

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0101(Verde Square)

DISTRICT: 7

ADDRESS: 10401 1/2, 10431, 10435, 10505, and 10509 Burnet Road

ZONING FROM: NBG-CMU-NP

TO: NBG-CMU(Gateway Zone)-NP

SITE AREA: 6.22 acres

PROPERTY OWNER: 27 Real Estate Ventures, L.P. (J. Anthony Precourt)

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

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

STAFF RECOMMENDATION:

**Staff recommends NBG-CMU-NP, North Burnet/Gateway-Commercial Mixed Use-Gateway Zone-Neighborhood Plan, district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**August 24, 2021**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of five vacant parcels that make up a 6+ acre site fronting onto Burnet Road. It is located to the west of the Q2 Soccer Stadium (home of the Austin FC) and is bisected by Bright Verde Way, which runs east-west through the property and provides access from Burnet Road to the stadium. The lot to the north is zoned NBG-CMU-NP and contains a billboard, a surface parking area and an automotive repair use (Discount Tire). To the south, there is the Travis County Precinct 2 office, construction sales and services uses (Lighting Inc., Austin Window Fashions, Affinity Design), a multifamily complex (Windsor Burnet), and office/warehouse development (McKalla Business Park) that are also zoned NBG-CMU-NP. To the east of this site is an outdoor entertainment use (Q2 Stadium) zoned LI-PDA-NP. Across Burnet Road to the west, there is a research and development use (University of Texas JJ Pickle Research Campus).

The applicant is requesting to rezone the property from NBG-NP (CMU Subdistrict) to NBG-NP (CMU-Gateway Zone Subdistrict) to redevelop the site with a mixed-use project that will include approximately 386,000 square feet of office space, 33,900 square feet of retail uses, a 160-key hotel, and 280 multi-family residential units (please see Applicant's Request Letter-Exhibit C). The CMU subdistrict allows an FAR of 3:1 and a maximum building height of up to 180 feet, with development bonuses. Whereas the CMU-Gateway Zone subdistrict allows for an FAR of 8:1 and a maximum building height of up to 308 feet, with development bonuses (please see North Burnet Gateway - CMU subdistrict General Site Development Standards-Exhibit D). Therefore, the proposed CMU-Gateway Zone subdistrict will allow for higher height and density development on this property adjacent to the new Austin FC Soccer Stadium.

The staff is recommending the applicant's request of North Burnet Gateway-Neighborhood Plan (CMU-Gateway Zone Subdistrict) zoning because the proposed zoning is compatible and consistent with the surrounding zoning and uses in this area. The gateway zones in the North Burnet Gateway Regulating Plan are in areas within close proximity to a transit. Gateway zones are connected to the designated Transit Corridors and allow for greater height and density due to the location to a rail station. The site under consideration fronts onto/takes access to Burnet Road, which is classified as a NBG Core Transit Corridor. These parcels of land are in close proximity to the existing Kramer Metro Rail Station located at the southeast corner of Kramer Lane and Brockton Lane.

This site under consideration is located near major employment, commercial and residential developments such as The Domain, J.J. Pickle Research Campus, IBM-Broadmoor Campus, Charles Schwab complex, etc. and the new Q2 stadium. Capital Metro plans to develop a new commuter rail infill station along McKalla Place adjacent to Q2 Stadium to increase transit access in this area in 2022.

The applicant agrees with the staff's recommendation.

### BASIS OF RECOMMENDATION:

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

North Burnet/Gateway 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.

Commercial Mixed Use subdistrict is a high density mixed use sub district in the NBG Zoning District. It allows for development such as high density residential, high rise office, and entertainment complexes, destination retail and large scale civic 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 NBG-NP (CMU-Gateway Zone) district because the proposed zoning is consistent with the intent of the North Burnet Gateway 2035 Master Plan, which supports the development of a mixture of high-density residential uses, commercial and civic uses to be developed on the property in question. The location of the site is appropriate for the proposed intensity of uses because the property in fronts onto Burnet Road, an arterial roadway and designated NBG Core Transit Corridor. The subject property is located within the boundaries of a "Regional Center" as designated on the Growth Concept Map in the Imagine Austin Comprehensive Plan.

3. *Zoning changes should promote an orderly relationship among land uses.*

NBG-NP (CMU-Gateway Zone) district zoning will be compatible with the surrounding residential, commercial and industrial land uses. There is NBG-CMU-NP zoning to the north and south of this site. This location is appropriate for NBG-NP (CMU-Gateway Zone) district zoning because the site is near the southeast intersection of two major arterial roadways, W. Braker Lane and Burnet Road, that are designated as NBG Core Transit Corridors and the Missouri Pacific Railroad.

4. *The proposed zoning should allow for a reasonable use of the property.*

The NBG-CMU-NP zoning district would allow for a fair and reasonable use of the site. The proposed CMU-Gateway Zone subdistrict will allow for high-density residential uses, which will provide desirable housing opportunities for the people that work in the surrounding office, commercial and industrial areas. This site is located near major employment, commercial and residential developments such as The Domain, J.J. Pickle Research Campus, IBM-Broadmoor Campus, Charles Schwab complex, etc. and a large outdoor entertainment use (Q2 Stadium) and is within the vicinity of the existing Kramer

