

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0058 (Esperanza Crossing)

P.C. DATE: August 12, 2014

ADDRESS: 2800 Esperanza Crossing

OWNER: EOP Burnet Esperanza, Ltd.

AGENT: Land Use Solutions (Michele Haussman)

ZONING FROM: NBG-TOD-NP **TO:** NBG-CMU-NP **AREA:** 1.167 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant NBG-CMU-CO-NP, North Burnet/Gateway-Commercial Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay would limit the development intensity for the site to less than 2,000 vehicle trips per day and would prohibit access to Burnet Road because it is desirable to limit points of access on arterial roadways.

In addition, the applicant has agreed to enter into a public restrictive covenant with the City that states that after the proposed financial services use and drive through facility on the property located at the northeast corner of Esperanza Crossing and Burnet Road are constructed and a Temporary Certificate of Occupancy is issued and the drive through facility is operational, the drive through facility at the prior location at the northeast corner of Burnet Road and Brockton Drive will permanently cease operations within thirty (30) days.

PLANNING COMMISSION RECOMMENDATION:

8/12/14: Approved staff's recommendation of NBG-CMU-CO-NP zoning, with conditions, on consent (8-0, B. Roark-absent); S. Oliver-1st, N. Zaragoza-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped and is within the North Burnet/Gateway Combined Neighborhood Planning Area. The site is located at the northeast corner of Esperanza Crossing and Burnet Road is currently zoned NBG with a TOD Mixed Use subdistrict designation (NBG-TOD). The TOD Mixed Use Subdistrict requires that new construction meet a two-story minimum requirement. This subdistrict also prohibits drive-through facilities.

A Financial Services use (Amplify bank) currently located at the northeast corner of Burnet and Brockton Drive would like to relocate to the property in question at the northeast corner of Esperanza Crossing and Burnet Road. As the TOD Mixed Use subdistrict does not allow drive-through facilities the proposed financial services use would not be permitted on the Esperanza/Burnet site. Therefore, the applicant is requesting to down zone the Esperanza/Burnet property to the Corridor Mixed Use subdistrict designation (NBG-CMU). The Corridor Mixed Use subdistrict does not contain a two-story minimum requirement and allows drive-through facilities. The rationale for this zoning change would be that the Amplify bank use located at the corner of Burnet Road and Brockton Drive (and also zoned within the TOD Mixed Use Subdistrict) would be able to vacate the current site and move

to the smaller greenfield site located at Esperanza Crossing and Burnet Road thus freeing up the larger, currently occupied parcel for redevelopment.

The staff recommends the NBG-CMU-CO-NP zoning for the site under consideration. The staff agrees with this rezoning as this will relocate the financial services use with a drive through facility further away from the Kramer Metro Rail station. The proposed NBG-CMU subdistrict will allow for a mixture of high-density residential uses and commercial 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 applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NBG-TOD	Undeveloped
<i>North</i>	NBG-TOD	Lot Under Development, Office (IBM)
<i>South</i>	NBG-TOD	Undeveloped Tracts
<i>East</i>	NBG-CMU	Indoor Sports and Recreation (Top Golf), Rail line
<i>West</i>	MI-PDA	Office (The Domain)

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 Monorail Project
 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 Burnet/Gateway Neighborhood Planning Contact Team
 North Burnet/Gateway Neighborhood Plan Staff Liaison
 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
C14-2011-0050 (Burnet-Kramer Rezoning: 11205 & 11301 Burnet Road)	NBG-TOD to NBG-CMU	10/11/11: Approved the staff's recommendation of NBG-CMU-NP zoning for Tract 2, with the TIA conditions, by consent (9-0); M. Dealey-1 st , D. Chimenti-2 nd .	11/10/11: Approved NBG-CMU-NP zoning with conditions on consent on 1 st reading only (7-0); Spelman-1 st , M. Martinez-2 nd . 12/08/11: Approved NBG-CMU-NP zoning, with conditions, on consent on 2 nd /3 rd readings (6-0); C. Riley-1 st , S. Cole-2 nd .
C14-2010-0087 (The Domain Rezoning-Simon)	MI-PDA to MI-PDA	8/24/10: Approved staff's recommendation of MI-PDA zoning (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 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.
C14-2008-0182 (North Burnet /Gateway NP Rezoning: Metric Boulevard)	Add NP designation to existing zoning	9/09/08: Approved rezoning of certain tracts to NBG-NP or NBG-H-NP, with conditions (8-0)	10/16/08: Approved NBG-NP or NBG-H-NP (7-0); 1 st reading 3/12/09: Approved NBG-NP or NBG-H-NP (6-0); 2 nd /3 rd readings
C14-2007-0157 (North Burnet /Gateway Neighborhood Plan Rezoning)		9/25/07: Approved staff rec. with amendments (8-0)	10/18/07: Approved 1 st reading of Phase 1 of NP (6-0) 11/01/07: Approved Phase 1 of NP zonings (5-0); 2 nd /3 rd readings
C14-2007-0171 (The Domain: 10700-11000 Burnet Road, 11100-11900 Burnet Road, 2800 Block of Braker Lane, 3300 W. Braker Lane)	MI-PDA to MI-PDA	10/09/07: Approved staff rec. of MI-PDA by consent (9-0)	11/01/07: Approved MI-PDA zoning on consent (6-0); all 3 readings

