

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-6  
AGENDA DATE: Thu 08/26/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0089 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5811 Balcones Drive (Shoal Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Compass Bank (James Lederer). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0089

**Z.A.P. DATE:** July 20, 2004

**ADDRESS:** 5811 Balcones Drive

**C.C. DATE:** August 26, 2004

**OWNERS:** Compass Bank (James Lederer)

**AGENT:** Jim Bennett

**ZONING FROM:** GR-CO

**TO:** CS-CO

**AREA:** 1.755 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to general commercial services-conditional overlay (CS-CO) combining district zoning. The conditional overlay will prohibit the uses and restrict the property to the development standards listed below.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

To grant general commercial services-conditional overlay (CS-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day, in addition to the conditions listed below (8-0, J. Pinnelli – absent).

### **ISSUES:**

The applicant has submitted 118 separate letters of support from the neighborhood to the west. Staff did not include these in the back up, but will have them available for Commission if there is a need to review them.

In addition, staff has received 5 letters in opposition to the proposed change and are attached to the back of the report.

Staff has not received a formal rejection from any of the affected property owners.

### **DEPARTMENT COMMENTS:**

The applicant is requesting the change in order to develop the property with a convenience storage facility and has agreed to prohibit all CS uses with the exception of convenience storage. The new CS uses to be prohibited are:

Agricultural sales and services  
Construction sales and services  
Equipment repair services  
Monument retail sales

Campground  
Drop-off-recycling  
Kennels  
Vehicle storage

In addition, the applicant has agreed to keep the existing prohibited uses (see attached GR-CO ordinance). They are as follows:

Commercial off street parking  
Communication services  
Hotel-motel

Funeral services  
Indoor entertainment

Indoor sports and recreation  
 Outdoor entertainment  
 Research assembly services  
 Research testing services  
 Hospital services (general)  
 Lodginghouse residential  
 Automotive rentals  
 Congregate living

Off-site accessory parking  
 Pawn shop services  
 Research services  
 Research warehousing services  
 Residential treatment  
 Exterminating services  
 Automotive washing (of any type)  
 Drive through as an accessory use

In addition, the property is currently limited to the following development standards:

- Structures of any kind shall be limited to a maximum of 2 stories and shall not exceed 30 feet in height.
- Development shall be limited to a maximum impervious cover of 70% and a floor to area ratio of .29:1.

The applicant has agreed to prohibit all of the above uses. However, the owner would like to modify the development standards in the existing ordinance. The owner would like to increase the height from 30 feet to 40 feet (CS allows a maximum of 60 ft.) and increase the floor to area ratio from .29:1 to 1:1 (CS allows a maximum of 2:1).

The property is also subject to a restrictive covenant. The applicant has agreed to adhere to all the conditions set forth in the restrictive covenant (see attached R.C.). They are as follows:

- No reflective exterior building wall, reflecting roofing or reflective window glass shall be used.
- Impervious cover shall not exceed 70%.
- Along Balcones Drive, there shall be no more than 3 driveway openings. The primary driveway shall be no more than 50 ft. wide and the other 2 shall be no more than 30 feet. The owner will need to make the best effort to construct the driveway in between openings to the existing tree lines. If that is not possible, the owner is responsible for replanting any trees removed.
- Along Balcones Drive, a 25-foot wide strip shall be used only for landscaping and planting of vegetation. In addition, on the northern portion of the property no trees larger than 12 inches in trunk diameter shall be removed from the 25-foot wide buffer.

To summarize, the applicant is requesting the change in order to develop the site with a convenience storage facility. The owner has agreed to prohibit all CS uses with the exception of convenience storage, in addition to the uses that are now prohibited. The applicant will limit the height to 40 feet and a floor to area ratio of 1:1. The owner will also adhere to the existing restrictive covenant outlined above.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO	Undeveloped

<i>North</i>	LO	Offices
<i>South</i>	GR-CO	Bank, Fast Food, Video Store
<i>East</i>	Not Zoned	Mopac Expressway
<i>West</i>	LO	Offices

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#003 – Allandale Neighborhood Association  
#053 – Northwest Austin Civic Association  
#283 – North Austin Neighborhood Alliance  
#511 – Austin Neighborhoods Council

