

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0002 (The Domain)

P.C. DATE: April 24, 2012
May 8, 2012

ADDRESS: 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing

OWNER: RREEF Domain, LP (Chad Marsh); Domain Retail I, LP (Chad Marsh),
Domain Parkside I, LP (Robert Shaw)

AGENT: Winstead PC (Michele Haussmann)

ZONING FROM: MI-PDA **TO:** MI-PDA **AREA:** 160.7965 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant the MI-PDA amendment for this site.

PLANNING COMMISSION RECOMMENDATION:

4/24/12: Postponed to May 8, 2012 at the applicant's request (9-0), D. Anderson-1st, M. Dealey-2nd.

5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1st, S. Kirk-2nd.

DEPARTMENT COMMENTS:

The property in question (The Domain-Endeavor site) is currently developed with a mixture of high density residential, office and commercial uses. The applicant is requesting to amend the Planned Development Area (PDA) overlay to change the following conditions of the zoning: 1) To allow for a Cocktail Lounge use as a permitted use on a designated 2,198 sq. ft. parcel located within the Property and 2) To relocate 1-acre of designated zero impervious area within a nine acre park to a new location within the same park.

The staff recommends the applicant's requested change to the MI-PDA zoning because the proposed amendment will not alter the intent of the approved MI-PDA designation for this site. The proposed amendment will permit the applicant to develop a cocktail lounge in a specific lease space within the footprint of the Aloft site (Please see Proposed Site Location Aerial and Field Note Description – Attachment A) in the Domain development without going through the conditional use site plan process for approval. The proposed cocktail lounge use is compatible with other commercial and restaurant uses that have already been constructed within the Domain development. In addition, the staff recommends that applicant's request to relocate 1-acre of designated impervious cover as the proposed relocation will allow for the construction of park improvements (trail ways) while maintaining the intent to limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to offset the increase in impervious cover on the Simon-Domain property (Please see Proposed Zero Impervious Relocation Aerial – Attachment B).

The proposed MI-PDA zoning will allow for a mixture of high-density residential uses, office uses, commercial uses, and industrial uses to be developed on the property in question. The location of the

site is appropriate for the proposed mixture and intensity of uses because the property in question is located between three major roadways. MOPAC Expressway North, Burnet Road, and Braker Lane. The property in question is located within the North Burnet/Gateway Combined Neighborhood Planning Area.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MI-PDA	Multifamily, Office, Commercial (Restaurant, Retail, Hotel uses), Industrial/Office/Warehouse (IBM)
<i>North</i>	NBG-NP	Hotel, Office, Financial Services
<i>South</i>	MI-NP	University of Texas J.J. Pickle Research Center
<i>East</i>	MI-PDA	Commercial (Retail, Restaurants, Theater uses), Multifamily, Office
<i>West</i>	NBG-NP	Office, Commercial/Retail, Vacant Tract, Commercial/Retail

AREA STUDY: North Burnet/Gateway NP

TIA: Not Required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Austin Northwest Association
 Home Builders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Neighborhoods of North Austin/NONA
 North Burnet Gateway Neighborhood Association
 North Burnet/Gateway Neighborhood Planning Contact Team
 North Burnet/Gateway Neighborhood Plan Staff Liaison
 North Growth Corridor Alliance
 SetTexas
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0087 (The Domain Rezoning-Simon: 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace)	MI-PDA to MI-PDA: To amend the Domain zoning ordinance to request a change to the PDA overlay to allow 83% impervious cover for the overall site.	8/24/10: Approved staff's recommendation of MI-PDA zoning with the condition that the applicant agree to a public restrictive covenant to limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to offset the increase in impervious cover on the Simon-Domain property (8-1, Chimenti-No), with the following additional conditions: 1) Require the applicant to provide bicycle access for a portion Bicycle Route Segment #905.04 (Please see Public Works Department Memorandum – "Attachment B") to allow for continuity for bicycle traffic to and through the Domain development. 2) Require a public restrictive covenant that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to be signed and recorded before the 3 rd reading of this zoning case at City Council.	8/26/10: The public hearing will remain open and the first reading of the case was approved for MI-PDA zoning (7-0); Morrison-1 st , Spelman-2 nd , with the following additional conditions: 1) The applicant is to provide bicycle access for a portion of Bicycle Route Segment #905.04 to allow for continuity for bicycle traffic to and through the Domain development. 2) A public restrictive covenant that will limit one acre of land on the Endeavor- Domain site to zero percent impervious cover will be signed and recorded before the third reading of this zoning case. 10/14/10: Approved MI-PDA zoning on 2 nd /3 rd readings (7-0); Spelman-1 st , Leffingwell-2 nd , with the following amendments: 1) Part 3. C. 1 of the ordinance should read: "A pedestrian/bicycle entrance shall be provided between the existing pedestrian/bicycle trail under Mopac Expressway and the Simon Project internal drive as shown on the attached Exhibit B. A minimum 12-foot wide paved path shall be constructed with an associated curb cut connecting to the internal drive prior to issuance of a certificate of occupancy for a building on Lot 5A, Block A, the Domain Shopping Center Section 3 Subdivision."; 2) Add a new paragraph to Part 3, Section D to read: "The two trees on the property numbered 5068 and 5081 as shown on Exhibit D may not be removed, unless the City Arborist

			approved otherwise based on the health of the individual trees.”; 3) The approved otherwise based on fourth WHEREAS of the restrictive covenant should read: “WHEREAS, the requirements of the Land Development Code for both the Endeavor Tract and the Simon Tract allow for a combined maximum of eighty percent (80%) net site area impervious cover resulting in a total allowable impervious cover area of 135.36 acres for the Endeavor Tract and 40.54 for the Simon Tract; and”.
C14-06-0121	MI-PDA to MI-PDA	2/13/07: Approved staff's rec. for MI-PDA zoning with additional conditions of: • 2 star Green Building rating • natural landscaping of all water quality ponds (existing and future); • be in compliance with TIA conditions; • the applicant's requested parkland dedication proposal; • height base of 140-ft; plus an additional 12-stories based on electing to provide some of the public benefits as listed in the North Burnet/Gateway Neighborhood Plan. • Maximum height of 308 feet. Vote: (9-0); J.Reddy-1st, G. Stegeman-2nd.	3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials. one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1 st , Dunkerley-2 nd .
C14-06-0154	MI-PDA to MI-PDA	8/08/06: Approved staff rec. of MI-PDA by consent (8-0)	09/28/06: Approved MI-PDA (7-0); 1st reading 10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2nd/3rd readings
C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA,	12/16/04: Approved MI-PDA (7-0); all 3 readings

		with Environmental Board conditions (9-0).	
C14-04-0146	P to CH	11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0)	12/2/04: Approved CH zoning (7-0); all 3 readings
C14-03-0017	MI-PDA to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off dias)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0016	MI to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning (8-0, R. Pratt-off dias)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0015	MI to CS	6/11/03: Approved staff's recommendation of CS-CO zoning (8-0, R. Pratt-off dias)	7/31/03: Granted CS-CO on all 3 readings
C14-02-0062	LI to CS-1	6/12/02: Approved CS-1 by consent (8-0)	7/11/02: Approved PC rec. of CS-1 (7-0); all 3 readings
C14H-00-2177	LI-PDA to LI-PDA	10/24/00: Approved staff rec. of LI-PDA (TR1), LI-PDA-H (TR2) by consent (9-0)	11/30/00: Approved LI-PDA (TR1) and LI-PDA-H (TR2); (7-0); all 3 readings
C14-00-2065	MI to MI-PDA	5/9/00: Approved staff rec. of MI-PDA by consent (8-0); with the following conditions: 1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size. 2) The total number of additional curb cuts on Braker Lane & Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots. 3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings
C14-99-0024	MI to GR	4/20/99: Approved staff alternate rec. of GR-CO by consent (7-0)	5/20/99: Approved PC rec. of GR-CO w/ conditions (7-0); 1 st reading 6/3/99: Approved GR-CO w/ conditions (7-0); 2 nd /3 rd readings

C14-92-0072	IP to P	8/18/92: Approved	9/3/92: Approved P: all 3 readings
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RELATED CASES: C14-2010-0087

C14-03-0015

C14-03-0016

C14-04-0017

C14-04-0151

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
MoPac (Loop 1)	500'	Varies	Freeway	91,000
Braker Lane	114'	2@30'	Major Arterial	
Burnet Road (FM 1325)	140'	Varies	Major Arterial	24,000

CITY COUNCIL DATE: May 24, 2012

ACTION:

