

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0144 (Domain Northside PDA Amendment) DISTRICT: 7

ZONING FROM: MI-PDA

TO: MI-PDA*

*Nature of the Request: The applicant is requesting a rezoning is from MI-PDA to MI-PDA, to amend the conditions of the Planned Development Area (PDA) overlay to add Liquor Sales as a permitted use to allow a liquor store in one of the retail units on the property.

ADDRESS: 3210 Esperanza Crossing

SITE AREA: 0.347 acres

PROPERTY OWNER: Domain Northside Retail Property Owner LP
(James W. Geskey, Managing Director)

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends MI-PDA, Major Industrial-Planned Development Area Combining District, zoning to change a condition of zoning, to permit the Liquor Sales use on this property.

PLANNING COMMISSION ACTION / RECOMMENDATION:
January 9, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The site under consideration is a 0.347 acre pad that is currently developed with a restaurant use located at the northeast intersection of Esperanza Crossing and Rock Rose Avenue. The property at 3210 Esperanza Crossing contains a mixed-use development with residential, office, personal services and restaurant uses. There are mixed use developments to the north, east and west. There is a hotel/motel use and a multifamily use to the south, across Esperanza Crossing. In this rezoning request, the applicant is asking to amend the Planned Development Area overlay to add Liquor Sales as a permitted use to allow for a liquor store at this location (*please see Applicant's Request Letter – Exhibit C*).

The staff recommends the applicant's request to amend the Planned Development Area overlay as the requested change to the zoning will not alter the intent of the approved MI-PDA designation for this site. The proposed amendment will permit the applicant to develop a liquor store in a specific lease space within a larger mixed-use development within The Domain center. The proposed liquor sales 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 site is located within the Domain development 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).

The applicant agrees with the staff's recommendation.

BASIS OF 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 a Liquor Sales use in a defined 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 this site is located within the Domain development 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 ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MI-PDA	Restaurant (Hat Creek Burger Company)
<i>North</i>	MI-PDA	Domain Northside (Residential: The Griffis at the Domain Apartments, Personal Improvement Services: Repower Yoga, Office: Engel & Volkers, Restaurant: Gong cha, JINYA Ramen Bar)
<i>South</i>	MI-PDA	Hotel/Motel (The Westin Austin at the Domain), Multifamily (The Kenzie at Domain Apartments)
<i>East</i>	MI-PDA	Commercial: Sandbox VR, Personal Improvement Services: Orangetheory Fitness, Personal Services: Jose Luis Salon & Boutique)
<i>West</i>	MI-PDA	Multifamily (The Griffis at the Domain), Personal Improvement Services (Wellness Studio)

NEIGHBORHOOD PLANNING AREA: North Burnet/Gateway NP

TIA: Waived

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation

North Burnet/Gateway Neighborhood Plan Staff Liaison
 North Growth Corridor Alliance
 SELTexas
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0157 (Domain I and II PDA Amendment: 11506 Century Oaks Terrace and 3414 W. Braker Lane)	MI-PDA to MI-PDA PDA, to amend the existing PDA to allow for additional height up to 420 feet, FAR up to 12:1 and remove the maximum dwelling unit limitation for future redevelopment.	3/11/23: Approved staff recommendation of MI-PDA zoning, to change a condition of zoning, by consent (11-0, Y. Flores, A. Haynes-absent); A. Azhar-1st, A. Woods-2nd.	5/18/23: Approved MI-PDA zoning, to change a condition of zoning, by consent on 1st reading (11-0). 6/01/23: The motion to approve the ordinance on second reading only was approved on Council Member Pool's motion, Council Member Vela's second on a 9-0 vote. Mayor Watson and Council Member Alison Alter were off the dais.
C14-2021-0191 (Domain Central: 11500 Alterra Parkway)	MI-PDA to MI-PDA to amend the conditions of the Planned Development Area (PDA) overlay in Ordinance No. 20070412-024 to change the maximum allowable building height from 308 feet to 400 feet and to modify the required parking ratio in the PDA for this 10.377acre property located northeast of the intersection of Alterra Parkway and Esperanza Crossing within The Domain development.	12/20/22: Approved staff's recommendation of MI-PDA zoning, to change a condition of zoning, by consent (9-0), A. Azhar-1st, P. Howard-2nd.	1/26/23: Approved MI-PDA zoning, to change a condition of zoning, by consent on all 3 readings (11-0).
C14-2020-0154 (Domain Retail District 1, Block Z: 11700 Rock Rose Avenue, 3200-3250 Palm Way, 11701 ½,	MI-PDA to MI-PDA (To amend the PDA overlay in Ordinance No. 20150611-033 to permit the Pet Services use within	1/26/21: Approved staff's recommendation for MI-PDA district zoning, to change a condition of zoning, by consent (12-0); A. Azahar-1st; P. Seeger-2nd.	3/04/21: Approved Ordinance No. 20210304-091 for MI-PDA combining district, to change a condition of zoning (10-0, Mayor Pro Tem Harper-