C14-06-0154 (The Domain: 11400 Burnet Road)	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
C14-06-0121 (The Domain RCA: 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing)	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-1 st , G. Stegeman-2 nd .	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 .
C14-04-0151 (The Domain: 11400 Burnet Road)	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 (The Shops at Arbor Walk: 10515 North Mopac Expressway)	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 (The Domain- 200.286 acres: 11400 Burnet Road)	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)

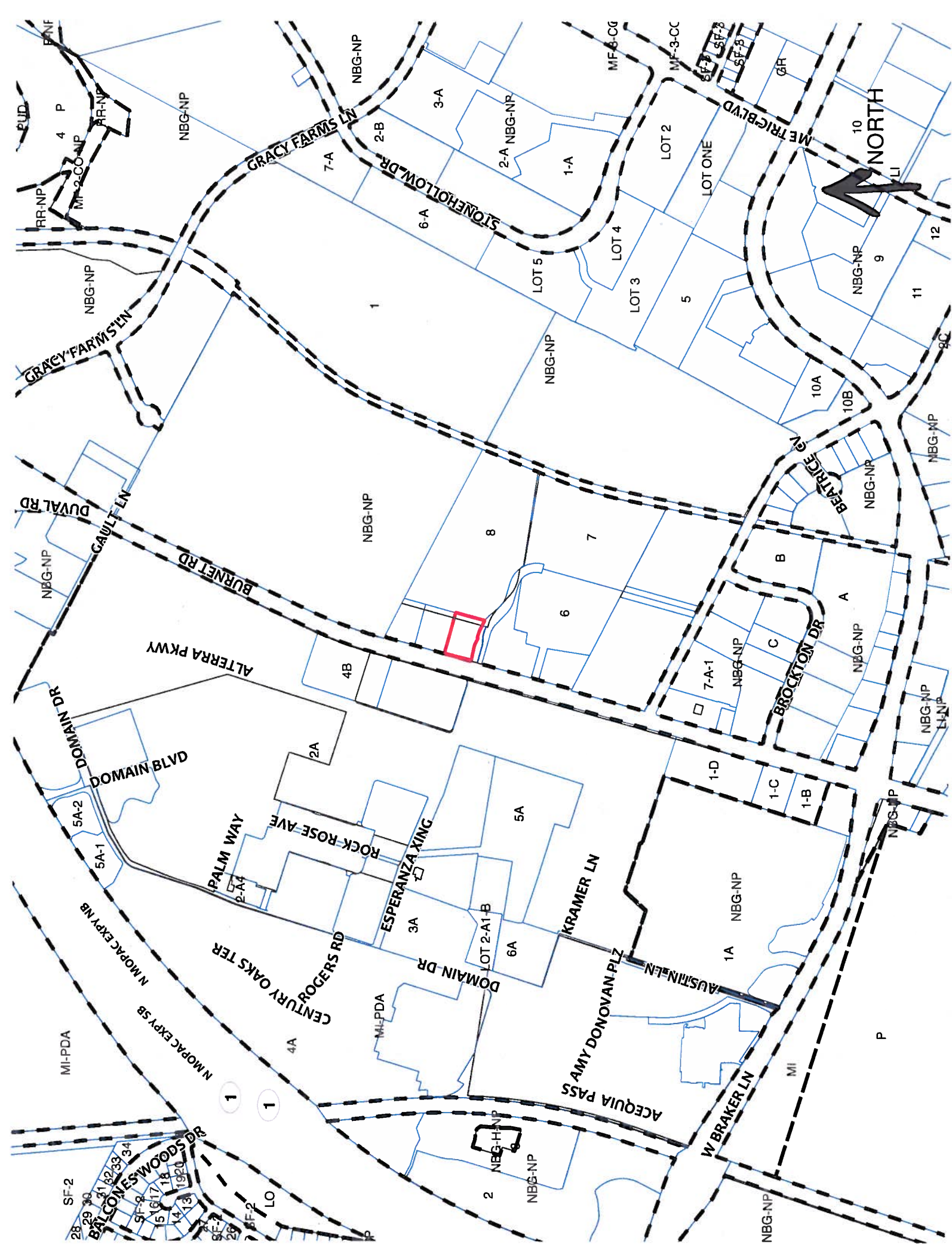
C14-03-0016 (Multek: 3300 West Braker Lane)	MI to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning (8-0, R. Pratt-off dais)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0015 (The Domain- 0.783 acres: 11400 Burnet Road)	MI to CS	6/11/03: Approved staff's recommendation of CS-CO zoning (8-0, R. Pratt-off dias)	7/31/03: Granted CS-CO on all 3 readings
C14-02-0062 (11005 Burnet Road)	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 (Braker Pointe/ Rogers Homestead: 10801 N. MOPAC NB Expressway)	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 (Austin Tech Park: 11400 Burnet Road)	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 (Woodfin Suite Hotel: 2618 Kramer Lane)	MI to GR	4/20/99: Approved staff alternate rec. of GR-CO, with CO for 2,200 vehicle trip limit, 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

