

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0038 (Domain Entertainment District)

**P.C. DATE:** April 28, 2015

**ADDRESS:** 11624-11824 Burnet Road

**DISTRICT AREA:** 7

**OWNER:** Domain Retail Property Owner LP

**AGENT:** Jackson Walker, LLC (Katherine Loayza)

**ZONING FROM:** MI-PDA

**TO:** MI-PDA

**AREA:** 43.267 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MI-PDA, Major Industrial-Planned Development Area District, zoning. The PDA amendment will allow for the sale of alcoholic beverages as an accessory use to a General Retail Sales (General) use for on premise consumption for a single occupant not to exceed 50,000 sq. ft. within this designated 43 acre area of the Domain development.

### **PLANNING COMMISSION RECOMMENDATION:**

4/28/15: Approved the staff's recommendation of MI-PDA zoning with conditions (8-0, B. Roark-absent); J. Nortey-1<sup>st</sup>, J. Stevens-2<sup>nd</sup>.

### **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 the sale of alcoholic beverages as an accessory use to a General Retail Sales (General) or General Retail Sales (Convenience) use. The purpose is to allow for on premise consumption (Please see Zoning Request Letter-Attachment A). The applicant states that the proposed accessory use will not function as a cocktail lounge use. Therefore, it will not apply against the existing cocktail lounge use allocation of up to 90,000 square feet without a conditional use permit that was granted within this area of the Domain/MI-PDA zoning.

The staff recommends the applicant's request to amend the Planned Development Area overlay with conditions. The staff recommendation would allow for the sale of alcoholic beverages as an accessory use for General Retail Sales (General) use for on premise consumption for a single occupant not to exceed 50,000 sq. ft. within the 43 acre area located in the northeastern portion of the Domain development. The staff believes the proposed amendment would be permissible in the entertainment district area within the Domain. Therefore, the PDA amendment will not alter the intent of the approved MI-PDA designation for this site. The requested PDA amendment will allow for the on-site consumption of alcoholic beverages as an accessory use to a single General Retail Sales (General) use within a specific area on the eastern side of the Domain without going through the conditional use site plan process for approval. The proposed on-site consumption of alcoholic beverages as an accessory to specific retail sales use would be 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 site is located between three major roadways, MOPAC Expressway North, Burnet Road, and Braker Lane. 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 ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>  |
|--------------|---------------|---|
| <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:** Subject to existing TIA conditions

**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  
 Friends of the Emma Barrientos MACC  
 Neighborhoods of North Austin/NONA  
 North Burnet Gateway Neighborhood Association  
 North Growth Corridor Alliance  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 The Real Estate Council of Austin

**CASE HISTORIES:**

| <b>NUMBER</b>   | <b>REQUEST</b>   | <b>COMMISSION</b>   | <b>CITY COUNCIL</b>   |
|---|--|---|---|
| C14-2014-0062<br>(The Kenzie:<br>3201 Esperanza<br>Crossing ) | MI-PDA to MI-PDA<br>(To amend the PDA<br>overlay to allow for a<br>Cocktail Lounge use<br>as a permitted use on<br>a designated 0.084<br>acre (3,659 sq. ft.)<br>parcel inside the | 5/27/14: Approved staff's<br>recommendation for MI-PDA<br>zoning by consent (8-0,<br>J. Nortey-absent);<br>R. Hattfield-1 <sup>st</sup> , N. Zaragoza-<br>2 <sup>nd</sup> . | 6/26/14: Approved MI-PDA<br>zoning, to change a condition<br>of zoning, on consent on all 3<br>readings(6-0, M. Martinez-<br>off the dais); B. Spelman-1 <sup>st</sup> ,<br>S. Cole-2 <sup>nd</sup> . |

|   |  |   |   |
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|   | Kenzie multifamily building.)  |   |   |
| C14-2013-0130<br>(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); J. Nortey-1 <sup>st</sup> , B. Roark-2 <sup>nd</sup> . | 12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .   |
| C14-2012-0002<br>(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 <sup>st</sup> , S. Kirk-2 <sup>nd</sup> .   | 6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .   |
| C14-2010-0087<br>(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:   | 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 <sup>st</sup> , Spelman-2 <sup>nd</sup> , 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 |