Metro Rail Station located at the southeast corner of Kramer Lane and Brockton Lane. There is a Capital Metro bus stop (6456 for MetroRapid 803) located directly in front of the subject property, on Burnet Road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NBG-NP (North Burnet/Gateway-Commercial -Mixed Use Subdistrict-Neighborhood Plan)	Currently Vacant - formerly Equipment Rental (Rent Equip), Automotive Repair (AMM Collision Center), Retail Center (Research Square)
<i>North</i>	NBG-NP (North Burnet/Gateway-Commercial -Mixed Use Subdistrict-Neighborhood Plan)	Automotive Repair Services (Discount Tire), Parking Area, Billboard
<i>South</i>	NBG-NP (North Burnet/Gateway-Commercial -Mixed Use Subdistrict-Neighborhood Plan)	Travis County Precinct 2, Construction Sales and Services (Lighting Inc., Austin Window Fashions, Affinity Design), Multifamily (Windsor Burnet), Office/Warehouse (McKalla Business Park: Devlyn Optical, Digerati Audio Video Systems, 11 <sup>th</sup> Hour Escape, Texas Systems Group, Guard Texas, PSI Professional Service Industries, Elgin Butler, Tradestar, etc.)
<i>East</i>	LI-PDA-NP	Outdoor Entertainment (Q2 Stadium), Missouri Pacific Rail Line
<i>West</i>	NBG-NP (North Burnet/Gateway-Commercial-Mixed Use Subdistrict-Neighborhood Plan)	Research and Development (JJ Pickle Research Campus)

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  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association  
Neighborhood Empowerment Foundation  
North Growth Corridor Alliance  
North Burnet/Gateway Neighborhood Plan Staff Liaison  
SELTEXAS  
Shoal Creek Conservancy  
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0128 (NBG Austin Energy Substation Rezoning: 2412 Kramer Lane)	NBG-TOD-NP to P	1/26/21: Approved staff's recommendation of P district zoning (12-0, A. Azhar-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> ).	February 4, 2021: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20210204-058 for public (P) district zoning was approved on Council Member Pool's motion, Council Member Tovo's second on an 11-0 vote.
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 the Transportation Impact Analysis (TIA) with the site plan process, if practical (Vote: 11-2, K. McGraw and P.	6/06/19: The public hearing was conducted and a 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

		Seeger-No); G. Anderson-1 <sup>st</sup> , C. Kenny- 2 <sup>nd</sup> .	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	8/0916: 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-	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> .

	acre of designated zero impervious 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,

			<p>the Domain Shopping Center Section 3 Subdivision.”; 2) Add a new paragraph to Part 3, Section D to read: “The two 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</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</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>

	feet to be constructed on the portion of the Domain property 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.	Bicycle Program for the property.	
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>	3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1 <sup>st</sup> , Dunkerley-2 <sup>nd</sup> .
C14-06-0154	MI-PDA to MI-PDA	8/08/06: Approved staff rec. of MI-PDA by consent (8-0)	<p>09/28/06: Approved MI-PDA (7-0); 1<sup>st</sup> reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>

C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).	12/16/04: Approved MI-PDA (7-0); all 3 readings
C14-04-0146	P to CH	11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0)	12/2/04: Approved CH zoning (7-0); all 3 readings
C14-03-0017	MI-PDA to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off 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 Rezonings)

SP-2020-0160D (Site Plan Case)

C8s-66-133; C8s-74-118; C8s-74-260; C8s-80-0098 (Subdivision Cases)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Road	120'	130'	60'	3	No	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning**North Burnet Gateway Regulating Plan (NBG)**

The property located within the Commercial Mixed-Use Sub-District (CMU) at 10401 ½. 10431, 10435. 10505, 10509 Burnet Road. The applicant is requesting to rezone the property from (NBG-NP Commercial Mixed Use (CMU) to Commercial Mixed Use-Gateway Zone. Intended use if the site is a mixed-use project consisting of office, retail, hotel, multi-family residential.

- The change will allow for an increase in building height from 180 Feet to 308 Feet
- The change will allow for an increase in FAR from 3:1 to 8:1
- Property is located along a Core Transit Corridor (CTC), which is intended to have sufficient population density, a mix-uses, and transit. Moreover, other areas along the CTC are zoned for the Gateway Zone within either the TOD or CMU sub-districts.
- Increased entitlements support the vision of Capital Metro's plan to build an additional rail station adjacent to the Soccer stadium.

Based on the information above, Staff believes that the requested change to rezone is supported by the North Burnet Regulating plan.

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

Approved.

Includes 10401 1/2, 10431, 10435, 10505, and 10509 Burnet Road. 6.218 acres from NBG-NP (Undeveloped) to NBG-NP (Mixed Use). Evaluated location in relation to 2500 Rutland Drive (Capital Scientific), 2300 Rutland Drive (SPEC Building Materials), 10503 Metropolitan Drive (PSI Urethanes), 2200-2311 Denton Drive and 2100-2320 Donley Street.

### Parks and Recreation

Parkland dedication will be required for the new residential units and hotel keys proposed by this development, multifamily and hotel with NBG-NP "Gateway Zone Subdistrict" 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, as well as requirements for the North Burnet Gateway Regulating Plan. 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).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov).

### Site Plan

Any new development is subject to the North Burnet Gateway Regulating Plan. Additional comments will be made when the site plan is submitted.

This section of Burnet Road is a TxDOT right-of-way. A Development Assessment may be necessary prior to Site Plan submittal to determine if any Alternative Equivalent Compliance is necessary for the building frontages.



### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 130' right-of-way for Burnet Road. It is recommended that 65 feet of right-of-way from the existing centerline should be dedicated for Burnet Road according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first. The Austin FC Soccer Stadium, which includes Bright Verde Way, bisects the property, and provides access to Burnet Road.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if trigger per LDC 25-6-113.

### 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.

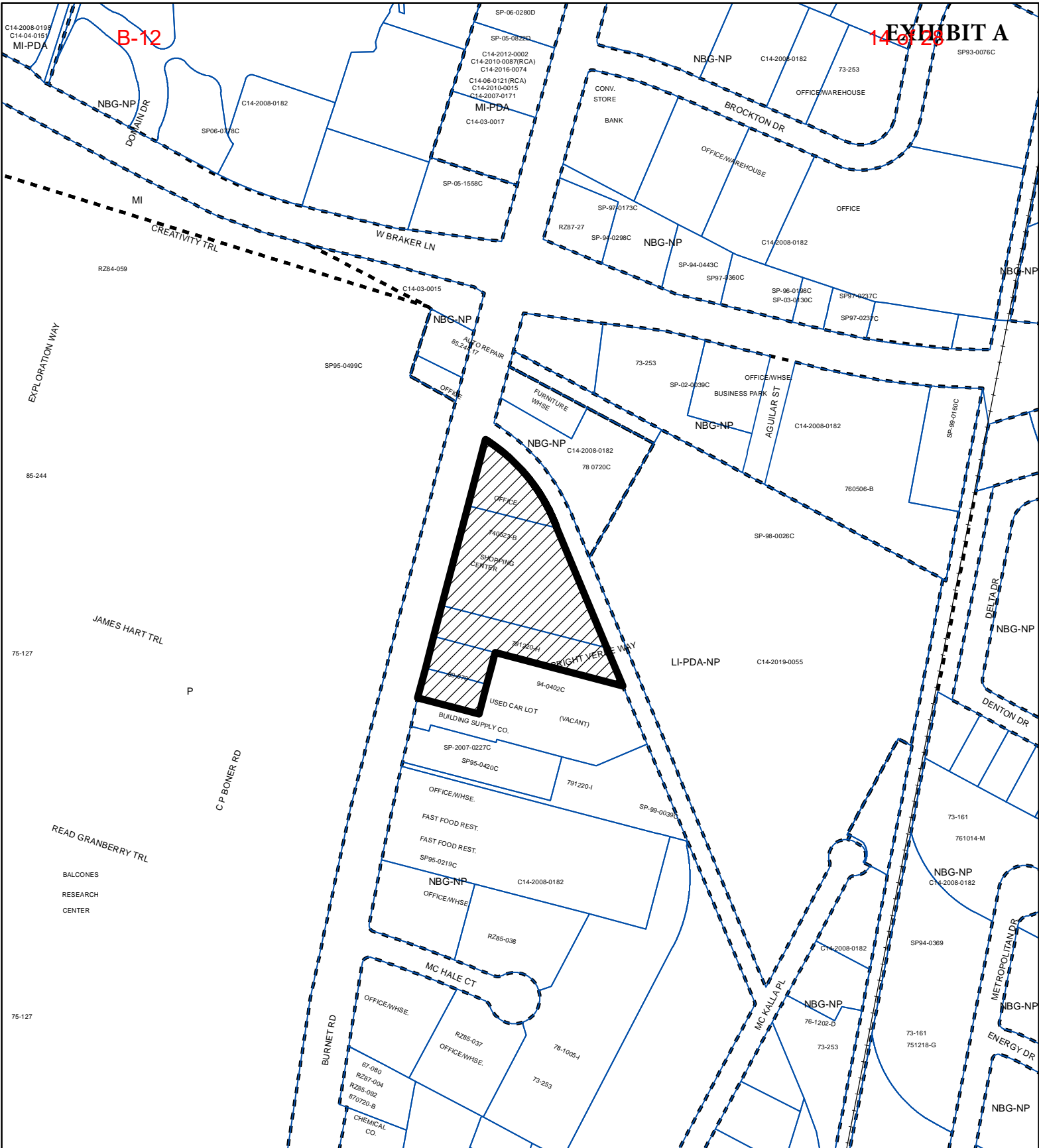
Depending on the development plans submitted, water and or wastewater service extension requests may be required.

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
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## ZONING

ZONING CASE#: C14-2021-0101

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

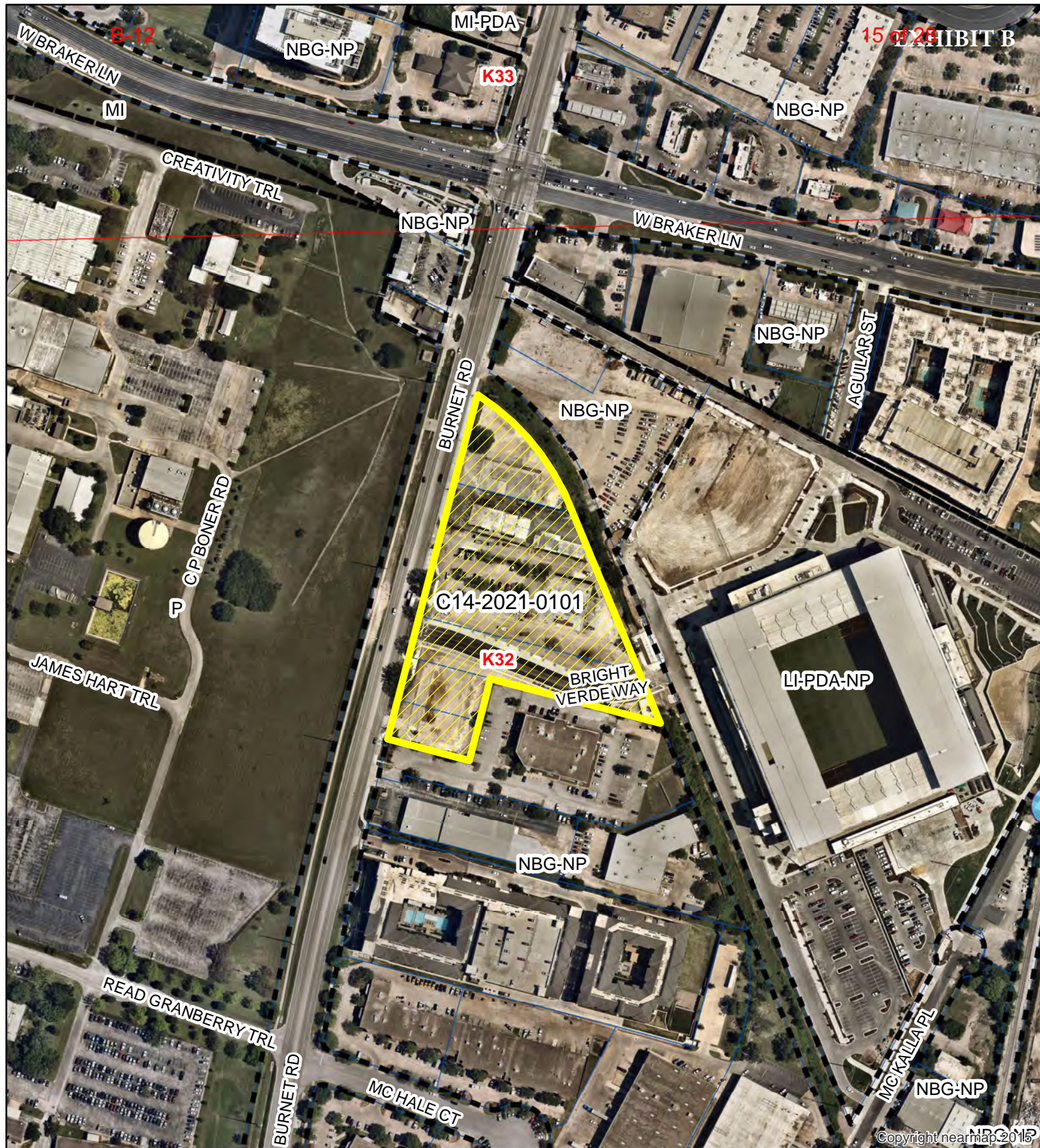
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This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 6/17/2021