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-03-0120	LO-CO and GO-CO to CS	Approved LR-MU-CO. The CO prohibited all LR uses with the exception of financial services and all LO uses (Vote: 9-0). 11/18/03.	Approved GO-CO for tract 1 and LR-CO for tract 2. The CO prohibits access to Hart Lane, requires a 55 foot set back on west property line on tract 1 and a 21 foot set back for tract 2, height is limited to 771 feet above sea level. In addition several uses were prohibited on both tracts (Vote: 7-0). 5/13/04.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Balcones Drive	80'	40'	Collector	N/A
MoPac (Loop 1)	470'	Varies	Major Arterial	N/A

**CITY COUNCIL DATE:** August 26, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

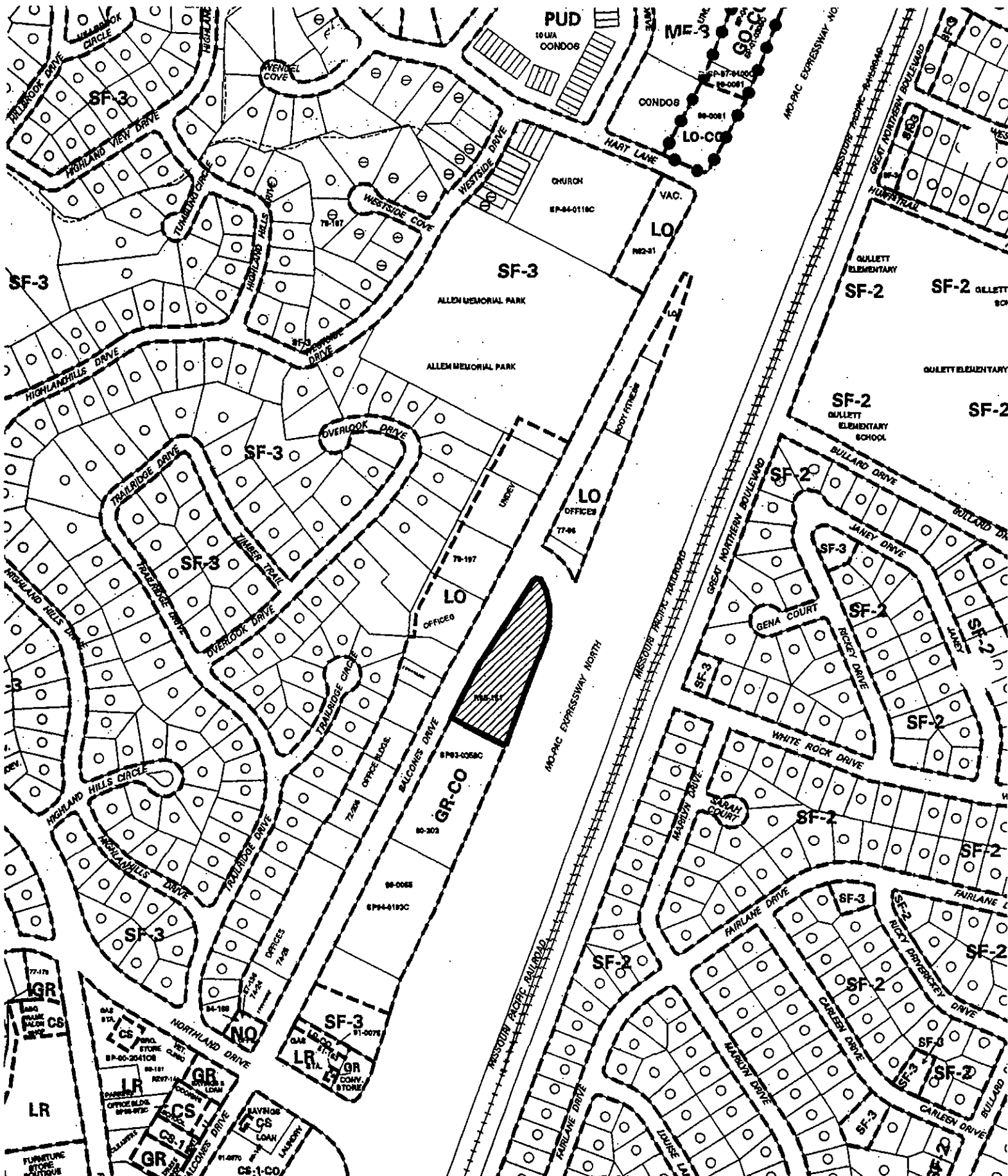
2<sup>nd</sup>




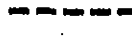
3<sup>rd</sup>

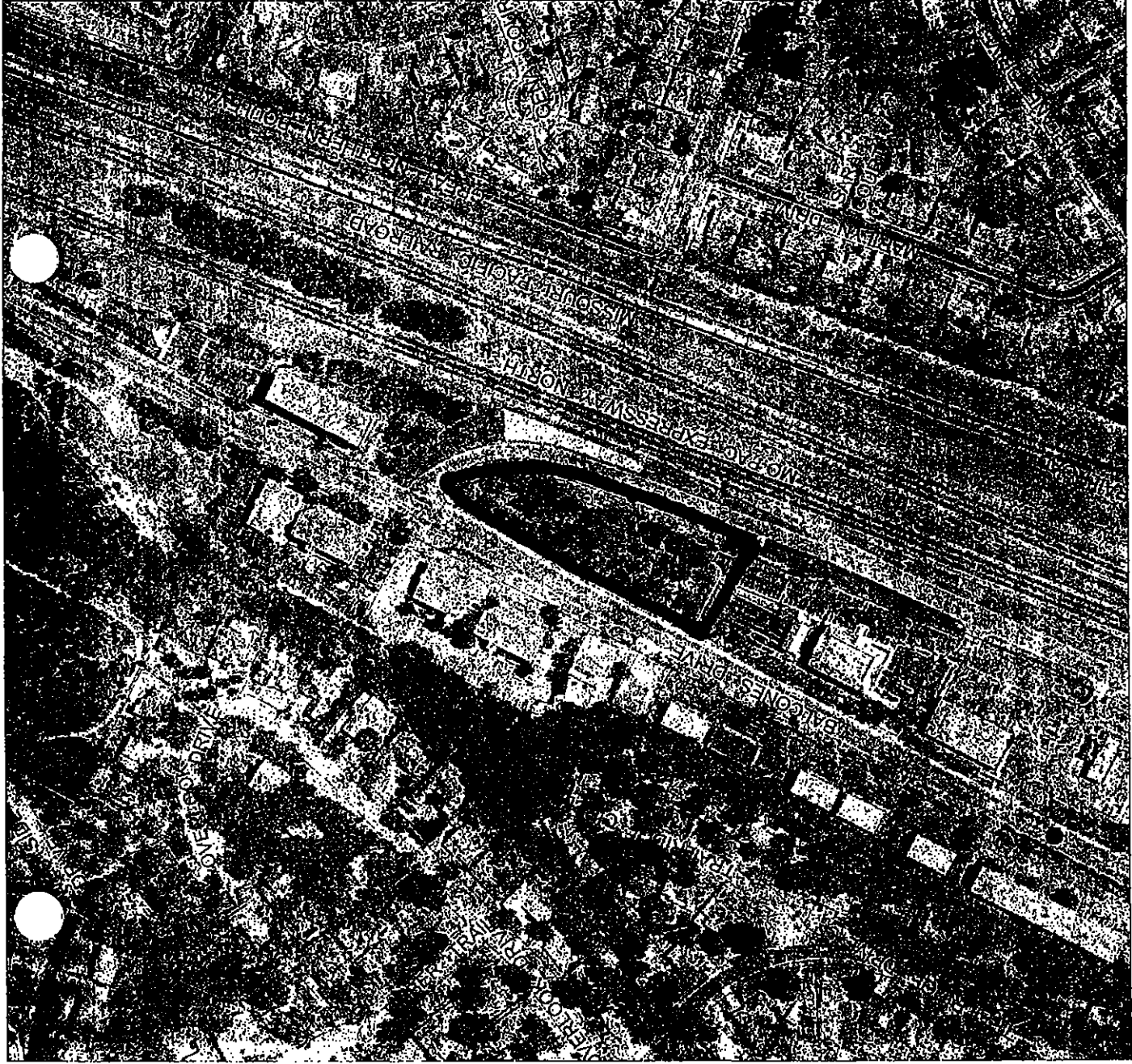
**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



