

ORDINANCE NO \_\_\_\_\_

1 AN ORDINANCE AMENDING ORDINANCE NO 030731-Z-3 AND ORDINANCE  
2 NO 030731-Z-5 TO REZONE AND CHANGE THE ZONING MAP FROM MAJOR  
3 INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-PDA) COMBINING  
4 DISTRICT TO MAJOR INDUSTRIAL PLANNED DEVELOPMENT AREA (MI-  
5 PDA) COMBINING DISTRICT FOR PROPERTY LOCATED AT 10700-11000  
6 AND 11100-11900 BURNET ROAD, 2800 BLOCK OF BRAKER LANE AND 3300  
7 WEST BRAKER LANE

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

10  
11 PART 1 The planned development area is comprised of property originally known as the  
12 Multek planned development area ("Multek") and the Domain planned development area  
13 ("Domain") Multek is comprised of approximately 70 acres of land located at 3300 West  
14 Braker Lane in Travis County and more particularly described by metes and bounds in  
15 Ordinance No 030731-Z-5 Multek was approved July 31, 2003 under Ordinance No  
16 030731-Z-5, and amended under Ordinance No 041216-Z-5b Domain is comprised of  
17 approximately 235 acres of land located at 11400 Burnet Road in Travis County and more  
18 particularly described by metes and bounds in Ordinance No 030731-Z-3 Domain was  
19 approved July 31, 2003 under Ordinance No 030731-Z-3, and amended under Ordinance  
20 No 041216-Z-5a, both Multek and Domain were last amended by Ordinance No  
21 20061005-044 This ordinance affects a portion of the property identified in the Domain  
22 and Multek planned development areas and is shown on the attached Exhibit "A"

23  
24 PART 2 The zoning map established by Section 25-2-191 of the City Code is amended to  
25 change the base district from major industrial planned development area (MI-PDA)  
26 combining district to major industrial planned development area (MI-PDA) combining  
27 district on the property described in Zoning Case No C14-06-0121, on file at the  
28 Neighborhood Planning and Zoning Department, as follows

29  
30 Lot 2, Block A, Domain Section 2 Subdivision, and Lot 3, Block A, Multek  
31 Subdivision, and Lots 1-B, 1-C, 1-D, and 1-E, Block A, Resubdivision of Lot 1,  
32 Block A, Domain Section 2 Subdivision, subdivisions in the City of Austin, Travis  
33 County, Texas, as more particularly described in Documents No 200300333,  
34 200400090, and 200600294, respectively, recorded in the Official Public Records  
35 of Travis County, Texas (the "Property"),  
36  
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1  
2 locally known as 10700-11000 and 11100-11900 Burnet Road, 2800 Block of Braker Lane  
3 and 3300 West Braker Lane, in the City of Austin, Travis County, Texas, and generally  
4 identified in the map attached as Exhibit "A"

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

9  
10 A The following uses are prohibited uses of the Property

11  
12 Monument retail sales  
13 Recycling center  
14 Agricultural sales and services  
15 Scrap and salvage  
16 Basic industry  
17 Vehicle storage  
18 Drop-off recycling collection facility

17 B This section applies to the portion of the Property that was subject to Ordinance  
18 No 030731-Z-3

19  
20 The maximum density for residential use is 6,000 dwelling units

21  
22 C Sections 9, 10, and 12 of Ordinance No 030731-Z-3 do not apply to the Property

23  
24 D Sections 7, 8, and 10 of Ordinance No 030731-Z-5 do not apply to the Property

25  
26 E Section 25-8-341 (*Cut Requirements*) and Section 25-8-342 (*Fill Requirements*) are  
27 modified to allow a maximum cut and fill of 12 feet of depth. All cut and fill areas  
28 shall be structurally contained

29  
30 F The definition of 'site' in Section 25-1-21(98) and the requirements regarding  
31 contiguity under 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) does  
32 not apply for purposes of calculating impervious cover

33  
34 G Section 25-8-394(C)(3)(a) (*Uplands Zone*) is modified to increase the multifamily  
35 impervious cover limit from 60 percent to 80 percent

36  
37 H The zoning setback requirements set forth in Division 3 (*Industrial Districts*) Section  
38 25-2-601 (*Industrial Park (IP) Major Industry (MI) and Limited Industrial Service*  
39 (*LI*) *District Regulations*) do not apply to the Property

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I Except as provided in Section J, MI site development standards apply to the Property

J The following site development regulations apply

Minimum lot size (square feet)	0
Minimum lot width	50
Maximum height	308 feet
Maximum building coverage	100%
Maximum floor area ratio	8 1
Setbacks	
Front	0
Street side yard	0
Interior side yard	0
Rear yard	0

K Section 25-4-171 (*Access to Lots*) of the City Code is modified to permit a lot to abut a dedicated public street or a Major Internal Drive identified in the Design Criteria Chart in Section L

L This section applies to a Major Internal Drive

- 1 A Major Internal Drive must have a direct connection to a public street or to another Major Internal Drive that has access to a public street
- 2 Signage, traffic signals, and other traffic control devices may be installed on a Major Internal Drive
- 3 Parking is permitted along a Major Internal Drive as shown in the Design Criteria Chart
- 4 A Major Internal Drive shall comply with the Design Criteria as shown in the chart below

DESIGN CRITERIA

Major Internal Drive Name	No. of Lanes	Paving	Median	Sidewalk	Parking
Esperanza Blvd	4 divided	44 (only relative to the portion of Esperanza for which owner owns both sides)	Yes (ranges from 12 to 23.)	Yes	2 sides
Domain Parkway	4 divided	44	Yes (ranges from 11 to 22)	Yes	None
Domain Drive	2 divided	15 (Domain Endeavor side only)	Yes (ranges from 4 to 14)	Yes	None
Palm Way	2	22	None	Yes	2 sides
Domain Blvd	2	22	None	Yes	2 sides
Park Street	2	22	None	Yes	2 sides
Kramer Lane	2	22	None	Yes	2 sides

M The parkland requirements set forth under Section 25-4, Article 3, Division 5 (*Parkland Dedication*) and Section 25-4-21(A) (*Applicability*) do not apply to the Property. The requirements shall be satisfied through a restrictive covenant that sets out the provisions for providing parkland areas.

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:

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.

1 b) General office, professional office, medical offices, and other commercial  
2 office uses shall provide one parking space for every 400 square feet of  
3 gross building area  
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5 c) A condominium or multifamily residence use shall provide one parking  
6 space for each dwelling unit and 0.5 additional parking spaces for each  
7 bedroom  
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9 d) A hotel-motel use shall provide one parking space for every two rooms  
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11 e) College and university facilities, and primary and secondary educational  
12 facilities (private and public) uses shall provide one parking space for  
13 every 500 square feet of gross building area  
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15 f) Outdoor sports and recreation uses shall provide eight parking spaces per  
16 playing field  
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18 g) Off-street parking is not required for neighborhood parks, amphitheaters  
19 and other auditoriums, community centers, pavilions, picnic shelters or  
20 tables, playgrounds, swimming pools, basketball/sport courts, or bike  
21 rental facilities  
22

23 h) The Director of Watershed Protection and Development Review  
24 Department shall determine the parking requirements for a use not listed  
25 in this subsection  
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27 i) Except as otherwise provided in this subsection, bicycle parking shall  
28 comply with Chapter 25-6, Appendix A of the City Code  
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30 A condominium or multifamily residential or commercial use shall  
31 provide not less than one bicycle parking space for every 60 motor  
32 vehicle parking spaces  
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34 j) Angled, reverse angled and parallel parking spaces are permitted on  
35 Major Internal Drives and all internal drives  
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37 3) Parking Design and Construction Standards shall comply with the  
38 requirements in the Parking Lot Criteria Chart shown in this subsection  
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- 2 Except as otherwise provided in Subsection 3, a parking structure or surface parking lot is prohibited between a building and the east property line that runs along Burnet Road
  - 3 For purposes of retaining existing trees in the area of the southwest corner of Burnet Road and Palm Way
    - a) Subsection 1 of this part does not apply, and
    - b) A parking structure or surface parking lot may be located between a building and the east property line that runs along Burnet Road
  - 4 A building shall have a minimum of one entrance facing Burnet Road. A pedestrian connection must be provided from the building entrance to the sidewalk adjacent to Burnet Road
  - 5 An above-ground parking structure shall be screened so that cars are not visible from Burnet Road

