

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-06-0121(RCA)

Z.A.P. DATE: August 24, 2010

ADDRESS: 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive;
2900, 3001, 3101 Esperanza Crossing

OWNER/APPLICANT: RREEF Domain LP Development Trust, Domain Gateway I, LP,
Domain Retail I LP (Chad Marsh)

AGENT: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann)

EXISTING ZONING: MI-PDA

AREA: 169.7386 acres

REQUESTED AMENDMENT:

To modify the time period associated with the requirements to provide 9-acres of private parkland within the Domain development.

SUMMARY STAFF RECOMMENDATION:

Staff recommends the applicant's request for the first amendment to the restrictive covenant for the property known as The Domain-Endeavor site.

DEPARTMENT COMMENTS:

In this amendment to the restrictive covenant for the Domain property, the applicant is asking to add language to Paragraph 7 to clarify the time period for the development of 9-acres of private parkland within the site (Please see original restrictive covenant – Attachment A). The proposed language would read as follows (in italics):

- 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.
The requirements to provide the 9-acres of private parkland shall be constructed upon the earlier of the first residential unit constructed south of Esperanza Crossing and adjacent to the park or prior to the completion of 500 residential units north of Esperanza Crossing.

The City of Austin Parks and Recreation Department has reviewed this request and has stated that they have no issue with the proposed amendment to the restrictive covenant.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/24/10: Approved staff's recommendation for the public restrictive covenant amendment (9-0);
J. Reddy-1st, R. Hatfield-2nd.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MI-PDA	Commercial, Retail, Multi-family
<i>North</i>	NBG-NP	Hotel, Office, Bank
<i>South</i>	NBG-NP, MI, P	Financial Services, University of Texas J.J. Pickle Research Center
<i>East</i>	NBG-NP	Industrial/Office, Manufacturing, Gas Station, Retail Center, Bank, Service Station
<i>West</i>	MI-PDA	Commercial, Retail, Multifamily, Hotel

AREA STUDY: North Burnet/Gateway**TIA:** N/A**WATERSHED:** Walnut Creek, Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District
 Austin Monorail Project
 Austin Neighborhoods Council
 Austin Parks Foundation
 Homebuilders Association of Greater Austin
 Homeless Neighborhood Association
 League of Bicycling Voters
 Neighborhoods of North Austin/NONA
 North Burnet/Gateway Neighborhood Planning Contact Team
 North Burnet/Gateway Neighborhood Plan Staff Liaison
 North Growth Corridor Alliance
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0121	MI-PDA to MI-PDA	2/13/10: Approved staff's rec. for MI-PDA zoning with additional conditions of: <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 	3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1 st , Dunkerley-2 nd .

		<p>proposal;</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)	<p>09/28/06: Approved MI-PDA (7-0); 1st reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2nd/3rd 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 dias)	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 dias)	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 dias)	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	<p>5/9/00: Approved staff rec. of MI-PDA by consent (8-0); with the following conditions:</p> <ol style="list-style-type: none"> 1) That minimum lot size be 1 acre provided for any lots that directly abut 	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

		<p>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>	
C14-99-0024	MI to GR	4/20/99: Approved staff alternate rec. of GR-CO by consent (7-0)	<p>5/20/99: Approved PC rec. of GR-CO w/ conditions (7-0); 1st reading</p> <p>6/3/99: Approved GR-CO w/ conditions (7-0); 2nd/3rd readings</p>
C14-92-0072	IP to P	8/18/92: Approved	9/3/92: Approved P; all 3 readings

RELATED CASES: C14-2010-0015 (Current rezoning case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MoPac	500'	Varies	Arterial	Portions	No	No
Burnet Road	120'	65'	Arterial	No	Yes	Priority 2
Braker Lane	Varies	2 @ 36'	Arterial	No	Yes	Priority 2

CITY COUNCIL DATE: September 23, 2010

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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NORTH



