

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0074 (Element Hotel)

P.C. DATE: August 9, 2016

ADDRESS: 10728 Burnet Road

DISTRICT AREA: 7

OWNER: DBG Austin Domain, LLC

AGENT: Bennett Consulting (Rodney Bennett)

ZONING FROM: MI-PDA **TO:** MI-PDA **AREA:** 1.50cres

SUMMARY STAFF RECOMMENDATION:

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

PLANNING COMMISSION RECOMMENDATION:

8/0916: Approved staff's recommendation of MI-PDA zoning on consent (8-0, K. McGraw, S. Oliver, P. Seeger, J. Thompson, T. White-absent); N. Zaragoza-1st, J. Shieh-2nd.

DEPARTMENT COMMENTS:

The property in question (The Domain-Endeavor site) is currently a vacant lot within an area that is developed with a mixture of high density residential, office and commercial uses. The applicant is requesting to amend Ordinance No. 20071101-056 for the property located at 10728 Burnet Road, Lot 1-C, The Domain Section 2 Subdivision, which is a Resubdivision of Lot 1, Block A. It is proposed that the language of the ordinance be amended for the subject property's parking requirement to revert to the City of Austin Land Development Code requirements. The current ordinance states that a commercial uses shall provide one parking space for every 325 square feet of gross building area. This change would allow for a hotel/motel use to meet the parking ratio of 1:1 parking spaces for each room. (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. This amendment to the Planned Development Area conditions will permit the applicant to develop a hotel/motel use under current City of Austin parking regulations as required in Section 25-6, Appendix A (Tables of Off-Street Parking and Loading Requirements).

MI-PDA zoning allows for a mixture of high-density residential uses, office uses, commercial uses, and industrial uses to be developed in this area of the City. The location of the site is appropriate for the proposed mixture and intensity of uses because the property in question is part of a larger development that located between three major roadways, MOPAC Expressway North, Burnet Road, and Braker Lane. The site under consideration is 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	Undeveloped Lot within The Domain (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: Shoal Creek, Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Neighborhoods Council
 Austin Independent School District
 Austin Northwest Association
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhoods of North Austin/NONA
 North Burnet Gateway Neighborhood Association
 North Burnet/Gateway Neighborhood Plan Staff Liaison
 North Growth Corridor Alliance
 Northwest Austin Coalition
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0062 (The Kenzie: 3201 Esperanza Crossing)	MI-PDA to MI-PDA	5/27/14: Approved staff's recommendation for MI-PDA zoning by consent (8-0, J. Nortey-absent); R. Hattfield-1 st , N. Zaragoza-2 nd .	6/26/14: Approved MI-PDA zoning, to change a condition of zoning, on consent on all 3 readings (6-0, M. Martinez- off the dais); B. Spelman-1 st , S. Cole-2 nd .
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	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 st , S. Cole-2 nd .

		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 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	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.

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

		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.	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, 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 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

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	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: September 22, 2016**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 512-974-3057sherri.sirwaitis@austintexas.gov



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 permit the applicant to develop a hotel/motel use under current City of Austin parking regulations as required in Section 25-6, Appendix A (Tables of Off-Street Parking and Loading Requirements).

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 an undeveloped lot that 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

According to current maps, the northwestern most edge of this site lies in the Edwards Aquifer Recharge Zone. This site lies in the Shoal Creek Watershed (classified as an Urban Watershed) and the Walnut Creek Watershed (classified as a Suburban Watershed). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones. The site is in the Desired Development Zone.

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.

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

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

No Site Plan comments.

Transportation

The Transportation Review Section has no objections to the requested change to the PDA conditions to allow for the Land Development Code parking requirements to apply for a hotel/motel use for this specific lot. The proposed change is consistent with current parking regulations as it would allow for a hotel/motel use to meet the parking ratio of 1:1 parking spaces for each room as required in Section 25-6, Appendix A (Tables of Off-Street Parking and Loading Requirements).

Water and Wastewater

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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on

the development plans submitted, water and or wastewater service extension requests may be required. 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.



Cumulus Design
Po Box 2119
Euless, Texas 76039
Phone: 214-235-0367

Greg Guernsey
Director of the Planning and Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Subject: Zoning Amendment
Ordinance Number 20071101-056

April 6, 2016

Dear Mr. Guernsey,

On behalf of DBG Austin Domain, LLC, we request approval for a zoning amendment to the existing ordinance number 20071101-056. The zoning amendment is for the property located at 10728 Burnet Road and the legal description for the property is Lot 1-C, The Domain Section 2 Subdivision, which is a Resubdivision of Lot 1, Block A. The lot is currently undeveloped.

The owner of the property request that the current ordinance on the property be altered to allow for the development of a hotel and associated accessory amenities. The current ordinance requires that a commercial use (except for general, professional, medical or commercial office and condominium or multifamily uses) provide one parking space per every 325 square feet of gross building area. This ratio would require a hotel use to provide approximately double the amount of parking that is normally required and needed for hotel operation. This parking ordinance will create an undue hardship on the developer by requiring them to construct additional parking that would be unused.

For the zoning ordinance amendment, it is proposed that the language of the ordinance be amended for the subject property's parking requirement to revert to the City of Austin's City and Land Development Code. With the exception of allowing parking requirement the uses stated in the ordinance to remain unchanged. All other commercial uses parking would be regulated by the requirements of Section 25-6-Appendix A. This change would allow for the construction of the hotel to meet the current parking ratio of 1.1 parking spaces per room in addition to any non-accessory use. This would match the parking provided by other hotels in the area. In addition, this allows for creation of additional open space on site for landscaping and other amenities.

