

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0045 (10321 and 10401 Burnet Road) DISTRICT: 7

ADDRESS: 10321 and 10401 Burnet Road

ZONING FROM: NBG-CMU-NP

TO: NBG-CMU(Gateway Zone)-NP

SITE AREA: Tract 1: 1.8388 acres

Tract 2: 1.4974 acres

3.3362 acres

PROPERTY OWNER: Thom Interests LLC (Tract 1) and G B T & D LTD (Tract 2)

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, 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:

May 10, 2022 - Approve Staff recommendation.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is developed with construction sales and services and general retail sales uses (Lighting Inc., Austin Window Fashions, Affinity Design) that are zoned NBG-CMU-NP. The lots to the north are currently undeveloped and were rezoned to NBG-CMU(Gateway Zone)-NP through zoning case C14-2021-0101 (Verde Square) last year. To the east of this site is an outdoor entertainment use, with surface parking (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 tract of land to the south fronting Burnet Road is developed with a multifamily use (Windsor Burnet).

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 additional residential density (*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)	Construction Sales and Services (Lighting Inc., Austin Window Fashions, Affinity Design, Austin Fine Floors)
<i>North</i>	NBG-NP (North Burnet/Gateway-Commercial -Mixed Use Subdistrict-Gateway Zone-Neighborhood Plan)	Currently Vacant - formerly Equipment Rental (Rent Equip), Automotive Repair (AMM Collision Center), Retail Center (Research Square), Travis County Precinct 2 Office/Travis County Constable
<i>South</i>	NBG-NP (North Burnet/Gateway-Commercial -Mixed Use Subdistrict-Neighborhood Plan)	Multifamily Complex (Windsor Burnet), Office/Warehouse (McKalla Business Park: Devlyn Optical, Digerati Audio Video Systems, 11 th 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 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
C14-2021-0101(Verde Square: 10401 1/2, 10431, 10435, 10505, and 10509 Burnet Road)	NBG-CMU-NP to NBG-CMU (Gateway Zone)-NP	8/24/21: Approved staff's recommendation for NBG-CMU(Gateway)-NP zoning by consent (11-0); C. Hempel-1st, R. Schneider - 2nd.	9/30/21: The public hearing was conducted and a motion to close the public hearing and approve NBG-CMU-Gateway Zone-NP district zoning (was approved on Council Member Renteria's motion, Council Member Ellis' second on an 11-0 vote.
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 st , P. Seeger-2 nd .	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. Seeger-No); G. Anderson-1 st , C. Kenny- 2 nd .	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 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 st , J. Shieh-2 nd .	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 st , N. Zaragoza-2 nd .	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 st , S. Cole-2 nd .
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 st , B. Roark-2 nd .	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 st , S. Cole-2 nd .
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	5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1 st , S. Kirk-2 nd .	6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 st , S. Cole-2 nd .

	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 rd 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 st , Spelman-2 nd , 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 nd /3 rd readings (7-0); Spelman-1 st , Leffingwell-2 nd , 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,

			<p>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 feet to be constructed on the portion of the</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"> 1) This request is a special circumstance because the property is located with a PDA overlay district. 2) This approval is in accordance with the North Burnett/Gateway Neighborhood Plan. 3) The approval for this case allows for the inclusion of the recommendations of the City of Austin Bicycle Program for the property. 	<p>10/14/10: Approved MI-PDA zoning on all 3 readings on consent (7-0); Spelman-1st, Cole-2nd, 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>

	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.		
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"> • 2 star Green Building rating • natural landscaping of all water quality ponds (existing and future); • be in compliance with TIA conditions; • the applicant's requested parkland dedication proposal; • 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. • Maximum height of 308 feet. <p>Vote: (9-0); J.Reddy-1st, G. Stegeman-2nd.</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 st , Dunkerley-2 nd .
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); 1st reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2nd/3rd 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"> 1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size. 2) The total number of additional curb cuts on Braker Lane & Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots. 3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road. 	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

RELATED CASES:

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

C14-2007-0157

C14-73-253

SP-2007-0227C (Site Plan Case)
C8-95-0261.0A (Subdivision Cases)

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd.	Level 3	130'	123'	58'	Yes	No	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

Approved. No comments.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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

AFD has no jurisdiction over the land to the west of the site and as such has no information on the storage of hazardous materials at this site. What chemicals might be stored there was not considered in AFD's evaluation.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with NBG-CMU (gateway), per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acre of additional parkland, per requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). As such, land dedication would be required, unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

If the land available for dedication complies with the parks standards, the Parks and Recreation Department (PARC) would consider a community park toward satisfying the requirement at time of permitting (whether subdivision or site plan). The dedication would advance the needs for the North Burnet Gateway Regulating Plan, which states that the area has a increased need for parkland given the higher density.

