

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0010 Storage Depot

**Z. P. C. DATE:** 04-06-2010

**ADDRESS:** 5810 N. MoPac S. B.

**AREA:** 1.75 acres

**APPLICANT:** Austin Storage, Inc. (James Lederer)

**AGENT:** Austin Storage, Inc. (James Lederer)

**NEIGHBORHOOD PLAN AREA:** N/A

**CAPITOL VIEW:** No

**T.I.A.:** No

**HILL COUNTRY ROADWAY:** No

**WATERSHEDS:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** CS-CO, General Commercial Services, Conditional Overlay

**ZONING TO:** CS-CO, General Commercial Services, Conditional Overlay

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of CS-CO, General Commercial Services Conditional Overlay zoning. The current Conditional Overlay limits the Floor-to-Area-Ratio (FAR) to one-to-one (1 to 1). The new Conditional Overlay would change the Floor-to-Area-Ratio (FAR) to one-point-one-to-one (1.1 to 1). All other conditions imposed on the property with case number C14-04-0089 will remain and are explained in the Department Comments.

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

The motion to approve staff's recommendation for CS-CO zoning and all other permitted LO uses, with only convenience storage as the only permitted CS use; was approved by Commissioner Patricia Seeger's motion, Commissioner Cynthia Banks second the motion on a vote of 7-0.

### **DEPARTMENT COMMENTS:**

The applicant originally requested General Commercial Services (CS) zoning with case number C14-04-0089. The request for CS zoning was for the construction of mini-warehouses. The applicant agreed to limit the intensity of the development by the following:

1. Having Convenience Storage as the only CS use. (see attached prohibited use list)
2. Maximum height of forty feet (40'). (CS allows for a maximum height of sixty feet (60')).
3. Maximum impervious cover of 70%. (CS allows for a maximum of 95% impervious cover).
4. Maximum Floor-to-Area-Ratio of one-to-one (1 to 1) (CS allows for a maximum FAR of 2 to 1).

The zone change request was approved by the City Council on August 6<sup>th</sup>, 2004. (see attached ordinance) The applicant was granted a site plan permit by case number SP-04-1099C on April 5<sup>th</sup>, 2004. (see attached site plan) The site plan called for the construction of a three story climate controlled mini-warehouse building that occupies the land to this day. Under the terms of the above mentioned zoning ordinance, the applicant would be allowed approximately 76,230 square feet of FAR. The site plan called for approximately 68,445 square feet of FAR. This left the site with a surplus FAR of 7,785 square feet.

The applicant has indicated that he would like to add an additional 15,000 square feet of building space to the existing structure. In order to achieve the desired 15,000 square foot addition, he needs an additional point one (.1) FAR which would give the site an additional 7,785 square feet of FAR for a total of 15,408 including the surplus. All of the site development standards and restrictions from the previous zone change request will apply to this zone change request too. In addition, there is a Restrictive Covenant attached to the property that dates to the 1980's. The neighborhood has indicated that they do not oppose the requested change to the Conditional Overlay.

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

	<b>ZONING</b>	<b>LAND USES</b>
Site	CS-CO	Mini-warehouses
North	LO	Office
South	GR-CO	Bank
East	N/A	MoPac Expressway
West	LO	Office

#### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-99-0081	From LO to GO-CO	Approved staff's recommendation for GO-CO. (7-2)	Approved staff's recommendation for GO-CO. (7-0) All 3 readings.
C14-03-0120	From LO-CO to GOR-CO	Approved LR-MU-CO. (9-0)	Approved staff's recommendation for GO-CO. (7-0) All 3 readings.

#### **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 to the Conditional Overlay 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.

#### **NEIGHBORHOOD ORGANIZATION:**

- Allandale Neighborhood Association
- Northwest Austin Civic Association
- North Austin Neighborhood Alliance
- Austin Neighborhoods Council

### **SCHOOLS:**

- Doss Elementary School
- Murchison Middle School
- Anderson High School

### **SITE PLAN:**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. This site is in the Scenic Roadway sign district. All signs must comply with Scenic Roadway sign district regulations.

### **ENVIRONMENTAL:**

1. 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**TRANSPORTATION:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Plan	Bus Routes
Mopac	400'	Varies	Expressway	No	None Exist/ Recommended	19 Bull Creek
Balcones Dr	80'	40'	Collector	No	Shared Ln Exist/ Bike Ln Recommended	339 Walnut Creek

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

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

**CITY COUNCIL DATE:** May 13th, 2010  
May 27<sup>th</sup>, 2010

**ACTION:** Postponed to May 27<sup>th</sup>.

**ORDINANCE READINGS:** 1ST                      2ND                      3RD                      **ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson [Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us) **PHONE:** 974-7691



**N**

**1" = 400'**

**LEGEND**

- SUBJECT TRACT**
- ZONING BOUNDARY**
- PENDING CASE**

**ZONING**

**ZONING CASE#:** C14-2010-0010

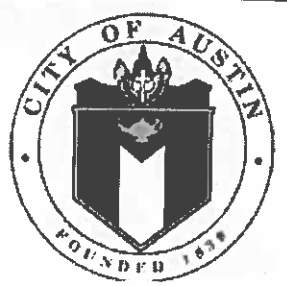
**ADDRESS:** 5810 N MOPAC SXPY SB

**SUBJECT AREA:** 1.75 ACRES

**GRID:** H28

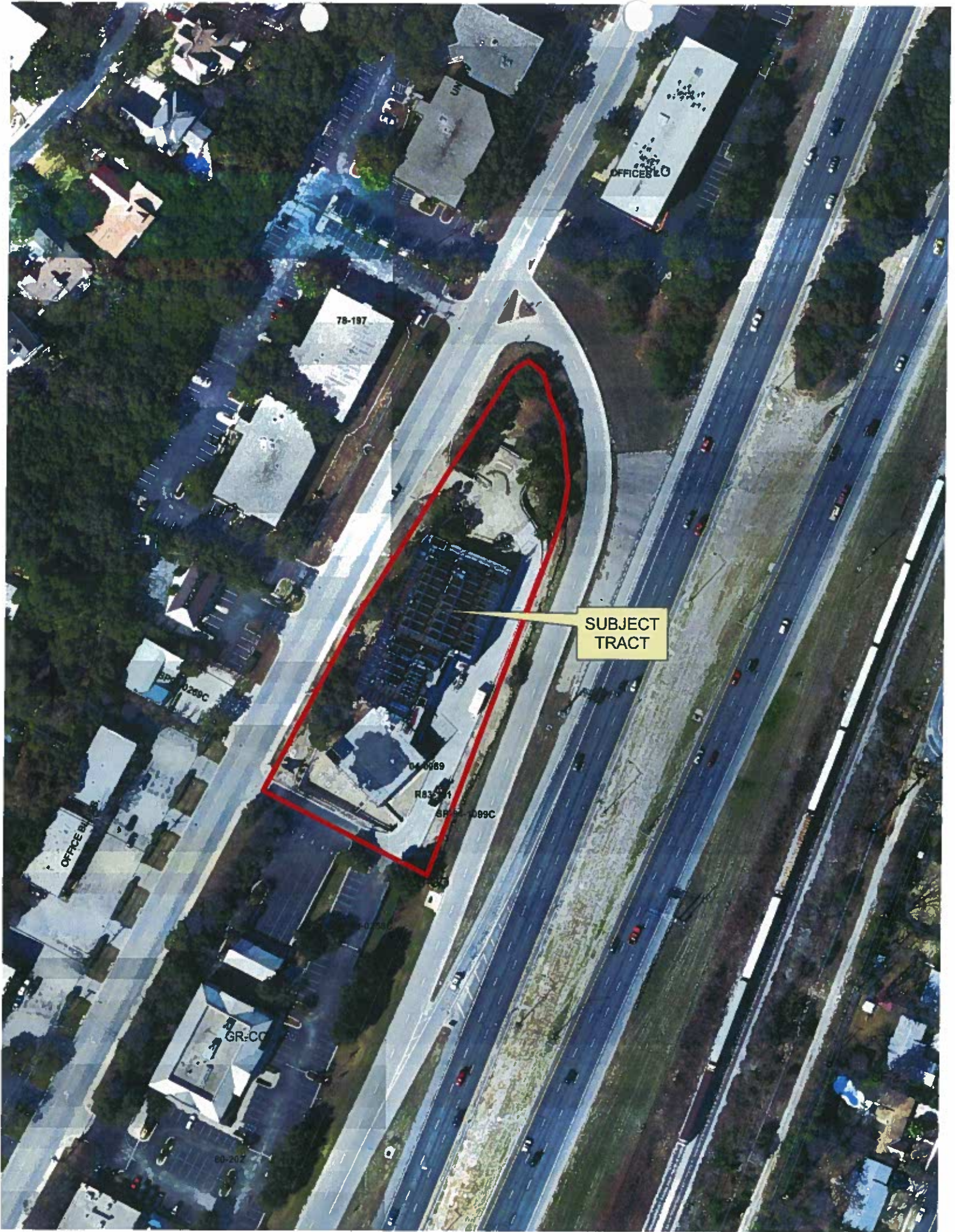
**MANAGER:** C. PATTERSON

**OPERATOR:** S. MEEKS



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





SUBJECT  
TRACT

OFFICE BLDG

78-187

BP 0289C

04-089

R83-11

BP 0289C

OFFICE BLDG

GR-CO

60-207



## PROHIBITED USE LIST

Agricultural sales and services  
Construction sales and services  
Equipment repair services  
Monument retail sales  
Commercial off street parking  
Communication services  
Hotel-motel  
Indoor sports and recreation  
Outdoor entertainment  
Research assembly services  
Research testing services  
Hospital services (general)  
Lodging house residential  
Automotive washing (of any type)  
Drive through as an accessory use

Campground  
Drop-off-recycling  
Kennels  
Vehicle storage  
Exterminating services  
Funeral services  
Indoor entertainment  
Off-site accessory parking  
Pawn shop services  
Research services  
Research warehousing services  
Residential treatment  
Automotive rentals  
Congregate living

**ORDINANCE NO. 040826-Z-6**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5811 BALCONES DRIVE FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-conditional overlay (GR-CO) combining district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-04-0089, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Mopac-Balcones Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 92, Pages 208-209, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 5811 Balcones Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
2. The following site development regulations apply to the Property:
  - a) The maximum height of a building or structure is 40 feet from ground level.
  - b) The maximum impervious cover is 70 percent.
  - c) The floor-to-area ratio (FAR) is 1.0 to 1.0.



3. The following uses are prohibited uses of the Property:

Agricultural sales and services	Campground
Construction sales and services	Drop-off recycling collection facility
Equipment repair services	Kennels
Monument retail sales	Vehicle storage
Bed and breakfast residential (Group 1)	Bed and breakfast residential (Group 2)
Commercial off-street parking	Communications services
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Off-site accessory parking	Outdoor entertainment
Pawn shop services	Research assembly services
Research services	Research testing services
Research warehousing	Restaurant (limited)
Hospital services (general)	Residential treatment
Exterminating services	Automotive rentals
Automotive washing (of any type)	Congregate living

4. Drive-in service is prohibited as an accessory use to commercial uses.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on September 6, 2004.

