

ORDINANCE NO.

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10414 MCKALLA PLACE AND 10617 ½ BURNET ROAD IN THE NORTH BURNET/GATEWAY NEIGHBORHOOD PLAN FROM LIMITED INDUSTRIAL SERVICES-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT AND NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA-NEIGHBORHOOD PLAN (LI-PDA-NP) COMBINING DISTRICT.

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited industrial services-neighborhood plan (LI-NP) combining district and North Burnet/Gateway-neighborhood plan (NBG-NP) combining district to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district on the property described in Zoning Case No. C14-2019-0055, on file at the Planning and Zoning Department, as follows:

Lot 1, Braker at Burnet Section 4, a subdivision in Travis County, Texas, according to the map or plat of record thereof recorded in Volume 89, Page 37, of the Plat Records of Travis County, Texas (the “Property”),

locally known as 10414 McKalla Place and 10617 ½ Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit “A”**.

PART 2. Except as specifically provided in Part 3 and Part 4 of 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 3. Development of the Property within the boundaries of the planned development area (PDA) combining district established by this ordinance is subject to the use and site development regulations set forth in this part:

A. The following uses are additional permitted uses of the Property:

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| Club or lodge | Cocktail lounge |
| Multifamily residential | Outdoor entertainment |
| Transportation terminal | |

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B. The following uses are prohibited uses of the Property:

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| Agricultural sales and services | Automotive rentals |
| Automotive repair services | Automotive sales |
| Automotive washing (of any type) | Bail bond services |
| Basic industry | Construction sales and services |
| Drop-off recycling and collection facility | Electronic prototype assembly |
| Electronic testing | Equipment repair services |
| Equipment sales | Exterminating services |
| Funeral services | General warehousing and distribution |
| Group home, Class I (General) | Group home, Class I (Limited) |
| Group home, Class II | Kennels |
| Light manufacturing | Limited warehousing and distribution |
| Monument retail sales | Plant nursery |
| Printing and publishing | Railroad facilities |
| Recycling center | Research services |
| Residential treatment | Resource extraction |
| Scrap and salvage | Software development |
| Transitional housing | Vehicle storage |
| Veterinary services | |

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C. The following site development standards apply to the Property:

1. The interior side yard setback is 0 feet.
2. The rear yard setback is 0 feet.
3. The maximum height of a building or structure shall not exceed 130 feet.
4. The maximum impervious cover is 85%.
5. The maximum building coverage is 80%.
6. The floor-to-area ratio is 2 to 1.

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D. Subsection (A) of Section 25-2-1003 (*General Requirements*) is modified to establish that the portion of the stadium (Outdoor Entertainment use) oriented towards Burnet Road shall be considered the “front wall” to determine landscape requirements.

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E. Section 25-2-812 (C)(3) (*Mobile Food Establishments*) is modified to provide that a mobile food establishment may be located within fifty (50) feet of a lot with a building that contains residential and/or commercial uses.

- 1 F. Chapter 25-6, Appendix A (*Tables of Off-Street Parking and Loading*
2 *Requirements*) is modified to provide that the director shall determine:
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4 1. Parking for all uses on the Property;
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6 2. Loading and unloading for all uses on the Property; and
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8 3. Off-street bicycle parking for all uses on the Property.
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- 10 G. Chapter 25-6, Article 7 (*Design and Construction Standards for Parking and*
11 *Loading Facilities*) is modified to allow for grass pavers, crushed granite,
12 pervious pavement, and other surfaces or similar material to be utilized in a
13 motor vehicle parking lot.
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- 15 H. Lighting on the Property shall comply with LEED V4 Light Pollution
16 Reduction (SSc6) requirements.
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- 18 I. Unless otherwise provided for in this ordinance, Chapter 25-2, Subchapter E –
19 Design Standards and Mixed Use, shall only apply to commercial and civic uses
20 as defined in Chapter 25-2, Subchapter A, Article 1 (*Zoning Uses*).
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- 22 J. Development of the Property for an Outdoor Entertainment use shall not be
23 subject to Chapter 25-2, Subchapter E – Design Standards and Mixed Use,
24 Section 2.2 (*Relationship of Buildings to Streets and Walkways*), Section 2.3
25 (*Connectivity Between Sites*), Section 2.5 (*Exterior Lighting*), and Section 3
26 (*Building Design Standards*).
27
- 28 K. The Director of the Development Services Department or its successor
29 department may grant Alternative Equivalent Compliance from any provision
30 of Chapter 25-2, Subchapter E – Design Standards and Mixed Use, for this
31 property.
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- 33 L. All exterior lighting may be controlled with a network of astronomical time
34 clocks and configured by the Illuminating Engineering Society Lighting
35 Handbook, 10th Edition.
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37 **PART 4. SIGNS.**

38 **A. Findings.**

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- 1 1. The City Council incorporates the findings in City Code Section 25-10-1 (*Purpose and*
2 *Applicability*) and makes the following additional findings.
- 3 2. Sports stadiums around the country frequently utilize signs to identify the facility with
4 products, services, and companies who have a contractual or financial relationship with
5 the sports franchise associated with the stadium, events held at the stadium, or stadium
6 operations (collectively referred to as a “sponsor”).
- 7 3. When installed on property used for a sports stadium, signs displaying the name or logo
8 of a sponsor bear a closer similarity to on-premise business signs than to traditional off-
9 premise signs or billboards that are typically: (a) not associated with a land use or
10 occupancy; (b) unattached to a permanent structure other than supporting poles; and (c)
11 function solely as product advertising.
- 12 4. A sign with a reader board component at sports stadiums is less likely to negatively
13 impact public safety and visual aesthetics than freestanding billboards. This is due to
14 design standards applicable to construction of the signs, as well as the close association
15 of sponsorships signs with a permanent stadium facility and the limited number of
16 stadiums located in a particular metropolitan area.
- 17 5. Based on the foregoing findings, the Council finds that allowing well-regulated use of
18 reader boards at the new soccer stadium at the City’s McKalla Place property is
19 consistent with the goals of the City Code Chapter 25-10 (*Sign Regulations*), with
20 national best practices, and with the Lease and Development Agreement for McKalla
21 Place.

22 **B. Definitions**

- 23 1. DIGITAL DISPLAY means images, scrolling images, moving images, flashing images
24 through the use of grid lights, light emitting diode displays, plasma screens, liquid
25 crystal displays, fiber optics, or other electronic media or technology that is integrated
26 into a sign and that may be changed remotely through electronic means.
- 27 2. FREESTANDING SIGN means a sign not attached to a building, but permanently
28 supported by a structure extending from the ground and permanently attached to the
29 ground.
- 30 3. SPORTS STADIUM means a multi-functional stadium for use by one or more
31 professional or amateur sports teams designed to seat at least 20,000 spectators.
- 32 4. OFF-PREMISE SIGN means a sign that displays any message directing attention to a
33 business, product, service, profession, commodity, activity, event, person, institution, or
34 other commercial message which is generally conducted, sold, manufactured, produced,
35 offered, or occurs elsewhere than on the premises where the sign is located.
- 36 5. PUBLIC RIGHT-OF-WAY means Burnet Road and Braker Lane and roadway within
37 250 feet of the intersection of Burnet Road and Panhandle Road.
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- 1 6. **READER BOARD COMPONENT** means a portion of a sign that includes images and
2 information related to:
- 3 a. events occurring within the sports stadium;
 - 4 b. products, services, and companies located within or available at the sports
5 stadium; or
 - 6 c. products, services, and companies having a contractual relationship with the
7 teams at the sports stadium or events occurring within the sports stadium
- 8 7. **WALL SIGN** means a sign attached to the exterior of the sports stadium that is more
9 than three inches thick and placed more than 40 feet above grade.

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11 **C. Applicability.**

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- 13 1. This applies to a sign described in this part and visible from the public right-of-way.
 - 14 2. This part supersedes City Code Chapter 25-10 (*Sign Regulations*) in the event of a
15 conflict.
 - 16 3. The City Manager is authorized to address the signs that are internal to the property
17 subject to this PDA in a Comprehensive Signage Program as set forth in Section 4.3(c)
18 of the “Lease and Development Agreement” between the City of Austin and Austin
19 Stadco LLC, dated December 18, 2018, and as amended from time to time.

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21 **D. General Requirements**

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- 23 1. Off-premise signs are prohibited.
 - 24 2. Sign area is calculated:
 - 25 a. for a wall sign, the sign area is the lesser of:
 - 26 i. the area of the smallest rectangle within which the face of the sign can be
27 enclosed; or
 - 28 ii. the smallest area of not more than three contiguous rectangles enclosing
29 different sections of the sign; and
 - 30 b. for a freestanding sign, the sign area is measured using only one face.
 - 31 3. The City Manager shall adopt administrative rules pursuant to Chapter 1-2
32 (*Administrative Rules*) establishing requirements for illumination, refresh rate, sign
33 hours of operation, materials, and display maintenance for a sign that includes a digital
34 display or illumination.
 - 35 4. A sign may include
 - 36 a. a digital display and
 - 37 b. a reader board component that complies with Subsection (E).
 - 38 5. The signs described in this part must comply with Section 25-10-211 (*Sign Installation*
39 *Permit Required*).
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1 **E. Reader Board Component.** A reader board component:

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- 3 1. May be incorporated into wall signs and freestanding signs;
- 4 2. May include digital displays and lighting; and
- 5 3. May not include a sponsor product, service, or company that:
- 6 a. is not located within or available at the sports stadium; or
- 7 b. lacks a contractual relationship with a team at the sports stadium or an event
- 8 occurring within the sports stadium.
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10 **F. Regulations Applicable to Specific Sign Types**

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- 12 1. Stadium Entrance Sign.
- 13 a. Maximum 1 stadium entrance sign.
- 14 b. Must be free-standing.
- 15 c. May contain multiple display areas on multiple sides or all sides.
- 16 d. Maximum sign area: 450 square feet.
- 17 e. Maximum height: 60 feet
- 18 f. Sign height is calculated by measuring the vertical distance above grade or building
- 19 façade to the highest point of the sign.
- 20 2. Freestanding sign that is not a stadium entrance sign.
- 21 a. Maximum 2 freestanding signs
- 22 b. Maximum area: 250 square feet
- 23 c. Maximum height: 30 feet
- 24 d. Sign height is calculated by measuring the vertical distance above grade or building
- 25 façade to the highest point of the sign.
- 26 e. A roof sign qualifies as one of the two freestanding signs.
- 27 i. Maximum height: 30 feet.
- 28 ii. Sign height is calculated by measuring the vertical distance from the lowest point
- 29 of the sign to the highest point of the sign.
- 30 3. Wall Sign
- 31 a. Maximum height for each digital wall sign: 40 feet.
- 32 b. Sign height is calculated by measuring the vertical distance from the lowest point
- 33 of the sign to the highest point of the sign.
- 34 c. The total sign area for wall signs may not exceed 10 percent of the façade area of
- 35 the stadium facility.

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PART 5. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 §
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Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk

