested GO-CO for the entirety of the property in 1999. The neighborhood at that time submitted a valid petition to the City of Austin against rezoning the property to GO. The existing zoning is a compromise between the neighborhood and property owner.

Regarding the current case, staff has received a letter from applicant amending the case from CS-MU to GR-MU (see attached letter). In addition, the applicant is meeting with the neighborhood in the hopes of coming to an agreement.

DEPARTMENT COMMENTS:

The applicant is proposing the zoning change to develop the site with medical offices, general offices and a drive through bank.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO and LO-CO	Undeveloped
<i>North</i>	MF-3-CO	Apartments
<i>South</i>	LO SF-3	Undeveloped Church
<i>East</i>	Not Zoned	Mopac Expressway
<i>West</i>	MF-3 and LR	Townhomes and Condominiums, County Park

AREA STUDY: N/A

TIA: See TIA memo

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#053 – Northwest Austin Civic Association
#283 – North Austin Neighborhood Alliance
#313 – Parmer/Avery Island Neighborhood Association
#511 – Austin Neighborhoods Council

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0179	GO-CO to GO-CO	The applicant's request was to change the requirements of the conditional overlay. The property was originally subject to a FAR limitation in order to limit trips. Also, there was a height limit of 40 feet. The FAR limit was removed and the height was increased to 45 feet (Vote: 9-0). 12/17/03	Approved ZAP recommendation (Vote: 7-0). 2/13/03

ABUTTING STREETS:

Please see attached T.I.A. memo.

CITY COUNCIL DATE: December 4, 2003

ACTION: Postponed at the request of the applicant (Vote: 6-0, J. Goodman) to 2/5/04.

February 5, 2004

Postponed at the request of Council (Vote: 6-0, D. Thomas-off dais) to 2/12/04

February 12, 2004

Approved GO-CO for tract 1 and GR-CO for tract 2 (Vote: 7-0).

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



STAFF RECOMMENDATION

Staff's alternate recommendation is to maintain the existing LO-CO, Limited Office-Conditional Overlay district zoning and GO-CO, General Office-Conditional Overlay district zoning.

BASIS FOR RECOMMENDATION

2. *The proposed zoning should promote consistency, and orderly planning.*

The existing zoning of GO-CO and LO-CO is more appropriate at this location. Land uses and zoning on the surrounding tracts have not changed since the existing zoning was granted by City Council on May 11, 2000. Along this portion of Mopac Expressway there is only one CS-1 tract on the east side. The properties on this portion of Mopac are developed with office uses as well as apartments and condominiums. Although the property faces Mopac, access will be limited to Balcones Drive.

Staff does not believe that conditions have changed significantly enough to warrant a change to the applicant's request of GR-MU.

3. *The proposed zoning should allow for a reasonable use of the property.*

Staff's alternate recommendation of LO-CO and GO-CO would allow a fair and reasonable use of the site. The property in the area is predominantly used for office and residential. Commercial, retail zoning and uses do not exist along this section of Mopac.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Although the subject tract faces Mopac, vehicle access to and from the property is limited to Balcones Drive, a two lane one-way collector, as well as Hart Lane. and North Hills Dr., also classified as collectors.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped, and used annually for a Christmas tree sales use.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

Impervious Cover

The maximum impervious cover allowed under GR is 90%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

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.

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

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards due to the presence of SF-3 zoned property less than 540-feet to the south of the site. The following regulations apply to the portion of the tract within 110-feet of the southern property line:

- A structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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



Date: March 22, 2004
To: Glenn Rhoades, Case Manager
CC: Rashed Islam, WHM Transportation Engineering Consultants
Reference: Centrum Zoning Case, TIA, C14-03-0120

The Transportation Review Section has reviewed the Traffic Impact Analysis for Centrum zoning case, dated July 2003, and offers the following comments:

TRIP GENERATION

Centrum Zoning is a 3.34-acre development located in central Austin at the southwest corner of the intersection of Balcones Drive and North Hills Drive. The TIA for the project was prepared by Rashed Islam, WHM Transportation Engineering Consultants in July of 2003.