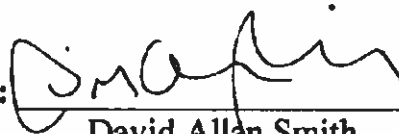
**PASSED AND APPROVED**

\_\_\_\_\_, August 26, 2004

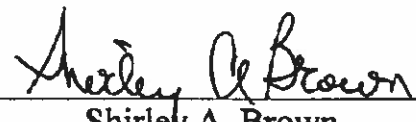
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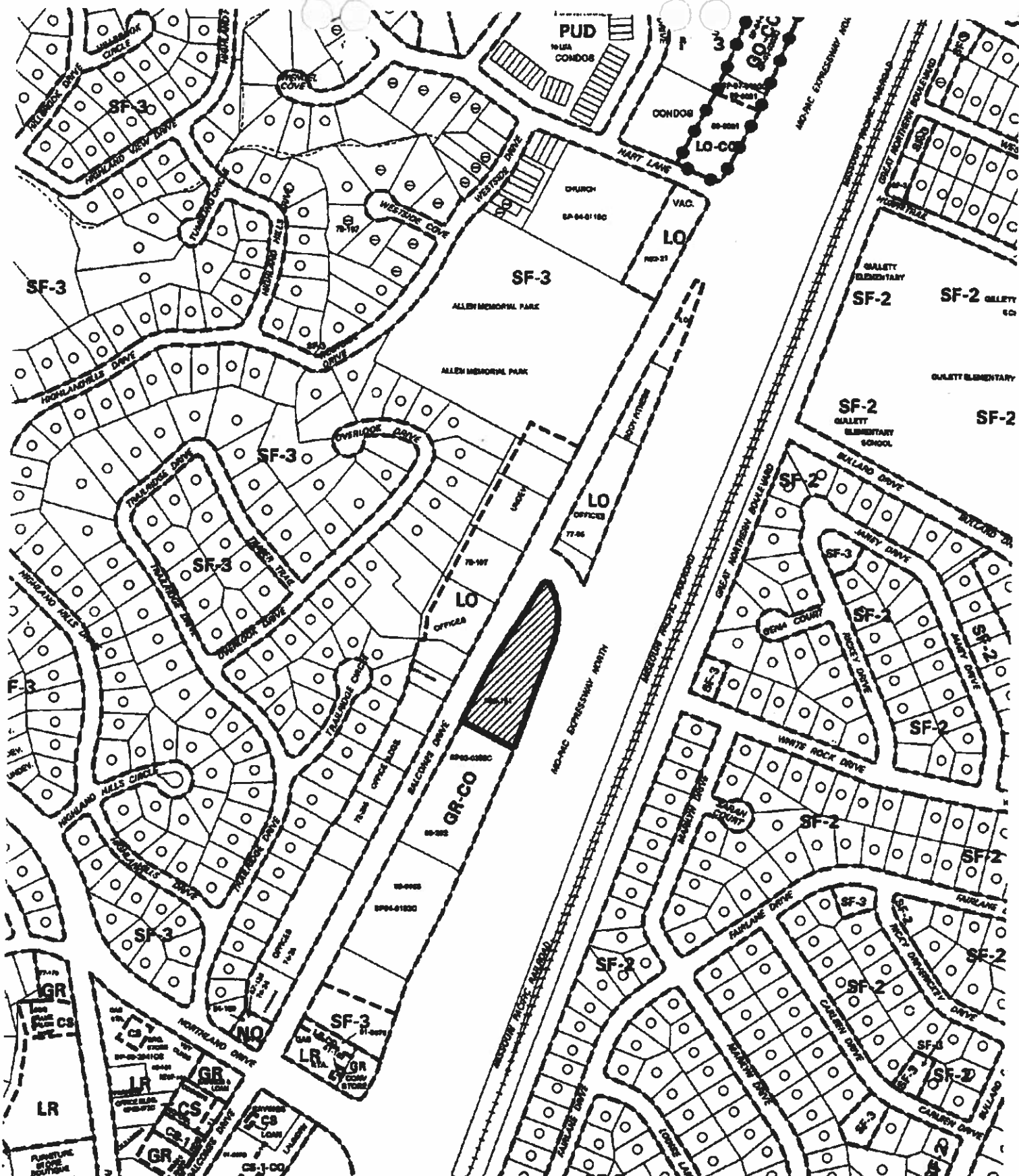
  
\_\_\_\_\_  
Will Wynn  
Mayor

APPROVED:

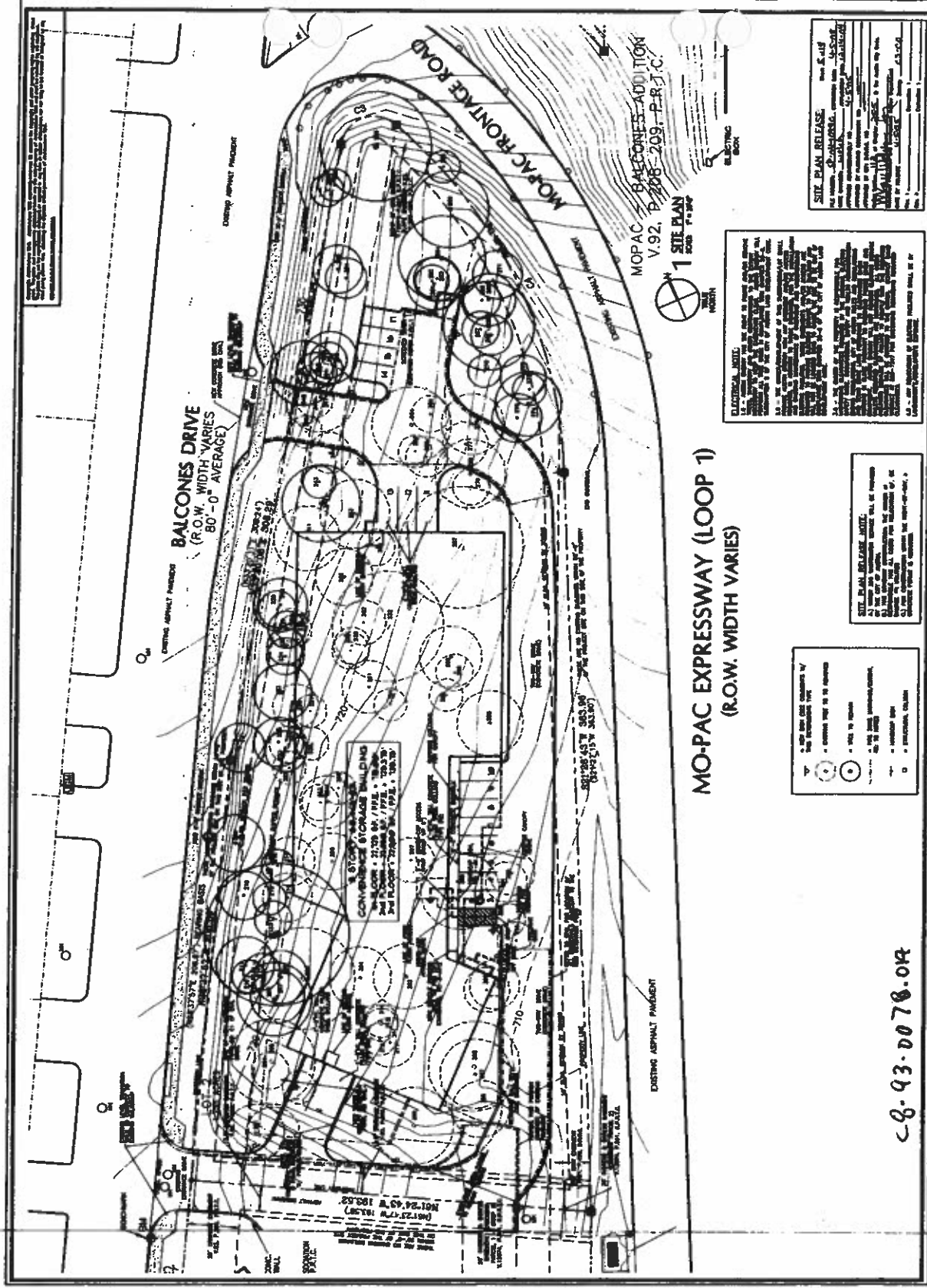
  
\_\_\_\_\_  
David Allan Smith  
City Attorney

ATTEST:

  
\_\_\_\_\_  
Shirley A. Brown  
City Clerk



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



**MOPAC EXPRESSWAY (LOOP 1)**  
(R.O.W. WIDTH VARIES)

MOPAC BALCONES ADDITION  
V.92, P.208-209, P.R.J.C.