RELATED CASES: C14-2007-0157 (North Burnet/Gateway NP Rezoning)

ABUTTING STREETS:

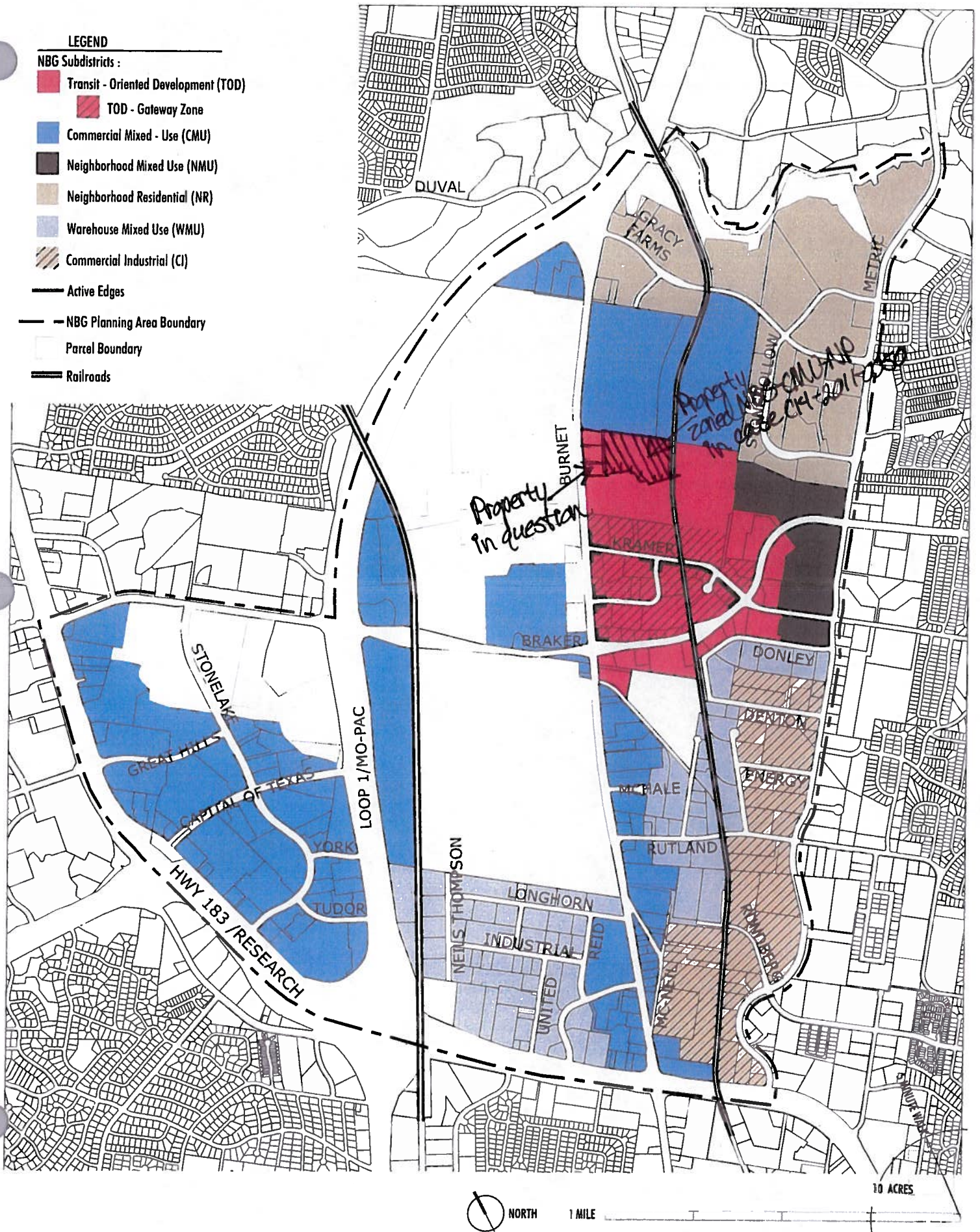
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Burnet Rd	116'	70'	Arterial	No	No	Yes
Esperanza Crossing	76'	65'	Local	No	No	Yes