Should there be any remaining fees in-lieu, 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. At the applicant's request, PARC can provide an early determination letter of the requirements.

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

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 130 feet of right-of-way for Burnet Rd. It is recommended that 65 feet of right-of-way from the existing centerline should be dedicated for Burnet Rd. according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6- 51 and 25-6-55].

Transportation Assessment

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 application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

FYI TIA. Street Impact Fee Ordinances 20201220-061

[<https://www.austintexas.gov/edims/document.cfm?id=352887>] and 20201210-062

[<https://www.austintexas.gov/edims/document.cfm?id=352739>] have been adopted by City Council and are effective as of December 21, 2020. The City shall start collecting street impact fees with all building permits issued on or after June 21, 2022. For more information please visit the Street Impact Fee website [austintexas.gov/streetimpactfee].

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

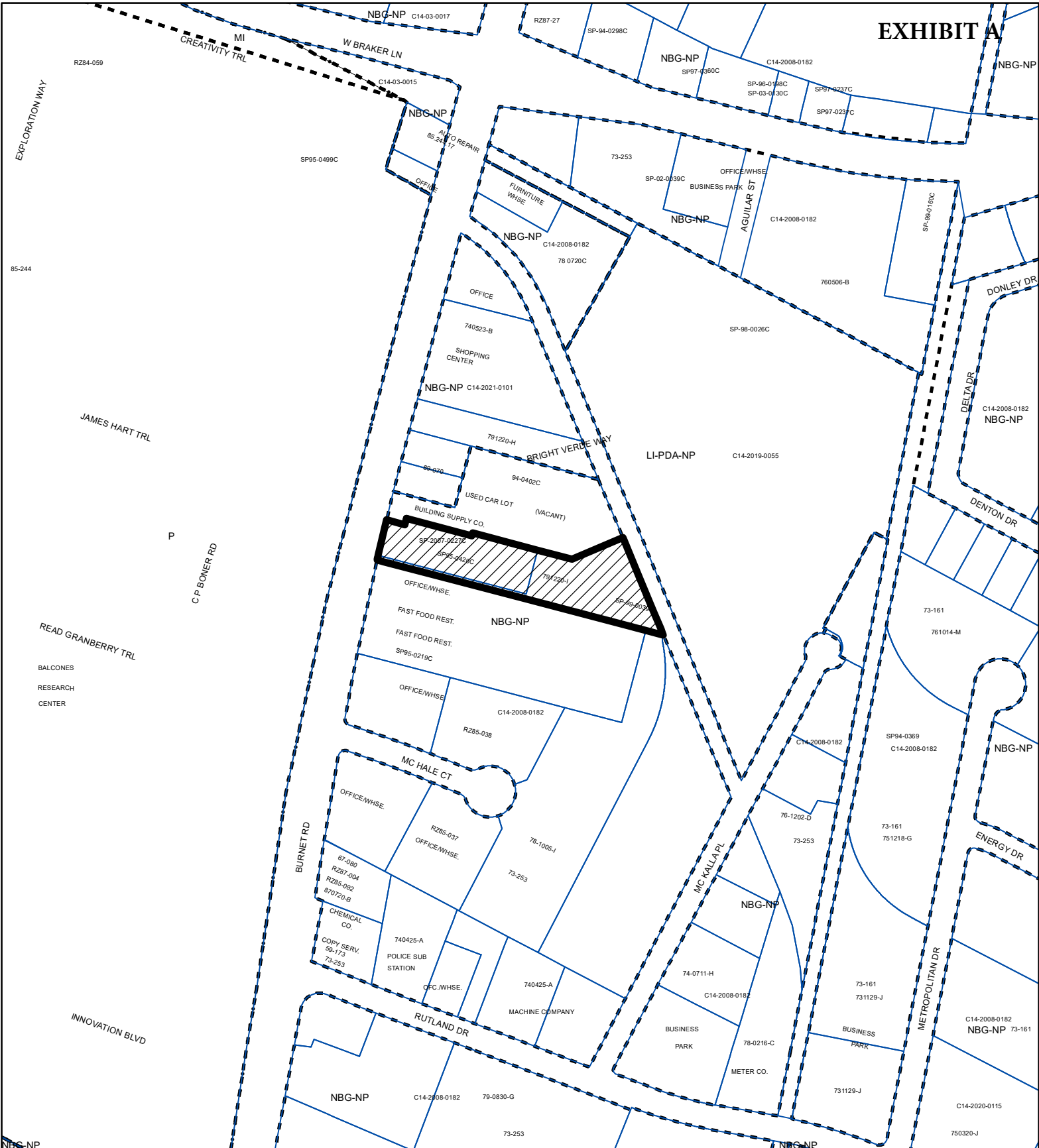
B. Aerial Map

C. Applicant's Request Letter

D. North Burnet Gateway - CMU Subdistrict General Site Development Standards

E. Additional Exhibits from the North Burnet Gateway Regulating Plan




EXHIBIT A



ZONING

ZONING CASE#: C14-2022-0045



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

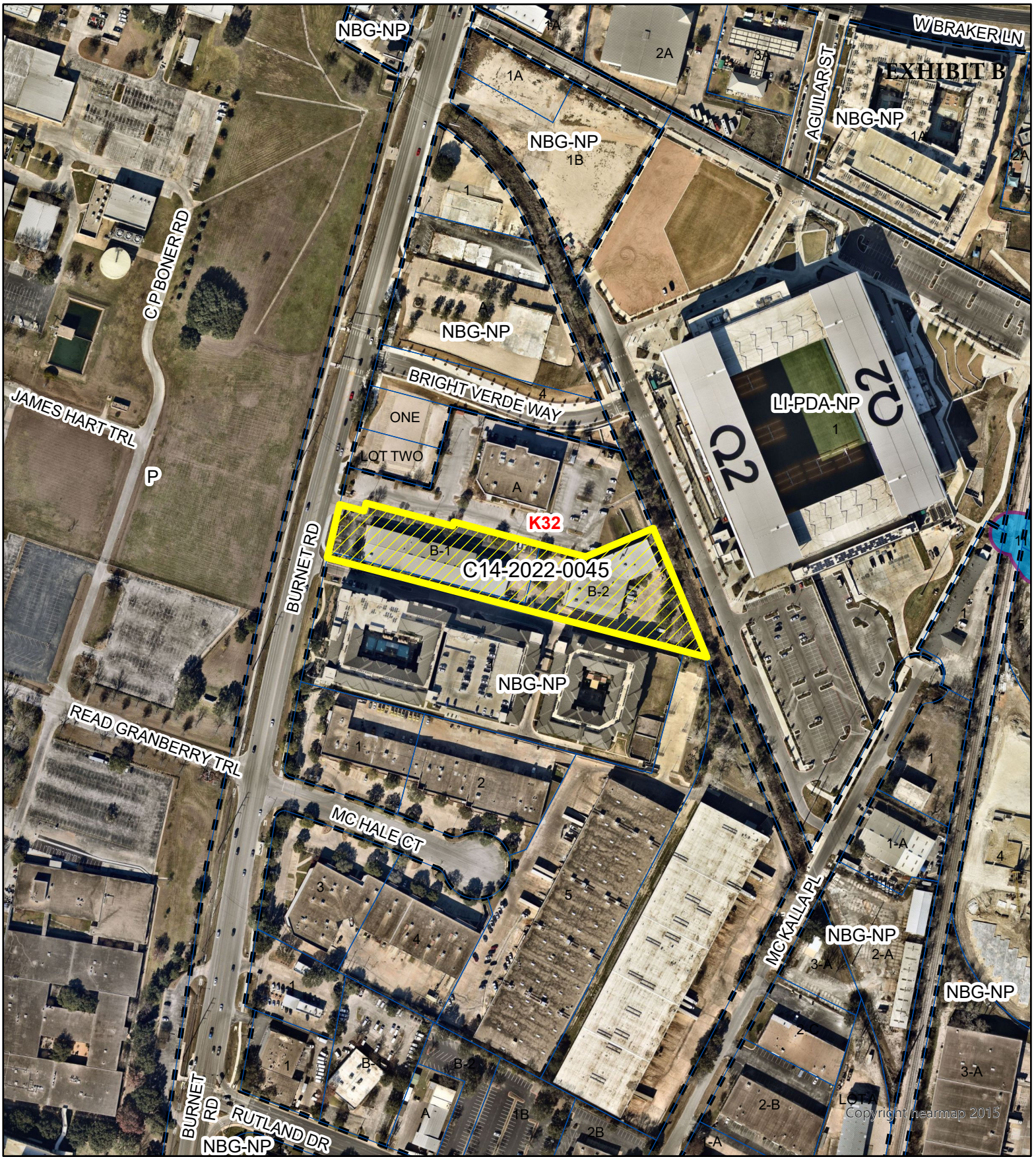
1" = 400'