11703 ½, 11711, 11711 ½, 11811, 11811 ½ Domain Drive)	this area of the Domain/MI-PDA)		Madison was off the dais); Council Member Ellis's motion, Council Member Kitchen's-2 nd .
C14-2016-0114 (Domain Entertainment District: 3121 Palm Way)	MI-PDA to MI-PDA (To allow for the sale of alcoholic beverages in conjunction with a General Retail Sales (General) use for on premise consumption for a second occupant not to exceed an additional 11,204 sq. ft. (for a total of 61,204 sq. ft. for two occupants) within this designated 43 acre area.	11/08/16: Approved staff's recommendation for MI-PDA zoning on consent (12-0, A. Pineyro DeHoyos- absent); P. Seeger-1 st , F. Kazi-2 nd .	12/08/16: Approved MI-PDA district zoning on Council Member Troxclair's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Houston voted nay. Mayor Pro Tem Tovo was absent.
C14-2015-0038 (Domain Entertainment District: 11624-11824 Burnet Road)	MI-PDA to MI-PDA (To amend the PDA to 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.)	4/28/15: Approved the staff's recommendation of MI-PDA zoning with conditions (8-0, B. Roark-absent); J. Nortey-1 st , J. Stevens-2 nd .	6/11/15: Approved MI-PDA zoning on consent (11-0); A. Kitchen-1 st , P. Renteria-2 nd
C14-2014-0062 (The Kenzie: 3201 Esperanza Crossing)	MI-PDA to MI-PDA (To amend the 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.)	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 (To amend the PDA overlay to allow for 110,000 square feet of Cocktail Lounge	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 .

	(CS-1 district) use as a permitted use with no one user exceeding 13,000 square feet within a designated 43.267 acre area.)	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. 10/14/10: Approved MI-PDA zoning on 2 nd /3 rd readings (7-0);

		<p>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.</p>	<p>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".</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"> • 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; 	<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-1st, Dunkerley-2nd.</p>

		<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>	
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RELATED CASES:

Zoning Cases: C14-2022-0157
C14-2021-0191
C14-2020-0154
C14-2016-0114
C14-2015-0038
C14-2014-0062
C14-2013-0130
C14-2012-0002
C14-2010-0087
C14-04-0151
C14-03-0017
C14-03-0016
C14-03-0015

OTHER STAFF COMMENTS:

Comprehensive Planning

No comment.

Environmental

No reviewed required.

Fire

No comments.

Parks and Recreation

There are no parkland dedication requirements associated with the proposed use starting January 1, 2024 for any future development applications that may result from this rezoning.

Site Plan

No comments.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Rock Rose Ave. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Rock Rose according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Esperanza Xing. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Esperanza Xing according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