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|  |  | <p>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<sup>rd</sup> reading of this zoning case at City Council.</p> | <p>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.</p> <p>10/14/10: Approved MI-PDA zoning on 2<sup>nd</sup>/3<sup>rd</sup> readings (7-0); Spelman-1<sup>st</sup>, Leffingwell-2<sup>nd</sup>, 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”.</p> |
|--|--|--|--|

|             |                  |   |   |
|-------------|------------------|---|---|
| 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"> <li>• 2 star Green Building rating</li> <li>• natural landscaping of all water quality ponds (existing and future);</li> <li>• be in compliance with TIA conditions;</li> <li>• the applicant's requested parkland dedication proposal;</li> <li>• 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.</li> <li>• Maximum height of 308 feet.</li> </ul> <p>Vote: (9-0); J.Reddy-1<sup>st</sup>, G. Stegeman-2<sup>nd</sup>.</p> | 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 <sup>st</sup> , Dunkerley-2 <sup>nd</sup> . |
| C14-06-0154 | MI-PDA to MI-PDA | 8/08/06: Approved staff rec. of MI-PDA by consent (8-0)   | <p>09/28/06: Approved MI-PDA (7-0); 1<sup>st</sup> reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>  |
| 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  | 7/31/03: Granted MI-PDA on all 3 readings (7-0)   |

|              |                  |  |  |
|--------------|------------------|--|--|
|              |                  | zoning (8-0, R. Pratt-off dais)  |  |
| 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: <ol style="list-style-type: none"> <li>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.</li> <li>2) The total number of additional curb cuts on Braker Lane &amp; Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots.</li> <li>3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.</li> </ol> | 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 <sup>st</sup> reading<br><br>6/3/99: Approved GR-CO w/ conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings |
| C14-92-0072  | IP to P          | 8/18/92: Approved  | 9/3/92: Approved P; all 3 readings   |

**RELATED CASES:** C14-2014-0062  
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 | 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:** June 11, 2015