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 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: 3/31/2022



10321 and 10401 Burnet Road

ZONING CASE#: C14-2022-0045
 LOCATION: 10321 and 10401 Burnet Road
 SUBJECT AREA: 3.3362 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.

March 14, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 10321 and 10401 Burnet Road – Rezoning application for the approximately 3.3362-acre piece of property located at 10321 and 10401 Burnet Road Burnet Road in the City of Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 10321 and 10401 Burnet Road and is approximately 3.34 acres of land, on the east side of Burnet Road between McHale Court and Braker Lane. The Property is in the full purpose jurisdiction of the City of Austin.

The Property is currently zoned NBG-CMU-NP (Commercial Mixed-Use Subdistrict of the North Burnet Gateway – Neighborhood Plan). The requested rezoning is from NBG-CMU-NP to NBG-CMU Gateway Zone-NP. The Property is currently developed with retail uses. The purpose of the rezoning is to allow additional residential density in the North Burnet/Gateway area. This request is consistent with proposed uses in the area. The proposed development will comply with site development and design standards established in the North Burnet/Gateway Regulating Plan.

The Property is within the North Burnet/Gateway Neighborhood Planning Area. The Neighborhood Plan was adopted November 1, 2007 and designates the Property as High Density Mixed Use in the future land use map. Attached is a memo from Maureen Meredith dated February 8, 2022, confirming that a Neighborhood Plan Amendment application is not required. The Traffic Impact Analysis ("TIA") has been deferred until site plan, per the attached TIA Determination Form dated March 9, 2022, and executed by Justin Good P.E.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very Truly Yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

cc: Joi Harden, Housing and Planning Department (via electronic delivery)
Sherri Sirwaitis, Housing and Planning Department (via electronic delivery)

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	
Front Yard and Street Side Yard*:	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
Front and Street Side Upper-Story Building Facade Stepbacks:	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
Interior Side Yard:	0 Feet
Rear Yard:	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	
If located in an urban watershed (Shoal or Little Walnut Creek) :	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
If located in a suburban watershed (Walnut Creek)*: 80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

PLATTING REQUIREMENTS	
If located in the CMU Gateway Zone:	
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	
Maximum Floor-to-Area Ratio (FAR) by Right:	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
Maximum Floor-to-Area Ratio (FAR) with Development Bonus:	
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	
Minimum Building Height:	
Not applicable	
Maximum Building Height by Right:	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
Maximum Building Height with Development Bonus*:	
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.	
*Exception: If adjacent to or across the street from NR Subdistrict the maximum height is 120 feet.	

