

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, July 27, 2006

[Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 133**

Subject: C14-06-0077 - Braker Pointe Whole Foods Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701 North MoPac Expressway (Little Walnut Creek Watershed) from limited industrial services-planned development area (LI-PDA) combining district zoning to limited industrial services-planned development area (LI-PDA) combining district zoning to change a condition of zoning. Applicant: Braker Pointe Joint Venture (David Vitanza). Agent: Alice Glasco Consulting (Alice K. Glasco). City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup
Material**

(click to open)

- ☐ [Staff Report](#)
- ☐ [Ordinance](#)

For More Information: Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-06-0077**P. C. DATE:** June 13, 2006**ADDRESS:** 10701 North MoPac Expressway**OWNER:** Braker Pointe Joint Venture
(David Vitanza)**AGENT:** Alice Glasco Consulting
(Alice K. Glasco)**REZONING FROM:** LI-PDA (Limited industrial services – planned development area)**TO:** LI-PDA (Limited industrial services – planned development area) combining district**AREA:** 4.332 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***June 13, 2006:****APPROVED STAFF'S RECOMMENDATION FOR LI-PDA ZONING; BY CONSENT.
[J.REDDY, K.JACKSON 2ND] (8-0) C.GALINDO – ABSENT*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends the rezoning from LI-PDA to LI-PDA in order to allow a food sales use. The rezoning will address a land use change in the existing site plan. The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The proposed use is compatible with adjacent mixed uses;
- 3.) A significant reduction in height, building coverage and Floor to Area (FAR) ratio is proposed; and
- 4.) All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 4.332 acre site at the north east intersection of MoPac Expressway and Braker Lane LI-PDA. The property is undeveloped and was rezoned from LI-PDA to LI-PDA on November 30, 2000 under Ordinance No. 001130-97 (Please see Attachment A). Under "Part C" of the ordinance, the development of Tract One, the subject property, shall conform to the site development standards in attached ordinance exhibit. The applicant proposes to replace the proposed hotel contained in the existing exhibit with a grocery store (food sales). The change to the site plan will replace the existing exhibit. All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place with the exception of the above land uses.

The proposed site plan addresses the following changes (Please see Attachment B):

	Existing plan:	Proposed plan:
Land use	Hotel	Grocery store
No. of stories	10	1
Building sq. ft.	26,000	150,000*
Total building sq. ft.	201,000	69,000
Building height	117 feet	30 feet
Parking ratio	-	1 per 275
Parking required	379	251
FAR	1:01	0.41:1
Building coverage	75%	21%

* Includes 81,000 sq. ft. of upper deck parking

Under the same ordinance, a portion of the site to the north was designated historic for the preservation of the Rogers Homestead.

Access to the site is proposed via two existing driveways on MoPac and Braker Lane and one proposed driveway off Braker Lane.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-PDA	Undeveloped land
<i>North</i>	LI-PDA	Mixed uses / hotel / offices
<i>South</i>	CH	Self storage
<i>East</i>	N/A / MI-PDA	Missouri Pacific RR/ Undeveloped land / Mixed uses
<i>West</i>	N/A	MoPac Expressway

NEIGHBORHOOD PLAN:

North Burnet / Gateway

TIA: Deferred; See Transportation comments

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

64--River Oaks Lakes Estates Neighborhood
 480--Scofield Farms Residents Assn.
 511--Austin Neighborhoods Council
 742--Austin Independent School District.

SCHOOLS:

Austin Independent School District

- Davis Elementary School
- Murchison Middle School
- Anderson High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-00-2177	LI-PDA to LI-PDA and LI-PDA-H	10/23/00: HLC: APVD H ZONING (6-0) BASED ON 1, 2-3, 5-9 & 12 10/24/00: APVD STAFF REC OF LI-PDA (1); LI-PDA-H (2) BY CONSENT (9-0)	10/30/00: APVD LI-PDA (1) & LI- PDA-H (2); (7-0); ALL 3 RDGS

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0016	MI to MI-PDA	06/11/03: APVD STAFF REC OF MI-PDA (8-0)	07/31/03: APVD MI-PDA (7-0); ALL 3 RDGS
C14-04-0146	P to CH	11/09/04: APVD STAFF ALT REC OF CH W/CONDS (8-0). Conditions: TIA	12/02/04: APVD CH (7-0); ALL 3 RDGS
C14-04-0151	MI-PDA to MI- PDA	11/23/04: APVD STAFF REC INCL 5 CONDS IN WPDR MEMO OF 11-16-04 (7-0)	12/16/04: APVD MI-PDA (7-0); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MoPac	Varies	Varies	Major Arterial	Yes	No	No
Braker Lane	Varies	2 @ 33'	Major Arterial	No	Yes	Yes

CITY COUNCIL DATE:

July 27, 2006

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

85-244.4RC

MI-PDA

IP

GP97-0231C

GP-95-0485C

03-0123

GP95-0305C

GP97-0235C

85-244.11R.C.

LI

GP-99-2027C

GP-97-0448C

GP94-0335C

85-244.4RC

GP94-0335C

GP94-0335C
GP94-0425C
GP94-0425C

85-244.5RC
GP90-0181C

MO-PAC EXPRESSWAY NORTH

STONE LAKE BOULEVARD

84-485

LI

LI

C14H-00-2177

C14H-00-2177
LI-PDA-H

LI-PDA

LI-PDA

04-151

MI-PDA

03-0016

IP

BRAKER LANE

MO-PAC EXPRESSWAY NORTH

GP-96-0085C

04-0146

CH

85-244

MI




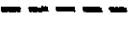
MI

BRAKER LANE

75-127

P

R284-

 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-06-0077 ADDRESS: 10701 N MOPAC EXPY SUBJECT AREA (acres): 4.332	DATE: 06-04 INTLS: SM	CITY GRID REFERENCE NUMBER J33
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: J. ROUSSELIN				

STAFF RECOMMENDATION

Staff recommends the rezoning from LI-PDA to LI-PDA. The rezoning will address a land use change in the existing site plan. The Staff recommendation is based on the following considerations:

- 1.) The underlying zoning district is not proposed to be modified;
- 2.) The proposed use is compatible with adjacent mixed uses;
- 3.) A significant reduction in height, building coverage and Floor to Area (FAR) ratio is proposed; and
- 4.) All other terms and conditions in the existing site plan and Ordinance No. 001130-97 shall remain in place.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The purpose of a planned development area (PDA) combining district is to:

- (1) provide for industrial and commercial uses in certain commercial and industrial base districts; or*
- (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development area agreement.*

The proposed rezoning meets the purpose statement of the district sought as the proposed change will provide commercial uses to an industrial based zone.

2. *Zoning changes should promote compatibility with adjacent and nearby.*

Existing uses adjacent to the subject property are mixed uses and commercial uses. The proposed change will be in compatible as it will integrate itself to the surrounding land uses.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 4.332 acre site at the north east intersection of MoPac Expressway and Braker Lane LI-PDA. The property is undeveloped and was rezoned from LI-PDA to LI-PDA on November 30, 2000 under Ordinance No. 001130-97 (Please see Attachment A). Under "Part C" of the ordinance, the development of Tract One, the subject property, shall conform to the site development standards in attached ordinance exhibit. Under the same ordinance, a portion of the site to the north was designated historic for the preservation of the Rogers Homestead. Access to the site is proposed via two existing driveways on MoPac and Braker Lane and one proposed driveway off Braker Lane.

Transportation

1. No additional right-of-way is needed at this time.
2. The proposed 65,000sf grocery store will generate approximately 5,743 vehicle trips per day.
3. The traffic impact analysis for this site has been deferred to the site plan process because the Gateway Area Study is currently underway which may identify improvements to the roadway

network to which this site could contribute. A TIA waiver may be considered at the time of site plan if improvements have been identified.

Environmental

1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility adjustments.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

Site Plan

1. This site is not subject to compatibility standards.

ORDINANCE NO. 001130-97

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

TWO TRACTS OF LAND OUT OF LOTS 1, 2, AND 3, BLOCK A, BRAKER POINTE SUBDIVISION, FROM LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT FOR TRACT ONE AND LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA-HISTORIC (LI-PDA-H) COMBINING DISTRICT FOR TRACT TWO GENERALLY KNOWN AS THE EDWARD H. ROGERS HOMESTEAD, LOCALLY KNOWN AS 10701, 10801, AND 11101 MO-PAC EXPRESSWAY NORTH, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in File C14H-00-2177, as follows:

Tract One: From limited industrial services-planned development area (LI-PDA) combining district to limited industrial services-planned development area (LI-PDA) combining district.

Lots 1, 2, and 3, Block A, Braker Pointe Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 101, Pages 326-327, of the Plat Records of Travis County, Texas, SAVE AND EXCEPT the property described below as Tract Two; and

Tract Two: From limited industrial services-planned development area (LI-PDA) combining district to limited industrial services-planned development area-historic (LI-PDA-H) combining district.

0.995 acre tract of land out of Lot 3, Block A, Braker Pointe Subdivision in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

Tract Two generally known as the Edward H. Rogers Homestead, and the Property locally known as 10701, 10801 and 11101 Mo-Pac Expressway North, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Development of Tract One shall conform to the site development standards in Exhibit "C" attached to this ordinance.

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

PART 4. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 5. This ordinance takes effect on December 11, 2000.

PASSED AND APPROVED

November 30, 2000

§
§
§



Kirk Watson
Mayor

APPROVED: Andrew Martin **ATTEST:** Shirley A. Brown

Andrew Martin
City Attorney

Shirley A. Brown
City Clerk

0.995 ACRES
BRAKER POINTE
HISTORICAL ZONING TRACT

FN NO. 00-379(MM)
October 20, 2000
BPI NO. 772-02.00

DESCRIPTION

OF A 0.995 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, BLOCK "A", BRAKER POINTE SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 101, PAGE 325 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.995 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod found at the intersection of the northerly right-of-way line of Braker Lane (R.O.W. varies) with the westerly right-of-way line of the Missouri Pacific Railroad, being the southeasterly corner of Lot 2, Block "A" of said Braker Pointe Subdivision;

THENCE, leaving the northerly line of Braker Lane, along the westerly line of said Missouri Pacific Railroad right-of-way, being in part the easterly line of said Lot 2 and said Lot 3, Block A", the following two (2) courses and distances:

- 1) N20°22'35"E, a distance of 365.03 feet to a 1/2 inch iron rod found at the point of curvature of a curve to the left;
- 2) Along said curve to the left having a radius of 3754.86 feet, a central angle of 10°21'39", an arc distance of 678.99 feet and a chord which bears N15°12'57"E, a distance of 678.07 feet to the end of said curve;

THENCE, N79°57'53"W, leaving the westerly line of said Missouri Pacific Railroad right-of-way, over and across said Lot 3, a distance of 76.90 feet to the **POINT OF BEGINNING** and southeasterly corner hereof;

THENCE, continuing over and across said Lot 3, along the southerly, westerly, northerly and easterly lines hereof, the following ten (10) courses and distances:

- 1) N71°05'21"W, a distance of 145.06 feet to the southwesterly corner hereof, from which a 1/2 inch iron rod found in the northerly line of Braker Lane, same being the southerly line of said Lot 2, bears S10°15'54"W, a distance of 1022.04 feet;
- 2) N18°54'40"E, a distance of 85.00 feet to an angle point;
- 3) N71°05'20"W, a distance of 55.00 feet to an angle point, from which a TxDOT brass disc in concrete found in the northerly line of Braker Lane, same being the southerly line of Lot 1, of said Braker Pointe Subdivision bears S36°53'18"W, a distance of 1130.36 feet;

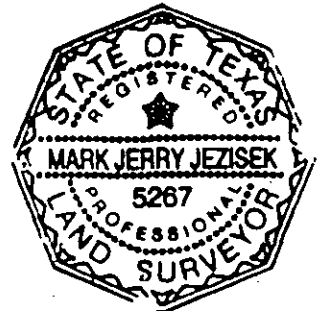
EXHIBIT A

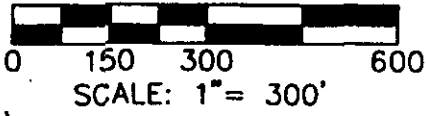
- 4) N18°54'40"E, a distance of 188.64 feet to the northwesterly corner hereof, from which a TxDOT brass disc in concrete found at the intersection of the easterly right-of-way line of Mopac Expressway North (Loop 1) (R.O.W. varies), with the westerly line of the Missouri Pacific Railroad right-of-way, being the northernmost corner of Lot 4, Block "A" of said Braker Pointe Subdivision bears N11°56'01"E, a distance of 978.07 feet;
- 5) S71°42'36"E, a distance of 48.93 feet to an angle point;
- 6) S78°10'44"E, a distance of 70.50 feet to the northeasterly corner hereof;
- 7) S35°40'40"E, a distance of 33.47 feet to an angle point;
- 8) S07°25'57"W, a distance of 103.63 feet to an angle point;
- 9) S03°06'00"W, a distance of 97.15 feet to an angle point;
- 10) S13°14'20"W, a distance of 68.79 feet to the **POINT OF BEGINNING**, containing an area of 0.995 acres (43,333 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

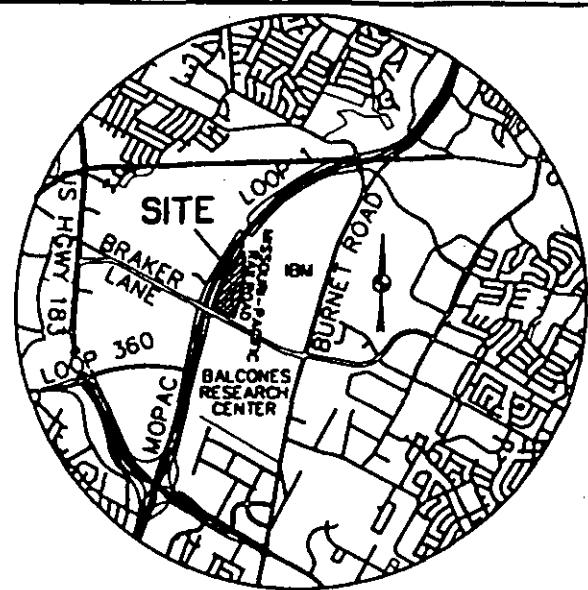
Mark J. Jezisek 10/20/00
MARK J. JEZISEK DATE
NO. 5267
STATE OF TEXAS





LEGEND

- TxDOT HWY. MONUMENT
BRASS DISC FOUND
- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



VICINITY MAP
N.T.S.

234.762 ACRES
JER AUSTIN TECH, L.P.
DOCUMENT NO. 1999161226

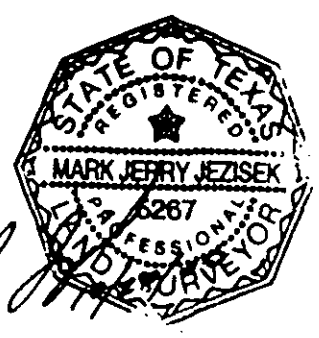
CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	10°21'39"	3754.86	678.99	678.07	N15°12'57"E

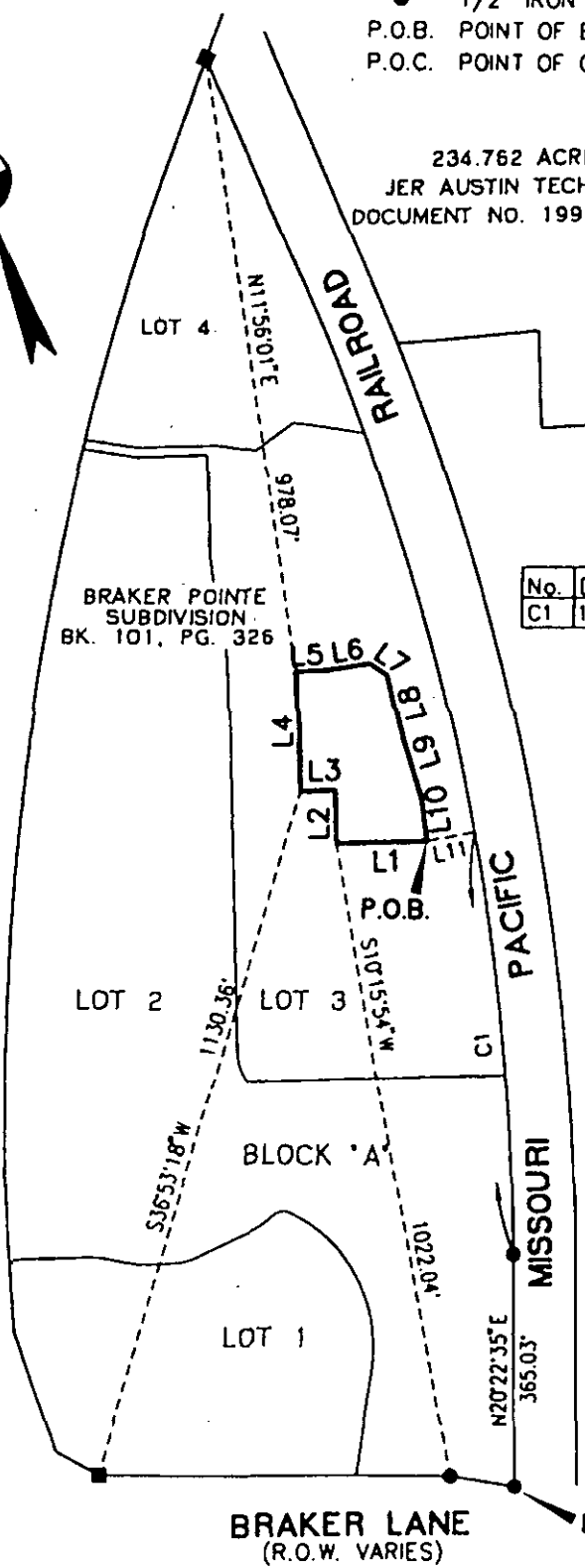
LINE TABLE

No.	Bearing	Distance
L1	N71°05'21"W	145.06'
L2	N18°54'40"E	85.00'
L3	N71°05'20"W	55.00'
L4	N18°54'40"E	188.64'
L5	S71°42'36"E	48.93'
L6	S78°10'44"E	70.50'
L7	S35°40'40"E	33.47'
L8	S07°25'57"W	103.63'
L9	S03°06'00"W	97.15'
L10	S13°14'20"W	68.79'
L11	N79°57'53"W	76.90'

70.494 ACRES
MULTILAYER TEK L.P.
VOL. 13200, PG. 157



MOPAC EXPRESSWAY NORTH
(LOOP 1)
(R.O.W. VARIES)