ORDINANCE READINGS: 1st

2nd

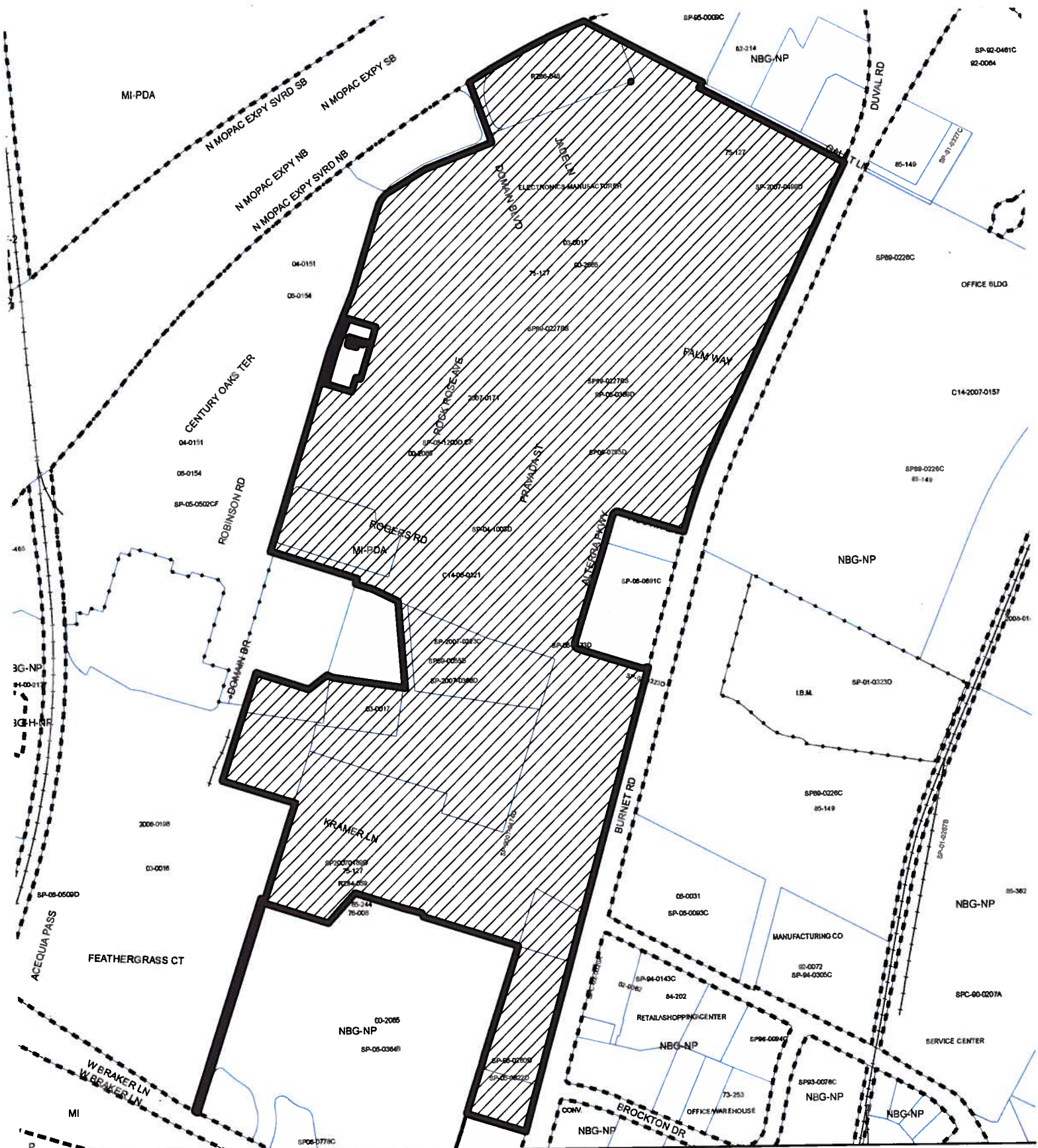
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@austintexas.org



ZONING

ZONING CASE#: C14-2012-0002

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

N
1" = 600'

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

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



STAFF RECOMMENDATION

The staff's recommendation is to grant the MI-PDA amendment for this site.

BASIS FOR RECOMMENDATION

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

The MI district designation is for a commercial service use, research and development use, administrative use, or manufacturing use that meets strict development and performance standards and is generally located on a large site or in a planned industrial center.

The PDA combining district designation provides for industrial and commercial uses in certain commercial and industrial base districts.

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

The proposed MI-PDA amendment will allow the applicant to develop one permitted cocktail lounge use in a defined lease space within a large, established mixed use/commercial development.