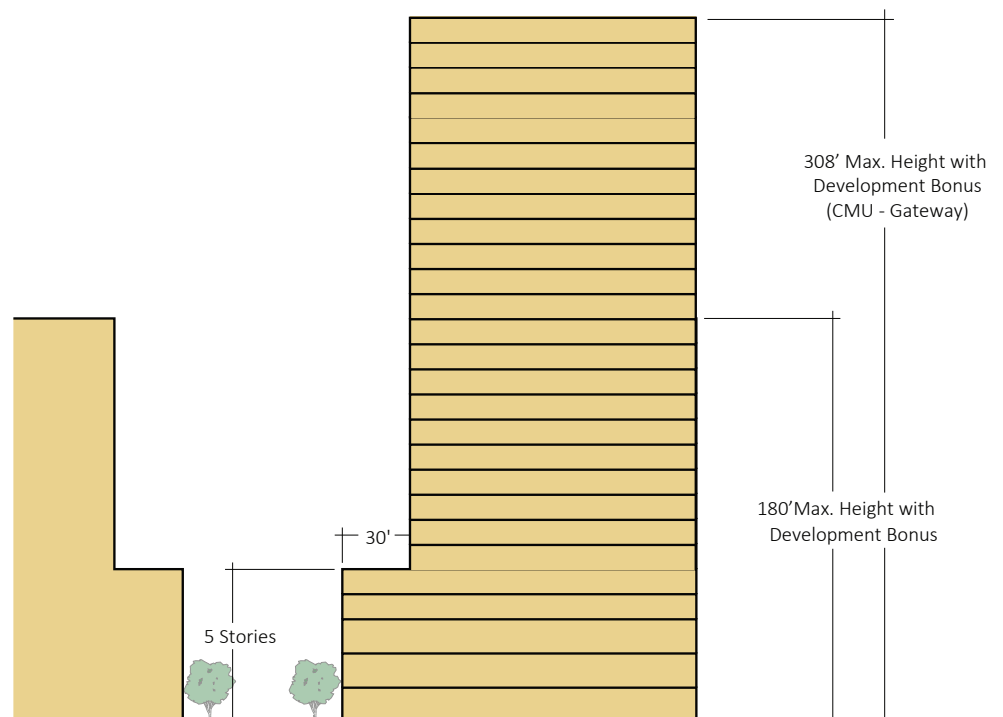


Figure 1 - 2 : North Burnet / Gateway (NBG) Zoning District Subdistrict Map

Revised 08-08-19

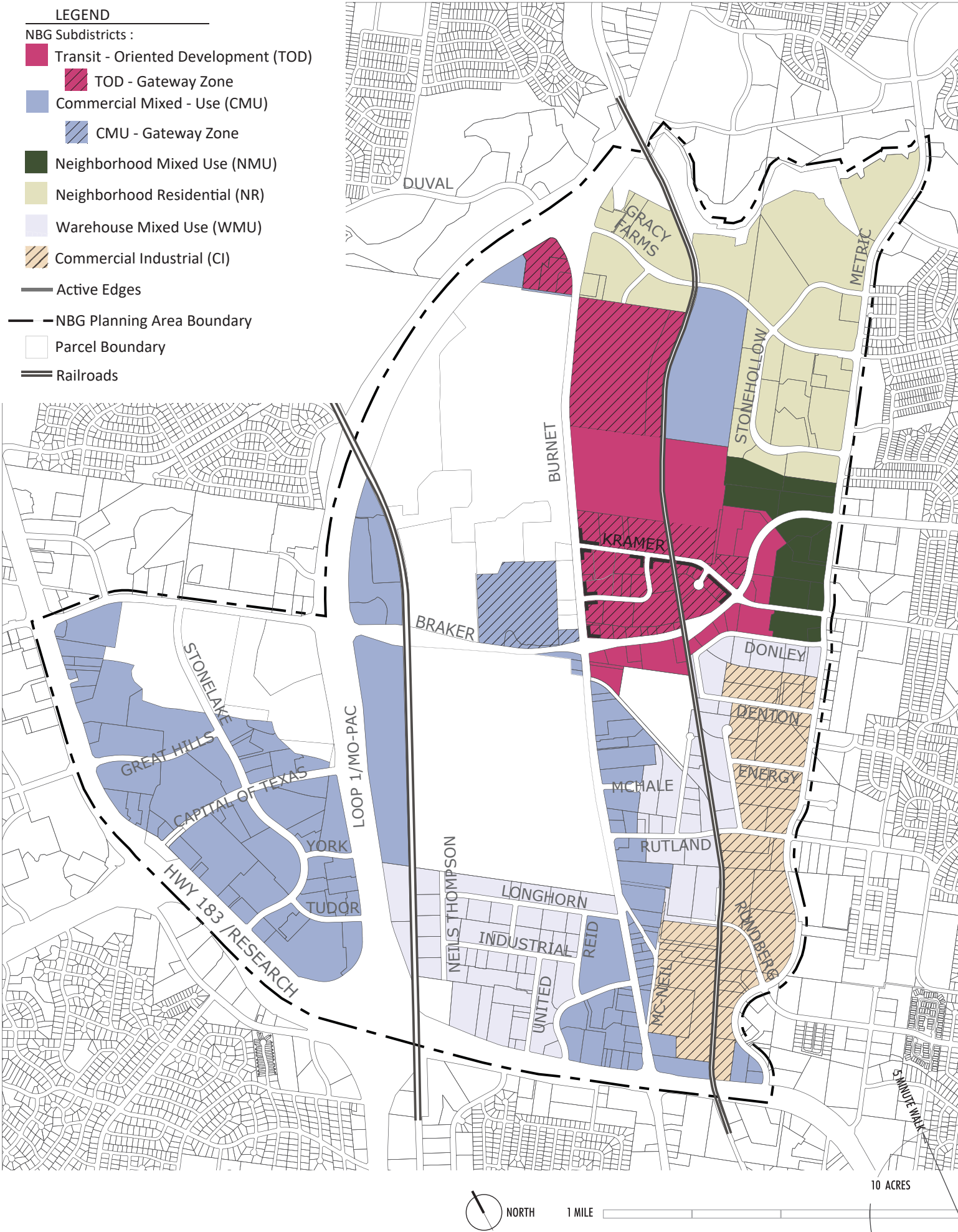