### Verde Square

ZONING CASE#: C14-2021-0101  
 LOCATION: 10401-1/2, 10431, 10435, 10505,  
 and 10509 Burnet Road  
 SUBJECT AREA: 6.218 Acres  
 GRID: K32  
 MANAGER: Sherri Sirwaitis



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1" = 300'

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.



**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

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Richard T. Suttle, Jr.  
(512) 435-2310  
*rsuttle@abaustin.com*

May 25, 2021

Rosie Truelove, Director  
City of Austin Housing & Planning Department  
1000 E. 11th Street, Suite 200  
Austin, Texas 78702

Re: Zoning Application for property located at 10401 ½, 10431, 10435, 10505, & 10509 Burnet Road, also known as TCAD Parcel No. 0252080802; 0252080803, and 0252080804 (the "Application")

Dear Ms. Truelove:

This letter, along with the Application is submitted to rezone ±6.218 acres of land located at 10401 1/2 , 10431, 10435, 10505, & 10509 Burnet Road (the "Property").

The Property is zoned North Burnet Gateway District – Neighborhood Plan Combining District (NBG-NP) and is subject to the Regulating Plan for the North Burnet/Gateway Zoning District (the "Regulating Plan") adopted on March 12, 2009. The Property is located within the Commercial Mixed Use ("CMU") subdistrict which is a high density mixed use subdistrict appropriate for high rise residential, major employers, destination retail, and large scale civic uses. The Property has frontage along Burnet Road which is classified as a NBG Core Transit Corridor. The Property is comprised of five (5) tracts of land all of which are vacated.

The Property is adjacent to the Austin FC Soccer Stadium and is bisected by Bright Verde Way which runs east-west through the Property and provides access from Burnet Road to the Austin FC Soccer Stadium. The intended use of the site is for a mixed-use project that will include the development of approximately ±386,000 SF of office space, ±33,900 SF of retail, a 160 key hotel, and 280 multi-family units (the "Project"). In order to facilitate development of the Project, this Application seeks to rezone the Property from NBG-NP (CMU Subdistrict) to NBG-NP (CMU-Gateway Zone Subdistrict).

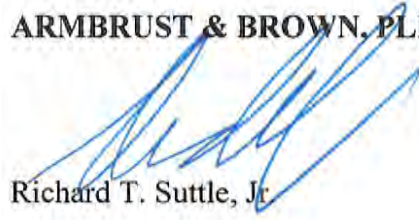
We believe increased entitlements for this site is in keeping with Cap Metro's plan to construct a rail station along Mc Kalla Place adjacent to the Austin FC Soccer Stadium.

ARMBRUST & BROWN, PLLC  
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Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2310.

Very truly yours,

**ARMBRUST & BROWN, PLLC**



Richard T. Suttle, Jr.

cc: Sherri Sirwaitis  
Mike McGlashan  
Joe Prochot  
Amanda Morrow  
Amanda Surman

FIGURE 4 - 1 CMU:NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS

## COMMERCIAL MIXED USE (CMU) 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.	

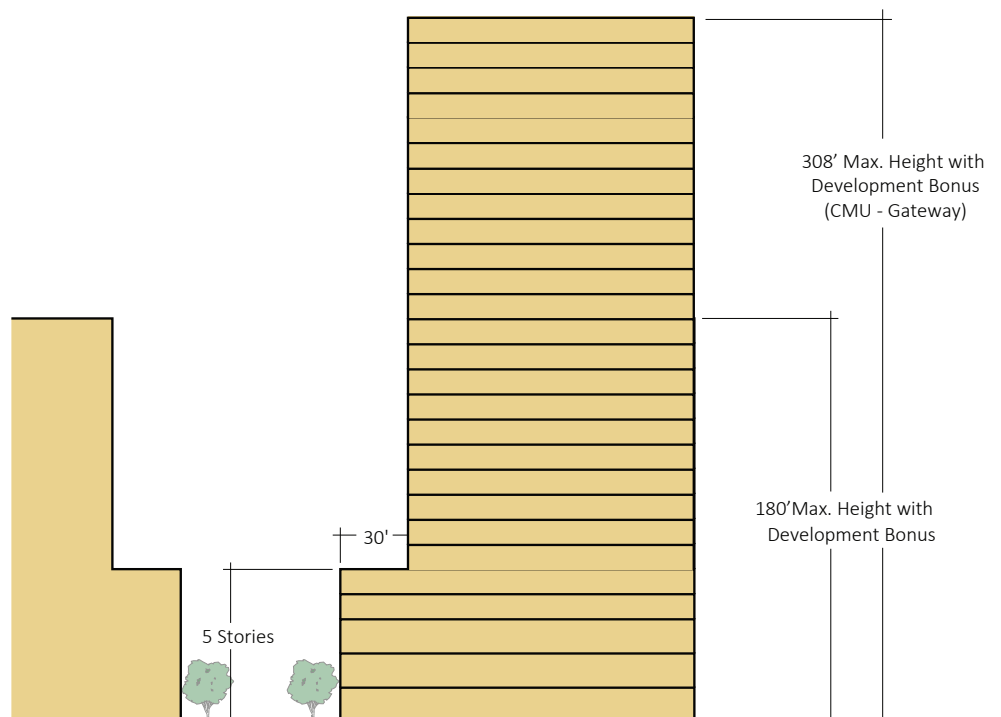
MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*:</b> 80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