CITY COUNCIL DATE: August 28, 2014**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 974-3057
sherri.sirwaitis@ci.austin.tx.us





**Figure 1 - 2 : North Burnet / Gateway (NBG) Zoning District
Subdistrict Map**



STAFF RECOMMENDATION

The staff's recommendation is to grant NBG-CMU-CO-NP, North Burnet/Gateway-Commercial Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay would limit the development intensity for the site to less than 2,000 vehicle trips per day and would prohibit access to Burnet because it is desirable to limit points of access on arterial roadways.

In addition, the applicant has agreed to enter into a public restrictive covenant with the City that states that after the proposed financial services use and drive through facility on the property located at the northeast corner of Esperanza Crossing and Burnet Road are constructed and a Temporary Certificate of Occupancy is issued and the drive through facility is operational, the drive through facility at the prior location at the northeast corner of Burnet Road and Brockton Drive will permanently cease operations within thirty (30) days.

BASIS FOR RECOMMENDATION

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

The NBG-CMU: North Burnet/Gateway district is the designation for an identified area of existing low density, auto-oriented commercial, warehouse, and industrial uses that is the subject of an approved master plan for redevelopment of the area into a higher density urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of the links to commuter rail transit and the area's key position in the urban core. CMU-Commercial Mixed Use sub district is a high density mixed use sub district in the NBG Zoning District. It allows for development such as high density residential, high rise office and entertainment complexes, destination retail and large scale civic uses.

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

The staff recommends the proposed NBG-CMU zoning because the rezoning will permit the relocation of a financial services use with a drive thru facility further way from the Capital Metro commuter rail station which is located to the southeast. The proposed rezoning is consistent with recent planning patterns in this area as the property directly to the east (the Top Golf site) was zoned to NBG-CMU-NP through zoning case C14-2011-0050 in December of 2011. The proposed NBG-CMU-CO-NP zoning will allow for a mixture of high-density residential uses and commercial 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 fronts onto an arterial roadway Burnet Road.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. The lot directly to the north is under development. There are offices for IBM further to the north along Burnet Road. The property to the south, across Esperanza Crossing, is an undeveloped tract. To the east there is driving range/restaurant use (Top Golf) and a rail line. The tracts to the west, across Burnet Road, are part of the Domain development which contains commercial, hotel, multifamily, industrial/office/warehouse uses.

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.

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 512-974-1876. 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.

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

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%

Site Plan

The requested zoning change to CMU to permit a credit union would seem inconsistent with the North Burnet Gateway regulation plan. The credit union defined land use is financial services, which is a permitted use in the TOD Subdistrict.

A site plan application will be required for any new development on this site.

Stormwater Detention

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

Transportation

The Austin Metropolitan Area Transportation Plan calls for 140' feet of right-of-way for Burnet. If the requested zoning is granted for this site, then 70' feet of right-of-way from the existing centerline should be dedicated for Burnet according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. *

* The applicant has already dedicated the right-of-way for Burnet Road during the resubdivision platting process for this property.