Figure 1-3 : North Burnet / Gateway (NBG) Zoning District
Roadway Types Map

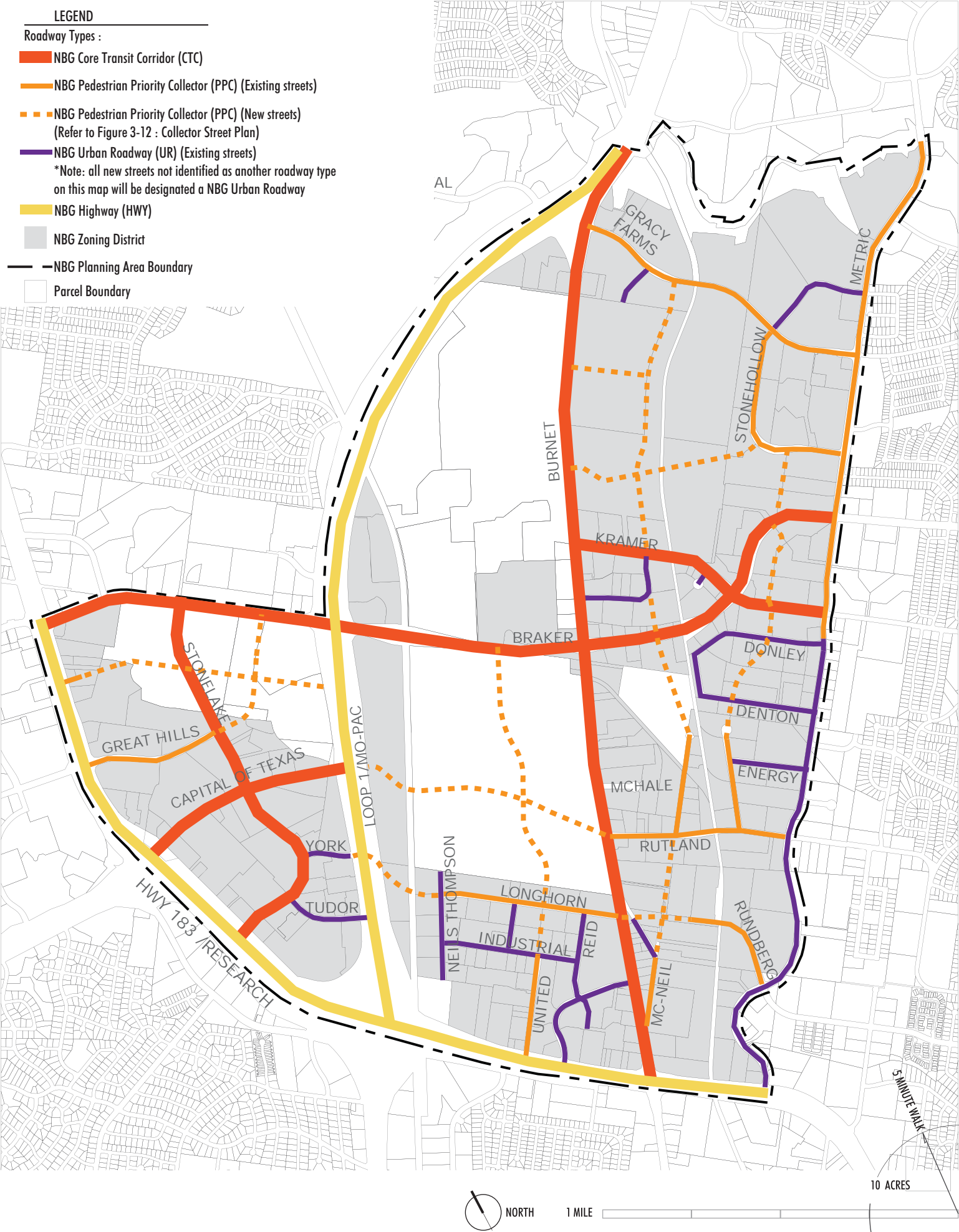


Figure 4-2 : Maximum Floor - to - Area - Ratio (FAR) by Right (with no Development Bonus)