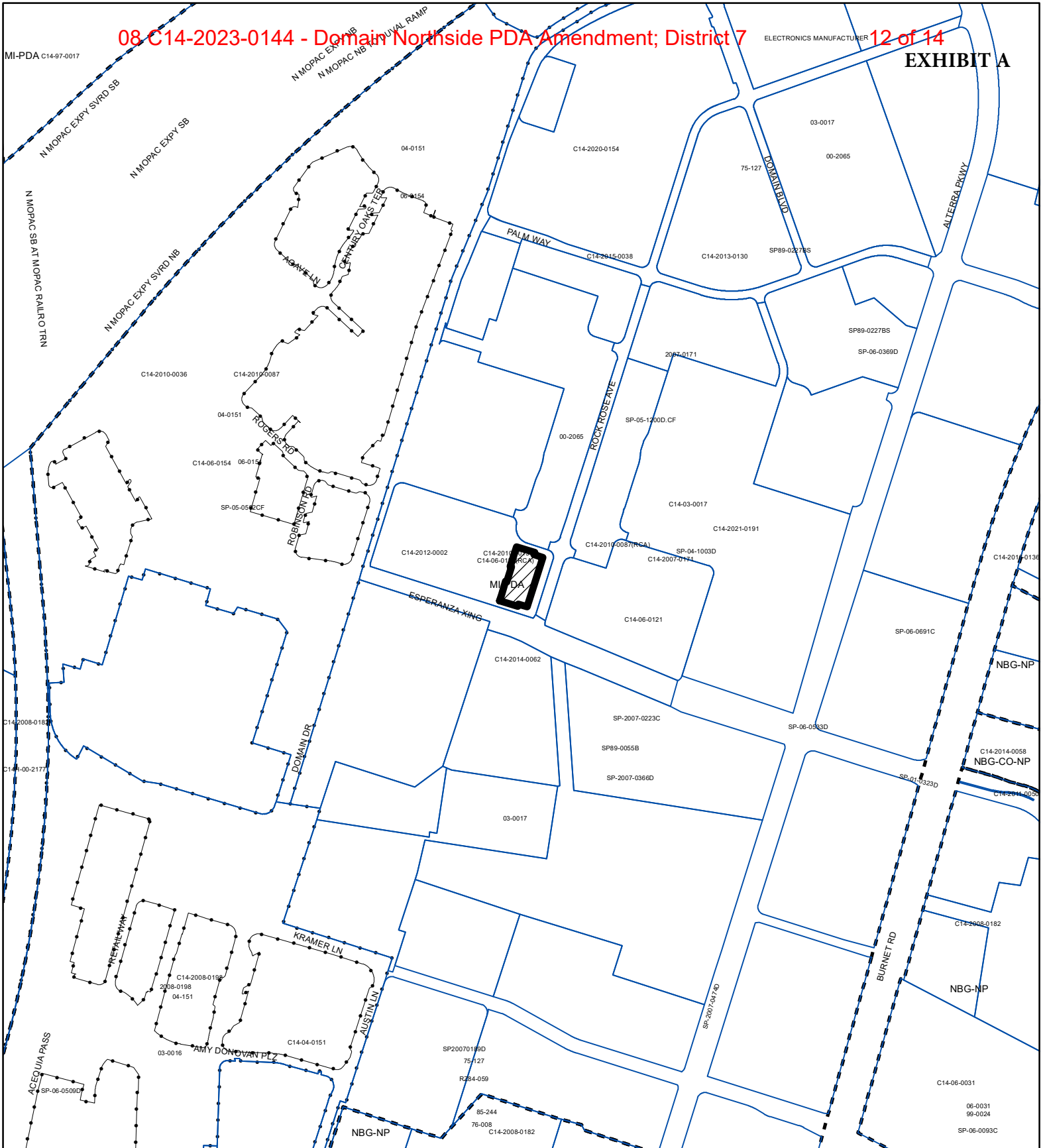
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rock Rose Ave (private drive)	Level 1	58'	NA - Private	23'	Yes	No	Yes
Esperanza Xing (private drive)	Level 3	116'	NA - private	65'	Yes	No	Yes

Water Utility

No comments.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Amendment Request Letter