If the requested zoning is granted, it is recommended that access to Burnet be prohibited as a condition of zoning because it is desirable to limit points of access on arterial roadways.

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Burnet Rd	116'	70'	Arterial	No	No	Yes
Esperanza Crossing	76'	65'	Local	No	No	Yes

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.



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Michele Haussmann

PRINCIPAL

Michele@LandUseSolutionsTX.com

April 1, 2014

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

VIA Hand Delivery

**Re: Zoning Application - Proposed Amplify Federal Credit Union branch
on a 1.21 acre tract located at the northeast corner of Burnet Road and
Esperanza Crossing in the City of Austin, Travis County, Texas
("Property")**

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, EOP Burnet Esperanza, Ltd. ("Applicant"), we respectfully submit the enclosed zoning application submittal package. The Applicant is requesting a rezoning from NBG-NP, North Burnet Gateway-Neighborhood Plan, to NBG-NP, North Burnet Gateway-Neighborhood Plan. The purpose of the request is to revise the designation of the Property in the North Burnet Gateway Regulating Plan, Figure 1-2 Subdistrict Map from TOD, Transit Oriented Development, to CMU, Commercial Mixed Use. This revision would allow the development of the Property as a new Amplify Federal Credit Union ("Amplify") branch with a drive-through facility.

For a bit of history, Amplify Federal Credit Union started as a credit union in 1967 for IBM employees in Austin. At the time, Austin served as the largest manufacturing plant for IBM's iconic Selectric typewriters. IBM employees were mainly located in offices in The Domain and to the north of the Property on Burnet Road. Built in the mid-1980's, their first branch location is located on a four acre tract on Brockton Drive within the North Burnet Gateway TOD

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Gateway Zone in close proximity to the Capital Metro Rail stop. Today, Amplify Credit Union is a financial cooperative that is open to all people who live and work in Central Texas.

Amplify is considering closing the branch on Brockton Drive and opening a new branch on the subject Property to continue serving their IBM customers. This branch has a drive-through facility. If Amplify chooses to close this branch, they would be closing a drive-through facility close to the rail station and opening a new drive-through facility further away from the rail station.

In addition to the closing of a drive-through facility located in close proximity to the rail station, the closing of the Amplify branch on Brockton Drive provides an opportunity to redevelop the four acre site as a dense mixed use development close to the rail station in the TOD Gateway Zone where the City desires high density development. As part of the rezoning request, the Applicant proposes the filing of a Restrictive Covenant on the Amplify branch located on Brockton Drive that prohibits a drive-through facility. The result of this action is only one drive through facility in this area, which is the same as exists today.

The proposed designation of the Property as CMU is consistent and compatible with surrounding land uses and land use designations. The CMU land use designation is adjacent to the Property to the east, and is in close proximity to the Property to the north. The land use to the east is Top Golf, a driving range facility. The land use to the north is a hotel. The proposed Amplify branch that includes a drive-through facility is compatible with these land uses. There are no residential land uses or zoning on the surrounding properties. Please see the enclosed aerial photograph.

The Property is located across Burnet Road from The Domain development. The Domain is a three hundred acre high density mixed use development, which is a desirable land use to support the rail station. The Domain development is entitled to construct 6,000 or more residential units and seven million square feet of commercial development. In this unique circumstance, the high density residential and commercial development is located directly west of the rail station instead of being equally distributed within a 0.5 mile radius around the rail station. The acreage of The Domain development is significantly higher than the acreage that exists within 0.5 miles of the rail station. Since this is the case, the revision from the TOD to the CMU land use designation north of the rail station will not affect the density constructed within a short distance of the rail station. The Domain development, the potential redevelopment of the four acre Amplify branch on Brockton Drive and the

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proposed relocation of the Amplify branch with a drive through facility further away from the rail station ensures that the decision to designate the Property as CMU will continue to support the goals of the North Burnet Gateway Regulating Plan. 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.

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

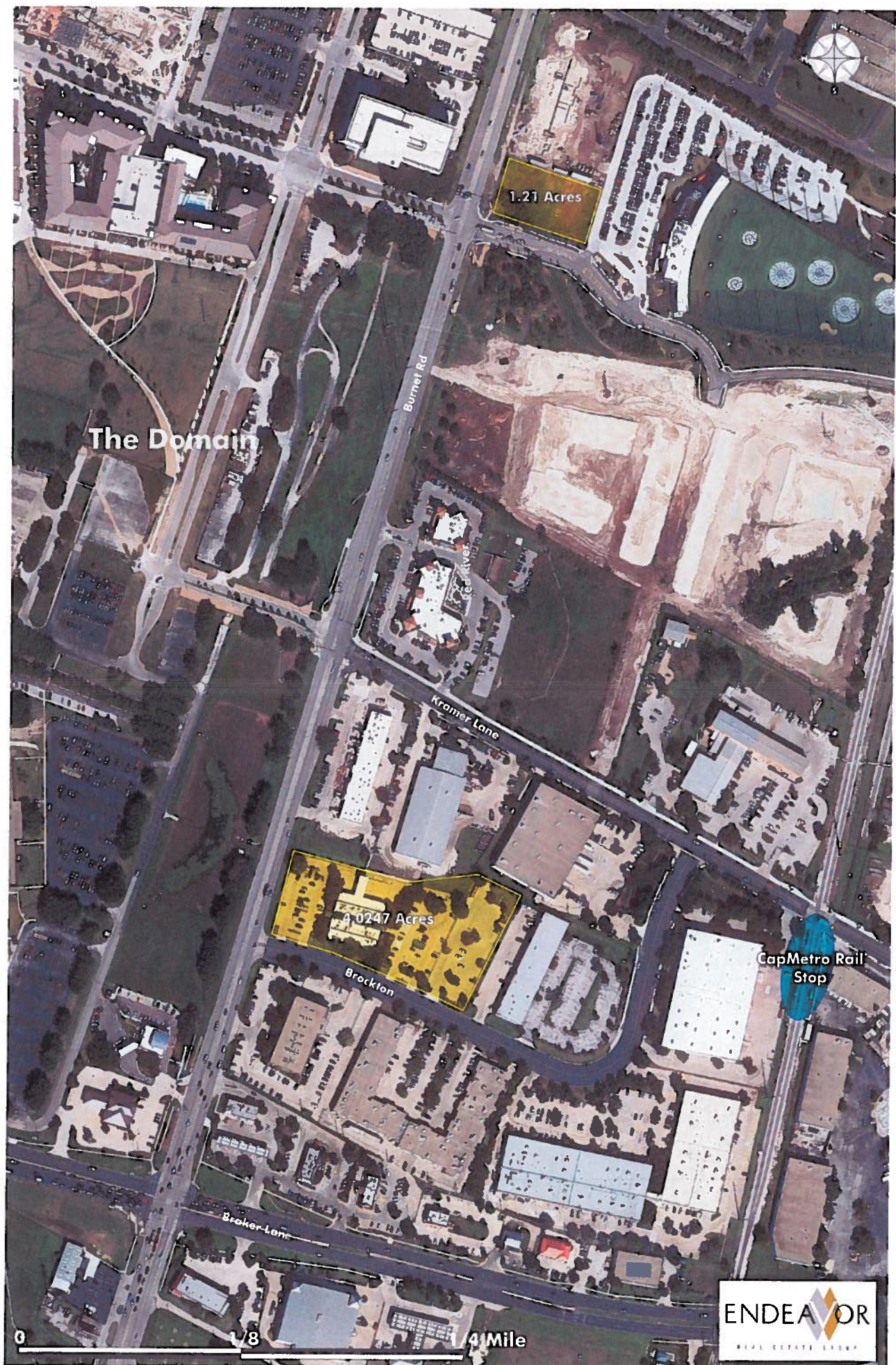
Very truly yours,

Michele Haussmann

CC: Sherri Sirwaitis, Planning and Development Review Department, *via hand delivery*
John Orton, Amplify Federal Credit Union, *via electronic mail*
Andy Pastor, Endeavor Real Estate Group, *via electronic mail*

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The Domain

1.21 Acres

4.0247 Acres

CapMetro Rail Stop

0

1/8

1/4 Mile

ENDEAVOR
REAL ESTATE GROUP



**Proposed Amplify Federal
Credit Union Location**

Train Station

**Existing Amplify
Federal Credit Union**

OWNED

- Existing Amplify Federal Credit Union Location
- Proposed Amplify Federal Credit Union Location
- Train Station
- TOD - Subdistrict
- TOD - Gateway Zone