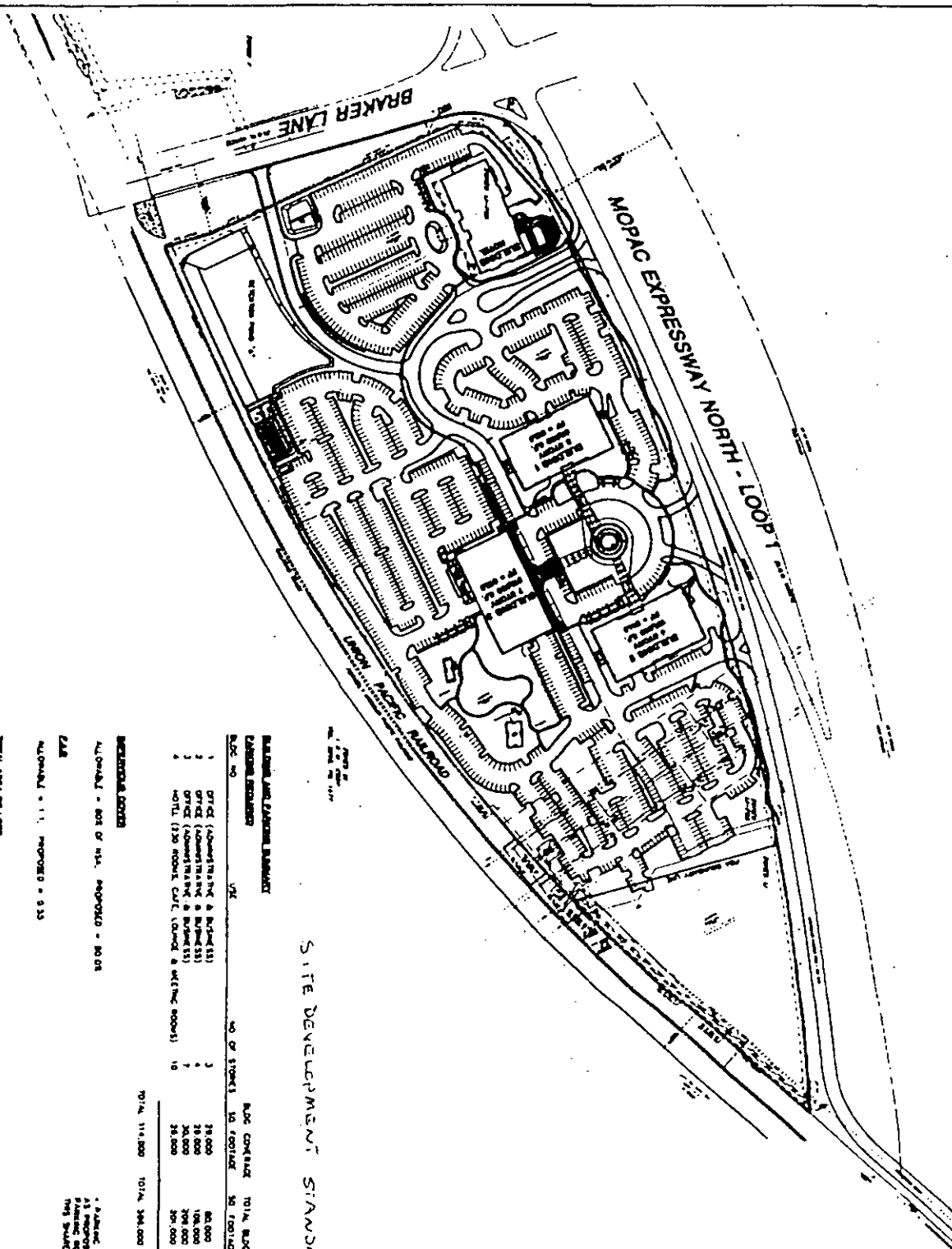
BRAKER LANE
(R.O.W. VARIES) P.O.C.

SKETCH TO ACCOMPANY DESCRIPTION

OF A 0.995 ACRE TRACT OF LAND BEING A PORTION
OF LOT 3, BLOCK "A" BRAKER POINTE SUBDIVISION, OF
RECORD IN BOOK 101, PAGE 326 OF THE PLAT RECORDS
OF TRAVIS COUNTY, TEXAS.

CARR AMERICA
REALTY CORP.

Bury+Partners, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0811 Fax 512/328-6325
© Copyright 1999 Bury+Partners, Inc.

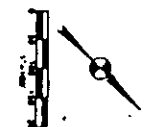


SITE DEVELOPMENT STANDARDS

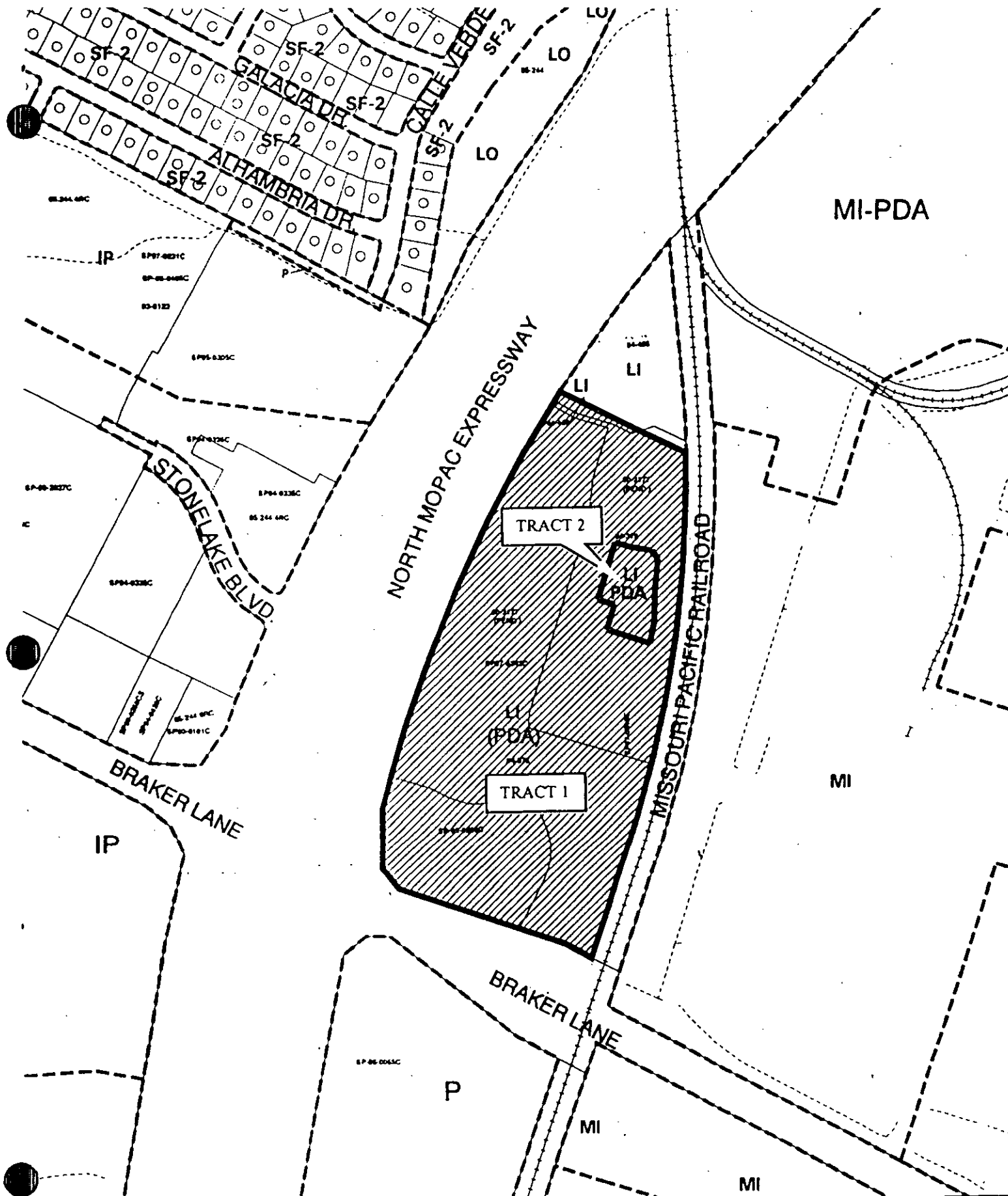
BUILDING AND PARKING STANDARDS									
BUILDING STANDARDS									
BUILDING NO.	USE	NO. OF STORIES	BUILDING AREA	TOTAL BUILDING AREA	BUILDING AREA (SQ. FT.)	PAVING AREA (SQ. FT.)	PAVING AREA (SQ. FT.)	PAVING AREA (SQ. FT.)	PAVING AREA (SQ. FT.)
1	OFFICE (ADMINISTRATIVE & BUSINESS)	3	25,000	80,000	34	1,300	34	1,300	34
2	OFFICE (ADMINISTRATIVE & BUSINESS)	3	25,000	80,000	34	1,300	34	1,300	34
3	OFFICE (ADMINISTRATIVE & BUSINESS)	3	25,000	80,000	34	1,300	34	1,300	34
4	HOTEL (150 ROOMS, CAFE, BAR & MEETING ROOMS)	10	35,000	200,000	117	1,300	117	1,300	117
TOTAL			115,000	360,000	199	5,200	199	5,200	199

TOTAL AREA OF LOT 1
 TOTAL = 26,437 AC. ± 1,302,248 SQ. FT.
 TOTAL = 26,437 AC. ± 1,302,248 SQ. FT.

* Building is subject to zoning ordinance and other applicable laws and regulations.
 ** Proposed by owner, subject to approval of appropriate authorities.
 *** Building standards may vary.



11/12/97



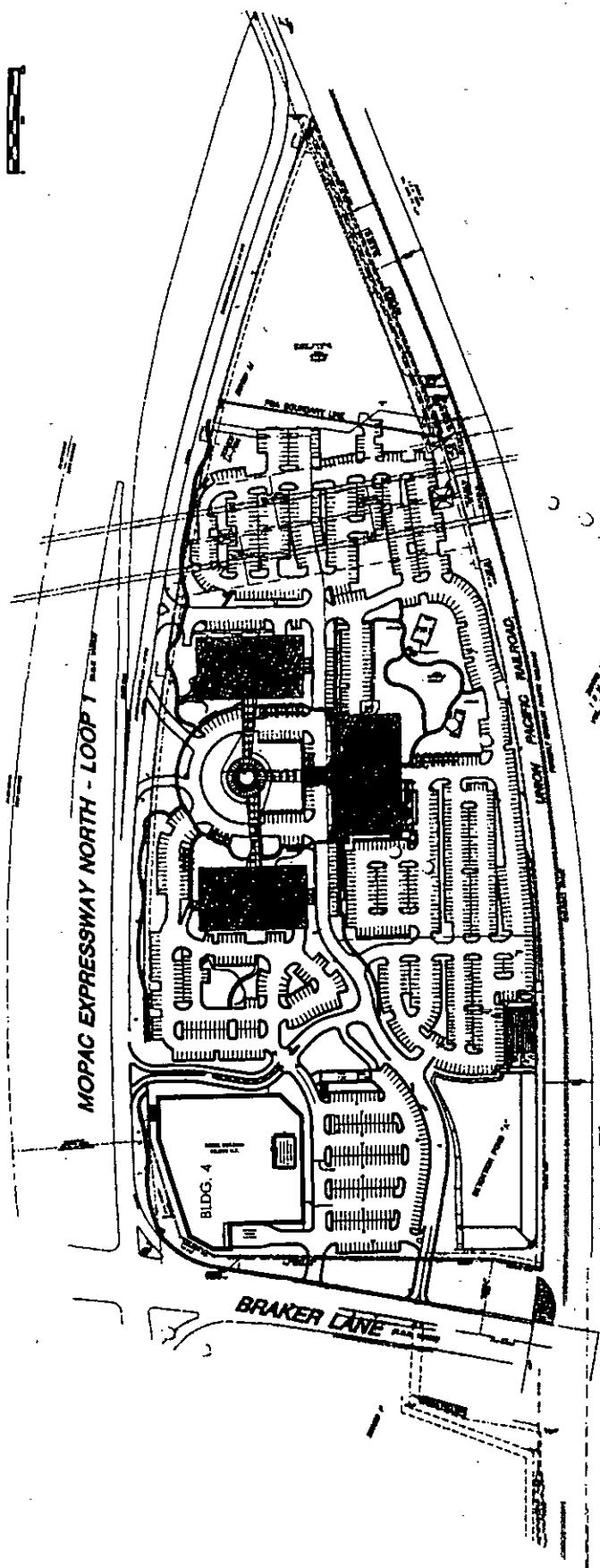
	SUBJECT TRACT		<h1>HISTORIC ZONING</h1> <p><i>EXHIBIT B</i></p>	CITY GRID REFERENCE NUMBER J33,K33
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: A.BEAUDET			
CASE #: C14H-00-2177 ADDRESS: 10701-10801-11101 N MOPAC EXPWY			DATE: 00-11	

NO.	DATE	DESCRIPTION
1	10/1/05	PRELIMINARY PLAN
2	10/1/05	REVISION
3	10/1/05	REVISION
4	10/1/05	REVISION
5	10/1/05	REVISION
6	10/1/05	REVISION
7	10/1/05	REVISION
8	10/1/05	REVISION
9	10/1/05	REVISION
10	10/1/05	REVISION

BRAKER POINTE - MOPAC AT BRAKER LANE
 U/PDA SITE PLAN ORDINANCE NO. 830912-R
 AND 830926-F AND 830709-J
 PROPOSED EXHIBIT C

EC LONGARO & CLARKE
 Consulting Engineers
 8010 Capital of Texas Highway, Suite 200
 Dallas, Texas 75241
 Telephone: (214) 343-1100
 Fax: (214) 343-1101
 E-mail: info@eccl.com

EXHIBIT C
 3-4-06



PERMITTED AND PROPOSED AREAS

BLDG. NO.	USE	NO. STORIES	BLDG. SQ. FOOTAGE	TOTAL BLDG. SQ. FOOTAGE	BLDG. HEIGHT (FT.)	BLDG. RATIO	PERMITTED
1	OFFICE ADMINISTRATION & BUSINESS	2	27,500	27,500	24	1.300	247
2	OFFICE ADMINISTRATION & BUSINESS	2	27,500	55,000	24	1.300	247
3	OFFICE ADMINISTRATION & BUSINESS	2	27,500	82,500	24	1.300	247
4	OFFICE ADMINISTRATION & BUSINESS	2	27,500	110,000	24	1.300	247
	GRAND TOTAL		110,000	110,000		1.375	251
				TOTAL 110,000			TOTAL 251

* PARKING IS SUBJECT TO SHARED PARKING ANALYSIS
 AS REQUIRED BY CITY OF DALLAS ORDINANCE 25.08
 THIS SHARED PARKING PLAN IS BASED ON THE SHARED PARKING PLAN.
 ** INCLUDES 81,000 SF OF OFFICE SPACE

PERMITTED AREAS
 ALLOWABLE - 60% OF MAX. PROPOSED - 80%
 TOTAL AREA 1,100,000 SF
 TOTAL - 88,407 AC. - 1,100,000 SF
 ALLOWABLE - 111 PROPOSED - 811
 ALLOWABLE - 77% PROPOSED - 71%

ATTACHMENT B

Bro. Carroll & Oaks Hartline, P.C.

ATTORNEYS AT LAW

111 Congress Avenue, Suite 1400, Austin, TX 78701-4043

Phone 512-472-5456 • Fax 512-479-1101

August 30, 2000

Writer's Direct Number:

(512) 479-9710

VIA HAND DELIVERY

Alice Glasco, Director
Development Review & Inspection Department
505 Barton Springs Rd., 5th Floor
Austin, TX 78704

RE: Braker Pointe Zoning Application

Dear Alice:

In 1985 this tract was zoned LI-PDA by Ordinance No. 850912-R which was amended, also in 1985, by Ordinance No. 850926-P. These 1985 ordinances provided a conceptual site plan designated as Exhibit A and provided that a detailed site plan would be approved by the City Council. A copy of these 1985 ordinances are attached to this letter. The zoning case number was C14-84-376. The 1985 conceptual site plan provided for the following development which included 17 structures:

Land Uses	Building Square Footage	Height	Stories
Office #1	36,000	36'	3 stories
Office #2	60,000	48'	4 stories
Office #3	36,000	36'	3 stories
Office #4	72,000	48'	4 stories
Office #5	160,000	108'	9 stories
Office #6	72,000	48'	4 stories
Office #7	24,000	24'	2 stories
Office #8	86,000	48'	4 stories
Office #9	86,000	48'	4 stories
Total Office	632,000 sq. ft.		
Retail	20,000	12'	1 story
Retail	8,000	36'	3 stories
Restaurant	6,000	36'	3 stories
Parking Garage		24'	2 stories
Parking Garage		24'	2 stories
Parking Garage		48'	4 stories
Parking Garage		24'	2 stories
Parking Garage		24'	2 stories
Total Buildings	666,000 sq. ft.		

In 1998 the 1985 LI-PDA ordinances were amended by Ordinance 980709-I which (1) approved a new development plan for the property, which plan was attached to the ordinance as Exhibit C and (2) provided that site plans for the development of the property will be administratively processed in accordance with the site plan review procedures set forth in Section 13-1-600 of the Land Development Code. The 1998 file had the same case number as the 1985 file, C14-84-376. The new development plan approved by Ordinance No. 980709 and which reduced the number of structures from 17 to 4 was as follows:

Land Uses	Building Square Footage	Height	Stories
Office #1	105,000	64'	4 stories
Office #2	80,000	50'	3 stories
Office #3	210,000	127'	8 stories
Hotel (180 rooms)	103,000	70'	7 stories
Total	498,000 sq. ft.		

A copy of Ordinance No. 980709-I is attached to this letter.

The purpose of this zoning application is to have Ordinance No. 980709-I amended by revising the development plan set forth in Exhibit C to said ordinance. The new proposed development, which maintains the number of structures at 4, is as follows:

Land Uses	Building Square Footage	Height	Stories
Office Building 1	80,000	54'	3 stories
Office Building 2	105,000	68'	4 stories
Office Building 3	210,000	127'	7 stories
Hotel (230 rooms)	201,000	117'	10 stories
Total	596,000 sq. ft.		

The reasons for these revisions are as follows:

1. Office Building 1 and Office Building 2 have switched locations with each other but otherwise basically remain the same except for a slight increase in height.
2. Office Building 3 has changed from 8 to 7 stories.