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

Revised 08-08-19

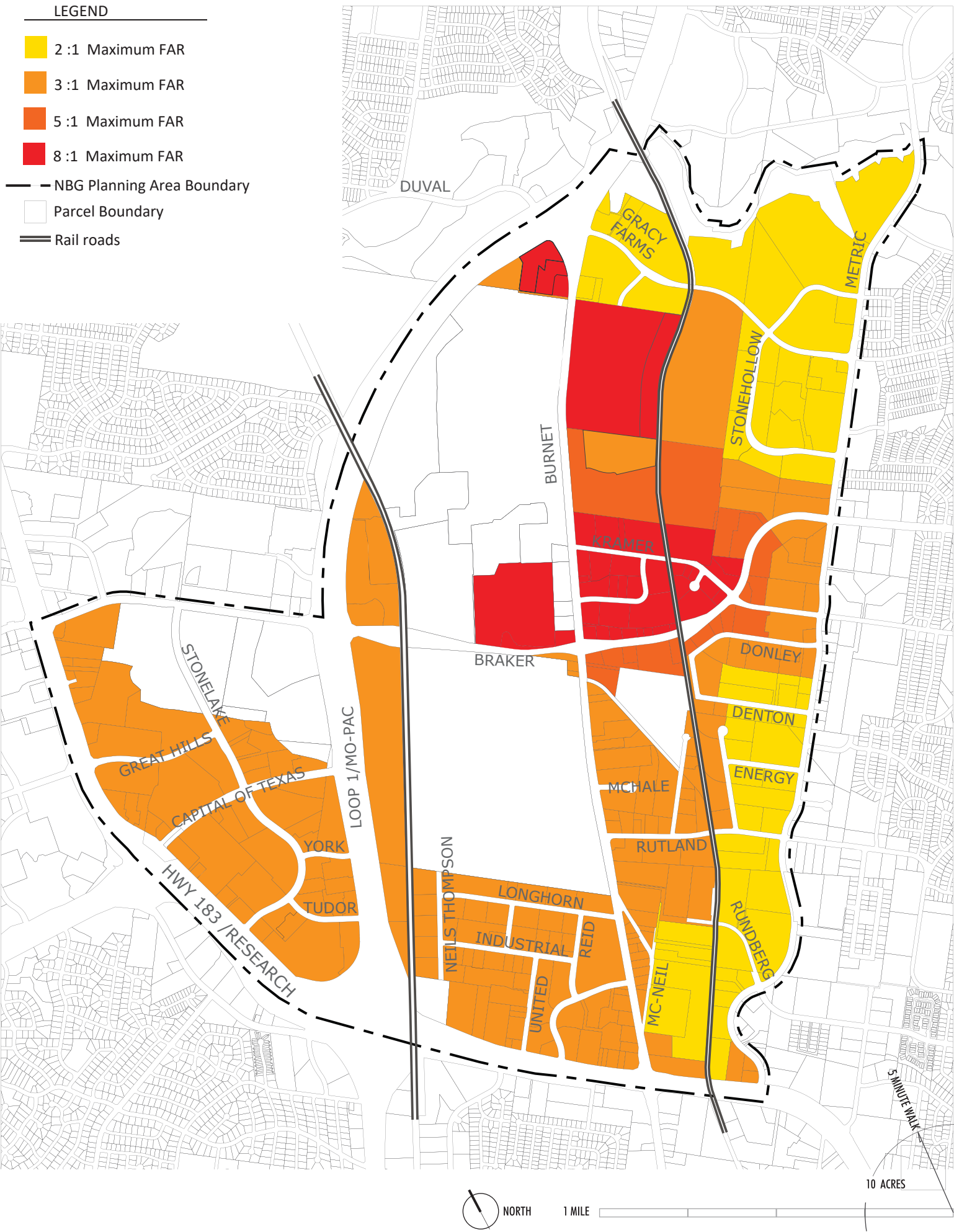


Figure 4 - 4 : Maximum Height by Right (with no Development Bonus)