We would like to thank you for your consideration of our request. We are ready to answer any questions you may have regarding this request.

Sincerely,

Paul Cragun

Paul Cragun

ORDINANCE NO. 20071101-056

AN ORDINANCE AMENDING ORDINANCE NO. 20070412-024 TO REZONE AND CHANGE THE ZONING MAP FROM MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING DISTRICT FOR PROPERTY LOCATED AT 10700-11000 AND 11100-11900 BURNET ROAD, 2800 BLOCK OF BRAKER LANE AND 3300 WEST BRAKER LANE.

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

PART 1. The planned development area is comprised of property originally known as the Multek planned development area ("Multek") and the Domain planned development area ("Domain"). Multek is comprised of approximately 70 acres of land located at 3300 West Braker Lane in Travis County and more particularly described by metes and bounds in Ordinance No. 030731-Z-5. Multek was approved July 31, 2003 under Ordinance No. 030731-Z-5, and amended under Ordinance No. 041216-Z-5b. Domain is comprised of approximately 235 acres of land located at 11400 Burnet Road in Travis County and more particularly described by metes and bounds in Ordinance No. 030731-Z-3. Domain was approved July 31, 2003 under Ordinance No. 030731-Z-3, and amended under Ordinance No. 041216-Z-5a; both Multek and Domain were last amended by Ordinance No. 20061005-044 and 20070412-024. This ordinance affects a portion of the property identified in the Domain and Multek planned development areas and is shown on the attached Exhibit "A".

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from major industrial planned development area (MI-PDA) combining district to major industrial planned development area (MI-PDA) combining district on the property described in Zoning Case No. C14-2007-0171, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Domain Section 2 Subdivision, and Lot 3, Block A, Multek Subdivision, and Lots 1-B, 1-C, 1-D, and 1-E, Block A, Resubdivision of Lot 1, Block A, Domain Section 2 Subdivision, subdivisions in the City of Austin, Travis County, Texas, as more particularly described in Documents No 200300333, 200400090, and 200600294, respectively, recorded in the Official Public Records of Travis County, Texas (the "Property"),

locally known as 10700-11000 and 11100-11900 Burnet Road, 2800 Block of Braker Lane and 3300 West Braker Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 3. Section N Subsection 2(c) of Part 3 of Ordinance No. 20070412-024 is amended as follows:

Part 3. The provisions in Ordinances No. 030731-Z-3 and No. 030731-Z-5 apply to the Property except as otherwise provided in this ordinance. Development of the Property shall conform to the limitations and conditions set forth in this ordinance.

N. Parking. Section 25-6-472(A) and (I) (*Parking Facility Standards*), Section 25-6-473(D) (*Modification of Parking Requirements*); Section 25-6-477(B) (*Bicycle Parking*); Chapter 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of the City Code, and are modified to permit parking to comply with the standards as set forth in this section.

1. Section 25-6-472(A) (*Parking Facility Standards*) is modified to allow a parking facility for a use to comply with the requirements set forth in this ordinance instead of the requirements in Appendix A (*Tables of Off-Street Parking and Loading*).

2. Parking spaces. The following regulations apply:

- Proposed change for only Det I-C, The Domain Sec 2 Subdivision*
- a) Except as otherwise provided in this subsection, a commercial use shall provide ~~one parking space for every 325 square feet of gross building area.~~ *for a hotel/motel use shall be* parking as required in Section 25-6-Appendix A - Tables of Off-Street Parking and Loading Requirements.
 - b) General office, professional office, medical offices, and other commercial office uses shall provide one parking space for every 400 square feet of gross building area.
 - c) A condominium or multifamily residential use must ~~[shall]~~ provide ~~[one]~~ parking space for each dwelling unit calculated as (i) one parking space for up to one bedroom, plus (ii) an additional 0.5 spaces for each additional bedroom, if any, in that dwelling unit. ~~[and 0.5 additional parking spaces for each bedroom.]~~

PART 4. Part 3 of Ordinance No. 20070412-024 is amended to add new provisions to read:

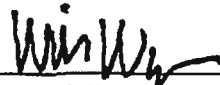
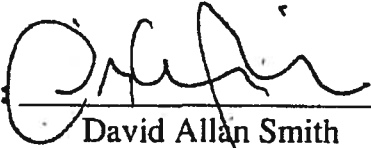
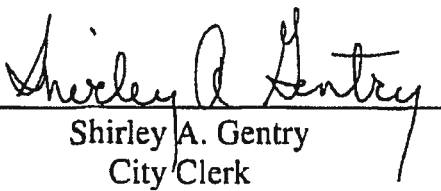
R. Section 25-5-81(B) (*Site Plan Expiration*) is modified to allow a site plan to expire seven years after the date of its approval except as provided in Subsections (C), (D) and (E) of the section.

S. Section 25-4-62 (2) (*Expiration of Approved Preliminary Plan*) is modified to allow an approved preliminary plan in the desired development zone to expire ten years after the date the application for its approval is filed.

PART 5. Except as otherwise provided in this ordinance, the terms and conditions of Ordinance No. 20070412-024 remain in effect.

PART 6. This ordinance takes effect on November 12, 2007.

PASSED AND APPROVED

_____	§	_____
November 1	§	
, 2007	§	Will Wynn
		Mayor
APPROVED: 	ATTEST: 	
David Allan Smith	Shirley A. Gentry	
City Attorney	City Clerk	