3. The original hotel company (Wyndham), for business reasons, decided not to proceed. The new hotel company (Hilton), has its own building style, layout, size and hotel concept which has resulted in a larger hotel.

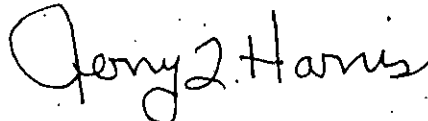
A large copy of the existing Exhibit C which is attached to Ordinance No. 980709-I is attached to this letter along with a copy of the proposed new Exhibit C.

This project is subject to a Shared Parking Plan and a copy of John F. Hickman and Associates' Shared Parking Update is attached to this letter.

At the time of the 1985 and 1998 zoning cases the property had not been finally platted. The property has now been platted and its legal description is: Lots 1, 2, and 3, Block A, Braker Pointe Subdivision, Plat Book 101, Page 326 and 327, Plat Records of Travis County, Texas. The City's file number for the Braker Pointe Subdivision is C8-97-0175.0A.

If you have any questions or need any additional information, please let me know.

Yours very truly,



Jerry L. Harris

Enclosures

AUS:1827144.1
36503.1

ORDINANCE NO. 980709-I

AN ORDINANCE AMENDING ORDINANCE NO. 850912-R TO DELETE THE PLANNED DEVELOPMENT AREA SITE PLAN FOR APPROXIMATELY 26 ACRES OF LAND FOR BRAKER POINTE PROJECT, LOCALLY KNOWN AS 10701 NORTH MO-PAC EXPRESSWAY NORTHBOUND, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO REZONE THE 26 ACRES OF LAND AND CHANGE THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE.

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

PART 1. The City Council finds that :

1. Ordinance No. 850912-R rezoned the property described in Zoning File No. C14-84-376, consisting of approximately 26 acres of land located at 10701 North Mo-Pac Expressway Northbound (the "Property") and required that development of the Property conform with the site development standards set forth in the Planned Development Area site plan attached to the ordinance.
2. Subsection 4 of Part 2 of Ordinance No. 850912-R was amended by Ordinance No. 850926-P.
3. The owner of the Property has requested that Council delete the site plan for the Property and rezone the Property from "LI-PDA" Limited Industrial Services district-Planned Development Area combining district to "LI-PDA" Limited Industrial Services district-Planned Development Area combining district subject to the conditions described in Part 4 below.
4. Granting this request is appropriate and in the public interest.

PART 2. Part 3 of Ordinance No. 850912-R is amended to delete the site plan for the Property.

PART 3. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LI-PDA" Limited Industrial Services district-Planned Development Area combining district to "LI-PDA" Limited Industrial Services district-

Planned Development Area combining district on the Property described in file C14-84-376, as follows:

26. 407 acre tract of land, more or less, being a portion of that certain 127.32 acre tract conveyed to Doris Jean Smith Umstattd and Charles Aubrey Smith, Jr., by deed recorded in Volume 3269, Page 1637, of the Deed Records of Travis County, Texas said 127.32 acre being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" of this ordinance,

locally known as 10701 North Mo-Pac Expressway Northbound, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 4. The Property within the boundaries of the Planned Development Area combining district established by this ordinance is subject to the following conditions:

1. Except as provided in Section 2 of this part, development of the property shall conform to all applicable site development and use regulations established for the "LI" Limited Industrial Services base district and other applicable requirements of the Land Development Code.

2. Development of the Property shall conform to the site development standards set forth in Exhibit "C" of this ordinance.

3. Site plans for development of the Property shall be administratively processed in accordance with the site plan review procedure set forth in Section 13-1-600 of the Land Development Code.

PART 5. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 6. This ordinance takes effect on July 20, 1998.

PASSED AND APPROVED

July 9

, 1998.

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

Betty G. Brown

Betty G. Brown
Deputy City Clerk

EXHIBIT "A"

Field notes for
Braker Pointe

26. 407 acre tract of land, more or less, being a portion of that certain 127.32 acre tract conveyed to Doris Joan Smith Umstattd and Charles Aubrey Smith, Jr., by deed recorded in Volume 3269, Page 1637, of the Deed Records of Travis County, Texas said 127.32 acre being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found in the easterly line of Calle Verde Drive, a dedicated roadway in the City of Austin, Travis County, Texas;

THENCE, the following six courses to an iron pin set for the most northwest corner of the herein described tract and the Point of Beginning:

1. S 60 deg. 27' 40" E, 168.64 feet to an iron pin set.
2. S 60 deg. 10' 18" W, 51.11 feet to an iron pin set,
3. S 60 deg. 08' 14" E, 18.12 feet to an iron pin set.
4. S 60 deg. 44' 45" E, 176.36 feet to an iron pin set,
5. S 60 deg. 44' 45" E, 5.33 feet to an iron pin found,
6. S 60 deg. 39' 27" E, 240.25 feet;

THENCE, along a curve to the left for westerly line of the herein described tract, the following elements to an iron pin set for an angle point: $R = 4553.662$ feet, $I = 18$ deg. 29' 56", $A = 1470.23$ feet and whose chord bears S 25 deg. 14' 56" W, 1463.85 feet;

THENCE, S 01 deg. 45' 50" W, 197.25 feet to an iron pin set;

THENCE, S 41 deg. 16' 29" E, 77.81 feet to an iron pin set;

THENCE, along the south line herein following two courses to an iron pin set in the westerly right-of-way line of the Missouri Pacific Railroad for the southeast corner:

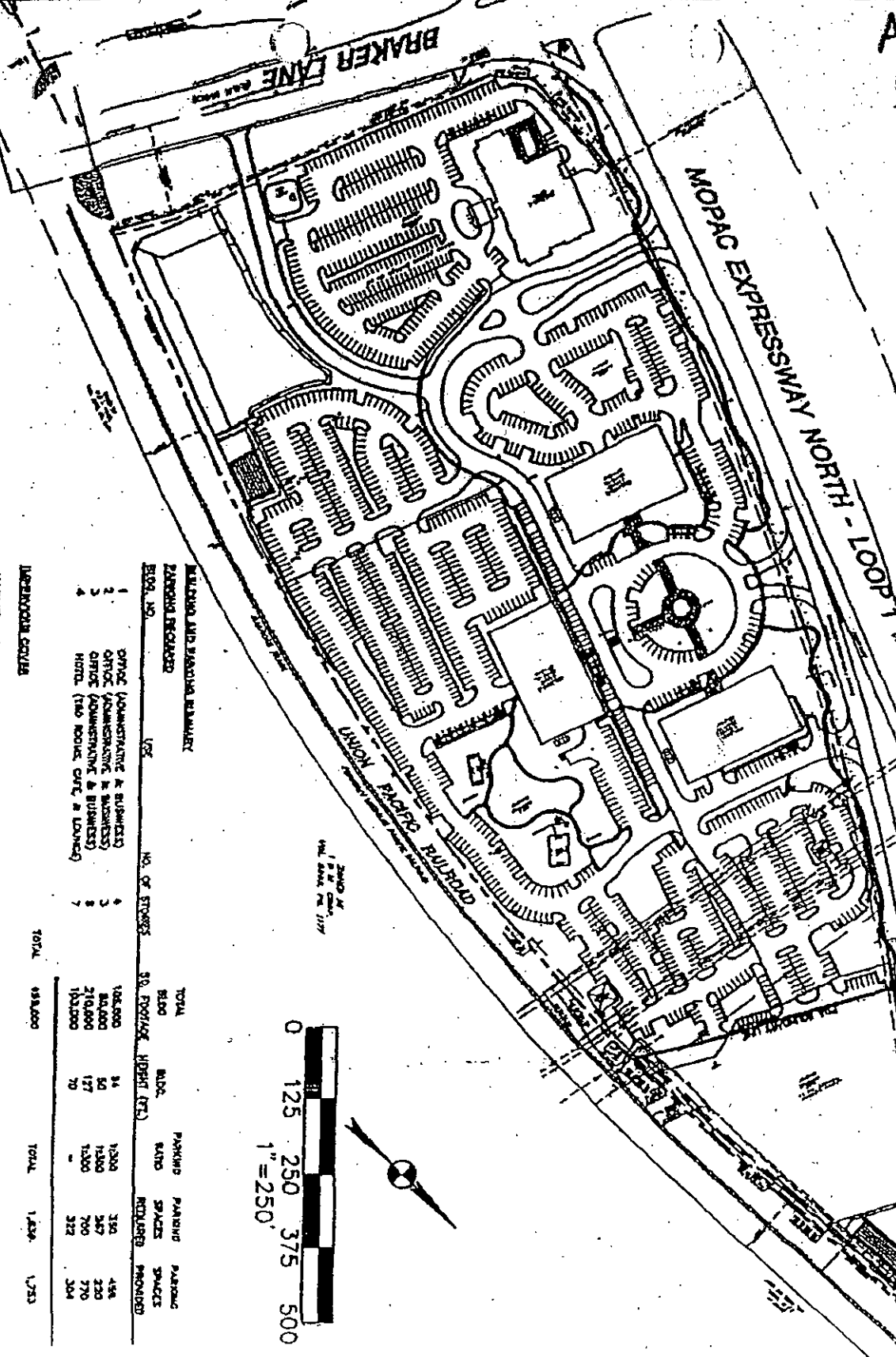
1. S 70 deg. 16' 15" E, 556.74 feet to an iron pin set,
2. S 60 deg. 33' 08" E, 98.85 feet;

THENCE, along said right-of-way line N 20 deg. 08' 37" E, 325.19 feet to an iron pin set for the POINT OF CURVATURE of a curve to the left;

THENCE, along a curve to the left in said right-of-way line the following elements to an iron pin found for the northwest corner of the herein described tract: $R = 4051.93$ feet, $I = 18$ deg. 41' 04", $A = 1321.36$ feet, and whose chord bears N 10 deg. 46' 01" E, 1315.51 feet;

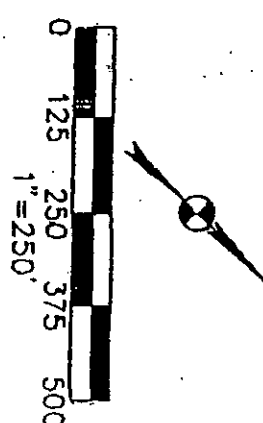
THENCE, with the north line herein, N 60 deg. 39' 27" W, 445.94 feet to the POINT OF BEGINNING, containing 26.407 acres, more or less.

A8
5



BUILDING AND PARKING SUMMARY			
RANGES REQUIRED			
BUILD. NO.	USE	NO. OF STORIES	50' FOOTAGE HEIGHT (FT.)
1	OFFICE (ADMINISTRATIVE & BUSINESS)	4	168,000
2	OFFICE (ADMINISTRATIVE & BUSINESS)	3	80,000
3	OFFICE (ADMINISTRATIVE & BUSINESS)	3	210,000
4	HOTEL (150 ROOMS, CONF. & LOBBY)	7	103,000
TOTAL			561,000

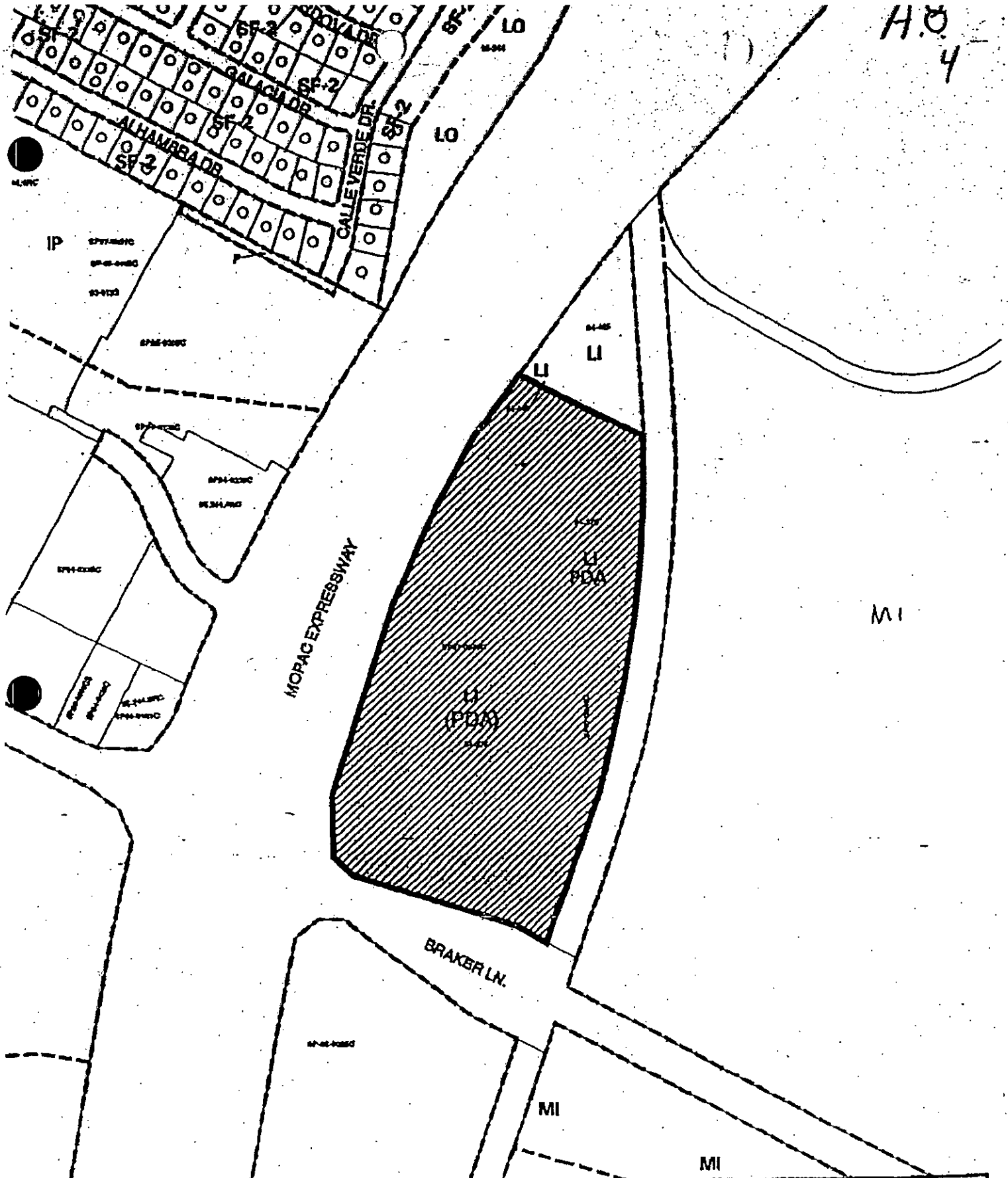
PARKING SUMMARY			
TYPE	NO. OF SPACES	50' FOOTAGE HEIGHT (FT.)	50' FOOTAGE HEIGHT (FT.)
ALIGNED - ROW	PROPOSED - 27,135		
PERPENDICULAR ALIGNED - ROW	PROPOSED - 6,511		
TOTAL		33,646	1,733



Bury+Pittman
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-4011 Fax 512/328-0225
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BRAKER POINTE
MOPAC AT BRAKER LANE
CARRAMERICA REALTY CORPORATION

EXHIBIT "C"
ORDINANCE NO. 850912-R
AND 860926-P



<p> </p> <p> SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: D.PERRYMAN </p>	<p align="center"> PDA SITE PLAN AMENDMENT EXHIBIT "B" </p> <p> CASE #: C14-84-376 ADDRESS: 10701 NB MOPAC EXPRESSWAY SUBJECT AREA (acres): 26.800 </p> <p> DATE: 98-05 INTLS: TRC </p>	<p> CITY GRID REFERENCE NUMBER K33 </p>
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ORDINANCE NO. 85 0912-R

AMENDED BY ORDINANCE
NO. 85 0926-P

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

26.407 ACRE TRACT OF LAND BEING A PORTION OF THAT CERTAIN 127.32 ACRE TRACT CONVEYED TO DORIS JEAN SMITH UMSTATTD AND CHARLES AUBREY SMITH, JR. BY DEED RECORDED IN VOLUME 3269, PAGE 1637 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, LOCALLY KNOWN AS PROPOSED MOPAC AND BRAKER LANE EXTENSION, FROM INTERIM SF-2" SINGLE FAMILY RESIDENCE (STANDARD LOT) TO "PDA" PLANNED DEVELOPMENT AREA COMBINING DISTRICT IN COMBINATION WITH "LI" LIGHT INDUSTRIAL SERVICES, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ESTABLISHING MODIFICATIONS TO OTHERWISE APPLICABLE BASE DISTRICT REGULATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "SF-2" Single Family Residence (Standard Lot) to "PDA" Planned Development Area Combining District in combination with "LI" Light Industrial Services on the property described in File C14-84-376, to-wit:

That certain 26.407 acre tract of land being a portion of that certain 127.32 acre tract conveyed to Doris Jean Smith Umstattd and Charles Aubrey Smith, Jr. by deed recorded in Volume 3269, Page 1637 of the Deed Records of Travis County, Texas; said 127.32 acres being a portion of a 202.07 acre tract of land out of the James Rodgers Survey No. 19, Abstract No. 659, and described in Volume 413, Page 26 of the Judgement Records of the District Court of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found in the easterly line of Calle Verde Drive, a dedicated roadway in the City of Austin, Travis County, Texas;

THENCE, the following six (6) courses to an iron pin set for the most northwest corner of the herein described tract and the Point of Beginning;

1. S 60° 27' 40" E, 168.64 feet to an iron pin set,
2. S 60° 10' 18" W, 51.11 feet to an iron pin set,
3. S 60° 08' 14" E, 18.12 feet to an iron pin set,
4. S 60° 44' 45" E, 176.36 feet to an iron pin set,
5. S 60° 44' 45" E, 5.33 feet to an iron pin found,
6. S 60° 39' 27" E, 240.25 feet;

THENCE, along a curve to the left for westerly line of the herein described tract, the following elements to an iron pin set for an angle point: $R = 4553.662$ feet, $I = 18^{\circ} 29' 56''$, $A = 1470.23$ feet and whose chord bears $S 25^{\circ} 14' 56'' W$, 1463.85 feet;

THENCE, $S 01^{\circ} 45' 50'' W$, 197.25 feet to an iron pin set;

THENCE, $S 41^{\circ} 16' 29'' E$, 77.81 feet to an iron pin set;

THENCE, along the south line herein following two (2) courses to an iron pin set in the westerly right-of-way line of the Missouri Pacific Railroad for the southeast corner:

1. $S 70^{\circ} 16' 15'' E$, 556.74 feet to an iron pin set,
2. $S 60^{\circ} 33' 08'' E$, 98.85 feet;

THENCE, along said right-of-way line $N 20^{\circ} 08' 37'' E$, 325.19 feet to an iron pin set for the POINT OF CURVATURE of a curve to the left;

THENCE, along a curve to the left in said right-of-way line the following elements to an iron pin found for the northwest corner of the herein described tract: $R=4051.93$ feet, $I = 18^{\circ} 41' 04''$, $A = 1321.36$ feet, and whose chord bears $N 10^{\circ} 46' 01'' E$, 1315.51 feet;

THENCE, with the north line herein, $N 60^{\circ} 39' 27'' W$, 445.94 feet to the POINT OF BEGINNING, containing 26.407 acres,

locally known as proposed MoPac and Braker Lane Extension in the City of Austin, Travis County, Texas, and hereinafter referred to in this ordinance as the "Property."