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

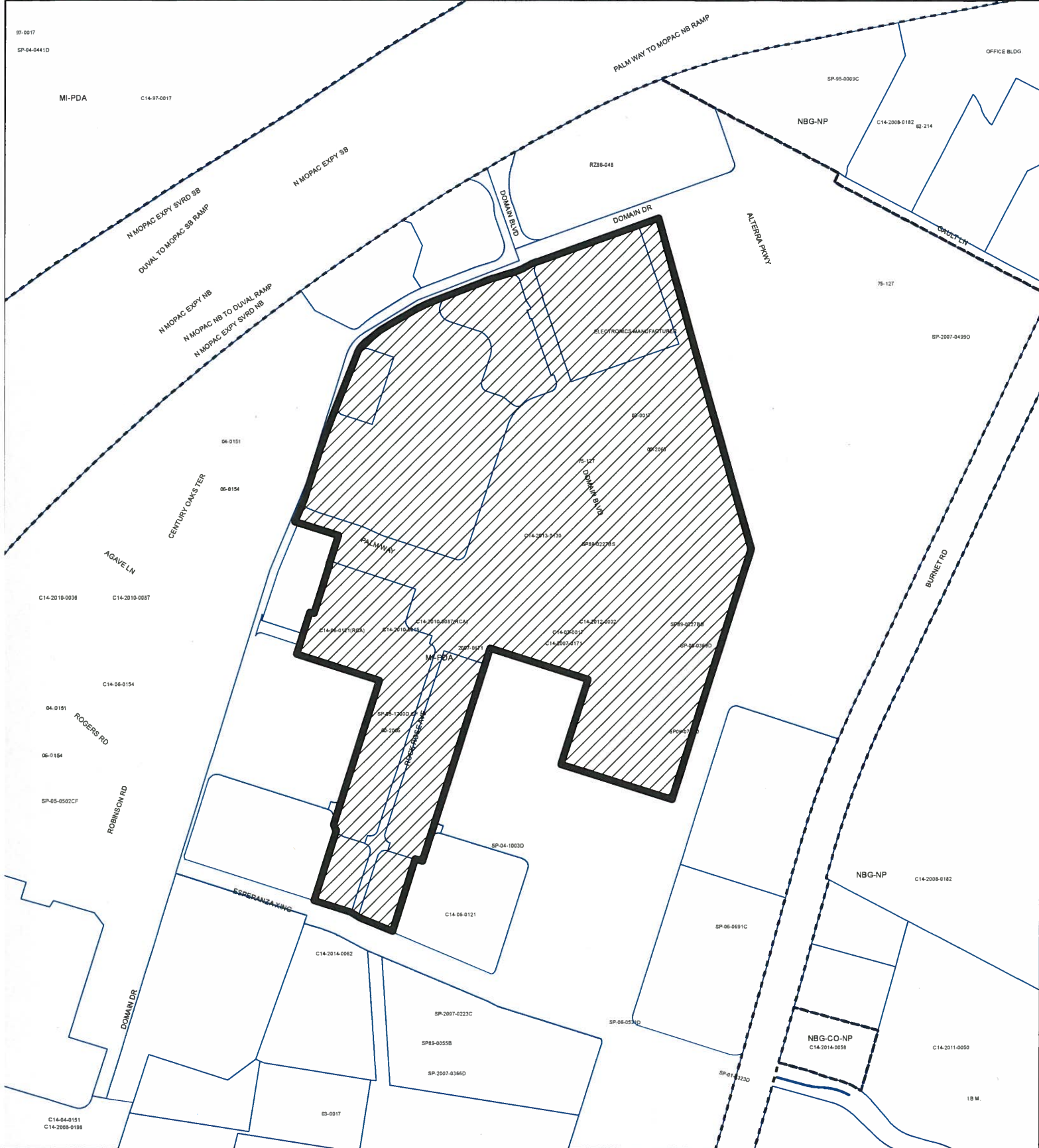
**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057

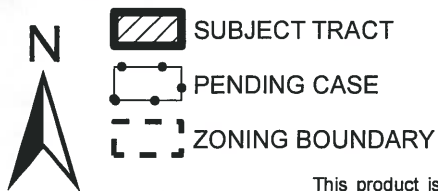
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)





## ZONING

ZONING CASE#: C14-2015-0038



1" = 400'

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.