In addition, the relocation of the 1-acre of designated impervious cover will allow for the construction of park improvements within the Domain development while maintaining the intent to limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to offset the 3% increase in impervious cover on the Simon-Domain property.

3. *Zoning changes should promote an orderly relationship among land uses.*

MI-PDA zoning would allow this site to be developed with a mixture of high-density residential uses, office uses, commercial uses and industrial uses. This location is appropriate for the proposed PDA because the property in question is located between three major roadways, MOPAC Expressway North (freeway), Burnet Road (major arterial roadway), and Braker Lane (major arterial roadway). A portion of the tract also abuts the Missouri Pacific Railroad.

EXISTING CONDITIONS

Site Characteristics

The property in question is currently constructed with a large mixed use development. It is located along Mopac Expressway North, a freeway, and Burnet Road, a major arterial roadway. A portion of the site borders the Missouri Pacific Railroad on the western side.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Environmental

Please provide a map showing the location of the current designated Pervious Tract and the proposed designated Pervious Tract. In addition, show the location (if applicable) of the WQTZ and CWQZ within the proposed designated Pervious Tract. Additional comments may be pending. - The location map has been provided as Attachment B to this report.

Impervious Cover

The maximum impervious cover allowed by the MI zoning district would be 80 %. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. In this case the applicant is seeking to exceed the MI district impervious cover limits by requesting an additional 3% of impervious cover rights through the PDA, which would allow a total of 83% zoning impervious cover on this property.

A portion of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Walnut and Shoal Creek Watersheds of the Colorado River Basin. Shoal Creek is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in the Shoal Creek Watershed. The portion of the site that is located in the Shoal Creek Watershed is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm.

The portion of the site that is within the Walnut Creek Watershed is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment within the Walnut Creek portion of the site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Site Plan / Compatibility Standards

There have been several site plans approved for the overall development; built: Westin parking lot, Domain Office, Aloft, Domain Pond; and approved or under construction: Domain Infrastructure plans, Blocks C1 & C2, Block X, Block W, Block Y, Block Z, H& T Block, Whole Foods and currently under review V Block , S Block and Domain Park.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

A TIA was completed with the zoning case C14-06-0121. Any changes to uses and intensities that vary from the projected traffic conditions including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics assumed in the TIA shall require an addendum to the existing TIA.

Water and Wastewater

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



Exhibit "A" – Legal Description

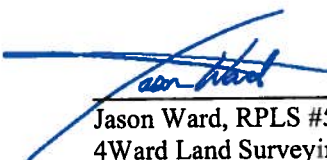
BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0505 ACRE, (2,198 SQUARE FEET), BEING OUT OF LOT 2-A4, BLOCK "A" OF THE AMENDED PLAT OF LOTS 2-A1 AND 2-A4, BLOCK "A", RESUBDIVISION OF LOT 2-A, BLOCK "A", RESUBDIVISION OF LOT 2, BLOCK "A", DOMAIN SECTION 2 SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN DOCUMENT #200800180 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING GROUND LEVEL VACANT RETAIL SPACE ON THE INTERIOR OF AN EXISTING BUILDING, ALOFT HOTEL AT THE DOMAIN, SAID 0.0505 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203):

COMMENCING at a 1/2" iron rod with "Baker Aicklen" cap found at an angle point in the west line of said Lot 2-A4, and being an angle point in an east line of Lot 1, Block "A" of RREEF Domain Whole Foods Market Subdivision, recorded in Document #201100129 (O.P.R.T.C.T.), from which a Mag nail with "Baker Aicklen" washer found at an angle point in the west line of said Lot 1 of Whole Foods, and being an angle point in the east line of Lot 4A, The Domain Shopping Center Section 2, recorded in Document Number 200800026, O.P.R.T.C.T., bears S46°21'06"W, a distance of 72.69 feet, also from which a Mag nail with "Baker Aicklen" washer found in the west line of said Lot 1, and also being a point in the east line of said Lot 4A bears, N14°56'57"E, a distance of 228.73 feet;

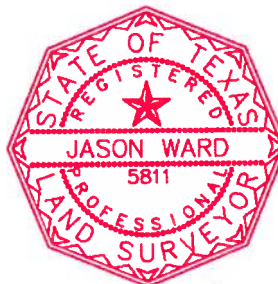
THENCE, over and across said Lot 2-A4, S48°35'17"E, a distance of 41.63 feet to a calculated point for the southwest corner and **POINT OF BEGINNING** hereof;