The proposed development consists of the following land uses:

- 107,000 square feet of Medical-Dental Office
- 3,000 square feet of Office
- 3 window drive thru Bank

The property is currently undeveloped and zoned General Office – Conditional Overlay (GO-CO) and Limited Office – Conditional Overlay (LO-CO). The applicant has requested a zoning change to Commercial Services – Mixed Use (CS-MU). The estimated completion of the project is expected in the year 2005.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 3,396 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Adjusted Trip Generation				
LAND USE	Size SF	ADT	AM Peak	PM Peak
Medical-Dental Office	60,000	2,239	145	189
General Office	3,000	33	5	5
Drive-In Bank	3 window	654	37	100
TOTAL		2,926	187	294

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3 %

3. Reductions were taken for pass-by capture:

Table 3. Summary of Pass-By and Internal Capture Reductions	
Land Use	Pass-By Reductions %
Drive-In Bank	47%

4. No reductions were taken for internal capture or transit use.

EXISTING AND PLANNED ROADWAYS

Loop 1 (MoPAC) – This roadway is classified as a six lane divided parkway. In 2000 the traffic volumes north of Northland Drive were 147,000 vehicles per day (vpd). The Austin Bicycle Plan recommends a Priority 2 Route 434 for this roadway.

Northland Drive – This roadway is classified as a four lane undivided major arterial from Loop 360 to Loop 1. The 2000 traffic volumes were 29,000 vpd west of Loop 1. The Austin Bicycle Plan recommends a Priority 2 Route 419 for Northland Drive from Mesa Drive to Loop 1. The Austin Metropolitan Area Plan recommends upgrading this road to a four lane divided arterial by the year 2025.

Balcones Drive – This roadway is classified as a 2-lane collector. The 1997 traffic volumes were 17,600vpd north of FM 2222.

Hart Lane – This roadway is classified as a collector roadway with 6,440 vpd in 1997.

North Hills Drive – This roadway is a two lane roadway and classified as a collector with 7,270 vpd in 1997.

TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 2003 Existing Conditions
- 2005 Build-Out Conditions

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 8 intersections, 2 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2003		2005	
	AM	PM	AM	PM
Loop 1 West Frontage Road and Northland Drive	D	C	D	C
Balcones Drive and Northland Drive	C	C	D	C
Balcones Drive and Loop 1 Frontage Connector	A	A	A	A
Balcones Drive and Hart Lane	A	A	A	A
Balcones Drive and North Hills Drive	A	A	B	A
Driveway A @ North Hills Drive			A	A
Driveway B @ Balcones Drive			A	A
Driveway C @ Balcones Drive			A	A

* = SIGNALIZED

RECOMMENDATIONS

- 1) The applicant should, **prior** to third reading, post fiscal for:
 - a) Hart Lane and Balcones Drive – Striping the eastbound approach to provide one left turn lane and one right turn lane
- 2) The Department of Public Works – Signals has approved this TIA.
- 3) For information: Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to final reading of the zoning case.
- 4) Development of this property should be limited to uses and intensities assumed in the TIA. The use and intensities will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.

Emily M. Barron
Transportation Review Staff
Watershed Protection and Development Review

DISCUSSION AND ACTION

3. Discussion and action on directing staff to evaluate subdivision and preliminary plan notices and make recommendations concerning revisions to public notices.
By: ZAP Commission.

MARTY TERRY WILL BRING BACK TO ZAP AT THE END OF DECEMBER.

BRIEFING

4. Briefing and status update on mobile food vendors. **City Staff: Matt Christianson, 974-6470; and Cora Wright, 974-7674, Neighborhood Planning and Zoning Department.**

PRESENTATION GIVEN BY CORA WRIGHT, MATT CHRISTIANSON, SUSAN WALKER, REPRESENTATIVE FROM HEALTH DEPARTMENT, REPRESENTATIVE FROM TRANSPORTATION DEPT., AND REPRESENTATIVE FROM AUSTIN POLICE DEPARTMENT.

5. Briefing on the Lowe's settlement agreement. **City staff: Pat Murphy, 974-2821.**

PULLED; PLACED ON ADDENDUM.

