

## SECOND/THIRD READING SUMMARY SHEET

**ZONING CASE NUMBER:** C14-2010-0087 (The Domain Rezoning-Simon)

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as from 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace MI-PDA, Major Industrial-Planned Development Area District, zoning to MI-PDA, Major Industrial-Planned Development Area District, zoning.

The ordinance and public restrictive covenants reflect the conditions imposed by the City Council on 1<sup>st</sup> reading.

**PROPERTY OWNER:** SPGIL Domain LP, The Domain Shopping Center LP,  
(Richard S. Sokolov), Heritage Communities LP

**APPLICANT/AGENT:** City of Austin-Planning & Development Review Department  
(Sherri Sirwaitis)

**DEPARTMENT COMMENTS:**

The property in question (The Domain-Simon) 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 an additional 3% zoning impervious cover on the site so that they can develop a bank (Financial Services use) on the northern portion of this property.

The staff recommends the applicant's requested change to the MI-PDA zoning because the proposed amendment will allow the applicant to develop a vacant tract on the site and will not alter the intent of the approved MI-PDA zoning. The applicant has an agreement with the owners of The Domain-Endeavor property to restrict one acre of land on the other Domain PDA site to zero percent impervious cover. This action will in affect transfer one acre's worth of impervious cover rights from the Endeavor Domain property to the Simon Domain property.