20 Q Sidewalk Standard <sup>insert</sup> ~~Except as provided in this section,~~ the following standards set forth in Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) apply to the properties adjacent to Burnet Road

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- 1 Section ~~2-2-2~~ (*Core Transit Corridors Sidewalks and Building Placement*) Section ~~2-2-2-B~~ (*Sidewalks*), Section 2 2 2 B 1 (*Street Tree/Furniture Zone*), Section ~~222-B-2~~ (*Clear Zone*), Section 2 2 2 B 3 (*Utilities*), and Section 2 2 2 C ~~1-2-3~~ (*Supplemental Zone - Optional*)
  - 2 If a hike and bike trail complies with the location and minimum width standards of Section ~~2 2 2 b~~ (*Sidewalks*), it may be substituted for a sidewalk. At the time of site plan, these hike and bike trail standards shall be provided by the applicant

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**PART 4** This ordinance takes effect on \_\_\_\_\_, 2007

**PASSED AND APPROVED**

\_\_\_\_\_, 2007

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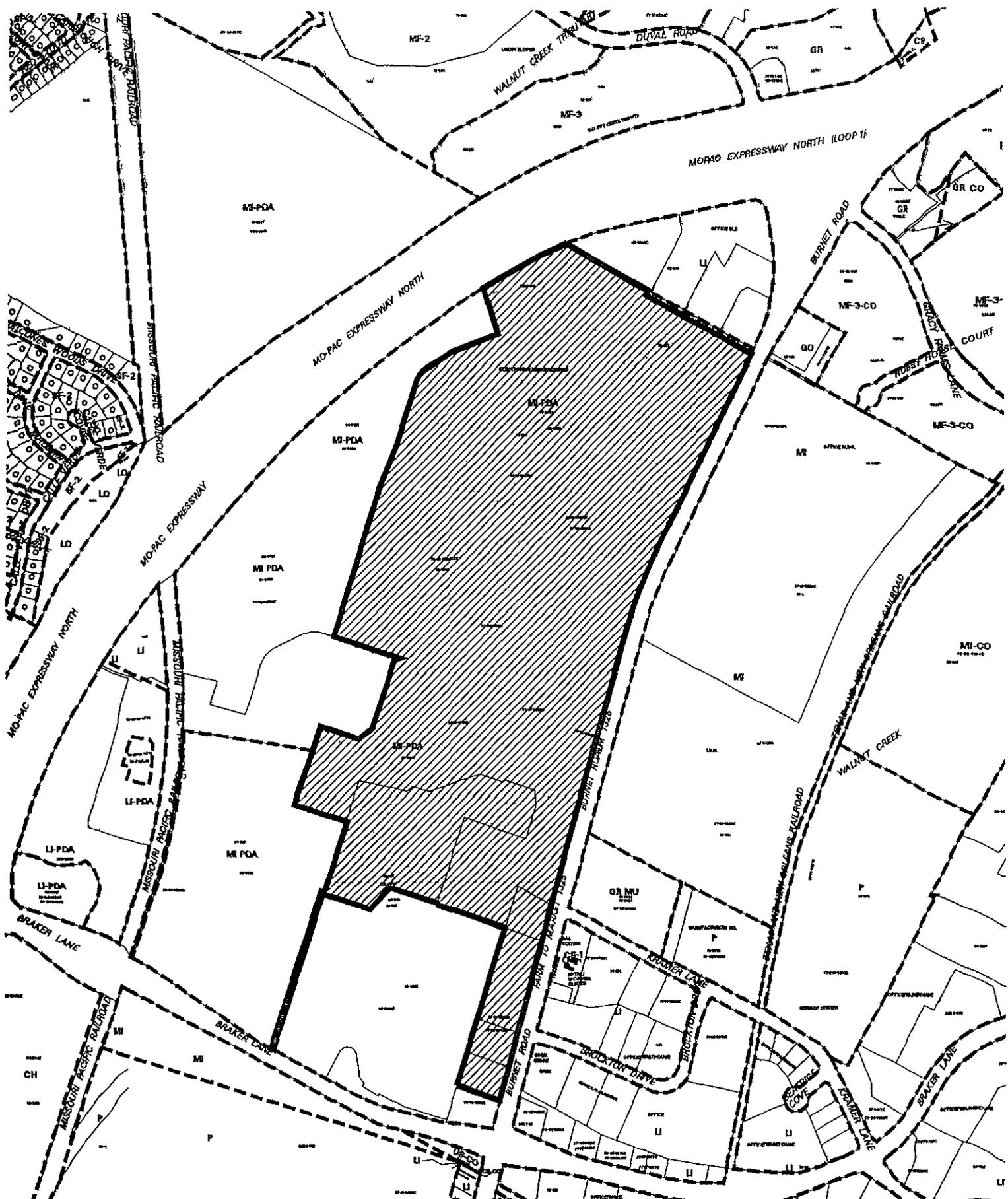
Will Wynn  
Mayor

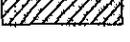
**APPROVED**

**ATTEST**

\_\_\_\_\_  
David Allan Smith  
City Attorney

\_\_\_\_\_  
Shirley A. Gentry  
City Clerk



 1" = 800'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>  <b>CASE # C14-06-0121</b> <b>ADDRESS</b> 10700-11000 Burnet Rd, 11100-11900 Burnet Rd 2800 Block of Braker Ln., 3300 West Braker Ln and 10701 North MoPac Expressway <b>SUBJECT AREA (acres) 176.184</b>	<b>DATE 07-01</b>  <b>INTLS. SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>K33 K34</b>
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 			
	<b>CASE MGR J ROUSSELIN</b>			

**RESTRICTIVE COVENANT**

OWNER RREEF Domain L P , a Texas limited partnership  
OWNER RREEF Domain II L P , a Texas limited partnership  
ADDRESS 221 West 6<sup>th</sup> Street Suite 1300 Austin Texas 78701  
CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged  
PROPERTY Lot 2, Block A, Domain Section 2 Subdivision, according to the plat recorded as Document No 200300333 and Lot 3 Block A, Multek Subdivision according to the plat recorded as Document No 200400090 both in the Official Public Records Travis County Texas and  
Lots 1-B, 1 C 1 D and 1 E, Block A, Resubdivision of Lot 1, Block A, Domain Section 2 Subdivision according to the plat or record in Document No 200600294 Official Public Records Travis County Texas

WHEREAS the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions

NOW, THEREFORE it is declared that the Owners of the Property for the consideration shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant These covenants and restrictions shall run with the land and shall be binding on the Owners of the Property its heirs successors, and assigns

- 1 A site plan or building permit for the Property may not be approved released, or issued, if the completed development or uses of the Property considered cumulatively with all existing or previously authorized development and uses generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the "TIA ") prepared by HDR/WHM Transportation Engineering dated December 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department or its successor department of the City of Austin All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated January 24 2007 The TIA shall be kept on file at the Watershed Protection and Development Review Department or its successor department of the City of Austin
- 2 At the time an application for approval of the site plan for the first phase of the development of the Property is submitted to the Watershed Protection and Development Review Department or its successor, for development of the Property or any portion of the Property an Integrated Pest Management Plan (the 'IPM Plan') shall be submitted to

the Watershed Protection and Development Review Department, or its successor department for review and approval. The IPM Plan shall comply with the guidelines in Section 1692 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this restrictive covenant.