 1" = 400'	SUBJECT TRACT	  	ZONING		CITY GI REFERENCE NUMBER  H28
	PENDING CASE		CASE #: C14-04-0089	DATE: 04-06	
	ZONING BOUNDARY		ADDRESS: 5811 BALCONES DR	INTLS: SM	
	CASE MGR: G. RHOADES		SUBJECT AREA (acres): 1.755		



# City of Austin Infrastructure Support Services

Case C14-04-0089

Base  
Subdivision



This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Infrastructure Support Services, City of Austin.

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to general commercial services-conditional overlay (CS-CO) combining district zoning.

## **BASIS FOR RECOMMENDATION**

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

CS – General Commercial Services is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

The proposed change meets the purpose statement set forth in the Land Development Code. It is located in an area primarily used for offices and retail. It is also accessible from Balcones Drive and has access to Mopac Expressway by way of the frontage road.

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

There is a single-family neighborhood to the west, but it is buffered by several existing office parks. The proposed change would follow a pattern of transitioning from CS-CO along Mopac Expressway, to LO along Balcones Drive, to the single-family neighborhood to the west. In addition, the applicant has offered several conditions to further lessen any impacts the proposal would have on the single-family neighborhood.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this site because of the location of the property and the commercial character of this portion of Balcones Drive.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is currently undeveloped

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 8,957 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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

Capital Metro bus service is available along MoPac (Route #71) and Balcones Drive (Route #19).

### **Impervious Cover**

The maximum impervious cover allowed under CS zoning is 95%. However, the owner has agreed to limit it to 70%.

### **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 Drinking Water Protection Zone/ Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply. 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 floodplain 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 that would preempt current water quality or Code requirements.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.



### **Water and Wastewater**

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

### **Compatibility Standards**

The site is subject to compatibility standards due to the existing single-family development less than 540-feet to the west of this tract. The following regulations will apply:

- For a structure more than 100 feet but not more than 300 feet from single-family property, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from single-family property, 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.

14. C14-04-0085 – HOSKINS 20, By: Fred W. Hoskins, Jim Bennett Consulting (Jim Bennett), 411 Thompson Lane. (Carson Creek). **FROM RR TO CS. RECOMMENDATION PENDING.** City Staff: Wendy Walsh, 974-7719.

***POSTPONED TO 08/3/04 (STAFF)  
DUE TO NOTIFICATION ERROR.***

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

15. C14-04-0084 – HOSKINS 10, By: Fred W. Hoskins, Jim Bennett Consulting (Jim Bennett), 412, 414, 426, and 428 Thompson Lane. (Carson Creek). **FROM RR TO CS. RECOMMENDATION PENDING.** City Staff: Wendy Walsh, 974-7719.

***POSTPONED TO 08/3/04 (STAFF)  
DUE TO NOTIFICATION ERROR.***

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

16. C14-04-0069 – SHURGARD STORAGE (Jeffrey S. Holgerson), By: Mathias Company (Richard Mathias), 10000 Middle Fiskville Road. (Little Walnut Creek). **FROM SF-2 TO CS. RECOMMENDED.** City Staff: Sherri Gager, 974-3057.

***APPROVED STAFF'S RECOMMENDATION OF CS ZONING; BY  
CONSENT.***

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

17. C14-04-0089 – COMPASS BANK (James C. Leofrer), By: Jim Bennett Consulting (Jim Bennett), 5811 Balcones Drive. (Shoal Creek). **FROM GR-CO TO CS-CO. RECOMMENDED.** City Staff: Glenn Rhoades, 974-2775.

***APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING.***

***[J.M; T.R 2<sup>ND</sup>] (8-0) J.P – ABSENT***

18. C14-04-0087 – SCENIC BROOK ZONING CHANGE, By: Distinctive Forms, Inc. (Bradley Bohls), Scenic Brook Drive and Thunderbird Road. (Williamson Creek – In Barton Springs Zone). **FROM NO TO SF-2. RECOMMENDED.** City Staff: Wendy Walsh, 974-7719.

***APPROVED STAFF'S RECOMMENDATION OF SF-2 ZONING; BY  
CONSENT.***

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

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 910117- A

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: LOT A, BALCONES-NORTHLAND ADDITION, FROM "LO" LIMITED OFFICE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 5736-5908 NORTH MOPAC EXPRESSWAY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "LO" Limited Office district to "GR-CO" Community Commercial district-Conditional Overlay combining district on the property described in File C14-89-0065, as follows:

Lot A, Balcones-Northland Addition, a subdivision in the City of Austin, Travis County, Texas according to the map or plat of record in Book 85, Page 123A, of the Plat Records of Travis County, Texas,

locally known as 5736-5908 North MoPac Expressway, in the City of Austin, Travis County, Texas.

PART 2. The property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following restrictions:

1. The following uses of the Property shall be prohibited:

- (a) Parking facility [prohibiting "Parking structures" only]
- (b) Commercial off-street parking,
- (c) Communication services [prohibiting "Broadcasting stations" only]
- (d) Funeral services,
- (e) Hotel-motel [not including suite hotels],
- (f) Indoor entertainment,
- (g) Indoor sports and recreation,
- (h) Off-site accessory parking,
- (i) Outdoor entertainment,
- (j) Pawn shop services,
- (k) Research assembly services,
- (l) Research services,
- (m) Research testing services,
- (n) Research warehousing services,
- (o) Hospital services (general),
- (p) Residential treatment,
- (q) Lodginghouse residential,
- (r) Exterminating services,
- (s) Automotive rentals,
- (t) Automotive washing (automotive or mechanical)
- (u) Automotive washing (self service)
- (v) Congregate living [prohibiting "Emergency shelters" only], and,
- (w) Restaurant (drive-in, fast food) [limited to one].

2. Structures of any kind constructed on the Property shall be restricted to maximum of two stories not to exceed a total of 30 feet in height.

3. Development of the Property shall be restricted to a maximum (i) impervious coverage of 70%, and, (ii) floor to area ratio of .29 to 1.

ATTACHMENT I

## CITY OF AUSTIN, TEXAS

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development Code.

**PART 3.** It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

**PART 4.** The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

**PART 5.** This ordinance shall be effective ten days after the date of its final passage.

**PASSED AND APPROVED:**

January 17, 1991

**www.mca.com**

Lee Cooke

**Lee Cooke**  
**Mayor**

**APPROVED:**

Iris J. Jones  
City Attorney

**ATTEST:**

James E. Aldridge  
James E. Aldridge  
City Clerk

James E. Aldridge  
City Clerk

17JAN91

ME/ii

MODIFIED RESTRICTIVE COVENANT13<sup>00</sup>

THE STATE OF TEXAS

S

ZONING CASE NO. C14-80-202

COUNTY OF TRAVIS

S

03902483

WHEREAS, the CITY OF AUSTIN, a municipal corporation located in Travis County, Texas, was previously the owner of the following described property, to-wit:

All of that certain tract or parcel of land located in Austin, Travis County, Texas, more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, the CITY OF AUSTIN did heretofore impress upon said property certain covenants and restrictions running with the land, for the better development and benefit of the land, and recorded the same at Volume 7512, Pages 116 - 121 of the Deed Records of Travis County, Texas; and,

WHEREAS, said recorded covenants and restrictions provide that they may be modified by agreement of a majority of the Austin City Council and the owner of the property at the time of such modification; and,

WHEREAS, MOPAC, LTD., a Texas limited partnership, is presently owner of the above described property and has requested the City Council's agreement to a modification of said covenants and restrictions such that the site plan for the property must be approved by the City Council only, rather than by both the City Council and City Planning Commission; and

WHEREAS, on November 29, 1984, the Austin City Council, in open meeting, granted its consent to the requested modification of the said covenants and restrictions, in witness whereof the City Manager of the City of Austin has hereunto affixed his signature;

NOW, THEREFORE, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand paid by the City of Austin, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned owner does hereby impress upon the property, the following

0821 \* 6565 2503-04 00

REAL PROPERTY RECORDS  
Travis County, Texas

A - IV

09124 0534

modified covenants, conditions and restrictions, which shall be deemed and considered to be covenants running with the land, and which shall be binding on the undersigned owner, its successors and assigns, as follows, to-wit:

1. No construction requiring a building permit from the City of Austin shall be allowed on the property unless and until a site plan is approved by the Austin City Council. Thereafter, development of the property shall be in accordance with such approved site plan.

2. No reflective exterior building wall, reflective roofing or reflective window glass shall be used in any building or structure on the property.

3. No illuminated signs shall be permitted on the property.

4. Impervious covering on the property shall not exceed 70% of the total area of the property. Impervious cover shall include roads, parking areas, pavement, buildings and other impermeable construction covering the natural land surface.

5. As to the south 1,050 feet of property, as measured along Balcones Drive, there shall be no more than three driveway openings. The primary opening shall not exceed 50 feet in width and the other two openings shall not exceed 30 feet in width, such opening widths to be measured at the right-of-way line along Balcones Drive. Best efforts shall be used to locate such driveway openings at existing openings in the tree line. If such driveway openings are not so located, then sufficient trees must be planted at existing openings in the tree line so as to create and maintain a continuous tree line along Balcones Drive except at permitted driveway openings.

6. As to the south 1,050 feet of the property, as measured along Balcones Drive, a 25 foot wide strip of the property along and adjacent to Balcones Drive shall be used

only for landscaping and planting of vegetation, except at permitted driveway openings. No trees larger than two inches in trunk diameter shall be removed from such 25 foot wide strip.

7. As to the north 454.93 feet of the property, as measured along Balcones Drive, no trees larger than twelve inches in trunk diameter shall be removed from a 25 foot wide strip of the property along and adjacent to Balcones Drive.

8. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing covenants and restrictions, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such restrictions or covenants and to prevent said person or entity from violating or attempting to violate such restrictions or covenants.

9. If any part or provision of this instrument shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this instrument, and such remaining portion of this instrument shall remain in full force and effect.

10. The failure at any time to enforce this instrument by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

11. This instrument may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED this 16<sup>th</sup> day of January, 1985.

MOPAC, LTD.  
A Texas Limited Partnership

By [Signature]  
Robert W. King, Jr.  
General Partner

APPROVED:

[Signature]  
for Jorge Carrasco  
City Manager  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 16  
day of January, 1985 by Robert W. King, Jr.,  
general partner on behalf of Mopac, Ltd, a partnership.

My commission expires:

Kathy Barnett  
Notary Public - State of Texas

KATHY B.  
Notary Public  
The State of  
My Commission Expires

NOTARY SEAL



**RP-3, Ltd.**  
**4107 Rockford Lane**  
**Austin, Texas 78759**

May 21, 2004

Jim Lederer  
4909 Westview Drive  
Austin, TX 78731

Re: Proposed Zoning Change  
5811 Balcones Drive

Dear Mr. Lederer:

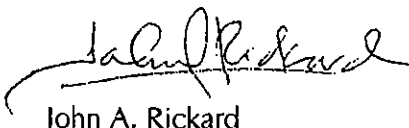
My partner, Kirby Perry, and I have reviewed the materials you sent regarding the construction of a storage facility and attendant zoning change at the above-referenced address. We are not persuaded that this is an appropriate use of that site.

Currently, all of the buildings in this area that have Balcones Drive as their only access are office buildings. There are several undeveloped sites on this section of Balcones Drive and we believe all of them are likely to attract office developers. We see this as a benefit to our property because it will help this section of street be better recognized as a center for office space. In turn, we think this will help leasing efforts for all of the properties along Balcones Drive.

A storage facility, by contrast, could well do the opposite. Even an attractively designed facility (and, as architects, we have our doubts about such trendy designs as the one you propose) could detract from the professional image of the area.

Thank you for taking the time to call and for providing us with information regarding your proposal. We understand your desire to have visibility from Mopac, but hope that you will reconsider your zoning change request in favor of finding a location with more compatible adjacent uses.

Sincerely,



John A. Rickard

cc: Kirby Perry



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: July 9, 2004  
Mailing Date of first Notice: June 23, 2004

File Number: C14-04-0089

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 5811 Balcones Drive

### PROPOSED ZONING CHANGE:

FROM: GR-CO-Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

TO: CS-CO-General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

OWNER: Compass Bank (James C. Leofrer)

PHONE: (512) 450-0005

AGENT: Jim Bennett Consulting (Jim Bennett)

PHONE: (512) 784-4961

ZONING & PLATTING COMMISSION HEARING DATE: July 20, 2004 TIME: 6:00 P.M.