**DATE OF FIRST READING/VOTE:** August 26, 2010

**ACTION:** 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 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.

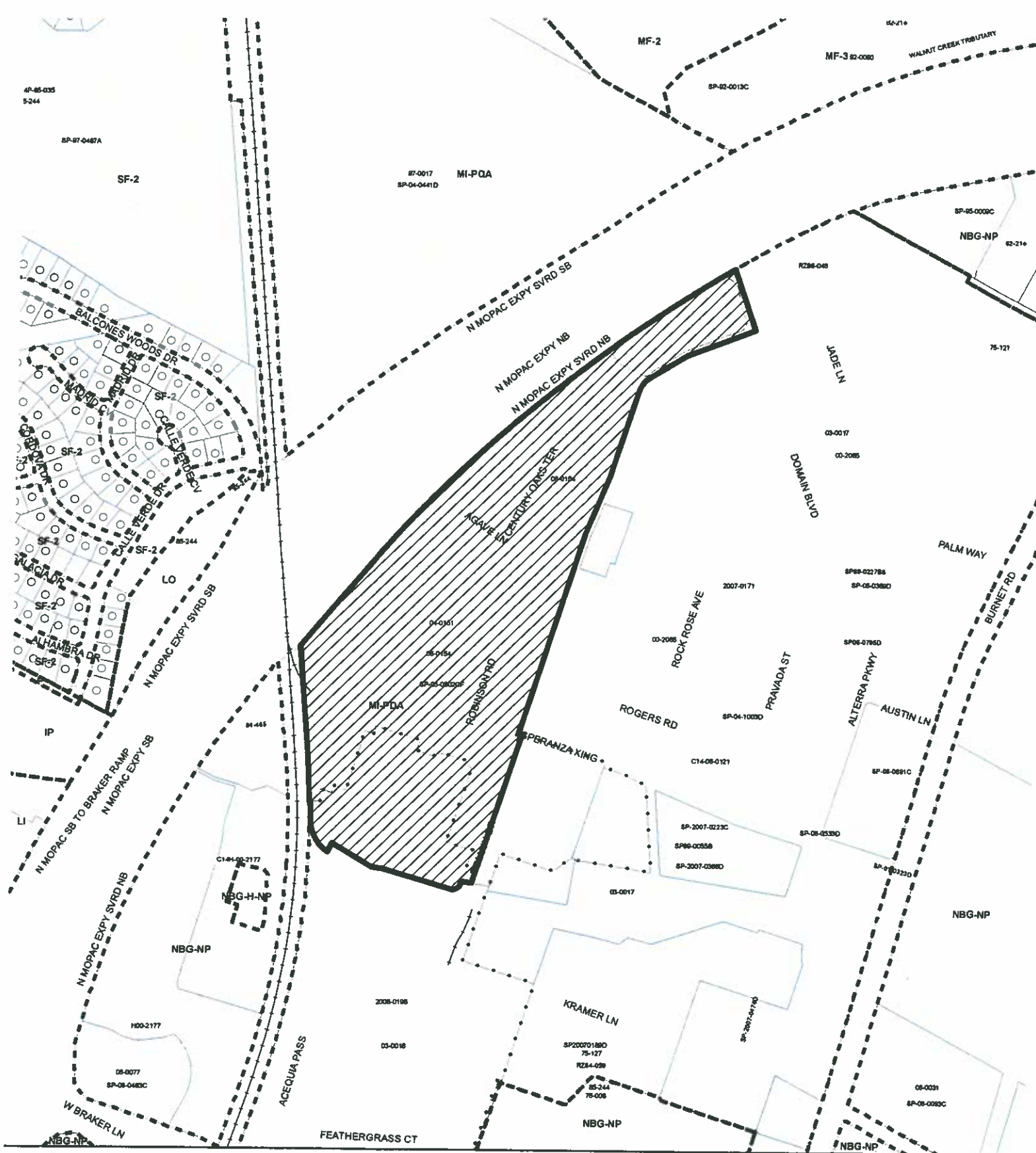
**CITY COUNCIL DATE:** October 14, 2010

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

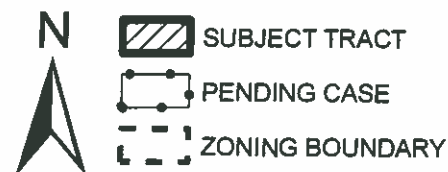
**PHONE:** 974-3057

sherri.sirwaitis@ci.austin.tx.us



## ZONING

ZONING CASE#: C14-2010-0087  
 LOCATION: 11701 N MOPAC EXPY NB  
 SUBJECT AREA: 50.68 ACRES  
 GRID: K33-34  
 MANAGER: SHERRI SIRWAITIS



1" = 600'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0087 (The Domain Rezoning-Simon) **P.C. DATE:** August 10, 2010  
August 24, 2010

**ADDRESS:** 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive;  
3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace

**OWNER:** SPGIL Domain LP, The Domain Shopping Center LP, (Richard S. Sokolov),  
Heritage Communities LP

**AGENT:** City of Austin-Planning & Development Review Department (Sherri Sirwaitis)

**ZONING FROM:** MI-PDA      **TO:** MI-PDA      **AREA:** 169.7386 acres

On May 27, 2010, the City Council directed the staff to initiate a rezoning case for the Domain-Simon Tract (Please see Resolution No. 20100527-051 – “Attachment A”). In this case, the owner is requesting to rezone the property from 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.

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for the MI-PDA amendment, 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.

### **PLANNING COMMISSION RECOMMENDATION:**

8/10/10: Postponed to August 24, 2010 at the applicant's request (8-0); Dealey-1<sup>st</sup>, Chimenti-2<sup>nd</sup>.

8/24/10: Approved staff's recommendation of MI-PDA zoning (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 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.

### **DEPARTMENT COMMENTS:**

The property in question (The Domain-Simon) 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 an additional 3% zoning impervious cover on the site so that they can develop a bank (Financial Services use) on the northern portion of this property.

The staff recommends the applicant's requested change to the MI-PDA zoning because the proposed amendment will allow the applicant to develop a vacant tract on the site and will not alter the intent of the approved MI-PDA zoning. The applicant has an agreement with the owners of The Domain-

Endeavor property to restrict one acre of land on the other Domain PDA site to zero percent impervious cover. This action will in affect transfer one acre's worth of impervious cover rights from the Endeavor Domain property to the Simon Domain property.

The proposed MI-PDA zoning will allow for a mixture of high-density residential uses and commercial 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 property in question is located between three major roadways, MOPAC Expressway North, Burnet Road, and Braker Lane. The property in question is located within the North Burnet/Gateway Combined Neighborhood Planning Area.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MI-PDA	Office, Commercial, Multifamily
<i>North</i>	NBG-NP	Hotel, Office, Bank
<i>South</i>	MI-NP	University of Texas J.J. Pickle Research Center
<i>East</i>	MI-PDA	Commercial, Hotel, Multifamily, Industrial/Office/Warehouse
<i>West</i>	MI-PDA, LO	Office, Retail

**AREA STUDY:** North Burnet/Gateway NP

**TIA:** Not Required

**WATERSHED:** Walnut Creek/Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**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	<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 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	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 <sup>st</sup> reading  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:** C14-03-0015  
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:** August 26, 2010**ACTION:** 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 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.