PLATTING REQUIREMENTS	
<b>If located in the CMU Gateway Zone:</b>	
Section 24-4-171( <i>Access to Lots</i> ) of the City Code is modified to permit a lot to abut a dedicated public street or a Major Internal Drive.	

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:</b>	
CMU Zone	3:1
CMU Gateway Zone	8:1
This FAR 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 Mixed Use Subdistrict.



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*:</b>	
CMU Zone	180 Feet
CMU Gateway Zone	308 Feet
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.	
<b>*Exception:</b> If adjacent to or across the street from NR Subdistrict the maximum height is 120 feet.	

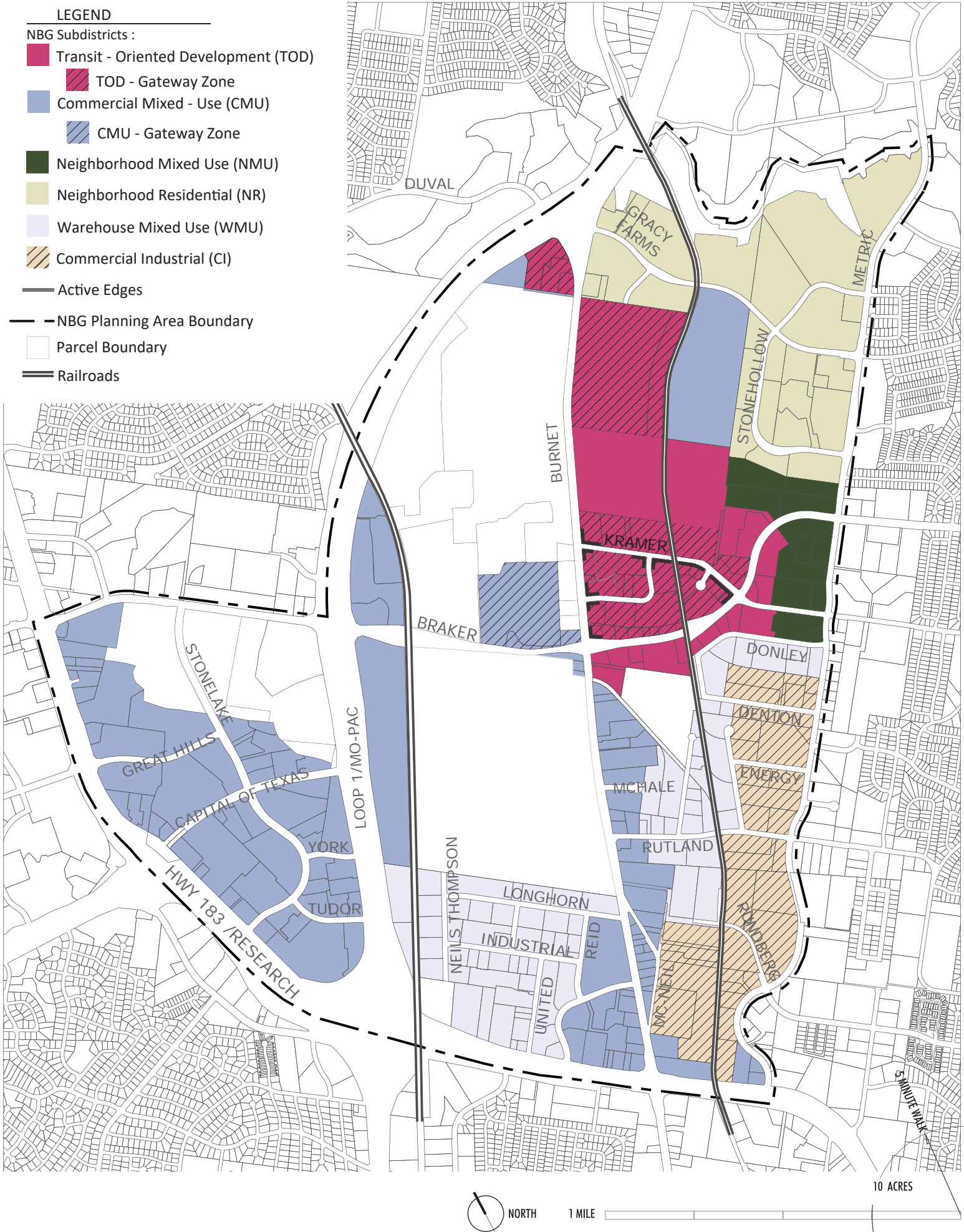




Figure 1-3 : North Burnet / Gateway (NBG) Zoning District  
B-12 Roadway Types Map