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0089 GR

Zoning & Platting Commission Hearing Date: July 20, 2004

Name (please print)

JOHN A. RICHARD  
KIRBY W. PERRY / RP-3, LTD.

Address 5838 BALCONES DR, AUSTIN, TX 78731

SEE ATTACHED LETTER

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

**To : Zoning and Platting Commission**  
**Re: File #C14-04-0089**  
**Hearing Date: July 20, 2004**

Attention: Glenn Rhoades

My family opposes this change. We live at 5911 Overlook Drive.

First, because the type of usage this change will have in a neighborhood environment. The City Planners chose the level of usage based on the fact that this is mainly a neighborhood. This type of zoning (CS) is not found on any sections around this area. Therefore the continuity would change with a zoning change of CS. Second, the height requirement was set at 30' and two stories the foresight of the City Planners wishing to stay with businesses that are low intensity use. An upgrade to CS would change the density use of this area. Warehouse or storage units are along Burnet Road. This type of use would be a white elephant in a neighborhood.

Please do not allow this change to happen. We are pleased with the current zoning and would be pleased with the types of businesses that the current zoning would bring to the neighborhood.

Thanks for reading my comments.

Candace and Gil Elsass  
5911 Overlook Drive  
Austin, TX. 78731  
454-1546 home  
656-3160 cell  
[ckelsass@aol.com](mailto:ckelsass@aol.com)

Candace Elsass



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: July 9, 2004

File Number: C14-04-0089

Mailing Date of first Notice: June 23, 2004

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 5811 Balcones Drive

### PROPOSED ZONING CHANGE:

FROM: GR-CO-Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

TO: CS-CO-General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.-CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

OWNER: Compass Bank (James C. Leofrer)

PHONE: (512) 450-0005

AGENT: Jim Bennett Consulting (Jim Bennett)

PHONE: (512) 784-4961

ZONING & PLATTING COMMISSION HEARING DATE: July 20, 2004 TIME: 6:00 P.M.

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0089 GR

Zoning & Platting Commission Hearing Date: July 20, 2004

Name (please print)

Candace & Gil Elsass

Address

5911 Overlook Dr.

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

#17

**DAVIS & WILKERSON, P.C.**  
**ATTORNEYS AT LAW**

J. Mark Holbrook  
Board Certified, Personal Injury Trial Law  
Texas Board of Legal Specialization  
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1801 S. MoPac, Suite 300, Austin, TX 78746  
Mailing: P.O. Box 2283, Austin, TX 78768-2283  
512.482.0614 • Facsimile 512.482.0342  
www.dwlaw.com

July 20, 2004

Via Facsimile 512-974-6054

City of Austin  
Neighborhood Planning & Zoning Dept.  
505 Barton Springs Road  
Austin, Texas 78767

ATTN: Glenn Rhoades

Re: File No: C14-04-0089GR

Dear Mr. Rhoades:

I have received notice regarding the proposed zoning change for 5811 Balcones Drive. I am unable to attend the commission hearing scheduled for July 20, 2004. Therefore, I wanted to write you a letter to express my objection to the proposed zoning change. My house is located at 5913 Overlook Drive which is directly above the property in question. I strenuously object to the proposed zoning change from GR-CO-Community Commercial District to CS-CO-General Commercial Services District. The General Commercial Services District is not compatible with the existing neighborhood and the existing offices and commercial sites presently on Balcones Drive. The General Commercial Services District is intended predominately for commercial and industrial activities which is inconsistent with the characteristics of this neighborhood and the adjacent neighborhoods and businesses. I do not object to the present zoning restriction or the use of this property for office and commercial uses serving this neighborhood including, but not limited to, shopping centers, service stations, restaurants, and other retail commercial sites. I do object to the use of this property for a commercial and industrial business that is incompatible with the residential environment in the Balcones Drive area.

If you have any questions please give me a call at (512) 453-3632.

Very truly yours,

  
J. Mark Holbrook

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