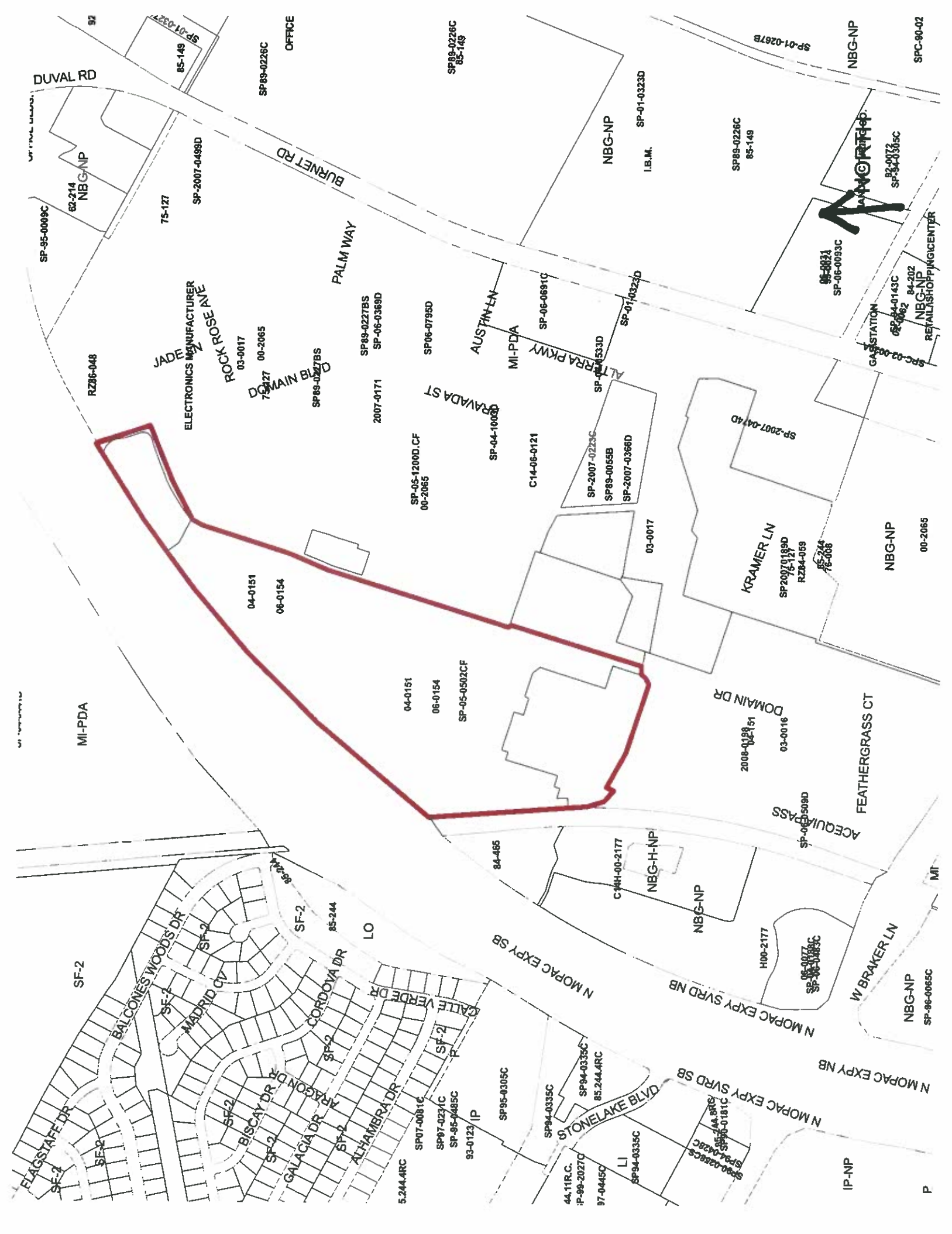
September 30, 2010

**ACTION:** Postponed on consent to October 14, 2010 at the staff's request (7-0); Spelman-1<sup>st</sup>, Morrison-2<sup>nd</sup>.