3. All new residential and commercial development shall comply with Austin Energy Green Building Program in effect on April 12, 2007, to achieve a minimum one-star rating. For 50 percent of the residential and office buildings a minimum two star rating must be achieved.
4. A licensed engineer or architect chosen by the Owner shall implement the following studies:
  - a. Bioswale Study. A study analyzing the environmental benefits, risks and methodology of direct infiltration of stormwater run off into the subsurface.
  - b. Rainwater Harvesting Study. A study analyzing the environmental benefits, methodology and economic impact of the capture and re use of rainwater.
  - c. Adaptive Re use of Building Materials Study. A study analyzing the environmental benefits, risks, methodology and economic impact of the re use of building materials from Building 60, an approximately 460,000 square foot building on the site that is to be razed. The location of Building 60 is described and shown in Exhibit A attached and incorporated into this covenant and
  - d. Blowdown Study. A study analyzing the environmental benefits, risks, methodology, and economic impact of the capture and re use of the blowdown water from the Austin Energy central utility chiller plant located on the site (versus disposal of the water via the sanitary sewer system).

Owner shall meet and share the findings of the studies with the environmental staff of the Watershed Protection and Development Review Department. Owner shall incorporate into development of the site the recommendations of the studies that both City staff and Owner agree are practical.

5. Upon redevelopment of a minimum of 80 acres the Owner shall
  - a. provide a cistern or cisterns or other structures capable of capturing a minimum of 75,000 gallons of rainwater or
  - b. provide bioswales capable of causing an equivalent amount of rainwater to be retained on site or
  - c. a combination of both alternatives which achieves the same effect.

- 5 Low albedo roofing material shall be used on roofs for the project
- 6 Landscaping for all water quality ponds including the existing on site pond shall comply with the landscaping requirements according to City Code
- 7 Parks Parkland Dedication requirements shall be satisfied as follows
  - a Nine acres of private parks shall be provided by the Owner within the development
  - b A minimum of one mile of hike and bike trails shall be provided by the Owner. The trail systems shall connect to area bike routes and hike and bike trails existing at the time of such construction.
  - c Owner will spend a minimum of \$4,000,000 for park infrastructure and other recreational facilities (excluding the hike and bike trail system)
  - d The parks and hike and bike trails shall be open to the public subject to Owner's obligation to maintain the parks and trail systems and Owner's right to maintain adequate security and to conduct private events and
  - e Owner will satisfy the requirements of a through c above on or before the earlier of i) the date that is five years from the effective date of the zoning ordinance or ii) the date that is one year after the site development permit(s) has been issued for a minimum of 3,000 residential units (including condominium residential, townhouse residential, and multifamily residential)
  - f Owner shall provide a minimum of two additional pocket parks totaling at least 0.5 of an acre each pocket park to be located within 0.5 miles from residential units
- 7 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions and to collect damages for such actions.
- 8 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
- 9 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 10 This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2007

**OWNERS**

**RREEF DOMAIN L P ,  
a Texas limited partnership**

By RREEF America REIT III Corp W,  
a Maryland corporation,  
its General Partner

By \_\_\_\_\_  
Charles A Marsh  
Assistant Vice President

**RREEF DOMAIN II L P ,  
a Texas limited partnership**

By RRLEF America REIT III Corp X  
a Maryland corporation  
its General Partner

By \_\_\_\_\_  
Charles A Marsh  
Assistant Vice President

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS           §**

**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Charles A. Marsh, Assistant Vice President of RREEF America REIT III Corp W., a Maryland corporation, General Partner of RREEF Domain LP, a Texas limited partnership, on behalf of corporation and the limited partnership

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS           §**

**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007 by Charles A. Marsh Assistant Vice President of RREEF America REIT III Corp X, a Maryland corporation, General Partner of RREEF Domain II LP a Texas limited partnership, on behalf of corporation and the limited partnership

\_\_\_\_\_  
Notary Public State of Texas

**After Recording Please Return to  
City of Austin  
Department of Law  
P O Box 1088  
Austin Texas 78767  
Attention Diana Minter Paralegal**