ZONING

ZONING CASE#: C14-2023-0144



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

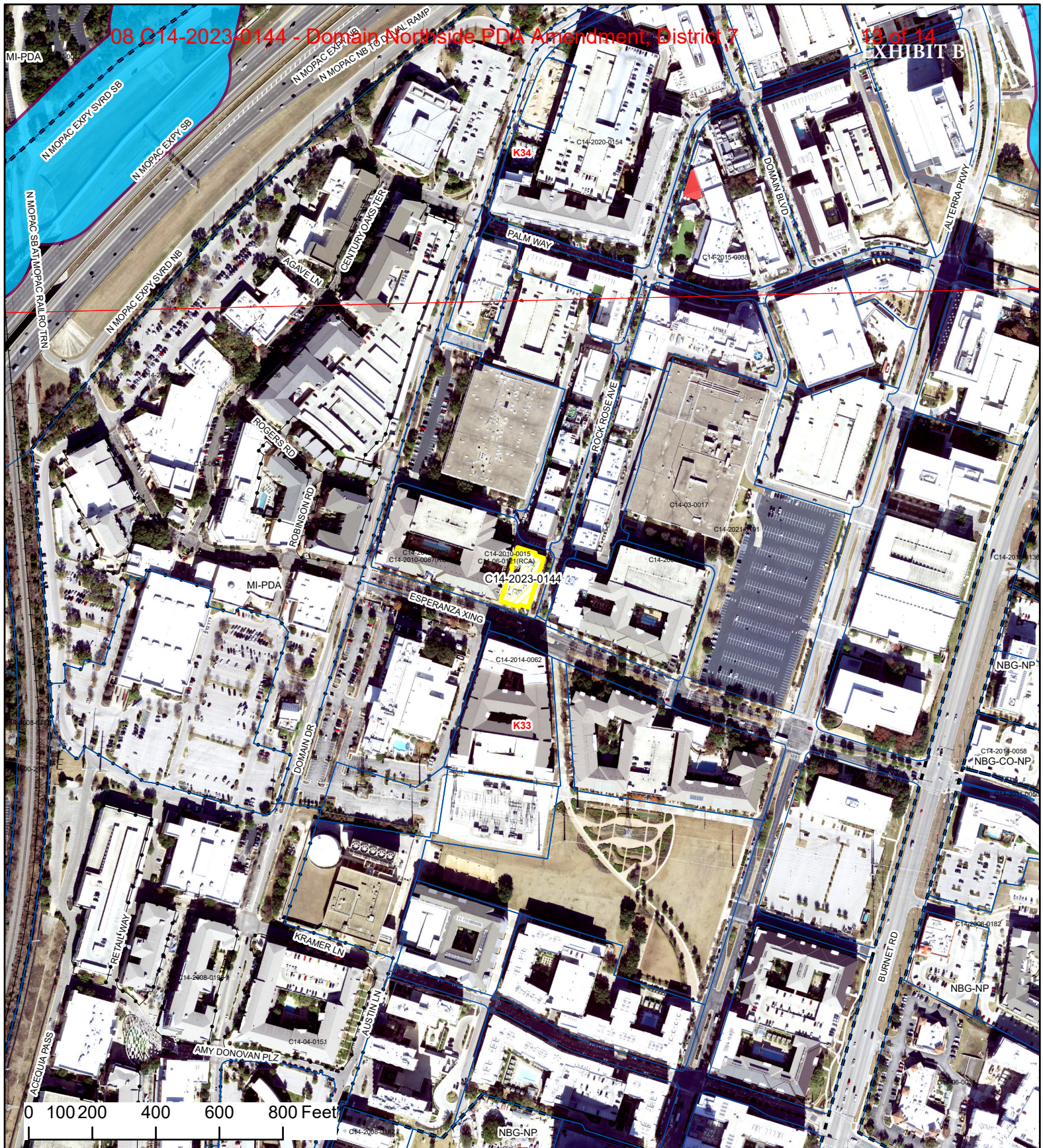
1" = 400'

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.





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Created: 11/21/2023



Domain Northside PDA Amendment

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0144
 LOCATION: 3210 Esperanza Crossing
 SUBJECT AREA: 3.1819 Acres
 GRID: K33
 MANAGER: Sherri Sirwaitis



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Created: 1/3/2024

ARMBRUST & BROWN, PLLC

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November 13, 2023

Lauren Middleton-Pratt, Director
City of Austin Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Zoning Application for property located at 3210 Esperanza Crossing, Austin, TX
78758 also known as TCAD Parcel No. 0256060502 (the "Application")

Dear Mrs. Middleton-Pratt:

This letter, along with the Application, is submitted to rezone 0.347 acres of land located at 3210 Esperanza Crossing (the "Property"). The Property is zoned Major Industrial Planned Development Area ("MI-PDA") by Zoning Ordinance 030731-Z-3 (the "Original PDA Ordinance") and later amended under Ordinance No. 20070412-024, Ordinance No. 20071101-056, Ordinance No. 20101014-047, Ordinance No. 20120628-127, Ordinance No. 20131212-120, Ordinance No. 20150611-033, and Ordinance No. 20161208-044. The Property is within the Domain development and currently developed with various retail and restaurant uses. The proposed amendment is to add Liquor Sales as a permitted use to allow a liquor store in one of the retail units. A redline of the Original PDA Ordinance is included with this application to reflect this request.

Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2300.

Very truly yours,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Joi Harden, City of Austin
Amanda Hendrix, Armbrust & Brown, PLLC