DISCUSSION AND ACTION ON ZONING CASES**CONTINUED CASES**

6. C14-03-0120 – BALCONES CENTRUM LTD. (Gerald Kucera), By: Crocker Consultants (Sarah Crocker), 3413 North Hills Drive, 6415 Hart Lane, 6426 Mo-Pac Expressway North. (Shoal Creek). **FROM LO-CO and GO-CO TO CS-MU-CO. AMENDED TO GR-MU-CO. ALTERNATE RECOMMENDATION: LO-CO; GO-CO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 11-4 (STAFF).**

APPROVED LR-MU-CO ZONING WITH CONDITIONS:

- ***LIMIT TRIPS SET OUT IN THE T.I.A;***
- ***ALLOW FINANCIAL SERVICES AS THE ONLY PERMITTED LR USE;***
- ***PROHIBIT FOOD SALES;***
- ***MOST RESTRICTIVE HEIGHT BETWEEN THE 795 AND 765 ON THE TWO TRACTS; HEIGHT NOT TO EXCEED 40-FEET OF THE MEDIAN SEA LEVEL MEASUREMENTS, WHICHEVER WERE LESS;***
- ***PROHIBIT GUIDANCE SERVICES, PERSONAL SERVICES OR RESTAURANT LIMITED***

[B.B; K.J 2ND] (9-0)

CURRENT APPROVED SITE PLAN LO/GO

One five story office building
One 3 ½ story parking structure

Building and parking structure are

123,627 SQ.FT. OF OFFICE BUILDING (GENERAL AND PROFFESIONAL
98,550 SQ.FT OF PARKING STRUCTURE

TOTAL SQUARE FOOTAGE FOR PROJECT IS 222,177 SQ.FT.

**THERE ARE TOTAL OF 46 SURFACE SPACES AND 479 SPACES IN THE
GARAGE = 525 SPACES**

PROPOSED GR SITE LAYOUT MEDICAL OFFICE/BANK

3 Separate Buildings

No building over 3 stories in height

NO PARKING STRUCTURE

Buildings are pulled forward to the frontage road and off the
Rear lot line.

40,000 SQ.FT. OF MEDICAL OFFICE

14,750 SQ.FT. OF OFFICE

5,250 SQ.FT OF FINANICAL (BANK)

TOTAL SQ.FT. FOR THIS PROJECT IS 60,000 SQ.FT.

**THERE ARE A TOTAL OF 299 COVERED/SURFACE PARKING SPACES
FOR THIS PROJECT.**

ZAP COMMISSION BACK-UP (11-18-03)

MEMORANDUM

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

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

DATE: November 4, 2003

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-03-0120

6. C14-03-0120 – BALCONES CENTRUM LTD. (Gerald Kucera), By: Crocker Consultants (Sarah Crocker), 3413 North Hills Drive, 6415 Hart Lane, 6426 Mo-Pac Expressway North. (Shoal Creek). **FROM LO-CO and GO-CO TO CS-MU-CO. AMENDED TO GR-MU-CO. ALTERNATE RECOMMENDATION: LO-CO; GO-CO. City Staff: Glenn Rhoades, 974-2775. POSTPONED FROM 11-4 (STAFF).**

SUMMARY

Glenn Rhoades, staff – “The applicant is requesting a zoning change from LO-CO and GO-CO to GR-MU-CO; the applicant is requesting the change in order to develop the site with an office and a drive-thru bank. Staff’s alternate recommendation is LO-CO and GO-CO; basically, the zoning would remain the same. The reason for staff’s alternate recommendation is that land uses and zoning on the surrounding tracts have not changed since the existing zoning was granted by Council in May of 2000. The property on this portion of Mopac, there is generally residential and medical office; and staff believes that the current zoning is more consistent and compatible with this area. There is a T.I.A that has been performed with this case and staff requests that the recommendations that were put forth in the T.I.A be incorporated into the ordinance, should this commission and Council decide to recommend the applicant’s request”.