PART 2. The development, use and occupancy of the Property shall be subject to the following modifications established pursuant to Section 13-2A-2833 of the Austin City Code of 1981, as follows:

(1) Except as and to the extent provided herein, the regulations of the "LI" Limited Industrial Services base district under and pursuant to Sections 13-2A-2650 through 13-2A-2654 shall be applicable to the Property.

(2) Section 13-2A-2652 is hereby modified to add the following as additional permitted Civic uses on the Property:

- a. Convalescent Services
- b. Guidance Services
- c. Hospital Services (Limited)
- d. Hospital Services (General)

In addition, uses incidental and accessory to permitted uses on the Property, including without limitation, food service facilities, meeting and training facilities, health and recreational facilities, storage facilities and areas, maintenance facilities and areas, treatment

facilities, control devices, equipment and areas, cooling towers, mechanical and electrical utility and/or communications equipment, facilities and areas, electrical transformers and substations, and utility centers, shall be permitted.

(3) Section 13-2A-2653 is hereby modified to add the following as an additional conditional Commercial use on the Property, subject to approval as provided by Section 13-2A-6200:

a. Cocktail Lounge

(4) The site development regulations otherwise applicable to this Property in the "LI" Limited Industrial Services base district are hereby modified to permit development of a minimum of 660,000 square feet of building area and at least one nine (9) story building generally in accordance with the conceptual site plan attached to this ordinance as Exhibit "A"; provided, however, that no building permit to construct any building on the Property shall be issued until such time as the City Council has approved a site plan processed in accordance with the Site Plan Review Procedure set forth beginning at Section 13-2A-6100.

PART 3. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

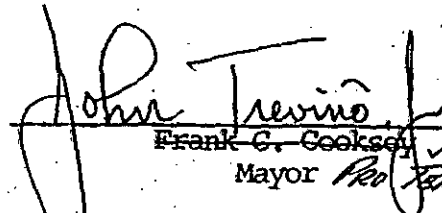
PART 4. This application for rezoning was filed prior to the effective date of Chapter 13-2A of the Austin City Code of 1981, at which time the property was zoned Interim "AA" Residence, First Height and Area District, and the applicant sought rezoning to "D" Industrial, Third Height and Area District. Notwithstanding the rezoning herein to "LI" Light Industrial Services, the property owner shall be permitted to obtain a building permit subject to the provisions of Chapter 13-2 and as permitted under a zoning classification thereunder of "D" Industrial, Third Height and Area District, in accordance with the provisions of Section 1051 of Chapter 13-2A of the Austin City Code of 1981.

PART 5. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.


PASSED AND APPROVED

September 12, 1985


§
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§
§


Frank C. Cooksey, John Trevino,
Mayor Pro Tem

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

AFM:saf

TRAMMELL CROW COMPANY AUSTIN, TEXAS

HYLTON DEY ASSOCIATES INC. SAN ANTONIO, TEXAS

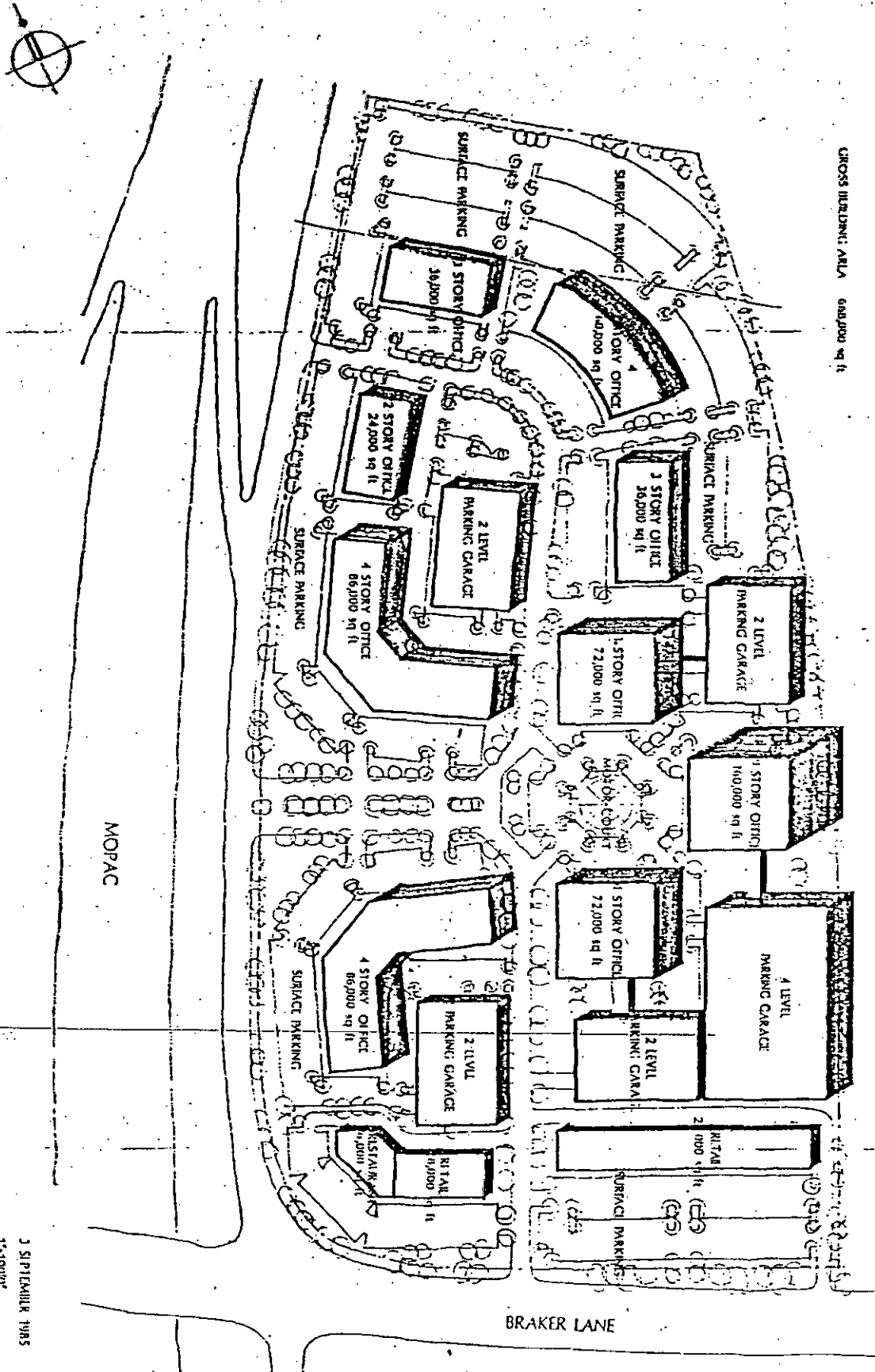


EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Lorna Woessner

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

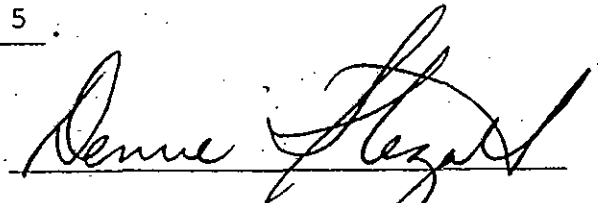
October 18th, 1985

and that the attached is a true copy of said advertisement.



SWORN AND SUBSCRIBED TO BEFORE ME, this the 18th

Day of October A.D. 198 5



Notary Public in and for
TRAVIS COUNTY, TEXAS

Denise Stegall

(Type or Print Name)

3/3/86

(My Commission Expires:)

ORDINANCE NO. 85012-R
AN ORDINANCE ESTABLISHING
INITIAL PERMANENT ZONING
AND CHANGING THE ZONING
MAP ACCOMPANYING CHAPTER
13-2A OF THE AUSTIN CITY CODE
OF 1981 AS FOLLOWS: 28.07 ACRE
TRACT OF LAND BEING A POR-
TION OF THAT CERTAIN 127.33
ACRE TRACT CONVEYED TO DO-
RIS JEAN SMITH UMSTATTO AND
CHARLES AUBREY SMITH JR. BY
DEED RECORDED IN VOLUME
324, PAGE 1477 OF THE DEED
RECORDS OF TRAVIS COUNTY,
TEXAS, LOCALLY KNOWN AS
PROPOSED MOPAC AND BRAKER
LANE EXTENSION, FROM INTER-
IM SF-2" SINGLE FAMILY RESI-
DENCE (STANDARD LOT) TO
"PDA" PLANNED DEVELOP-
MENT AREA COMBINING DIS-
TRICT IN COMBINATION WITH
"LI" LIGHT INDUSTRIAL SER-
VICES, SAID PROPERTY BEING
LOCATED IN AUSTIN, TRAVIS
COUNTY, TEXAS; ESTABLISHING
MODIFICATIONS TO OTHERWISE
APPLICABLE BASE DISTRICT
REGULATIONS; SUSPENDING
THE RULE REQUIRING THE
READING OF ORDINANCES ON
THREE SEPARATE DAYS; AND
DECLARING AN EMERGENCY.

Mayor Frank C. Cooksey
Austin, Texas

ORDINANCE NO. 850926-P

AN ORDINANCE AMENDING ORDINANCE NO 850912-R, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 12, 1985, BY CORRECTING SUBSECTION (4) OF PART 2 OF SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

PART 1. That subsection (4) of PART 2 of Ordinance No. 850912-R, Zoning Case No. C14-84-376, enacted by the City Council on September 12, 1985, be, and hereby is, amended to read as follows:

(4) The base district regulations otherwise applicable to this Property in the "LI" Limited Industrial Services District, including the height, floor area ratio, setback, building coverage and impervious coverage regulations of Section 13-2A-2654; the off-street parking and loading regulations of Section 13-2A-5700, et seq, and the landscaping and screening regulations of Section 13-2A-5600, et seq and of Section 13-2A-5110 are hereby modified to the extent necessary to permit development of a minimum of 660,000 square feet of gross floor area and at least one nine (9) story building generally in accordance with the conceptual site plan attached to this ordinance as Exhibit "A"; provided, however, that no building permit to construct any building on the Property shall be issued until such time as a detailed site plan has been processed in accordance with the Site Plan Review Procedure set forth beginning at Section 13-2A-6100 and such site plan has been approved by the City Council, which approval shall not be unreasonably withheld; provided further, that nothing herein regarding site plan approval shall be construed to mean that development may be restricted to less than 660,000 square feet of gross floor area or to prohibit the construction of at least one nine (9) story building. It is understood that each story of such nine (9) story building, in accordance with standard accepted building practices, will be approximately twelve (12) feet in height.

PART 2. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and

this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.


PASSED AND APPROVED

September 26, 1985

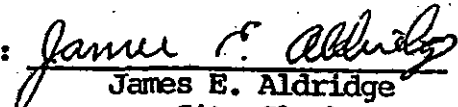
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Frank C. Cooksey
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk

AFM:saf

Brown McCarroll & Oaks Hartline, L.L.P.

ATTORNEYS AT LAW

111 Congress Avenue, Suite 1400, Austin, TX 78701-4043

Phone 512-472-5456 • Fax 512-479-1101

September 19, 2000

Writer's Direct Number:

(512) 479-9710

VIA HAND DELIVERY

Antonio Gonzales
Development Review & Inspection Department
505 Barton Springs Rd.
4th Floor
Austin, TX 78704

RE: C-14-00-2177/Braker Pointe Zoning Application/LI-PDA to LI-PDA

Dear Antonio:

In connection with this zoning application I am providing to you the updated chart for the new proposed development as follows:

Land Uses	Building Square Footage	Height	Stories
Office Building 1	80,000	59'	3 stories
Office Building 2	106,000	73'	4 stories
Office Building 3	209,000	127'	7 stories
Hotel (230 rooms)	201,000	117'	10 stories
Total	596,000 sq. ft.		

In addition, I am enclosing the following:

1. The building height elevation exhibit which I spoke to you about on the phone (large and small copy).
2. The revised large copy of the new proposed Exhibit C.

If you have any questions or need any additional information, please let me know.

Yours very truly,

Jerry L. Harris
Jerry L. Harris

Enclosures

AUS:1829958.1
36503.1

Environmental -
Tract 1 LI PDA-LI PDA
Tract 2 LI PDA-LI PDA
same accept
exhibit
Fickel's
survey

Alice Glasco Consulting

5117 Valburn Court, Suite A
Austin, TX 78731
aliceglasco@mindspring.com
512-231-8110 • 512-857-0187 Fax

April 6, 2006
Updated: May 15, 2006

Jorge, Rousselin, Planner
Neighborhood Planning and Zoning Department
505 Barton Springs Road, Suite 500
Austin, Texas 78704

RE: Braker Pointe Whole Foods Market Rezoning - 10701 N. Mo-Pac Expressway

Dear Jorge:

Thank you for meeting with me on May 11th. At our meeting, I gave you a new copy of the revised site development standards for Braker Pointe. The purpose of this rezoning application is to amend ordinance number 001130-97 by revising the site development standards table, which was attached to the zoning ordinance as Exhibit C. The proposed revision simply modifies all the site development standards assigned to building number 4, which was a 10-story hotel consisting of 201,000 square feet. The proposed use is a 69,000-square foot grocery store, namely Whole Foods Market.

Therefore, I am requesting a rezoning from LI-PDA to LI-PDA in order to modify a condition of zoning as reflected in the attached, revised exhibit.

If you have any questions or need additional information, please let me know.

Sincerely,



Alice Glasco

Cc: Bradley Schlosser, Schlosser Development
David Vitanza, Schlosser Development
Lisa Rose, Schlosser Development
Jerry Rusthoven, Zoning Division Manager

Attachments

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING ORDINANCE NO. 001130-97 TO REZONE AND
2 CHANGE THE ZONING MAP FROM LIMITED INDUSTRIAL SERVICES-
3 PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT TO
4 LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-
5 PDA) COMBINING DISTRICT FOR LAND KNOWN AS THE BRAKER POINTE
6 WHOLE FOODS MARKET PROJECT LOCATED AT 10701 NORTH MOPAC
7 EXPRESSWAY.

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

10
11 PART 1. The Braker Pointe Planned Development Area (the "Original PDA") is
12 comprised of approximately 26.5 acres of land located at 10701, 10801, and 11101 North
13 MoPac Expressway in Travis County (the "Original Property") and more particularly
14 described in Ordinance No. 001130-97. The Original PDA was approved September 12,
15 1985 under Ordinance No. 850912-R, amended by Ordinance No. 850926-P, and
16 Ordinance No. 980709-I under Zoning Case No. C14-84-376. On November 30, 2000, the
17 Original Property was rezoned under Zoning Case No. C14H-00-2177 by Ordinance No.
18 001130-97 (the "LI-PDA Ordinance").

19
20 PART 2. As set forth in the LI-PDA Ordinance, the site development standards in Exhibit
21 C attached to the ordinance applied to the property identified as Tract One in the
22 ordinance.

23
24 PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to
25 change the base district from limited industrial services-planned development area (LI-
26 PDA) combining district to limited industrial services-planned development area (LI-PDA)
27 combining district on the property described in Zoning Case No. C14-06-0077, on file at
28 the Neighborhood Planning and Zoning Department, as follows:

29
30 Lot 1, Block A, Braker Pointe Subdivision, a subdivision in the City of Austin,
31 Travis County, Texas, according to the map or plat of record in Plat Book 101,
32 Pages 336-337, of the Plat Records of Travis County, Texas (the "Property"),
33

34 locally known as 10701 North MoPac Expressway, in the City of Austin, Travis County,
35 Texas, and generally identified in the map attached as Exhibit A.
36

1
2 **PART 4.** Part 2 of Ordinance No. 001130-97 is amended to replace Exhibit C with a new
3 exhibit identified as Exhibit B attached and incorporated into this ordinance and to modify
4 the site development standards for the Property that includes Building 4 as shown in the
5 attached Exhibit B.

6 **PART 5.** Except as otherwise provided in this ordinance, the terms and conditions set
7 forth in Ordinance No. 001130-97 remain in effect.
8

9 **PART 6.** This ordinance takes effect on _____, 2006.
10

11
12 **PASSED AND APPROVED**

13
14
15 _____, 2006

§
§
§

17 Will Wynn
18 Mayor
19

20
21 **APPROVED:** _____

22 David Allan Smith
23 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

MS-244.4RC

MI-PDA

A19
4

IP

EP97-0231C

GP-96-0416C

93-0123

GP95-0305C

EP97-0225C

EP94-0335C

MS-244.4RC

MS-244.11R.C

LI

EP-99-2027C

GP-97-0416C

EP94-0335C

GP-96-0416C
GP-96-0416C

MS-244.8RD
GP90-0181C

MO-PAC EXPRESSWAY NORTH

STONE LAKE BOULEVARD

LI

LI

D14H-00-2177

D14H-00-2177

LI-PDA-H

LI-PDA

LI-PDA

MI-PDA

04-161

03-0016

IP

BRAKER LANE

MO-PAC EXPRESSWAY NORTH

GP-96-0065C

04-0146

CH

95-244

MI

MI

BRAKER LANE

P

P

75-127

RZ



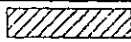
1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: J. ROUSSELIN



CASE #: C14-06-0077

ADDRESS: 10701 N MOPAC EXPY

SUBJECT AREA (acres): 4.332

ZONING EXHIBIT A

DATE: 06-04

INTLS: SM

CITY GRID
REFERENCE
NUMBER

J33

EXHIBIT C
5-4-06[illegible]

* PASSPORT IS SUBJECT TO ISSUED PASSPORT ANALYSIS AS REQUESTED BY JOHN A. MCILWAIN & ASSOCIATES. PASSED REQUIREMENTS MAY BE REDUCED BASED ON THIS ISSUED PASSPORT FILE.