**1 SITE PLAN**  
SOS 7-1-94



**ELECTRICAL NOTE:**  
1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE TEXAS ELECTRICAL CODE (TEC).  
2. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B, STANDARD FOR THE SAFE USE OF ELECTRIC POWER RATING SYSTEMS.  
3. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION (NECA) 1-1990, STANDARDS FOR THE QUALITY OF ELECTRICAL INSTALLATIONS.  
4. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION (NECA) 1-1990, STANDARDS FOR THE QUALITY OF ELECTRICAL INSTALLATIONS.  
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**SITE PLAN RELEASE**

NO.	DATE	DESCRIPTION	BY	CHKD.
1	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
2	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
3	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
4	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
5	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
6	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
7	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
8	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
9	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES
10	7-1-94	ISSUED FOR PERMIT	J. C. JONES	J. C. JONES

- LEGEND**
- 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE TEXAS ELECTRICAL CODE (TEC).
  - 2. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B, STANDARD FOR THE SAFE USE OF ELECTRIC POWER RATING SYSTEMS.
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C-8-93-00708.014  
C14.04-0089

MODIFIED RESTRICTIVE COVENANT13<sup>th</sup>

THE STATE OF TEXAS

§

ZONING CASE NO. C14-80-202

COUNTY OF TRAVIS

§

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

0811 \* 666 12-17-84

REAL PROPERTY RECORDS  
Travis County, Texas

A - IV

08124 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]  
Jorge Carrasco  
City Manager  
City of Austin

THE STATE OF TEXAS       §

COUNTY OF TRAVIS       §

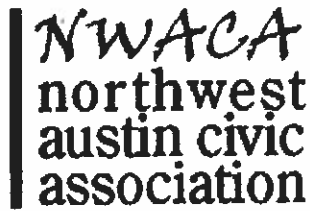
This instrument was acknowledged before me on the 16  
day of JANUARY, 1985 by Robert W. King, Jr.,  
general partner on behalf of Mopac, Ltd., a partnership.

My commission expires: \_\_\_\_\_

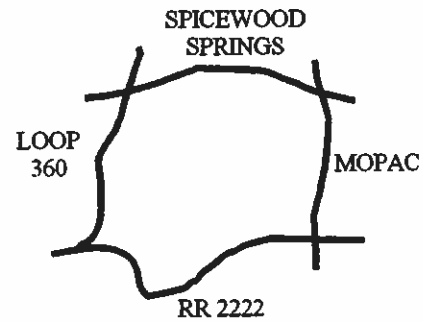
Kathy Barnett  
Notary Public - State of Texas

EATMY R  
Motto: I'm  
The State  
My Commission Expires 7/1/90

NOTARY SEAL



PO BOX 26654, Austin, TX 78755



April 1, 2010

Dear Mr. Patterson,

RE: Zoning Case C14-2010-0010 (ZAP Agenda/April 6, 2010, Item #12)

I'm writing on behalf of the Northwest Austin Civic Association regarding their position on the rezoning of 5811 Balcones Drive to change the Conditional Overlay to allow a FAR of 1.1 to 1.

**The Neighborhood Association Board voted to recommend the increase on a split vote provided the applicant preserve all the remaining trees on the site and that the site plan be approved by the City Council.**

Our decision was based on what we believed the membership's concerns would be. Our criteria included the traffic impact on Balcones, the scale of the proposed development and preservation of the trees, which have served as a buffer from a use more intense than GR.

The original recommendation, which we did not oppose, minimized traffic and increased the scale minimally. The applicant, who applied as a representative of Compass Bank at the time, got an additional 10 feet in height and an increase in the FAR from .29 to 1.0. We got comfort from his declared intention to follow the Restrictive Covenant, which was in place when Compass Bank was built.

However, several of our board members are concerned about adding an additional 23% in square footage to the property and felt this was not in keeping with the scale which the GR was developed to the South. When the applicant met with the Zoning Committee, he indicated he could not save the trees on the property without an increase in the FAR. While the Committee was skeptical of his claim that he could develop 7,785 square feet now without violating the restrictive covenant, the heritage tree ordinance and other site plan requirements, the solution seemed to be to require that all the existing trees be preserved, which would thus limit the proposed 23% increase in square footage and preserve the buffer the trees provided.

The Association also believes that the site plan should be approved by the City Council, as per the restrictive covenant, since the applicant indicated he wanted an additional 21,200 square feet and did not indicate that a restrictive covenant existed on the property when he applied for the rezoning. (See attached application pages.)

Since our support is conditional, I ask that you provide a copy of this letter to the Commissioners and Council and reflect our support thusly.

Please don't hesitate to contact me if you have any questions at 905-2992.