October 14, 2010

**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 8/26/102<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Sherri Sirwaitis**PHONE:** 974-3057[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)











## **STAFF RECOMMENDATION**

The staff's recommendation is to grant the applicant's request for the MI-PDA amendment, 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.

## **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 rezoning to permit an additional 3% of impervious cover through the Planned Development Area overlay will allow the applicant to develop a vacant tract on the site and will not alter the intent of the existing MI-PDA zoning. In return, the applicant will enter a public restrictive covenant with the City that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover.

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 and commercial and industrial uses. This location is appropriate for the proposed PDA because the property in question is located between three major roadways, MOPAC Expressway North (freeway), Burnet Road (major arterial roadway), and Braker Lane (major arterial roadway). A portion of the tract also abuts the Missouri Pacific Railroad.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question is currently constructed with a large mixed use development, including major retailers such as Macy's Department Store. 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**

A portion of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Walnut and Shoal Creek Watersheds of the Colorado River Basin.

The portion of the site that is within the Walnut Creek Watershed is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which preempt current water quality or Code requirements.

The applicant was granted the following environmental variances in the original Domain PDA cases (C14-03-0015 and C14-03-0016):

1. To LDC Sections 25-8-301 & 302 for Construction on Slopes
2. To LDC Sections 25-8-341 & 342 for Cut/Fill in excess of 4 feet

### **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. In this case the applicant is seeking to exceed the MI district impervious cover limits by requesting an additional 3% of impervious cover rights through the PDA, which would allow a total of 83% zoning impervious cover on this property.

A portion of the site is located over the Edward's Aquifer Recharge Zone. The site is in the Walnut and Shoal Creek Watersheds of the Colorado River Basin. Shoal Creek is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in the Shoal Creek Watershed. The portion of the site that is located in the Shoal Creek Watershed is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm.

The portion of the site that is within the Walnut Creek Watershed is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment within the Walnut Creek portion of the site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

### **Site Plan / Compatibility Standards**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

FYI - Please contact the Bicycle Coordinator, in the Public Works Dept. Connectivity Division, to discuss opening the gate as a bike/ped connection on the western side of the property. (Annick Beaudet at 974-6505).

### **Transportation**

The proposed zoning change does not increase the density or change the land uses assumed in the original TIA for this site. This case shall comply with the TIA completed under site plan SP-05-0502CF.

Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro</b>
MOPAC EXPWY	500'	Varies	Freeway	No	No	No

### **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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

**RESOLUTION NO. 20100527-051**

**WHEREAS**, the Domain Project is an approximately 275 acre mixed use project generally located at the northeast corner of MoPac Expressway and Braker Lane; and

**WHEREAS**, the majority of the Domain Project is divided into two tracts known as the Endeavor Tract and the Simon Tract, as identified on Exhibit A; and

**WHEREAS**, in order to provide a bank site, the Simon Tract requires a small increase in impervious cover; and

**WHEREAS**, the owners of the Endeavor Tract have agreed to encumber approximately one acre of land with a restrictive covenant limiting the impervious cover to zero percent to offset the increased impervious cover on the Simon Tract; and

**WHEREAS**, the total impervious cover for the Domain Project will remain unchanged; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

A zoning case for the property identified on Exhibit A as the Simon Tract is initiated. The City Manager is directed to process a zoning case to rezone the Simon Tract from major industry – planned development area (MI-PDA) to MI-PDA to increase the maximum impervious cover limit from 80 percent to 83 percent.