Sarah Crocker, applicant – “This piece of property has a long history, it had a zoning site plan in 1984 for office. We came in and rezoned the property in 1999; the zoning was finalized in 2000; and again the use was office. At that time we obtained GO footprint zoning for some of the buildings and left the balance of the tract, zoned LO. That was a compromise situation between myself and the neighborhood. Members of the neighborhood are here again this evening. We do have an approved site plan on this particular project; we obtained an approved site plan. We have an office building that’s 5-stories in height; we also have a parking garage; the total square footage for the project is 222,177 square feet. There is a total of 46 surface parking spaces and 479 spaces in the parking garage for a total of 525 spaces. The site plan is approved and we could start construction tomorrow if we chose to. My client has been approached by a man named Scott Taylor, there has been a number of different proposals put forth for this particular piece of property, in the last couple of years. The proposals that were on the table this summer, there was one company that wanted to come in and do convenient storage, which would have required CS zoning; and there was Mr. Taylor’s proposal which was to medical office and condominiums in separate buildings and a drive-thru bank. When I fought for the zoning case, we had done a T.I.A and the convenient storage proposal was still on the table, shortly after I filed for the zoning, that proposal was dropped and it was decided to go with Mr. Taylor’s proposal, which is why we’re here to discuss tonight. We did amend the zoning down to GR, we will be will to drop the zoning down to LR. What Mr. Taylor is proposing is basically three separate buildings, which will not be over 3-stories in height; there’s no structured parking. The buildings are pulled forward to the frontage road and off of the back property line. Our current site plan calls for the office building to be about 15 to 20-feet off of the center property line, with the parking garage being less than 10-feet off of the other property line. The buildings that Mr. Taylor is

proposing will be approximately 56-feet off of the back property line. They are greatly reduced to mass density and they're proximity to the condominium units that are directly behind this project. We are willing to amend our zoning to LR for the entire tract with the only permitted LR use to be that of financial services; we would be willing to limit all of our other uses to those that are contained within the zoning ordinance now. All other conditions that are in the zoning ordinance that relate to height and other issues, we would also like to stay in place. We would like to develop under the GO site development regulations, because of the impervious cover issue. We are willing to reduce the amount of medical square footage that was in the T.I.A; we don't need 107,000 square feet of medical space; we would be willing to limit that to 60,000 square feet, which would reduce the overall trip generation by 2000 trips per day".

Commissioner Baker – "The height for LO is what?"

Mr. Rhoades – "It is 40-feet".

Commissioner Baker – "And GO?"

Mr. Rhoades – "60-feet".

Commissioner Baker – "And LR?"

Mr. Rhoades – "40-feet".

Commissioner Baker – "So basically, right now she can build 40-feet on this right now?"

Mr. Rhoades – "That's correct; however, we're looking at this case from a land use prospective and as one commissioner once said, zoning last longer than most marriages; therefore, we weren't looking the zoning and what would be allowed in that zoning; so that's why we came in with that recommendation".

Commissioner Baker – "But the height is less now, with the LO than the portion of the GO that she has".

Mr. Rhoades – "Correct".

Commissioner Baker – "There's one additional use that would not already be permitted? And the staff would still not recommend it?"

Mr. Rhoades – "We heard this tonight; if we would have received it earlier..."

Commissioner Baker – "Would you like to go back and meditate?"

Mr. Rhoades – "Well, I could take it back to our weekly zoning meeting and"

Commissioner Baker – "That's alright; we'll save you some meditation. Thank you".

Commissioner Jackson – “In our back-up we have the original ordinance that limits the height to 795-feet above sea level; do you know what that means?”

Mr. Rhoades – “I’m going to take my best guess here; this was done several years ago; I believe that whenever you’re looking at height, that would allow more of an absolute height as oppose to the two slopes. You have a slope then you have a height that you have to measure from the highest and lowest point”.

Commissioner Jackson – “We don’t know exactly...”

Mr. Rhoades – “It looks like at least 50-feet; it looks like it could have been 50-feet. Ms. Crocker is pointing out that there are different height limitation on a different tract, which is true”.

FAVOR

No Speakers.

OPPOSITION

Bill Bradley, President of the Northwest Austin Civil Association – Spoke in opposition.

Commissioner Baker – “Do you realize that you’re basically are trading a 60-foot height building for something that can be no greater than 40-feet?”

Mr. Bradley – “No”.

Commissioner Baker – “You didn’t realize that you were changing from a height of 60-feet to 40-feet?”

Mr. Bradley – “I can answer that in my own words; we spoke with Sarah about that and Sarah is not willing to let go of the 60-foot restriction; she wants LR with GO building codes. So she expects to be able to build at this point; to 60-feet on that center tract; and she’s not really willing to allow the 40-feet”.

Commissioner Baker – “I can’t speak for Ms. Crocker, but I can speak for myself, LR only permits 40-feet; it doesn’t really matter what Ms. Crocker is willing”.

Mr. Bradley – “Okay, thank you”.

Commissioner Whaley – “In looking at the site plan and the proposal for the three smaller buildings and the non structured parking, is that not a desirable replacement?”

Mr. Bradley – “I haven’t addressed that exact question; but it’s my understanding that it’s a bigger building, but I also understand that it’s about 2000 trips, with this increased

zoning that increases it to a couple of thousand more; it increases the traffic with the new zoning”.

Commissioner Hammond – “Would your neighborhood association be willing to continue discussions with the applicant to try to clear up some of the questions that you all might have that seem to be up in the air; as well as try to get a better understanding?”

Mr. Bradley – “We have scheduled a meeting for December 6; and try to get the staff involved and everyone in one room and hopefully we can address some of these issues”.

Commissioner Hammond – “I think that’s the best thing you can do”.

William Doyle – Spoke in opposition.

Commissioner Baker – “Ms. Terry; LR zoning is more permissive than GO, but GO has more permissive development regulations as far as height; in the applicant’s request for LR, can we allow the GO development regulations?”

Ms. Terry, City Attorney – “I’m not really sure what the applicant is asking with the LR; what I’m hearing tonight is the first time as well; and it is something that I will have to go back and take a look at to see if it could be done. If LR has an absolute height limitation of 40-feet, as opposed to GO, which has a height limitation of 60-feet, if you’re going to zone this LR, no conditional overlay can loosen the LR height restriction. So I’m not really sure what the applicant is requesting and how she’s looking at that. I would have to sit down and listen to a lot more detail; but a conditional overlay tightens an ordinance up, it doesn’t loosen it”.

Commissioner Baker – “Thank you”.

Ms. Terry – “Remember, you may have to ask these questions to Sarah. Maybe what is going on is there are different portions of this property that’s zoned differently, so I’m not sure if that plays into it as well”.

Commissioner Hammond – “It sounds like city staff doesn’t have all the facts and the neighborhood still has a lot of questions...”

Commissioner Baker – “We still have a lot more people who want to speak, do you want to continue the public hearing or do you want to close it and make a motion?”

Commissioner Hammond – “No name”.

Commissioner Baker – “Because if you’d like to make a motion to continue, we may go home a lot earlier”.

Commissioner Hammond – “I’d like to make a motion to continue and leave the public hearing open”.

Commissioner Baker – “Is there a second?”

Ms. Terry – “Make sure that when we do continue this that we are leaving the public hearing open”.

Commissioner Cortez – “I’ll second”.

Sarah Crocker – “We have been postponed for almost two months because of notification problems and a number of other issues. I filed this case a long time ago and we’re coming up to the end of the year and I get put off much more, I’m not going to have a chance to get to Council in any way, shape or form, before the middle of December. I can certainly address the height issue and my request for GO. I would appreciate it if we could at least continue hearing the opposition and let me close up; and if you want to postpone after hearing from everybody, great. But, we have been waiting since July to try to get to a public hearing”.

Commissioner Baker – “Anyone going to call the question?”

[Silence; motion dropped]

Commissioner Baker – “Okay, the next person in opposition”.

Denise Mosley – Spoke in opposition.

Aaron Gray – Spoke in opposition.

Jane Carnes – Spoke in opposition.

Nick Murphy – Spoke in opposition.

REBUTAL

Sarah Crocker – “I filed this case in July and I met with the neighborhood in August; they had several meetings and I haven’t been invited to them. I was informed this afternoon that they oppose this case. I probably could have addressed these issues earlier, had I known what the issues were. Nothing about this particular zoning changes; I’m not looking for a higher zoning classification in particular. The reason that we filed for the CS initially was because of the convenient storage. We dropped that and went back to the GR. I’m not doing anything but trying to bring it down and trying to find a middle ground. With regard to height, when I said GO site development regulations, the primary thing that we’re looking for here is the impervious cover. That is LR and GO have the same impervious cover; the height is established within the previous zoning ordinance. All of the issues that we agreed to be prohibited in the previous ordinance, everything in that previous zoning ordinance should stay 100% intact; I don’t want to mess with

anything that was negotiated before that. What we're looking for here is the ability to be able to do the bank on the corner and to be able to do the other medical office uses that we wish across the tract; all the way down". "The height is established on the sea level, which means that nobody could put a structure above a certain level; because of the sloping topography of this site, that height is established to make sure that nobody could put anything in front of those condominiums. If you looking at the zoning map, you see PUD zoning; LR zoning; MF-3, it is commercial zoning. These are not single-family houses. I have no intentions of making any changes to the previous ordinance or any of the compromises that I agreed to".

Glenn Rhoades, staff – "I just wanted to clarify something after speaking with Ms. Terry; if I understand the request correctly; we're looking at LR with GO development regulations; and while LR is more permissive as far as use is concerned; LR is more restrictive when it comes to development regulations. Therefore, you could only have development regulations that would be more restrictive with the...."

Commissioner Baker – "I think we have agreed....Thank you for the clarification".

Commissioner Whaley – "The only change to the zoning ordinance that is in place, is financial services?"

Ms. Crocker – "That's the only additional use that we need and that was the reason that we agreed to LR; however, listening to Ms. Terry's interpretation, I have to live with the LR site development regulations".

Commissioner Whaley and Commissioner Gohil moved to close the public hearing.

Mr. Rhoades – "There was a T.I.A attached to this and I wanted to make extra sure to see that it was going to be attached or if you were going to put a 2000 trip limit".

Commissioner Baker – "We'll do something".

Ms. Terry – "Now that you've closed the public hearing, we will have to have a decision".

Commissioner Baker – "Thank you; that's what I said, is there a motion?"

[silence]

Commissioner Baker – "Mr. Martinez will you take the chair?"

Commissioner Martinez – "Is there a motion?"

Commissioner Baker – "I'm going to make a motion for LR zoning; with LR-MU-CO; the conditional overlay would limit the trips as set out in the T.I.A; it would allow financial services as the only permitted LR use and would prohibit food sales".

Commissioner Jackson – “I’ll second”.

Commissioner Baker – “This is changing only two things; first it’s permitting one use which this applicant could not have had, if we would have not taken this action; and that’s financial services. I suspect that many of you, who are opposing this zoning, would probably use the financial services. It is lowering the height of any development from a possibility of 60-feet to 40-feet. In the conditional overlay I excluded food sales which would avoid a convenient store. I can’t think of anything more restrictive when I look at Mopac and consider the thousand and thousands of cars on it each day; I wouldn’t want to live there. That’s the basis for my motion”.

Commissioner Whaley – “Would you consider a friendly amendment to whichever is more restrictive, in regards to the sea level height?”

Commissioner Baker – “No, I think the 40-feet is going to be the most restrictive”.

Commissioner Whaley – “With the topography there and the highest and lowest grades, it would at least give them a “not to exceed” on a height”.

Commissioner Baker – “Okay, I’ll agree to it”.

Commissioner Whaley – “Thank you”.

Ms. Terry – “There are two provisions that are relevance, a structure or a portion of a structure may not exceed a height of 795-feet above sea level; that was for tract A; and tract B, a structure or a portion of a structure may not exceed a height of 760-feet above sea level. One is 795 and one is 760”.

Commissioner Baker – “I said a sea level measurement that’s previously a part of it; or 40-feet, whichever is less”.

Ms. Terry – “That’s fine, I just wanted to make that we understood that there was two different ones because of the topography; and then there were some additional conditions that prohibited. Tract C was also a structure or a portion of a structure may not exceed a height of 765 above sea level”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**BAKER, JACKSON
APPROVED LR-MU-CO ZONING
WITH CONDITIONS:**

- **LIMIT TRIPS SET OUT IN THE T.I.A;**
- **ALLOW FINANCIAL SERVICES AS
THE ONLY PERMITTED LR USE;**
- **PROHIBIT FOOD SALES;**
- **MOST RESTRICTIVE HEIGHT
BETWEEN THE 795 AND 765 ON THE
TWO TRACTS; HEIGHT NOT TO
EXCEED 40-FEET OF THE MEDIAN
SEA LEVEL MEASUREMENTS,
WHICHEVER WERE LESS;**
- **PROHIBIT GUIDANCE SERVICES,
PERSONAL SERVICES OR
RESTAURANT LIMITED**

AYES:

**GOHIL, BAKER, JACKSON,
WHALEY, PINNELLI, CORTEZ,
DONISI, MARTINEZ, HAMMOND**

MOTION CARRIED WITH VOTE: 9-0.

DRAFT

February 4, 2004

Ms. Alice Glasco
Director
Neighborhood Planning and Zoning
City of Austin
Austin Texas
78704

RECEIVED

FEB 05 2004

Neighborhood Planning & Zoning

RE: ZONING CASE # C14-03-0120

Dear Ms. Glasco,

I have been working with the neighborhood on this case since last summer. Our original zoning request was for CS, which has been amended. This tract has a long history and a number of zoning cases, which originated in the mid-1980's. With the exception of the pending application the neighborhood has vigorously opposed every application for rezoning on this tract. While I am not yet in receipt of a letter of support they have made every effort to work with me on this application and both parties are committed to trying to craft an agreement that will result in a project finally being constructed on this site that would bring closure to 19 years of land use issues.

I initiated and completed a zoning case in 2000 that resulted in the current zoning of LO-GO-CO. My client filed for and obtained a site plan for an office project on this site in 2001. The property is under contract for medical offices and a bank with 3 drive thru windows, which has triggered this zoning request.

The challenge with the pending case is twofold: a.) the current zoning must be structured in a manner that does not nullify the approved site plan and b.) there are specific issues with regard to height and building setbacks that must be addressed and preserved for the benefit of the neighborhood and surrounding property owners. Without being able to accomplish these goals my client cannot preserve his existing entitlements and the neighborhood cannot support the zoning case.

Up to the moment of the ZAPCO hearing in October we were all working to come to some form of an agreement. We agreed in the hall prior to the hearing to support LR for the entire tract. My concern at the time, which I expressed to all parties, was that LR zoning would nullify the existing site plan and the zoning could not be completed until the sale of the property was completed. The prospective buyer was in attendance and felt

EXHIBIT "A"

that if the case was approved on 1st and 2nd readings he would be able to secure his financing, purchase the property and finalize the zoning after the closing. Therefore we requested and ZAPCO recommended LR-CO.

Subsequent to the ZAPCO hearing the prospective buyer was notified that zoning was a condition of his financing. The engineering was initiated for the site plan documents and it became readily apparent that we could not locate the buildings in the area we had negotiated with the neighbors due the LR site development regulations. The front setback for LR is 25 feet. The front setback for GO is 15 feet and 10 for GR. LR zoning would have reduced the proposed rear setback from 55 to 45 feet. The 55-foot rear setback is the most important design element of this entire project and must be maintained. The site development documents for this project have been finalized and will be formally submitted for review on February 17th.

We have met with the neighborhood and discussed what zoning classifications, other than LR, would unify the site, allow the project to be built and meet the goals of the neighborhood. I would like to request that the property be rezoned in the following manner:

- As per the attached exhibit the two tracts currently zoned LO be rezoned to GO
- The footprint of the bank, which consists of a portion of the tracts currently zoned LO and GO, be rezoned to GR with the only permitted GR use being financial services.
- That access to Hart Lane is prohibited.
- There was a TIA submitted with this case. The requested number of trips contained within the TIA is 5133. I would request that that number be reduced to 3230, which is the maximum number of trips that would be generated by the proposed development.
- All other uses in GO and GR be prohibited except for the following:
 - a.) Medical offices up to 5000 sq.ft.
 - b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Financial Services
 - e.) Professional Offices
 - f.) Administrative and Business Offices
 - g.) Software Development

The current ordinance restricts height on the two LO tracts to 765 feet above sea level. The GO tract has a height restriction of 795 feet above sea level. The ordinance language reads, "A structure or portion of a structure may not exceed a height of..." which would include a parapet wall, mechanical screening or elevator housing. This condition was hard fought and negotiated between all parties during the previous zoning case due to the size and proximity of the approved project to the adjacent property. The parking structure on the approved site plan is 10 feet from their property line.

All of the proposed structures for the medical office buildings and bank will be built 55 feet from the rear property line. Both parties agree that it is necessary to screen the roof

top mechanical equipment and a parapet needs to be constructed on all structures, which requires that the current height restriction must be modified. The neighborhood has agreed to support modification of the height with conditions. The conditions are as follows:

- a.) We have offered to establish a 55 foot building setback along the rear of the tract creating a continuous building envelope adjacent to the Mopac frontage where buildings can be placed.
- b.) The height for the roof deck of any structure cannot exceed 765 feet above sea level.
- c.) The height of mechanical screening or parapet cannot exceed 771 feet above sea level.

While both parties are in agreement on these terms and restrictions, if they were to be included, as part of the Conditional Overlay in the current ordinance the approved site plan would be nullified. All parties would like to see these conditions placed in a Restrictive Covenant, which would impose these conditions on the site plan for the proposed project. If that site plan was not approved within twelve months these conditions are null and void and the current height restrictions are once again in force and effect. The neighborhood will not accept a private restrictive covenant. It is of utmost importance to them that the City enforce this document. I am aware this is not accepted city policy with regard to Restrictive Covenants, but I will be request that Council consider instructing the law department to work with me and the neighborhood association between 1st and 2nd readings to see if this can be accomplished.

Please allow this to serve as my official request that this case be presented to Council as specified in this correspondence.

Sincerely,

Sarah Crocker
Authorized Agent

**ZONING PROPOSAL
FOR
CENTRUM TRACT**

RECEIVED

FEB 05 2004

**ZAPCO RECOMMENDATION
LR/CO**

Neighborhood Planning & Zoning

1ST READING CITY COUNCIL

1. TRACT B - LO TO GO
2. PORTION OF TRACT A AND PORTION OF TRACT C (*footprint zoning for bank*)
(A) GO TO GR (B) LO TO GR (*only permitted GR use financial services*)
3. REMAINING PORTION OF TRACT C LO TO GO
4. PROHIBIT ACCESS TO HART LANE
5. REDUCE TRIP LIMITATION AS PER TIA FROM 5133 TO 3230
6. ONLY PERMITTED USES /ALL OTHERS PROHIBITED
 - a.) Medical offices up to 5000 sq.ft.
 - b.) Medical offices that exceed 5000 sq.ft.
 - c.) Hospital Services Limited
 - d.) Financial Services*** (*GR tract only*)
 - e.) Professional Offices
 - f.) Administrative and Business Offices
 - g.) Software Development
7. REQUEST THAT COUNCIL DIRECT LAW DEPARTMENT TO WORK WITH APPLICANT AND NEIGHBORHOOD TO EXPLORE THE POSSIBILITY OF THE ENTERING INTO A PUBLIC R.C. TO INCLUDE THE FOLLOWING
 - a.) 55 foot building setback line along the entire western property line
 - b.) The roof deck of any structure cannot exceed 765 feet above sea level
 - c.) Mechanical screening or parapets cannot exceed 771 feet above sea level
 - d.) 55-foot building setback and height limitations of 765 & 771 feet above sea level are in force and effect for one year and are applicable to any revision submitted to SP-01- or any new site plan application submitted to the City of Austin.
 - e.) If, within one year after the approval of the zoning case a revision or new site development permit has not been approved no structure or any portion of a structure shall exceed 765 feet above sea level on Tract B and C. No structure or a portion of a structure shall exceed 795 feet above sea level for Tract A.
 - f.) Administrative and Business Offices
 - g.) Software Development

EXHIBIT "B"