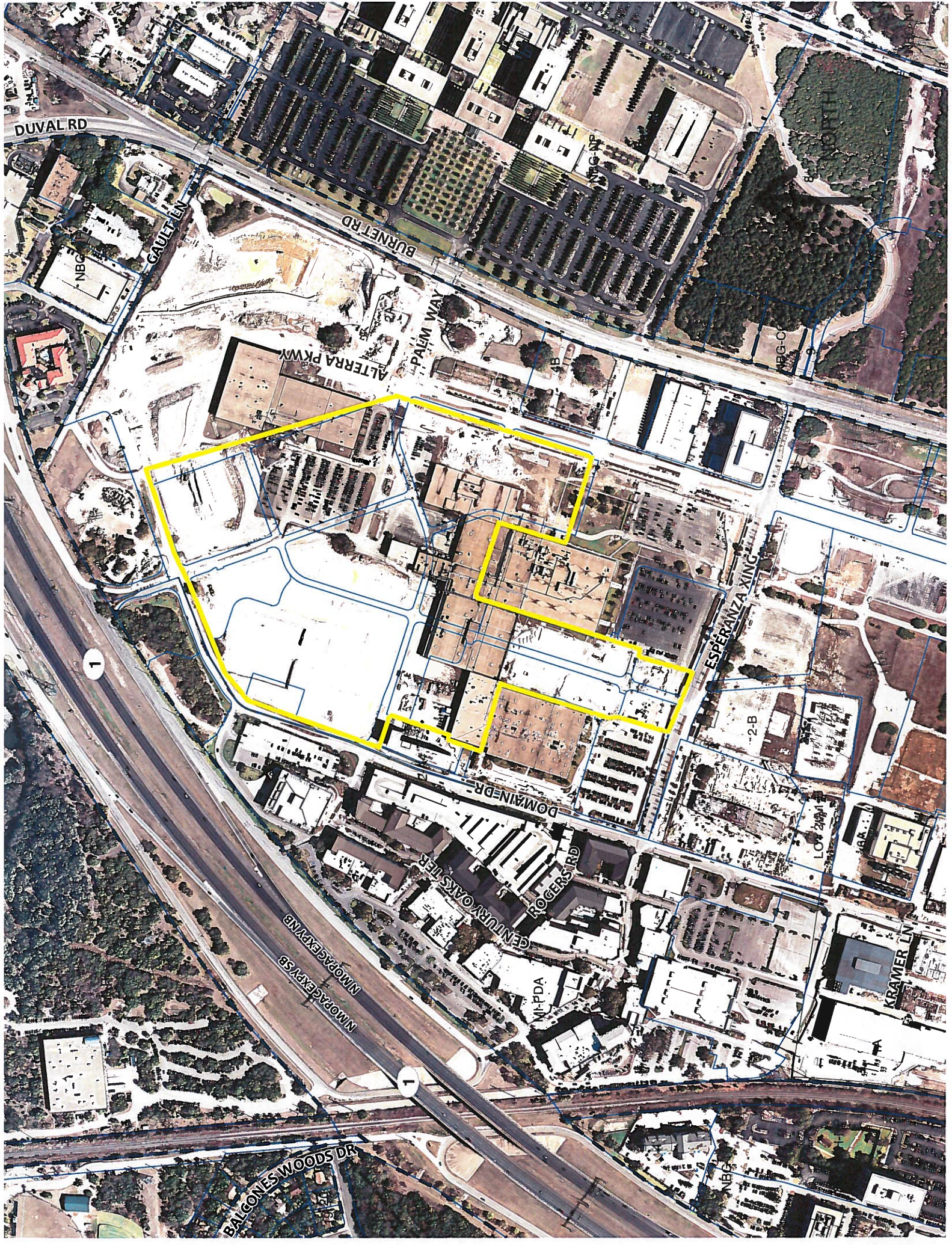
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.













## **STAFF RECOMMENDATION**

The staff's recommendation is to grant MI-PDA, Major Industrial-Planned Development Area District, zoning. The PDA amendment will allow for the sale of alcoholic beverages as an accessory use to a General Retail Sales (General) use for on premise consumption for a single occupant not to exceed 50,000 sq. ft. within this designated 43 acre area of the Domain development.

## **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 permit the applicant have the on-site consumption of alcoholic beverages as an accessory use to a single occupant of a General Retail Sales (General) use within a specific area on the eastern side of the Domain without going through the conditional use site plan process for approval. The proposed PDA amendment will allow for uses that will be compatible with other commercial and restaurant uses that have already been constructed throughout the Domain 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**

Tuesday, March 31, 2015

There are no environmental review comments related to the proposed amendment to allow the sale of alcoholic beverages.

## **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<br>(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**

The ordinance should ensure that 51% of sales receipts are for retail purchases.

## **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. 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.



Attachment A

Katherine P. Loayza  
(512) 236-2259 (Direct Dial)  
(512) 691-4412 (Direct Fax)  
kloayza@jw.com

March 18, 2015

Greg Guernsey  
Jerry Rusthoven  
City of Austin  
Planning and Development Review Dept.  
505 Barton Springs Road  
Austin, Texas 78704

Re: Application for Amendment to the Planned Development Area (PDA) Domain  
Entertainment District (the "Property") from MI-PDA to MI-PDA

Dear Greg and Jerry:

Jackson Walker LLC represents Restoration Hardware ("RH") for the proposed PDA amendment on the Property and is authorized by the owner of the Property (RREEF Domain) to submit this application. The Property is subject to the most recent PDA amendment as described in Ordinance No. 20131212-120, zoning case C14-2013-0130. The proposed amendment is necessary in order to allow the sale of alcoholic beverages as a permitted accessory use to a principal retail (limited/general) use for on premise consumption solely by clients or customers. The proposed amendment also waives the size limitation of the accessory use in order that customers can carry alcoholic beverages within the customer service area of the retail use.

The proposed sale of alcoholic beverages as an accessory use to the principal retail use is strictly for the benefit of customers and clients as an enhancement of the client services provided by the retail store. The proposed accessory use will not function as a cocktail lounge use, therefore, the proposed use modification will not apply against the existing cocktail lounge use allocation of 90,000 square feet within the Property, nor will it affect the existing approved TIA (dated December 20, 2006) for this area.

I appreciate your support of this proposed amendment. Please do not hesitate to contact me should you have any questions regarding the proposed modification to the PDA ordinance.

Sincerely,

Katherine P. Loayza  
Land Use Consultant

**Sirwaitis, Sherri**

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**From:** Loayza, Katherine <kloayza@jw.com>  
**Sent:** Thursday, April 30, 2015 10:49 AM  
**To:** Adler, Steve; Houston, Ora; Garza, Delia; Renteria, Sabino; Casar, Gregorio; Kitchen, Ann; Zimmerman, Don; Pool, Leslie; Troxclair, Ellen; Tovo, Kathie; Gallo, Sheri  
**Subject:** Domain PDA Amendment C14-2015-0038 (District 7) June 11, 2015 Council Agenda Item  
**Attachments:** Domain PDA Amendment PC Support Material C14-2015-0038.pdf

Dear Mayor and Council Members,

On behalf of Restoration Hardware, Inc. ("RH"), I am writing you regarding a proposed Domain MI-PDA amendment within the boundaries of the Domain Entertainment District (District 7) that is scheduled to be on your June 11, 2015 Council agenda for action. The proposed amendment is to modify the existing MI-PDA to MI-PDA in order to allow the sale of alcoholic beverages (cocktail lounge use) as an accessory use in conjunction with a General Retail Sales use for a single occupant, not to exceed 50,000 square feet.

This amendment is triggered by the new Restoration Hardware store under construction in the Domain at the intersection of Domain Blvd. and Rock Rose, south of the Home Away office building. Restoration Hardware is a furniture store offering indoor/outdoor furniture, lighting, textiles, decor, baby and child products for sale in a home environment. As part of their enhanced client services, RH would like to sell beer and wine to their customers, allowing them to be able to walk throughout the store with an alcoholic beverage, if they so choose, while considering a retail purchase. This proposed accessory use will not function as a cocktail lounge/bar use, as the service is to be provided solely for RH customers. There will be no signage regarding this service, so it will not be readily apparent, unless one is a potential or existing customer. This proposed sale of alcohol will not apply against the existing cocktail lounge use allocation of up to 90,000 square feet without a Conditional Use permit that was granted within this area of the Domain MI-PDA zoning in 2013.

There is no opposition to this request from any neighborhood group in the subject area. The Planning Commission supported staff's recommendation (8-0) by consent at their April 28, 2015 meeting.

I appreciate your support for this proposed amendment and am available to discuss the case, should you have any additional questions or concerns. I have attached the staff report for your information.

Regards,

Katherine

**Katherine Loayza**

*Land Use Consultant*

**Jackson Walker L.L.P.**

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