A handwritten signature in black ink, appearing to be "Ann Denkler".

Ann Denkler  
Zoning Committee Chair  
CC: NWACA Board/Zoning Committee

**CITY OF AUSTIN  
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET**

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: STORAGE DEPT

LOCATION: 5810 N MO PAC Expwy.

APPLICANT: JAMES E. LEDERER TELEPHONE NO: 512-809-0883

APPLICATION STATUS: DEVELOPMENT ASSESSMENT ZONING: CS-CO SITE PLAN: FOR AUSTIN STORAGE, INC

**EXISTING:**

**FOR OFFICE USE ONLY**

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
1	1.75	68,445	CS-CO	SELF STORAGE			

**PROPOSED** WANT TO CHANGE FLOOR TO AREA RATIO <sup>FROM 1.0 TO 1.1</sup> **FOR OFFICE USE ONLY**

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
	1.75	21,200 SF	CS-CO	SELF STORAGE			

**ABUTTING ROADWAYS**

**FOR OFFICE USE ONLY**

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
MO PAC EXPRESSWAY	NO ADDED		
BALCONES DRIVE	ACCESS		

**FOR OFFICE USE ONLY**

- A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.
- A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.
- The traffic impact analysis has been waived for the following reason: Sufficient capacity to handle trips to less than 2,000 per day
- A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: Shirley Pope DATE: 2/11/10

DISTRIBUTION: FILE CAP. METRO SDHPT TRANS. REV. TRAVIS CO. TPSD TOTAL COPIES: 5

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

# APPLICATION FOR ZONING

## PROJECT INFORMATION:

### DEPARTMENTAL USE ONLY

APPLICATION DATE: 2/1/2010 FILE NUMBER(S) C14-2010-0010  
 TENTATIVE PC DATE: TBA  
 TENTATIVE CC DATE: TBA CITY INITIATED: YES / NO  
 CASE MANAGER Cheryl Patterson ROLLBACK: YES/NO  
 APPLICATION ACCEPTED BY: Shan Papp

## OTHER PROJECT DATA

OWNER'S NAME: AUSTIN STORAGE, INC.  
 PROJECT NAME: STORAGE DEPOT  
 PROJECT STREET ADDRESS (or Range): 5810 N. MOPAC EXPY. ZIP 78731  
 COUNTY: TRAVIS

If project address cannot be defined, provide the following information:

Frontage ft.                      ALONG THE                      SIDE OF                      APPROXIMATELY  
 (N,S,E,W) Frontage road  
 FROM ITS INTERSECTION WITH                       
 Distance                      Direction                      Cross street  
 TAX PARCEL NUMBER(S): 0133011001

AREA TO BE REZONED: \* CHANGE IN FLOOR TO AREA RATIO FROM 1.0 TO 1.1

ACRES	(OR)	SQ.FT.			
EXISTING ZONING	EXISTING USE	TRACT#	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>CS-CO</u>	<u>CONVENIENCE STORAGE</u>	<u>2</u>		<u>SELF STORAGE</u>	<u>CS-CO</u>

## RELATED CASES

ACTIVE ZONING CASE? (YES / NO) NO FILE NUMBER:                       
 RESTRICTIVE COVENANT? (YES / NO) NO FILE NUMBER:                       
 SUBDIVISION? (YES / NO) NO FILE NUMBER:                       
 Site Plan (YES / NO) NO FILE NUMBER:                     

## PROPERTY DESCRIPTION

(For the portion affected by this application) Provide either subdivision reference OR metes & bounds description.

X 1. SUBDIVISION REFERENCE: Name: MOPAC BALCONES ADDN  
 Block(s)                      Lot(s)                      Outlot(s)                       
 Plat Book:                      Page Number:                       
 2. METES AND BOUNDS (Attach two copies of certified field notes.)



**MODIFIED RESTRICTIVE COVENANT**

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THE STATE OF TEXAS  
COUNTY OF TRAVIS

BOOKING CASE NO. C14-60-282

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 notes 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, NOVAC, 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, 1944, 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 herewith 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

WIT •

REAL PROPERTY RECORDS  
Travis County, Texas

A - IV

00124 0504

PLD

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 no wise 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.