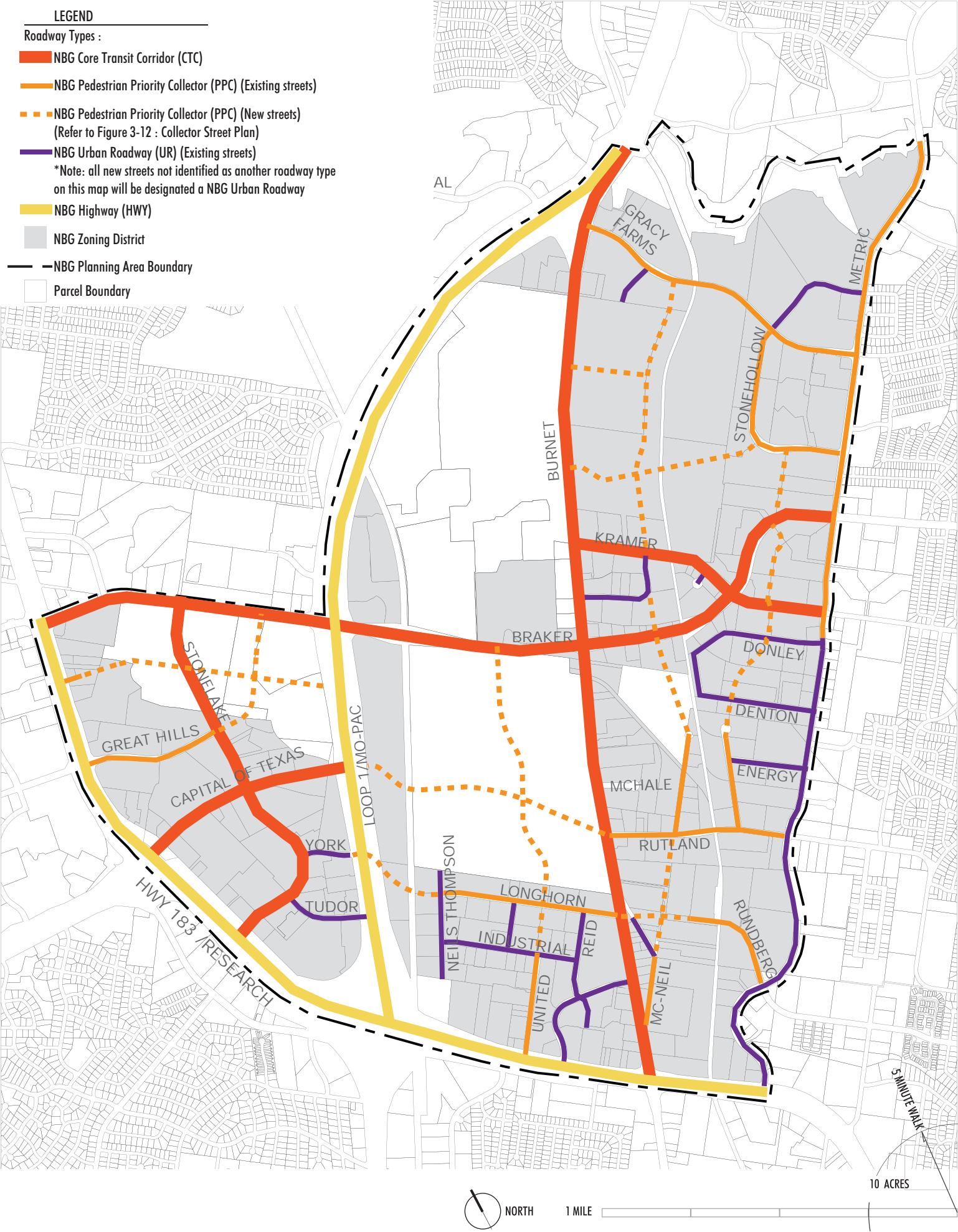




Figure 4-2 : Maximum Floor - to - Area - Ratio (FAR) by Right (with no Development Bonus)

