

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0062 (The Kenzie)

P.C. DATE: May 27, 2014

ADDRESS: 3201 Esperanza Crossing

OWNER: Austin Domain Residential, LP (Thomas Bakewell)

AGENT: Land Solutions, LLC (Michele Haussmann)

ZONING FROM: MI-PDA

TO: MI-PDA

AREA: 0.084acres (3,659 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

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

PLANNING COMMISSION RECOMMENDATION:

5/27/14: Approved staff's recommendation for MI-PDA zoning by consent (8-0, J. Nortey-absent);
R. Hattfield-1st, N. Zaragoza-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 allow for a Cocktail Lounge use as a permitted use on a designated 0.084 acre (3,659 sq. ft.) parcel inside the Kenzie multifamily building located within the Property (Please see Zoning Request Letter-Attachment A).

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 Kenzie 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.

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 and is adjacent to the North Burnet/Gateway Transit Oriented Development District (TOD).

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:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Austin Northwest Association
 Bike Austin
 Friends of the Emma Barrientos MACC
 Homeless Neighborhood Association
 Neighborhoods of North Austin/NONA
 North Burnet Gateway Neighborhood Association
 North Growth Corridor Alliance
 SELTEXAS
 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
C14-2013-0130 (Domain Entertainment District: 11824 Burnet Road)	MI-PDA to MI-PDA	11/12/13: Approved staff's recommendation for MI-PDA zoning, with conditions for a limitation of 90,000 square feet of Cocktail Lounge use as permitted with no one user exceeding 13,000 sq. ft. within the designated 43.267acre area (outlined in Exhibit A) located within the Property., by consent (7-0-2, D. Chimenti and A. Hernandez-absent);	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 st , S. Cole-2 nd .

		J. Nortey-1 st , B. Roark-2 nd .	
C14-2012-0002 (The Domain: 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing)	MI-PDA to MI-PDA: To amend the PDA 1) To allow for a Cocktail Lounge use as a permitted use on a 2,198 sq. ft. parcel and 2) To relocate 1-acre of designated zero impervious area within a nine acre park to a new location within the same park.	5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1 st , S. Kirk-2 nd .	6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 st , S. Cole-2 nd .
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	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

		reading of this zoning case at City Council.	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	<p>2/13/07: Approved staff’s rec. for MI-PDA zoning with additional conditions of:</p> <ul style="list-style-type: none"> • 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; 	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 .

		<ul style="list-style-type: none"> 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. <p>Vote: (9-0); J.Reddy-1st, G. Stegeman-2nd.</p>	
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); 1 st reading 10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2 nd /3 rd readings
C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).	12/16/04: Approved MI-PDA (7-0); all 3 readings
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 dais)	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 dais)	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 dais)	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	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

		<p>that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size.</p> <p>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.</p> <p>3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.</p>	
C14-99-0024	MI to GR	4/20/99: Approved staff alternate rec. of GR-CO by consent (7-0)	<p>5/20/99: Approved PC rec. of GR-CO w/ conditions (7-0); 1st reading</p> <p>6/3/99: Approved GR-CO w/ conditions (7-0); 2nd/3rd readings</p>
C14-92-0072	IP to P	8/18/92: Approved	9/3/92: Approved P; all 3 readings

RELATED CASES: C14-2013-0130
C14-2012-0002
C14-2010-0087
C14-03-0015
C14-03-0016
C14-04-0017
C14-04-0151

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burnet Road	116'	59'	Major Arterial	No	Yes	Yes
Esperanza Crossing	N/A	N/A	Internal Major Drive (Private)	Yes	No	No

CITY COUNCIL DATE: June 26, 2014

ACTION:

ORDINANCE READINGS: 1st

2nd

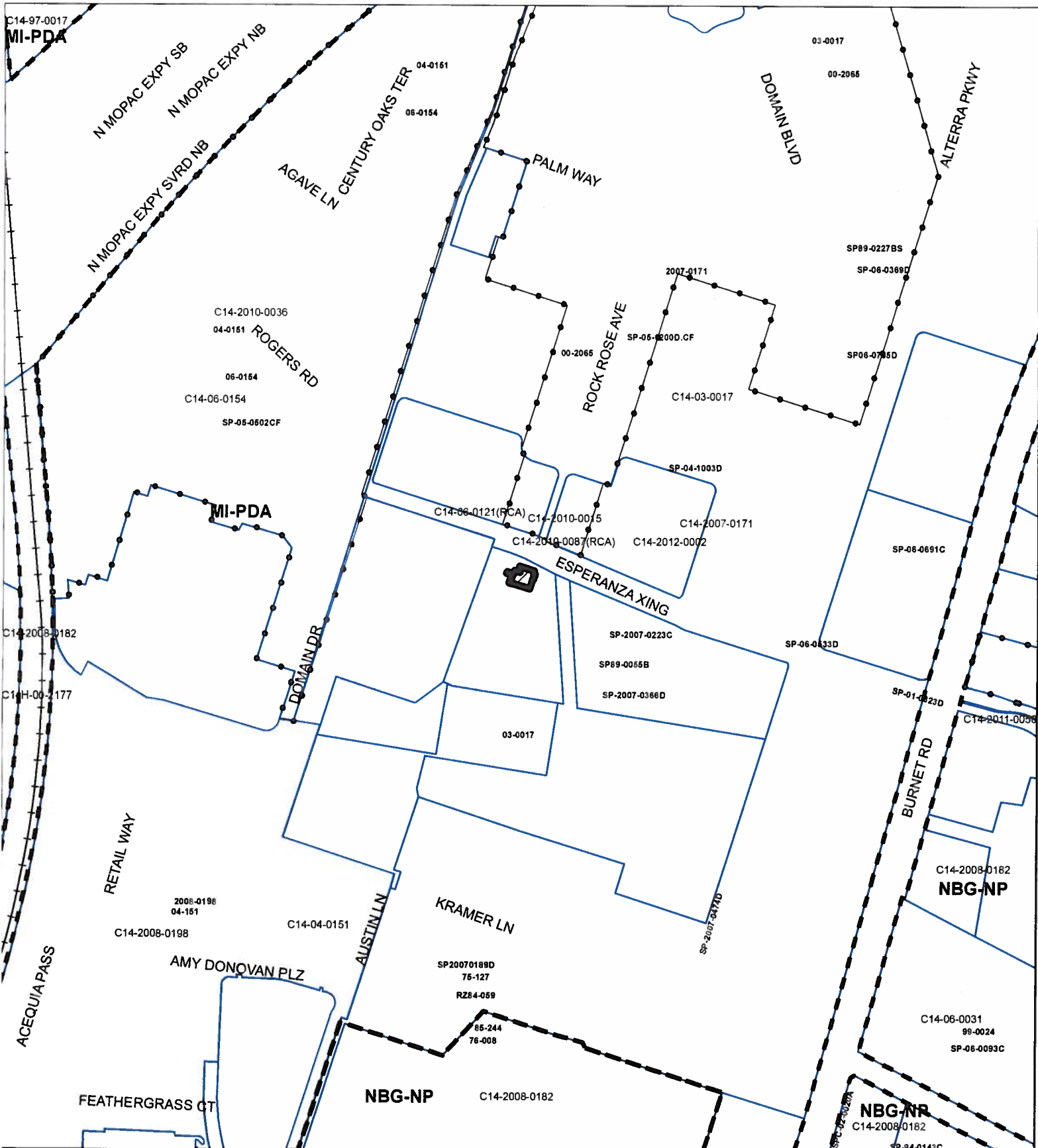
3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@austintexas.org



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

CASE#: C14-2014-0062

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.



1" = 400'





NORTH

BURNET RD

ALTERRA PKWY

ROCK ROSE AVE

ESPERANZA XING

DOMAIN DR

ROGERS RD

ROBINSON RD

CENTURY OAKS TR

ACEQUIA PASS

RETAIL WAY

KRAMER LN

SP08-0227BS

SP-06-0695D

SP06-0745F

SP-06-0691C

SP-06-0533D

SP-05312003AF

00-2065

SP-2007-0223D

SP08-0055B

SP-2007-0366D

2-B

06-015

SP-0

2005D T88

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.

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 site is located between three major roadways, MOPAC Expressway North (freeway), Burnet Road (major arterial roadway), and Braker Lane (major arterial roadway). The property in question is within the North Burnet/Gateway Combined Neighborhood Planning Area and is adjacent to the North Burnet/Gateway Transit Oriented Development District (TOD.)

EXISTING CONDITIONS

Site Characteristics

The property in question is part of The Domain, 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

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

No trees are located on this property. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area 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%

Note: The most restrictive impervious cover limit applies.

Site Plan

A site plan is required for any conditional uses; a cocktail lounge as a permitted use does not require site plan; a site plan exemption followed by a building permit would be required to establish the use.

Transportation

The traffic impact analysis for this site was waived because site is part of the Domain development and subject to the assumptions of the approved TIA with zone case C14-20060121, including the traffic phasing agreement.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Burnet Road.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burnet Road	116'	59'	Major Arterial	No	Yes	Yes
Esperanza Crossing	N/A	N/A	Internal Major Drive (Private)	Yes	No	No

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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.



LandUseSolutionsTX.com

Attachment A

Michele Haussmann

PRINCIPAL

Michele@LandUseSolutionsTX.com

April 16, 2014

Mr. Greg Guernsey, Director
Planning and Development Review Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

VIA Hand Delivery

Re: Zoning Application - Proposed rezoning of a 0.084 acre property located at 3201 Esperanza Crossing in the City of Austin, Travis County, Texas (the "Property")

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, Austin Domain Residential, LP ("Applicant"), we respectfully submit the enclosed zoning application submittal package. The Applicant is requesting a rezoning of the Property from MI-PDA, Major Industrial Planned Development Area, to MI-PDA, Major Industrial Planned Development Area. The purpose of the request is to permit a private cocktail lounge use in the existing multifamily project known as the Kenzie. The proposed private cocktail lounge can only be used by residents of the Kenzie project.

For a bit of history, the Kenzie multifamily project was permitted in 2011 and constructed (Streetlights Residential at The Domain, SP-2011-0293C). The project is 2.894 acres and includes two hundred and eighty three (283) multifamily units with a parking garage.

The proposed location of the 0.084 acre private cocktail lounge is very specific to the layout of the Kenzie multifamily building. Enclosed is an exhibit that shows the location of the private cocktail lounge on the first floor of the building and covers the common area, hallway and bathrooms.

SCANNED



LandUseSolutionsTX.com

The Domain project is a three hundred (300) acre high density mixed use development surrounded by major arterial roadways. There are no single family developments in the area. The addition of a private cocktail lounge as a permitted use in the Kenzie project is consistent and compatible with the surrounding MI-PDA zoning and land uses in The Domain. In addition, it will not create an arbitrary development pattern, and will continue to promote development that serves the needs of the diverse population in this unique area.

A Traffic Impact Analysis was waived for this rezoning request. Since the private cocktail lounge is only for the residents of the Kenzie, it will not generate additional traffic in the area.

Please do not hesitate to contact me if you have any questions. Thank you for your time and assistance with this application.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Michele Haussmann', is written over a faint, rectangular stamp that says 'SCANNED' in a bold, sans-serif font.

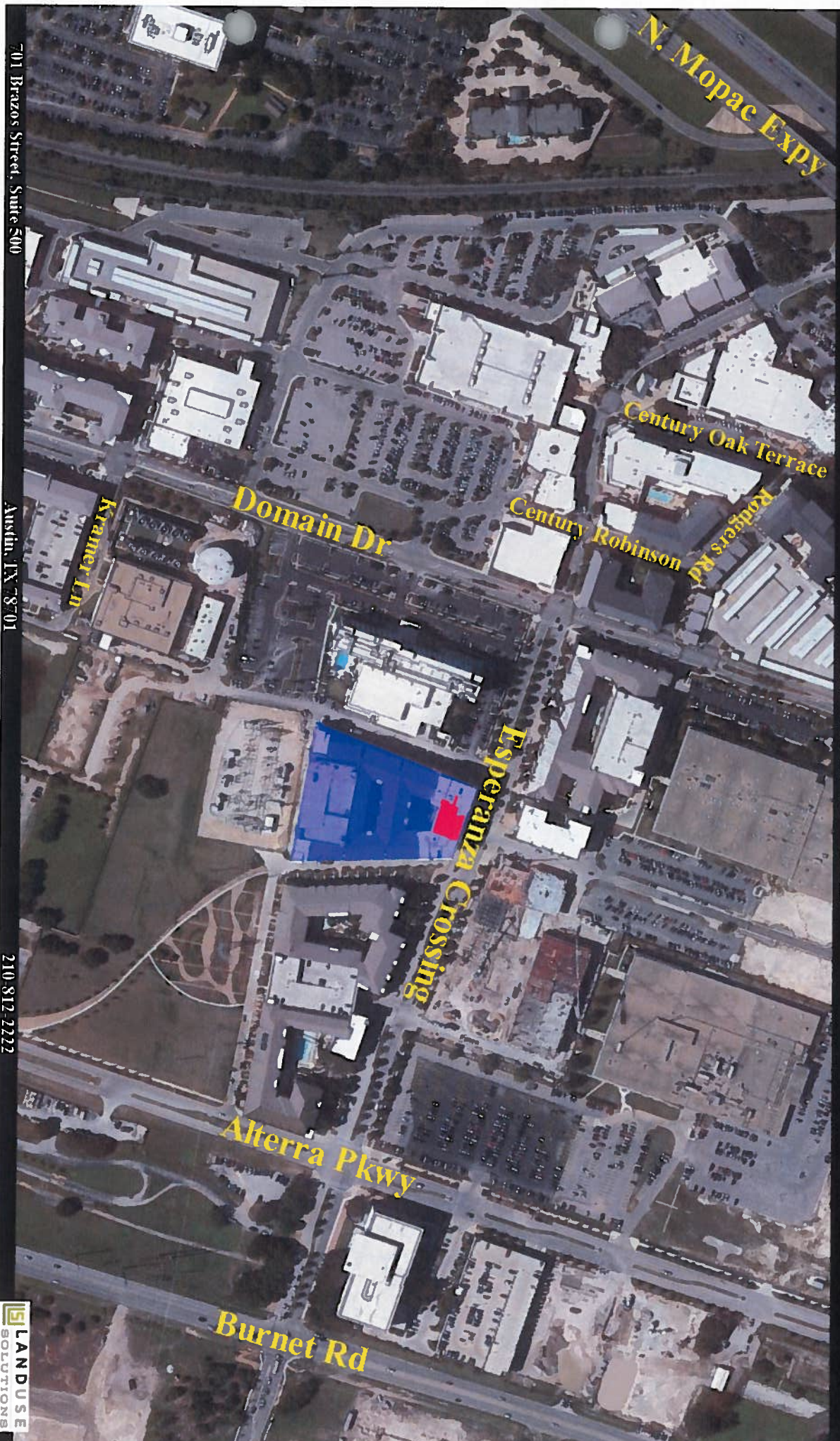
Michele Haussmann

CC: Sherri Sirwattis, Planning and Development Review Department, *via hand delivery*
Rob Bratton, Streetlights Residential, *via electronic mail*

701 Brazos Street, Suite 500
Austin, Texas 78701
OFFICE 512.212.4114

10003 NW Military Hwy, Suite 2215
San Antonio, Texas 78231
OFFICE 210.812.2222

The Kenzie - Bar



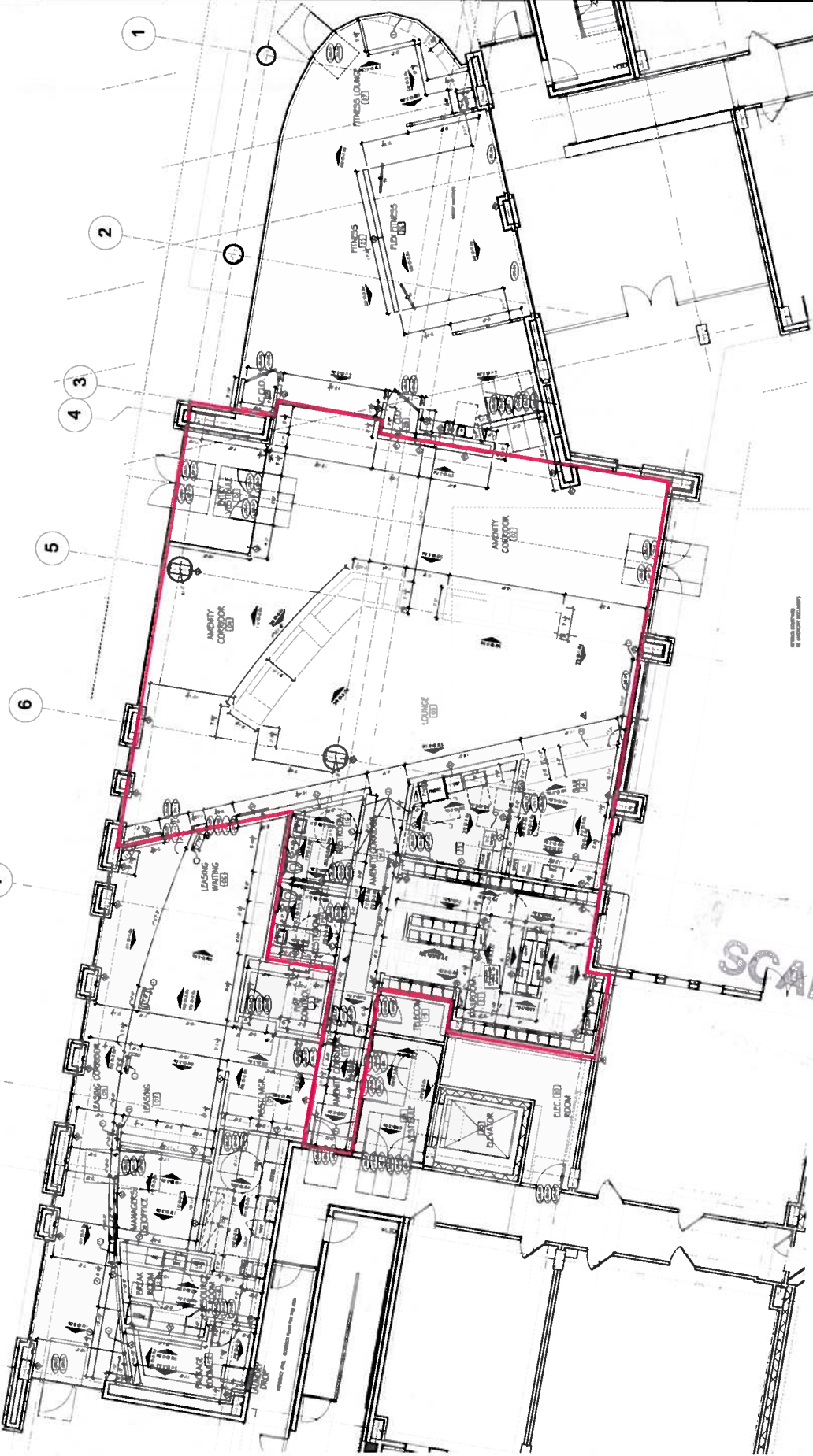
701 Brazos Street, Suite 500

Austin, TX 78701

210-812-2222

CONSTRUCTION PLAN KEY

- 1. CUSTOM FURNITURE SELECTED BASED ON COLOR, MATERIAL, AND FINISH. SEE SPECIFICATIONS FOR DETAILS.
- 2. ALL WALLS, CEILING, AND FLOORING TO BE COMPLETED BY THE GENERAL CONTRACTOR.
- 3. ALL WALLS, CEILING, AND FLOORING TO BE COMPLETED BY THE GENERAL CONTRACTOR.
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- 10. ALL WALLS, CEILING, AND FLOORING TO BE COMPLETED BY THE GENERAL CONTRACTOR.



LEVEL 1 CONSTRUCTION PLAN
SCALE: 1/8" = 1'-0"

LEVEL 1
CONSTRUCTION PLAN

ID-2.0a

STREETLIGHTS RESIDENTIAL
AT THE DOMAIN
AUSTIN, TX
3201 ESPERANZA CROSSING



Project	3201 ESPERANZA CROSSING
Client	STREETLIGHTS RESIDENTIAL
Architect	MARLYN+CO DESIGN
Architect's License No.	2146719500
Architect's Address	2100 Bell Street Dallas, Texas 75204
Architect's Website	www.marlyncodesign.com

MARLYN+CO DESIGN
2100 Bell Street
Dallas, Texas 75204
214.671.9500
www.marlyncodesign.com