

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0115 (Midtown Flats)

DISTRICT: 7

ZONING FROM: NBG-CI-NP

TO: NBG-WMU-NP

ADDRESS: 2136 Rutland Drive and 10139 Metropolitan Drive

SITE AREA: 3.386 acres (147,494 sq. ft.)

PROPERTY OWNER: SL5 ATX Industrial, LP

AGENT: City of Austin - Housing and Planning Department (Sherri Sirwaitis)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends NBG-WMU-NP, North Burnet/Gateway-Warehouse Mixed-Use-Neighborhood Plan Combining District, zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**November 24, 2020**

CITY COUNCIL ACTION:

**December 10, 2020**

ORDINANCE NUMBER:

ISSUES: This is a City initiated case per Resolution No. 20200409-031. *Please see Exhibit C.*

CASE MANAGER COMMENTS:

The property in question is zoned NBG-CI-NP and is developed with two industrial warehouse buildings known as the Rutland Business Center that contain office, commercial and industrial uses. The lots to the north, south and east are also zoned NBG-CI-NP and are developed with industrial warehouse structures. The lots to the west, across Metropolitan Drive, are zoned NBG-WMU-NP and are developed with industrial warehouses that are used for storage and distribution (Rutland Distribution Center). *Please see Exhibit D - Figure 1-2: North Burnet/Gateway (NBG) Zoning District Subdistrict Map.* The owner is requesting NBG-WMU-NP, North Burnet/Gateway-Warehouse Mixed-Use-Neighborhood Plan Combining District, zoning to redevelop the site under consideration with office-mixed use.

BASIS OF RECOMMENDATION:

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

North Burnet/Gateway (NBG) district is the designation for an identified area of existing low density, auto-oriented commercial, warehouse, and industrial uses that is the subject of an approved master plan for redevelopment of the area into a higher density urban mixed-use neighborhood that is more pedestrian friendly and takes advantage of the links to commuter rail transit and the area's key position in the urban core.

Warehouse Mixed-Use accommodates existing and new industrial warehouse uses and enables development of residential and local retail uses.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted neighborhood Plan.

2. *The proposed zoning should promote consistency and orderly planning.*

The staff recommends the proposed NBG-WMU-NP zoning because the WMU subdistrict will permit the redevelopment of the property with a mixture of uses, including residential units. The proposed zoning is consistent with NBG-WMU-NP zoning to the west of this property, across Metropolitan Drive.

The change in zoning will have has no impact on building height or density permitted, as the proposed zoning subdistrict (WMU) is the same as the existing zoning subdistrict (CI), which is 60 feet base zone and 120 feet with a density bonus.

The proposed zoning meets the intent of the North Burnet Gateway 2035 Master Plan, which supports the development of multi-family residential in the planning area. The site

under consideration fronts onto an arterial roadway, Rutland Drive, and is one block from the Missouri Pacific Railway/commuter rail line to the west.

There are currently multifamily residential developments proposed to the north of this site at 10300 Metropolitan Drive (SP-2020-0058C) and to the east at 1934 Rutland Drive (Espero Austin at Rutland Apartments).

3. *Zoning should allow for reasonable use of the property.*

The proposed NBG-WMU-NP zoning will allow for a mixture of residential uses, local commercial and civic 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 fronts onto Rutland Drive, an arterial roadway. This tract of land is located in the central-east portion of the North Burnet Gateway NP in an area that is experiencing a change in development patterns with the growth of the Domain and the construction of the Austin FC soccer stadium to the northwest.

The subject property is within the boundaries of a Regional Center (North Burnet/Gateway Station) as defined in the Imagine Austin Growth Concept Map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	NBG-CI-NP	Industrial Warehouse (Rutland Business Center: Entech Sales and Service, Security Equipment Supply, Home Care Dimensions, Inc Home Health Care Service & Supply, Shao Lin DO Kung Fu-Austin, Game Over Videogames, Lemonbusters Development Group, Toll Brothers Austin Design Studio, Builders Display Hardware Store, Napco Security Technologies, Intrepid USA Home Health Services, White Glove Technologies, Syscomm Design-Dallas Inc, Carpet Layers in Austin, Austin Fitness Rentals, Coleman Wholesale Appliances, High Tech Design Center, 42 Floors, Kinetic Systems Inc, Sweetwater Filtration Systems, etc.)
<i>North</i>	NBG-CI-NP	Industrial Warehouses (Door to Door Austin)
<i>East</i>	NBG-CI-NP	Industrial Warehouses (Rutland 14 Industrial Warehouses: Builders Display, Durango Doors, Solar Tex, The Design Center, etc.), (Rutland 12 Industrial Warehouses: American Tile Supply)
<i>South</i>	NBG-CI-NP	Industrial Warehouses
<i>West</i>	NBG-WMU-NP	Industrial Warehouses (Rutland Distribution Center)

NEIGHBORHOOD PLANNING AREA: North Burnet/Gateway Neighborhood Plan Area

TIA: Not Required

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.

Pillow Elementary School  
Burnet Middle School  
Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Bike Austin  
Friends of Austin Neighborhoods  
Go Vamos Austin-North  
Homeless Neighborhood Association  
Neighborhood Empowerment Foundation  
North Austin Civic Association  
North Austin Civic Association Neighborhood Plan Contact Team  
North Growth Corridor Alliance  
North Burnet/Gateway Neighborhood Plan Staff Liaison  
Redline Parkway Initiative  
SELTEXAS  
Shoal Creek Conservancy  
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0055 (Austin FC: 10414 McKalla Place and 10617 ½ Burnet Road)	LI-NP, NBG-NP to LI-PDA-NP	5/14/19: To approve the staff's recommendation of LI-PDA zoning, with added condition to approve TIA with the site plan process, if practical (Vote: 11-2, K. McGraw and P. Seeger-No); G. Anderson-1 <sup>st</sup> , C. Kenny- 2 <sup>nd</sup> .	6/06/19: The public hearing was held and motion to close the public hearing and approve Ordinance 20190606-097 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Harper-Madison was absent.



C14-2016-0074 (Element Hotel: 10728 Burnet Road)	MI-PDA to MI-PDA	8/09/16: Approved staff's recommendation of MI-PDA zoning on consent (8-0, K. McGraw, S. Oliver, P. Seeger, J. Thompson, T. White-absent); N. Zaragoza-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .	9/22/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-071 for MI-PDA zoning, to change a condition of zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.
C14-2014-0062 (The Kenzie: 3201 Esperanza Crossing)	MI-PDA to MI- PDA	5/27/14: Approved staff's recommendation for MI-PDA zoning by consent (8-0, J. Nortey- absent); R. Hattfield-1 <sup>st</sup> , N. Zaragoza-2 <sup>nd</sup> .	6/26/14: Approved MI-PDA zoning, to change a condition of zoning, on consent on all 3 readings (6-0, M. Martinez- off the dais); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2013-0130 (Domain Entertainment District: 11824 Burnet Road)	MI-PDA to MI- PDA	11/12/13: Approved staff's recommendation for MI-PDA zoning, with conditions for a limitation of 90,000 square feet of Cocktail Lounge use as permitted with no one user exceeding 13,000 sq. ft. within the designated 43.267acre area (outlined in Exhibit A) located within the Property., by consent (7-0-2, D. Chimenti and A. Hernandez-absent); J. Nortey-1 <sup>st</sup> , B. Roark-2 <sup>nd</sup> .	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2012-0002 (The Domain: 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing)	MI-PDA to MI-PDA: To amend the PDA 1) To allow for a Cocktail Lounge use as a permitted use on a 2,198 sq. ft. parcel and 2) To relocate 1- acre of designated zero impervious	5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1 <sup>st</sup> , S. Kirk-2 <sup>nd</sup> .	6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .

	area within a nine acre park to a new location within the same park.		
C14-2010-0087 (The Domain Rezoning-Simon: 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace)	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.	8/24/10: Approved staff's recommendation of MI-PDA zoning 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 (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.	8/26/10: 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.  10/14/10: Approved MI-PDA zoning on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); Spelman-1 <sup>st</sup> , Leffingwell-2 <sup>nd</sup> , with the following amendments: 1) Part 3, C, 1 of the ordinance should read: "A pedestrian/bicycle entrance shall be provided between the existing pedestrian/bicycle trail under Mopac Expressway and the Simon Project internal drive as shown on the attached Exhibit B. A minimum 12-foot wide paved path shall be constructed with an associated curb cut connecting to the internal drive prior to issuance of a certificate of occupancy for a building on Lot 5A, Block A, the Domain Shopping Center Section 3 Subdivision."; 2) Add a new paragraph to Part 3, Section D to read: "The two

			<p>trees on the property numbered 5068 and 5081 as shown on Exhibit D may not be removed, unless the City Arborist approved otherwise based on the health of the individual trees.”; 3) The approved otherwise based on fourth WHEREAS of the restrictive covenant should read: “WHEREAS, the requirements of the Land Development Code for both the Endeavor Tract and the Simon Tract allow for a combined maximum of eighty percent (80%) net site area impervious cover resulting in a total allowable impervious cover area of 135.36 acres for the Endeavor Tract and 40.54 for the Simon Tract; and”.</p>
<p>C14-2010-0015 (The Domain Rezoning- Endeavor: 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing)</p>	<p>To rezone the property from MI-PDA to MI-PDA to amend the Domain zoning ordinance to modify the following conditions: 1) To provide updated bike lanes for the development by routing sharrows and hike and bike paths throughout the site 2) To request a variance through the PDA to LDC Sec. 25-2-813 to allow an administrative approval of one large retail user exceeding 100,000 square feet to be constructed on the portion of the Domain property</p>	<p>8/24/10: Approved staff’s recommendation for MI-PDA zoning (8-1, Tovo-No), with an amendment to the Public Works Department Memorandum – “Attachment A” to change the wording in the first line of item #2 from should to <u>shall</u>. The Commission also included findings for the justification for the approval of the proposed variance to the “Big Box” ordinance, LDC Sec. 25-2-813:</p> <ol style="list-style-type: none"> <li>1) This request is a special circumstance because the property is located with a PDA overlay district.</li> <li>2) This approval is in accordance with the North Burnett/Gateway Neighborhood Plan.</li> <li>3) The approval for this case allows for the inclusion of the recommendations of the City of Austin Bicycle Program for the property.</li> </ol>	<p>10/14/10: Approved MI-PDA zoning on all 3 readings on consent (7-0); Spelman-1<sup>st</sup>, Cole-2<sup>nd</sup>, with the following conditions: 1) Part 3, C, 1 of the ordinance should read: “The Domain-Endeavor Project shall provide internal bicycle routes for access and continuity to existing or planned bicycle routes as well as multi-use hike and bike trails as more particularly detailed in the attached Exhibit C.”, 2) Part 3, C, 4 of the ordinance should read: “The sharrows shall be installed within one year of the effective date of this ordinance for existing roadways and at the time of construction for future roadways.”</p>

	that is located north of Esperanza Crossing. Thereby, removing the requirement to secure approval of a Conditional Use Permit for this sole large retail user at this location.		
C14-06-0121	MI-PDA to MI-PDA	<p>2/13/10: 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>	<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>.</p>
C14-06-0154	MI-PDA to MI-PDA	<p>8/08/06: Approved staff rec. of MI-PDA by consent (8-0)</p>	<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	<p>11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).</p>	<p>12/16/04: Approved MI-PDA (7-0); all 3 readings</p>

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 dais)	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 dais)	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 dais)	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: <ol style="list-style-type: none"> <li>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.</li> <li>2) The total number of additional curb cuts on Braker Lane &amp; Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots.</li> <li>3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.</li> </ol>	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

RELATED CASES:

C14-2018-0182 (North Burnet/Gateway NP Rezoning)

SP-2020-0144C (Site Plan)

C8-73-088 (Subdivision)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rutland Drive	80'	116'	~53'	3	Yes	Yes	No
Metropolitan Dr.	80'	92'	60'	2	No	No	No

OTHER STAFF COMMENTS:Comprehensive Planning**Imagine Austin**

The property is located in the North Burnet/Gateway Station Regional Center as identified on the Imagine Austin's Growth Concept Map. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Like many Imagine Austin Centers, they are represented by a circle or globular shape that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikable, and supported by transit.

The following Imagine Austin policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. **Recognize that different neighborhoods have different characteristics** and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to 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 vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Fire

No comments.

#### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, mixed use with NBG-WMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicants have further questions, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). PARD is reviewing an early determination of whether fees in-lieu of land will be allowed.

#### Site Plan

Any new development is subject to the North Burnet Gateway zoning overlay. This site is within the Commercial/Industrial Subdistrict. Additional comments will be made when the site plan is submitted.

Green building is required for any project in the North Burnet Gateway. Proof of intent to comply with AEGB standards will be required at site plan review.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies a need for 116' of right-of-way for Rutland Drive and 92' of right-of-way for Metropolitan Drive. Right-of-way should be dedicated for these two roadways at the time of subdivision or site plan. A traffic impact analysis is not required for city initiated zoning applications.

### Urban Design

#### North Burnet Gateway Regulating Plan (NBG)

The property located at 2136 Rutland Drive and 10139 Metropolitan Drive is located within the Commercial Industrial (CI) Sub-District of the regulating plan.

- The applicant is proposing a change in zoning from NBG Commercial Industrial (CI) to Warehouse Mixed Use (WMU)
- The change in zoning has no impact on building height or density, as the proposed zoning district (WMU) is the exact of the existing (CI), which is 60' base zone and 120' with a density bonus.

Based on the information above, Staff believes that the proposed change of zoning is supported by the North Burnet Gateway Regulating Plan.

### Water Utility

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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

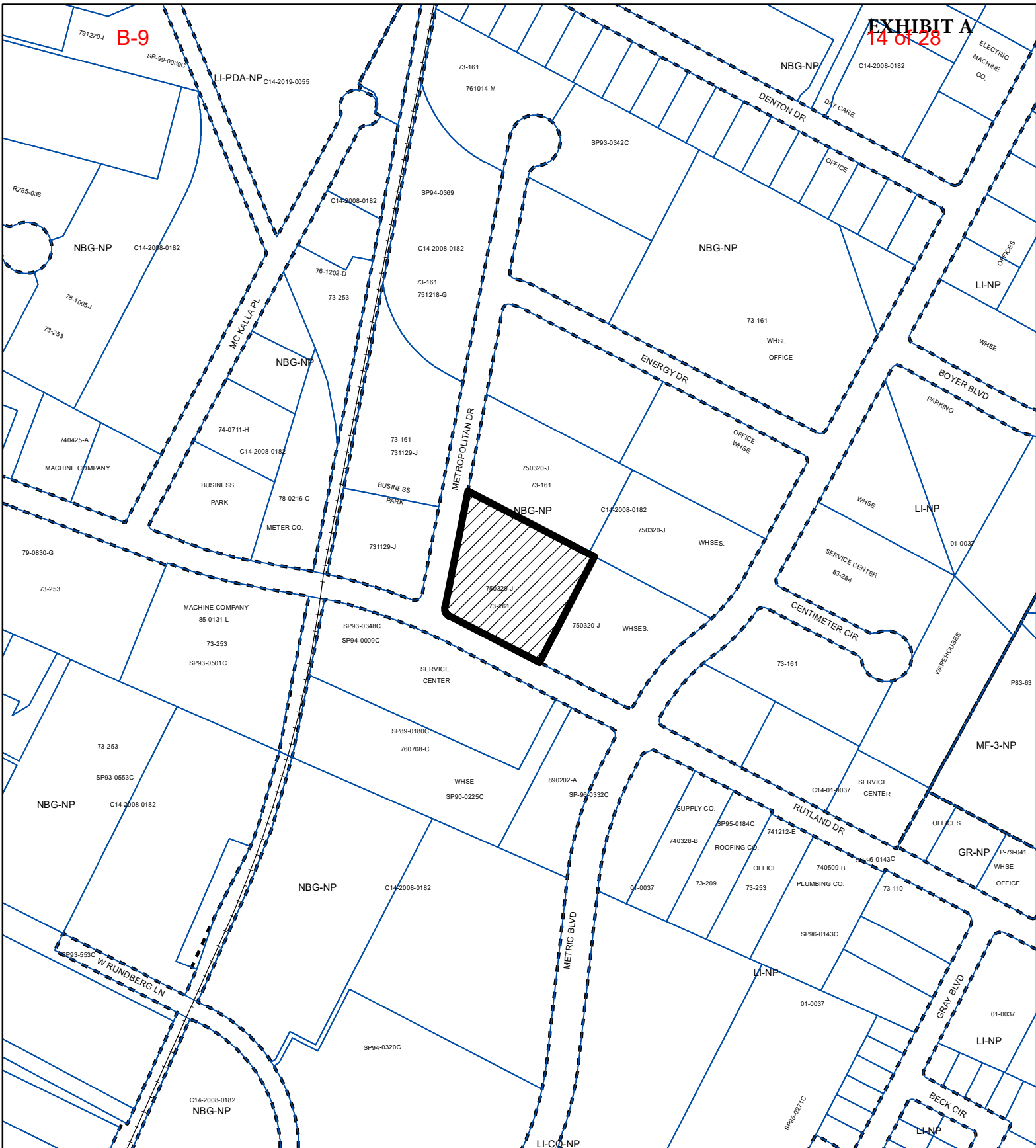
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



## INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. City Council Resolution No. 20200409-031
- D. North Burnet/Gateway (NBG) Zoning District Subdistrict Map
- E. The CI and WMU Subdistricts Descriptions in the NBG Regulating Plan
- F. NBG Zoning District Land Use Table
- G. Imagine Austin Growth Concept Map

B-9



## ZONING

ZONING CASE#: C14-2020-0115



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

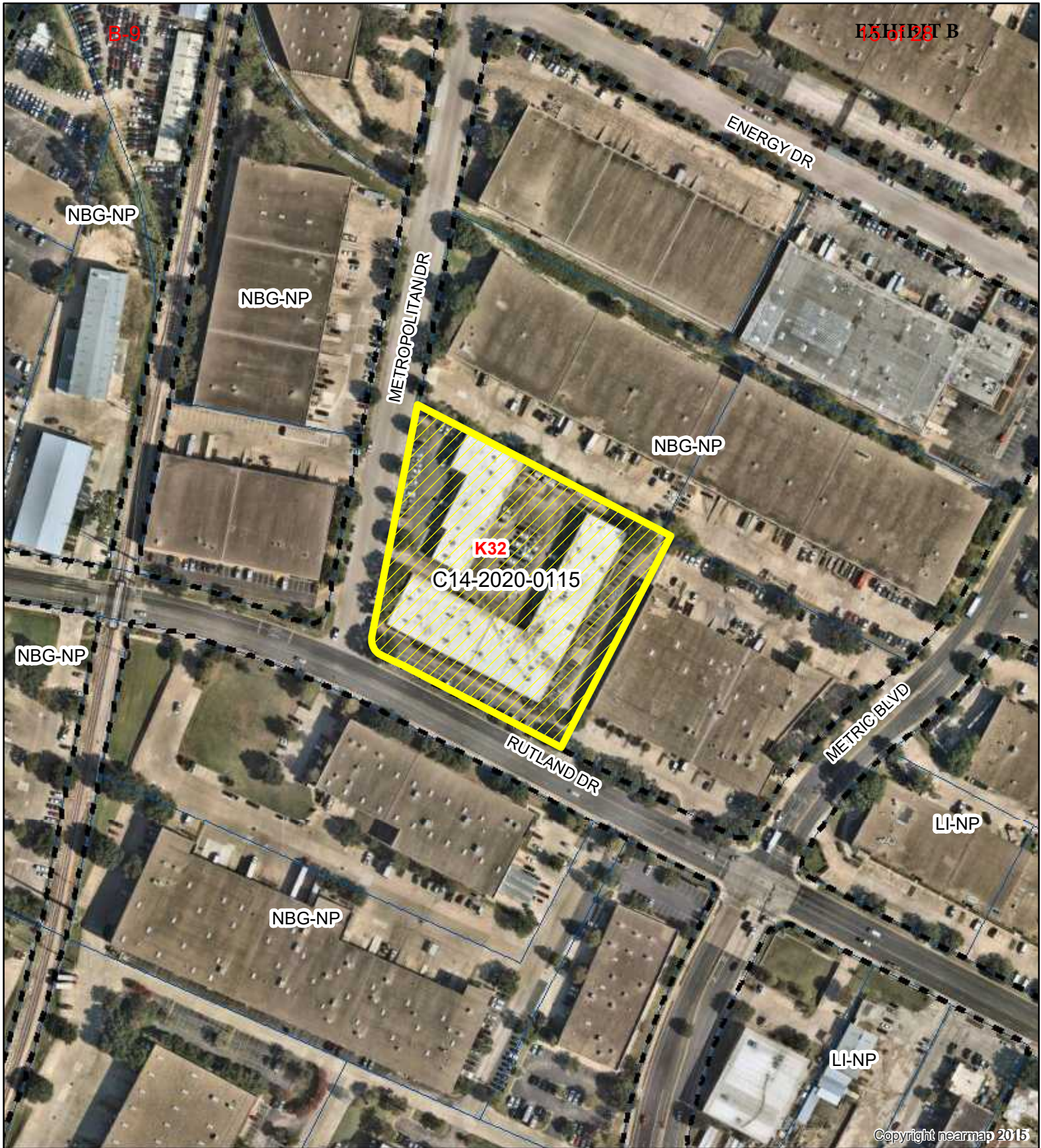


Created: 10/19/2020



8-2

EXHIBIT B



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SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 200'

### Midtown Flats

ZONING CASE#: C14-2020-0115

LOCATION: 2136 Rutland Dr and 10139 Metropolitan Dr

SUBJECT AREA: 3.39 ACRES

GRID: K32

MANAGER: Sherri Sirwaitis



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.



**RESOLUTION NO. 20200409-031**

**WHEREAS**, city council adopted the North Burnet Gateway Regulating Plan in 2009 in anticipation of the completion of the Capital Metro Red Line rail project; and

**WHEREAS**, the North Burnet Gateway Regulating Plan was intended to promote density and transit oriented development in a mostly industrial area to take advantage of the new rail line; and

**WHEREAS**, many people consider the North Burnet Gateway Regulating Plan area, including the Domain, to be a desirable and successful development, and this regional center is intended as Austin's "Second Downtown"; and

**WHEREAS**, council unanimously approved an amendment to the Code re-write on February 13, 2020, to give direction to make changes to the North Burnet Gateway Regulating Plan subdistricts to accommodate generally higher housing density and review the Commercial Industrial (CI) Subdistrict for opportunities to transition to residential and live/work uses; and

**WHEREAS**, the property located at 2136 Rutland Drive and 10139 Metropolitan Drive is subject to the North Burnet Gateway Regulating Plan and is designated as CI Subdistrict and 2:1 maximum floor-to-area ratio (FAR) with development bonus on Figure 4-3; and

**WHEREAS**, the owners of the property located at 2136 Rutland Drive and 10139 Metropolitan Drive will comply with Warehouse Mixed Use (WMU) Subdistrict and 3:1 FAR to allow for the development of higher housing density, and the change in

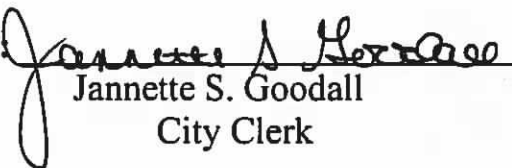
subdistrict is consistent with properties designated as WMU across the street and along Metropolitan Drive; **NOW THEREFORE,**

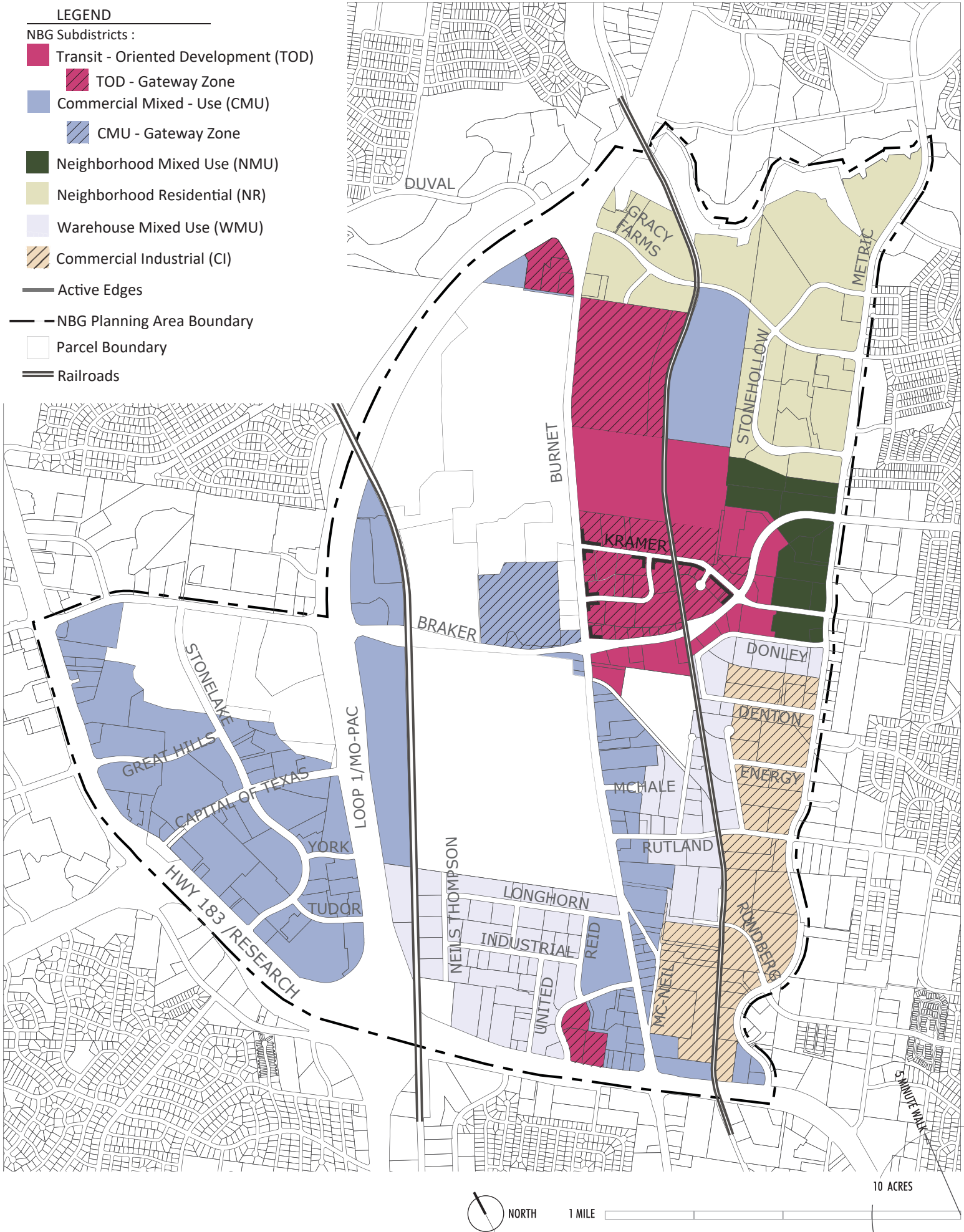
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The city council initiates amendments to City Code Title 25 (*Land Development Code*) and to the North Burnet Gateway Regulating Plan to amend the subdistrict to WMU and 3:1 maximum FAR with development bonus on Figure 4-3 on the above-mentioned property.

**ADOPTED:** April 9, 2020

**ATTEST:**

  
Jannette S. Goodall  
City Clerk





**FIGURE 4-9 CI : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
COMMERCIAL INDUSTRIAL (CI) SUBDISTRICT**

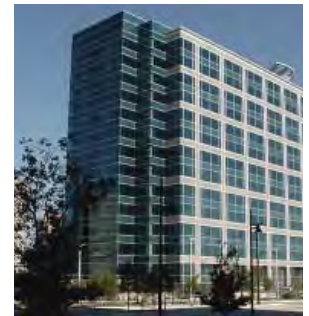
LOT SIZE	
Minimum Lot Size	5,750 SF
Minimum Lot Width	50 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<b>Front and Street Side Upper-Story Building Facade Stepbacks:</b>	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
<b>Interior Side Yard:</b>	5 Feet
<b>Rear Yard:</b>	5 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek):</b>	
Not Applicable	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus: 2:1</b>	
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	

BUILDING HEIGHT	
<b>Minimum Building Height:</b>	
Not applicable	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus: 120 Feet</b>	
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



Typical examples of buildings in the Commercial Industrial Subdistrict.

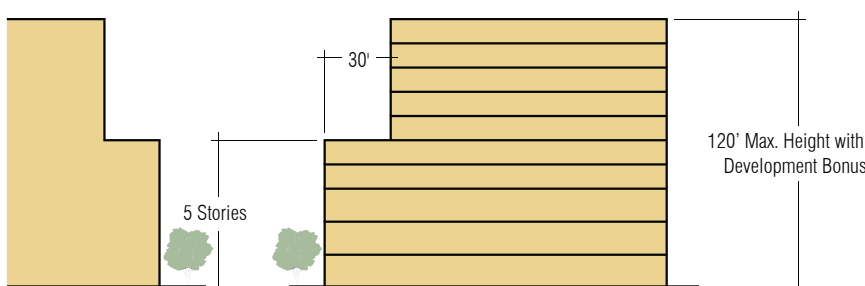


FIGURE 4 - ~~B-9~~ WMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS  
WAREHOUSE MIXED USE (WMU) SUBDISTRICT

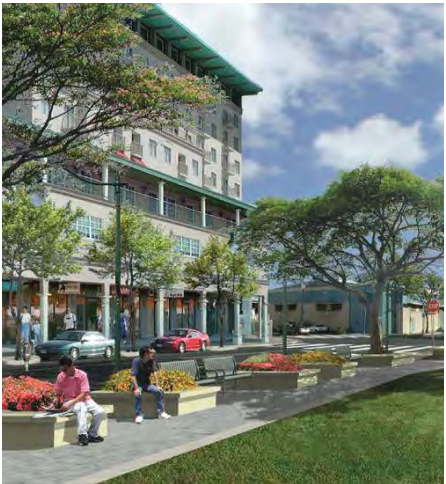
LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<b>Front and Street Side Upper-Story Building Facade Stepbacks:</b>	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

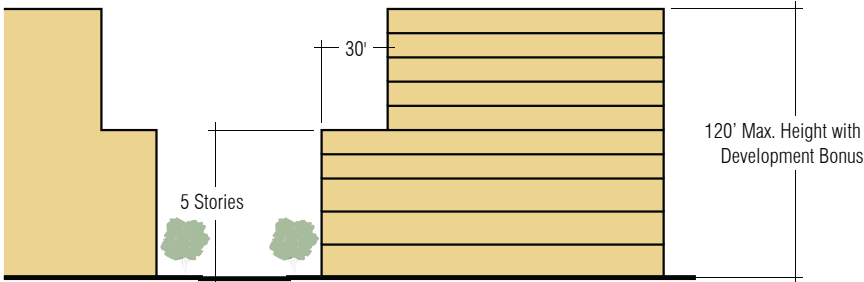
MAXIMUM IMPERVIOUS COVER
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property’s zoning prior to adoption of the this Document.)
<b>If located in a suburban watershed (Walnut Creek):</b>
Not applicable

FLOOR TO AREA RATIO
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>
Established on Figure 4-2 (Based on the maximum FAR allowed by the property’s zoning prior to adoption of this Document)
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus: 3:1</b>
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.

BUILDING HEIGHT
<b>Minimum Building Height:</b>
Not applicable
<b>Maximum Building Height by Right:</b>
Established on Figure 4-4 (Based on the maximum height allowed by the property’s zoning prior to adoption of this Document.)
<b>Maximum Building Height with Development Bonus: 120 Feet</b>
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.



Typical examples of buildings in the Warehouse Mixed Use Subdistrict.





Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

Figure 2-1: NBG ZONING DISTRICT LAND USE TABLE							
P = Permitted Use      C = Conditional Use      -- = Prohibited							
RESIDENTIAL USES	Transit-Oriented Development (TOD)	Commercial Mixed Use (CMU)	Neighborhood Mixed Use (NMU)	Neighborhood Residential (NR)	Warehouse Mixed Use (WMU)	Commercial Industrial (CI)	ADDITIONAL REQUIREMENTS
Bed & Breakfast (Group 1)	P	P	P	P	P	--	
Bed & Breakfast (Group 2)	P	P	P	P	P	--	
Condominium Residential	P	P	P	P	P	--	
Duplex Residential	--	--	--	P	--	--	
Group Residential	P	P	P	P	P	--	
Mobile Home Residential	--	--	--	--	--	--	
Multifamily Residential	P	P	P	P	P	--	
Retirement Housing (Small Site)	P	P	P	P	P	--	
Retirement Housing (Large Site)	P	P	P	P	P	--	
Single-Family Attached Residential	--	--	--	P	--	--	
Single-Family Residential	--	--	--	--	--	--	
Townhouse Residential	--	--	P	P	--	--	
Two-Family Residential	--	--	--	P	--	--	
COMMERCIAL USES	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Administrative and Business Offices	P	P	P	--	P	P	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict
Agricultural Sales and Services	--	--	--	--	--	P	
Art Gallery	P	P	P	P	P	P	

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
COMMERCIAL USES (Cont.)	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Art Workshop	P	P	P	P	P	P	
Automotive Rentals	P	P	P	--	P	P	A maximum of 10 fleet cars is allowed in the TOD and NMU subdistricts and a maximum of 20 fleet cars is allowed in the CMU, WMU, and CI subdistricts
Automotive Repair Services	--	P	--	--	P	P	
Automotive Sales	--	P	--	--	P	P	A maximum of 20 vehicles for sale or rental is allowed on the site. An existing automotive sales use in place prior to Nov. 1, 2007, located in a subdistrict in which the use is permitted, is not considered a non-conforming use and may exceed the 20-vehicle maximum established in this Document.
Automotive Washing (of any type)	--	--	--	--	P	P	
Bail Bond Services	--	--	--	--	--	--	
Building Maintenance Services	--	P	--	--	P	P	In CMU subdistrict use must be in an enclosed structure.
Business or Trade School	P	P	P	--	P	P	
Business Support Services	P	P	P	--	P	P	
Campground	--	--	--	--	--	--	
Carriage Stable	--	--	--	--	--	P	
Cocktail Lounge	C	C	C	--	C	--	
Commercial Blood Plasma Center	--	P	--	--	P	P	Permitted subject to LDC Section 25-2-803
Commercial Off-Street Parking	P	P	P	--	P	P	A commercial off-street parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one commercial off-street parking use site may be located within a single block. The use must meet all applicable design requirements in this Document.
Communications Services	P	P	P	--	P	P	
Construction Sales and Services	--	--	--	--	P	P	
Consumer Convenience Services	P	P	P	P	P	P	
Consumer Repair Services	P	P	P	P	P	P	
Convenience Storage	--	P	--	--	P	P	In the CMU Subdistrict, the use must be enclosed in a single building on the site with no direct entry to individual storage units from outside.

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
COMMERCIAL USES (cont.)	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Drop-Off Recycling Collection Facility	--	--	--	--	--	P	
Electronic Prototype Assembly	--	P	--	--	P	P	
Electronic Testing	--	P	--	--	P	P	
Equipment Repair Services	--	--	--	--	P	P	
Equipment Sales	--	--	--	--	--	P	
Exterminating Services	--	--	--	--	--	P	
Financial Services	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Food Preparation	P	P	P	--	P	P	
Food Sales	P	P	P	P	P	--	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Funeral Services	--	P	--	--	P	P	
General Retail Sales (Convenience)	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
General Retail Sales (General)	P	P	P	--	P	P	Use is limited to 50,000 sq. ft. gross floor area in TOD and NMU Subdistricts.
Hotel-Motel	P	P	--	--	P	--	
Indoor Entertainment	--	P	--	--	P	P	
Indoor Sports and Recreation	--	P	--	--	P	P	
Kennels	--	P	--	--	P	P	
Laundry Services	--	--	--	--	P	P	
Liquor Sales	P	P	P	--	P	--	
Marina	--	--	--	--	--	--	
Medical Offices -- exceeding 5,000 sq. ft. gross floor area	P	P	--	--	P	P	
Medical Offices -- not exceeding 5,000 sq. ft. gross floor area	P	P	P	C	P	P	
Monument Retail Sales	--	--	--	--	--	P	
Off-Site Accessory Parking	P	P	P	--	P	P	An off-street accessory parking use may not exceed one acre in site size. It may not be located within 100 feet of a corner. Not more than one off-site accessory parking use site may be located within a single block. The use must meet all applicable design requirements in this Document.

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use    C = Conditional Use    -- = Prohibited							
COMMERCIAL USES (cont.)	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Outdoor Entertainment	--	--	--	--	--	--	
Outdoor Sports and Recreation	--	P	--	--	--	--	
Pawn Shop Services	--	--	--	--	P	P	
Personal Improvement Services	P	P	P	P	P	--	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Personal Services	P	P	P	P	P	--	
Pet Services	P	P	P	P	P	P	
Plant Nursery	--	P	C	--	P	P	
Printing and Publishing	--	P	C	--	P	P	
Professional Office	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in the NR Subdistrict.
Recreational Equipment Maintenance & Storage	--	--	--	--	--	P	
Recreational Equipment Sales	--	--	--	--	--	P	
Research Assembly Services	--	--	--	--	--	--	
Research Services	--	P	C	--	P	P	
Research Testing Services	--	--	--	--	--	--	
Research Warehousing Services	--	--	--	--	--	--	
Restaurant (General)	P	P	P	--	P	P	
Restaurant (Limited)	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in NR Subdistrict.
Scrap and Salvage	--	--	--	--	--	C	
Service Station	--	P	P	P	P	P	A service station use may have the capability of fueling not more than eight vehicles at one time in the CMU, NMU, and NR subdistricts.
Software Development	P	P	P	P	P	P	Use is limited to 5,000 sq. ft. in the NR Subdistrict.
Special Use Historic	C	C	C	C	C	C	Use must comply with the requirements of LDC Section 25-2-807
Stables	--	--	--	--	--	--	
Theater	P	P	P	--	P	P	
Vehicle Storage	--	--	--	--	--	P	
Veterinary Services	P	P	P	--	P	P	A veterinary services use must be conducted entirely within an enclosed structure. Veterinary hospitals for livestock and large animals not permitted.

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
CIVIC USES	TOD	CMU	NMU	NR	WMU	CU	ADDITIONAL REGULATIONS
Administrative Services	P	P	P	--	P	P	Incidental maintenance of administrative services vehicles prohibited on site in TOD, CMU, NMU, and NR subdistricts.
Aviation Facilities	--	--	--	--	--	--	
Camp	--	--	--	--	--	--	
Cemetery	--	--	--	--	--	--	
Club or Lodge	--	C	--	--	C	C	
College and University Facilities	P	P	P	--	P	P	An existing use in place prior to Nov. 1, 2007 is not considered a non-conforming use.
Communication Service Facilities	P	P	P	P	P	P	
Community Events	--	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	C	
Community Recreation (Public)	P	P	P	P	P	C	
Congregate Living	P	P	P	P	P	--	
Convalescent Services	--	P	P	P	P	--	
Convention Center	--	--	--	--	--	--	
Counseling Services	P	P	P	C	P	--	
Cultural Services	P	P	P	C	P	--	
Day Care Services (Commercial)	P	P	P	P	P	--	
Day Care Services (General)	P	P	P	P	P	--	
Day Care Services (Limited)	P	P	P	P	P	--	
Detention Facilities	--	--	--	--	--	--	
Employee Recreation	--	--	--	--	P	P	
Family Home	P	P	P	P	P	--	
Group Home, Class I (Limited)	P	P	P	P	P	C	
Group Home, Class I (General)	P	P	P	C	P	C	
Group Home, Class II	C	P	C	C	P	C	
Guidance Services	P	P	P	--	P	--	
Hospital Services (Limited)	P	P	P	C	P	--	

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
CIVIC USES (cont.)	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REGULATIONS
Hospital Services (General)	--	C	C	--	C	--	
Local Utility Services	P	P	P	P	P	P	
Maintenance and Service Facilities	--	--	--	--	C	P	
Major Utility Facilities	--	--	--	--	--	C	
Military Installations	--	--	--	--	--	--	
Park and Recreation Services (General)	P	P	P	P	P	--	
Park and Recreation Services (Special)	--	--	--	--	--	--	
Postal Facilities	P	P	P	P	P	P	Use is limited to 5,000 gross sq. ft. in all Subdistricts except CI.
Private Primary Educational Facilities	P	P	P	P	P	--	
Private Secondary Educational Facilities	P	P	P	P	P	--	
Public Primary Educational Facilities	P	P	P	P	P	--	
Public Secondary Educational Facilities	P	P	P	P	P	--	
Qualified Community Garden	P	P	P	P	P	--	Subject to LDC Section 8-4
Railroad Facilities	--	--	--	--	--	P	
Religious Assembly	P	P	P	P	P	P	
Residential Treatment	C	P	C	C	P	--	
Safety Services	P	P	P	C	P	P	
Telecommunication tower	P	P	P	P	P	P	Subject to LDC Section 25-2-839 (13-2-235 and 13-2-273). A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited in TOD, CMU, NMU, and NR subdistricts
Transitional Housing	--	C	--	--	C	--	
Transportation Terminal	P	P	P	C	P	P	All private transportation terminals are conditional in all NBG Subdistricts.

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
INDUSTRIAL USES	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Basic Industry	--	--	--	--	--	P	
Custom Manufacturing	P	P	P	C	P	P	
General Warehousing and Distribution	--	--	--	--	--	P	
Light Manufacturing	--	--	--	--	P	P	In the WMU Subdistrict, use may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside an enclosed structure.
Limited Warehousing and Distribution	--	--	--	--	P	P	In the WMU Subdistrict, use may not produce noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside an enclosed structure.
Recycling Center	--	--	--	--	--	P	
Resource Extraction	--	--	--	--	--	--	
Stockyards	--	--	--	--	--	--	
AGRICULTURAL USES	TOD	CMU	NMU	NR	WMU	CI	ADDITIONAL REQUIREMENTS
Animal Production	--	--	--	--	--	--	
Crop Production	--	--	--	--	--	--	
Horticulture	--	--	--	--	--	--	
Support Housing	--	--	--	--	--	--	
Urban Farm	--	C	C	--	C	--	

Figure 4.5 Growth Concept Map