**ADOPTED:** May 27, 2010

**ATTEST:**

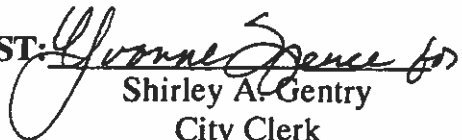
  
Shirley A. Gentry  
City Clerk



EXHIBIT A

ENDEAVOR TRACT

SIMON TRACT

BURNET RD

GRAKER LANE

MOPAC EXPRESSWAY

UNIVERSITY  
OF TEXAS  
J.J. PICKLE  
RESEARCH CENTER

NATIONAL  
INSTRUMENTS





## MEMORANDUM

**TO:** Sherri Sirwaitis, Planner Senior, Planning & Development Review Department

**FROM:** Annick Beaudet, AICP, Program Consultant, Public Works Department

**DATE:** August 18, 2010

**SUBJECT:** C14-2010-0087 (Simon)

**CC:** Sue Welch, Senior Planner, Planning & Development Review Department  
 Sangeeta Jain, Senior Planner, Planning & Development Review Department  
 Michael Curtis, Division Manager, Public Works Department  
 Eric Dusza, Planner III, Public Works Department  
 Molly Scarbrough, Principal Planner, Planning & Development Review Department

The City of Austin Bicycle Program recommends the applicant provide bicycle access and internal continuity for portion of Bicycle Route Segment #905.04 – Kramer LN from MOPAC EXPY N to Domain DR by providing and formalizing the pedestrian/bicycle entrance as identified on the attached bicycle network map including construction of a connecting minimum 12 foot paved path to the street with associated curb cut.

Additionally, the Bicycle Program recommends the installation of shared lane markings (sharrows) as depicted below along the following roadways:

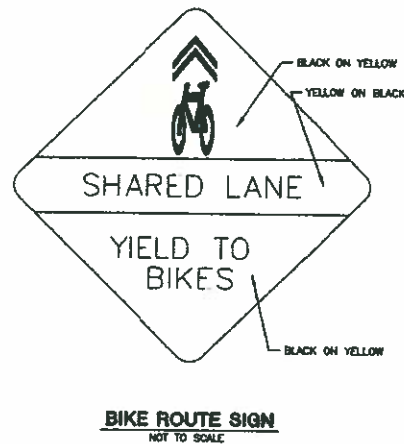
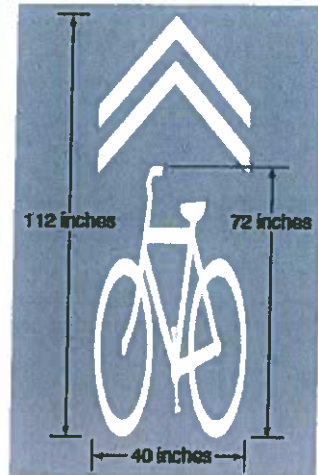
- Esperanza Crossing from Oaks Terrace to Domain Dr
- Domain Dr. from Esperanza Crossing to Kramer Ln.
- Domain Dr. from Domain Blvd. to Esperanza Crossing, west side of the street only (*note: it's our assumption that Simon has control over the west side of the street only*).

The shared use markings (sharrows) shall be installed in compliance with the following standards:

- The shared land markings shall be placed with the tip of the chevron in the middle of the lane as measured from face of curb.
- A sharrow facility sign as shown below at a size no smaller than those signs currently installed on Kramer Ln. shall be placed at least 2 per block (one on each side of the street)
- Angled and head in parking prohibited on either side of roads with required sharrows.



### Shared Lane Marking

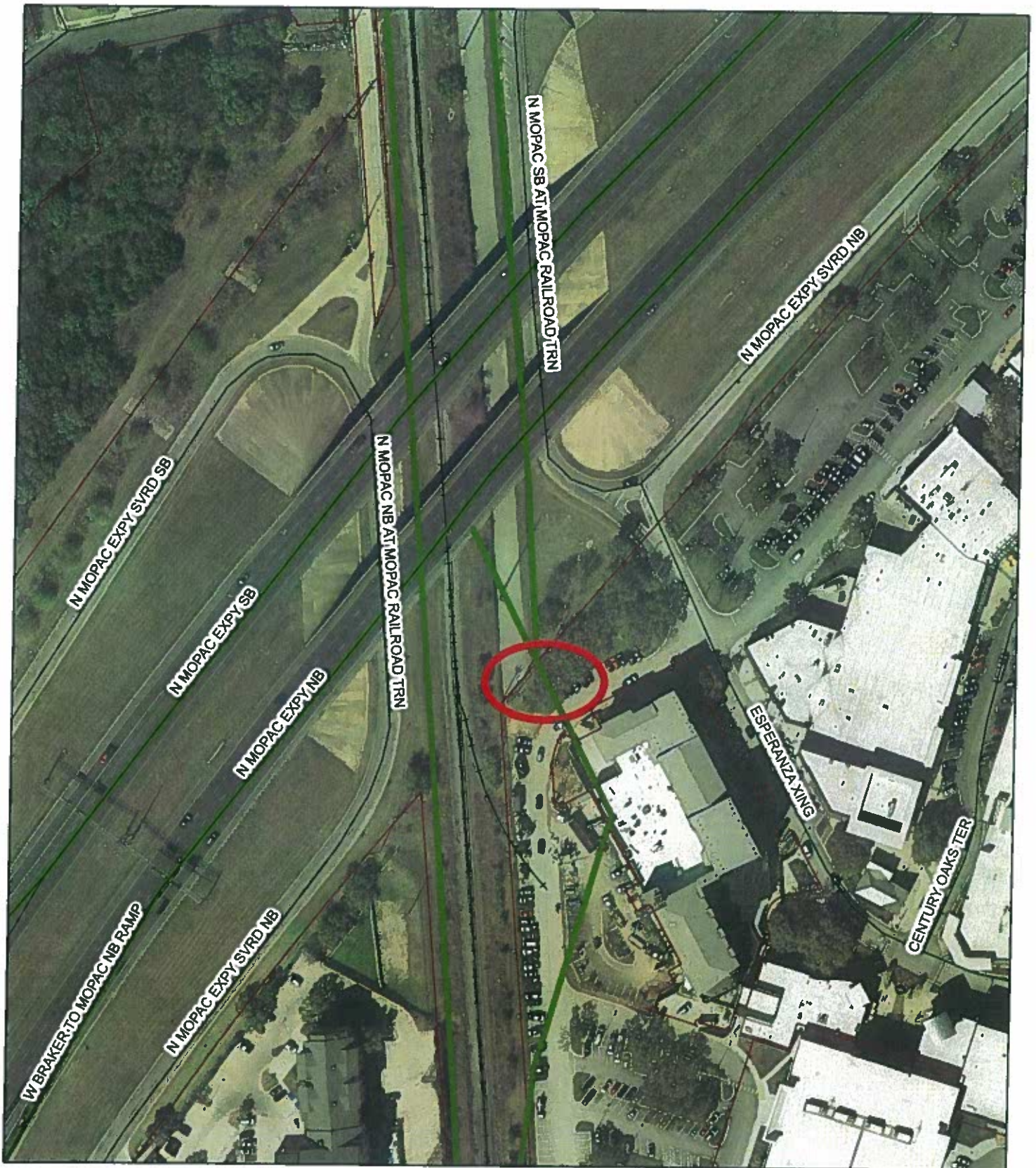


The formalized pedestrian/bicycle entrance, connecting path to the street, and shared lane markings (sharrows) shall be installed within one year of this agreement.

We hereby request these comment be incorporated into the staff recommendation.

The basis for this recommendation is per Goal 1 – Objectives 1.0.2 and 1.0.2b of the adopted 2009 Bicycle Plan Update, Ordinance No. 20090611-075. The Goal and Objectives state to complete the City's bicycle network by eliminating gaps in the existing bicycle network to allow continuous bicycle travel in the Austin Area. Additionally stated, new development that abuts or includes existing or planned City of Austin bicycle routes shall provide continuity of that route (and existing or planned bicycle facility) through the property, or seek an appropriate amendment to the Bicycle Plan as defined in this Plan (See Appendix H).

The City of Austin, Public Works Department, Bicycle Program is available to discuss facility design with the applicant upon request. Please contact me at 974-6505 should you need further clarification or information.



## C14-2010-0087 (Simon)

Produced by: Eric Dusza, Neighborhood Connectivity Division,  
Public Works Department, City of Austin, April 2010

0.05 Miles