THENCE, over and across said Lot 2-A4, with the interior walls of said vacant retail space, the following twelve (12) courses and distances:

- 1) N17°16'40"E, a distance of 37.20 feet to a calculated point for the northwest corner hereof,
- 2) S72°43'20"E, a distance of 78.36 feet to a calculated point for an interior ell-corner hereof,
- 3) N17°16'40"E, a distance of 1.00 feet to a calculated point for an exterior ell-corner hereof,
- 4) S72°43'20"E, a distance of 22.51 feet to a calculated point for the northeast corner hereof,
- 5) S17°16'40"W, a distance of 6.60 feet to a calculated point for an exterior ell-corner hereof,
- 6) N72°43'20"W, a distance of 30.40 feet to a calculated point for an interior ell-corner hereof,
- 7) S17°16'40"W, a distance of 8.90 feet to a calculated point for an exterior ell-corner hereof,
- 8) N72°43'20"W, a distance of 26.90 feet to a calculated point for an interior ell-corner hereof,
- 9) S17°16'40"W, a distance of 22.50 feet to a calculated point for an exterior ell-corner hereof,
- 10) N72°43'20"W, a distance of 26.27 feet to a calculated point for an interior ell-corner hereof,
- 11) S17°16'40"W, a distance of 0.20 feet to a calculated point for an exterior ell-corner hereof and
- 12) N72°43'20"W, a distance of 17.30 feet to the **POINT OF BEGINNING** and containing 0.0505 Acre (2,198 Square Feet) more or less.


Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

07/15/2011



DOMAIN DRIVE PRIVATE DRIVE

LOT 4A
THE DOMAIN SHOPPING CENTER
SECTION 2 SUBDIVISION
DOC. # 200800026, O.P.R.T.C.T.

LOT 1, BLOCK "A"
RREEF DOMAIN WHOLE
FOODS MARKET
SUBDIVISION
DOC. # 201100129,
O.P.R.T.C.T.

LOT 2-A4, BLOCK "A"
AMENDED PLAT OF LOTS 2-A1 AND
2-A4, BLOCK "A", RESUBDIVISION
OF LOT 2-A, BLOCK "A", RESUBDIVISION
OF LOT 2, BLOCK "A", DOMAIN
SECTION 2 SUBDIVISION
DOC. # 200800180,
O.P.R.T.C.T.

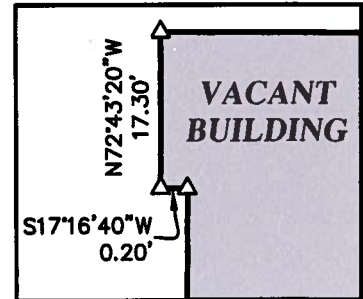
12/7/2011



LEGEND

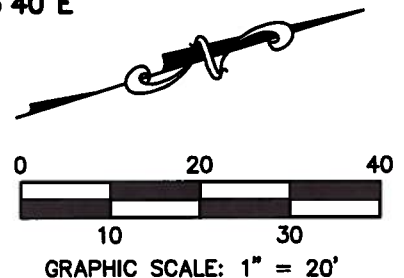
—	VACANT RETAIL SPACE LINE
- - -	EXISTING PROPERTY LINES
△	CALCULATED POINT
▲	MAG NAIL WITH "BAKER AICKLEN" WASHER FOUND
●	IRON ROD WITH "BAKER AICKLEN" CAP FOUND
DOC. #	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER PLAT DOC. #200800180
((.....))	RECORD INFORMATION PER PLAT DOC. #201100129

DETAIL "A"
NOT TO SCALE



BEARING BASIS:

ALL BEARINGS ARE BASED ON THE
TEXAS STATE PLANE COORDINATE
SYSTEM, GRID NORTH, CENTRAL
ZONE, (4203), NAD83, ALL
DISTANCES WERE ADJUSTED TO
SURFACE USING A COMBINED SCALE
FACTOR OF 1.000100775386.



**VACANT RETAIL
SPACE SKETCH**
City Austin,
Travis County, Texas

4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
www.4Wardls.com (512) 554-3371

Date:	12/7/2011
Project:	00108
Scale:	1" = 20'
Reviewer:	JSW
Tech:	JL
Field Crew:	JCR/KD/JL
Survey Date:	11/30/11
Sheet:	1 OF 1