B-12



Figure 4-3 : Maximum Floor - to - Area- Ratio (FAR) with Development Bonus

B-12

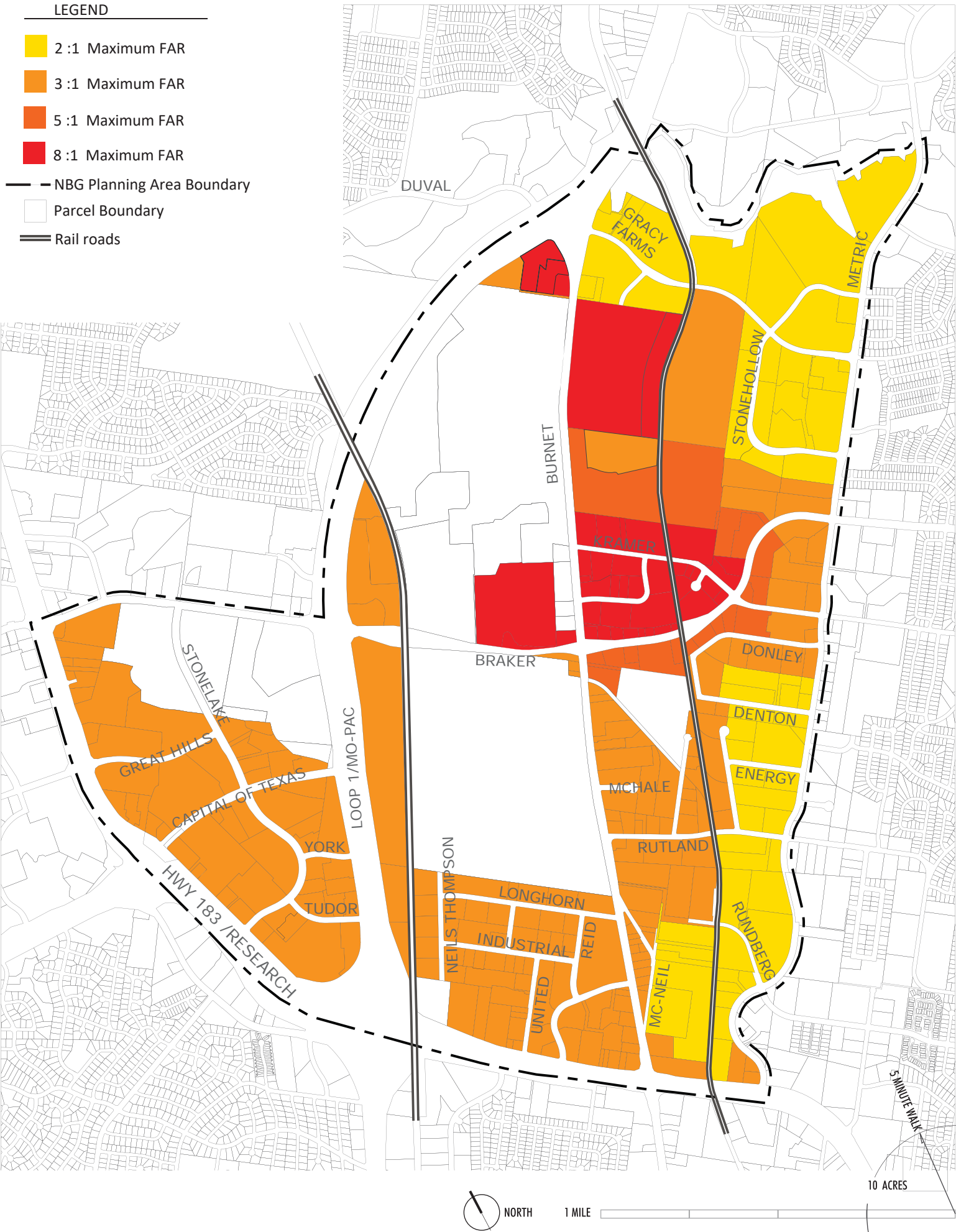


Figure 4 - 4 : Maximum Height by Right (with no Development Bonus)