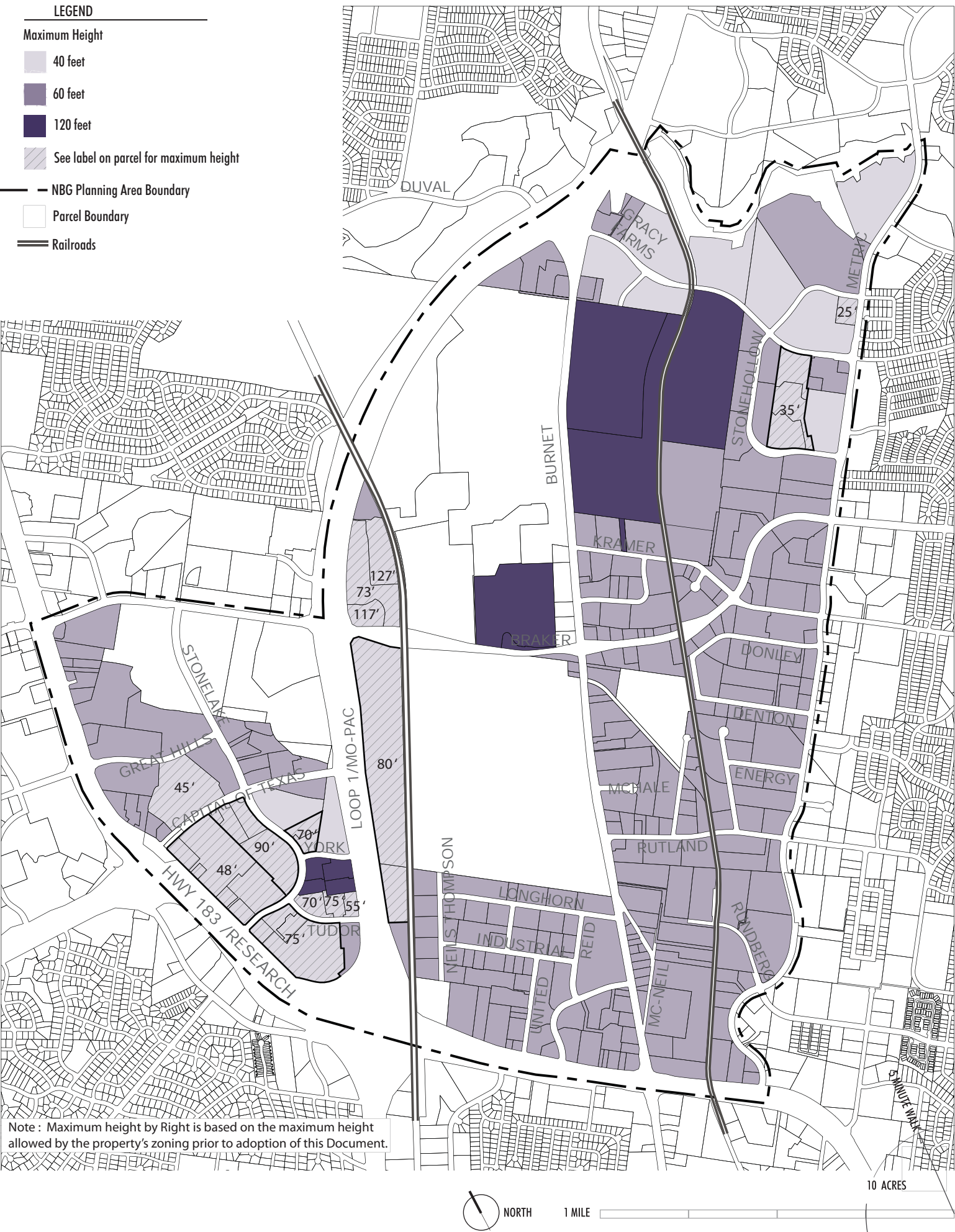


Figure 4-5: Maximum Height with Development Bonus

Revised 08-08-19