B-12

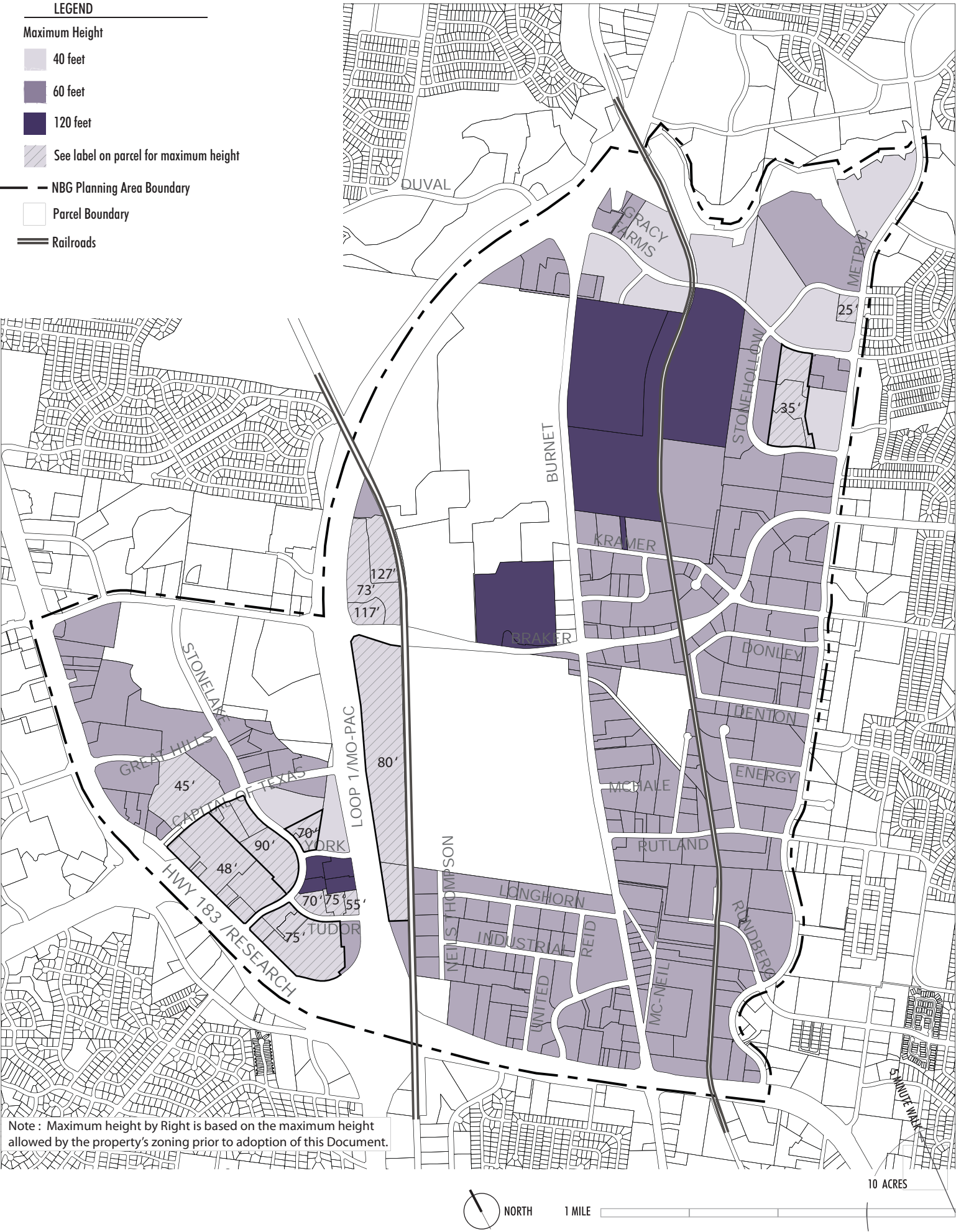




Figure 4-5: Maximum Height with Development Bonus

B-12

Maximum Height

60 feet

120 feet

180 feet

240 feet

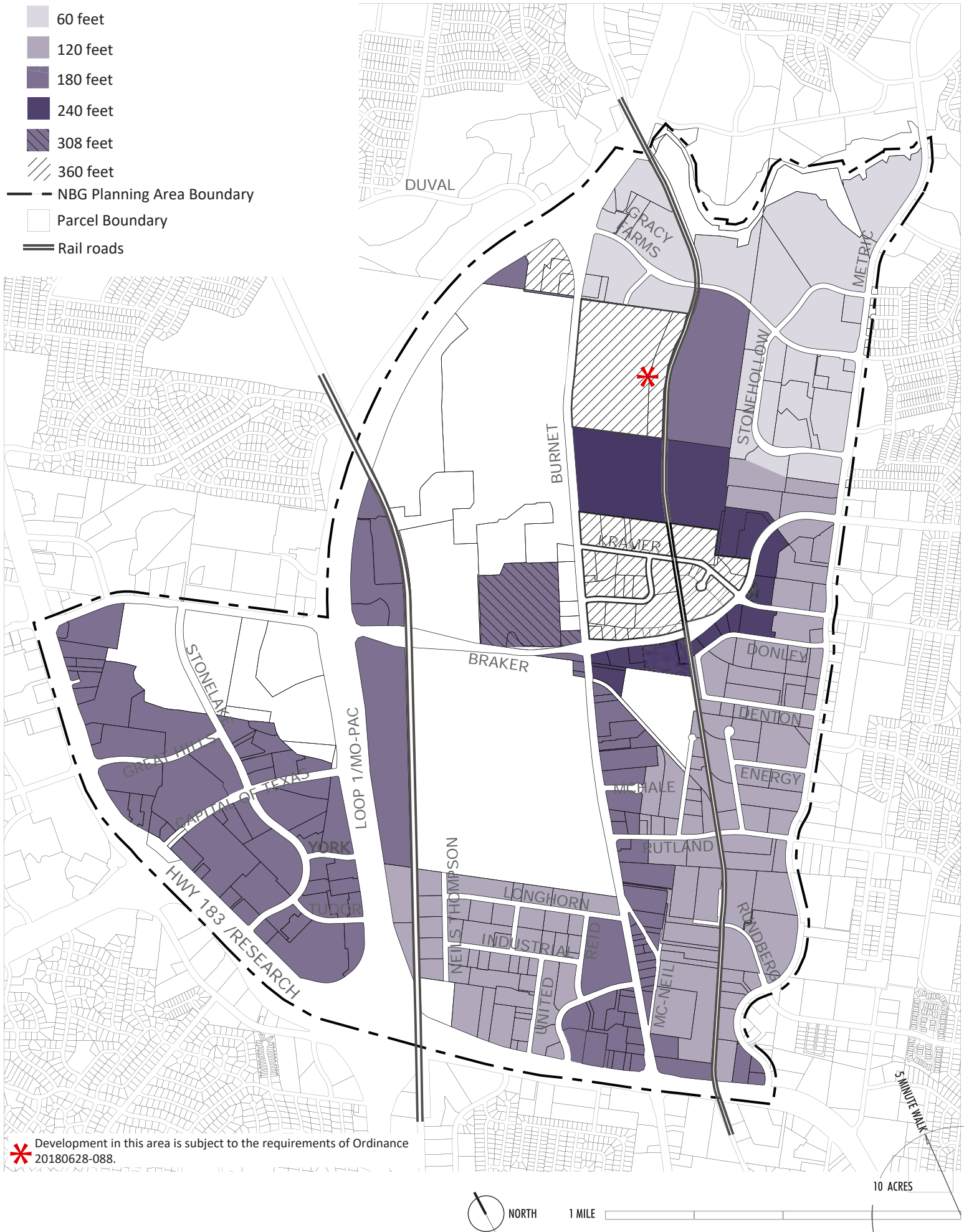
308 feet

360 feet

--- NBG Planning Area Boundary

□ Parcel Boundary

== Rail roads



## EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School DistrictPROJECT NAME: Verde SquareADDRESS/LOCATION: 10401 ½, 10431, 10435, 10505, and 10509 Burnet Rd.CASE #: C14-2021-0101☐ NEW SINGLE FAMILY☐ DEMOLITION OF MULTIFAMILY☒ NEW MULTIFAMILY☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION

Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 280 STUDENTS PER UNIT ASSUMPTION

Elementary School: 0.005 Middle School: 0.003 High School: 0.004

## IMPACT ON SCHOOLS

The student yield factor of 0.012 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer.

The proposed 280-unit multifamily development is projected to add approximately 5 students across all grade levels to the projected student population. It is estimated that of the 5 students, 2 will be assigned to Pillow Elementary School, 1 to Burnet Middle School, and 2 to Anderson High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be over the optimal utilization target range of 85-110% at Pillow ES (117%) and below the target range at Burnet MS (78%) and Anderson HS (78%). The projected additional students at Burnet MS and Anderson HS would not offset the anticipated decline in student enrollment. The enrollment at Pillow ES will need to continue to be closely monitored to determine appropriate timing and strategies to address overcrowding.

## TRANSPORTATION IMPACT

Students attending Pillow ES, Burnet MS and Anderson HS will qualify for transportation and no additional buses would be needed.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 07/27/2021

Executive Director: \_\_\_\_\_

DocuSigned by:  
Beth Wilson  
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# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Pillow

ADDRESS: 3025 Crosscreek Drive

PERMANENT CAPACITY: 449

MOBILITY RATE: -4.9%

#### POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	431	555	557
% of Permanent Capacity	96%	124%	124%

#### ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	410	524	526
% of Permanent Capacity	91%	117%	117%

### MIDDLE SCHOOL: Burnet

ADDRESS: 8401 Hathaway St.

PERMANENT CAPACITY: 1,039

MOBILITY RATE: -14.7%

#### POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,107	980	981
% of Permanent Capacity	107%	95%	95%

#### ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	944	810	811
% of Permanent Capacity	91%	78%	78%

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## HIGH SCHOOL: Anderson

ADDRESS: 8403 Mesa Drive

PERMANENT CAPACITY: 2,478

MOBILITY RATE: +3.4%

### POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,168	1,862	1,864
% of Permanent Capacity	88%	75%	75%

### ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,242	1,935	1,937
% of Permanent Capacity	90%	78%	78%

Note: Should additional backup be submitted after the online publishing of this staff report, it may be found at the following link:

[http://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/40\\_1.htm](http://www.austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm)