

ORDINANCE NO. 20241121-095

AN ORDINANCE AMENDING ORDINANCE NO. 20090312-035 FOR THE NORTH BURNET/GATEWAY ZONING DISTRICT TO MODIFY THE REGULATING PLAN, REZONING AND CHANGING THE ZONING MAP FROM NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT (COMMERCIAL MIXED USE SUBDISTRICT) AND NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT (WAREHOUSE MIXED USE SUBDISTRICT) TO NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT (COMMERCIAL MIXED USE-GATEWAY ZONE SUBDISTRICT) FOR THE PROPERTY LOCATED AT 9901 AND 10025 BURNET ROAD AND 2416, 2500, 2500 1/2, 2510, AND 2522 1/2 RUTLAND DRIVE.

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

PART 1. The North Burnet/Gateway zoning district is comprised of approximately 1,443 acres of land, locally known as the area generally bounded by Metric Boulevard on the east, U.S. Highway 183 on the south and west, and Braker Lane, North Mopac Expressway, and Walnut Creek on the north and northwest, in the City of Austin, Travis County, Texas.

PART 2. The North Burnet/Gateway zoning district was approved on March 12, 2009, under Ordinance No. 20090312-035 and amended under Ordinance Nos. 20111208-098, 20120322-088, 20130425-104, 20140828-159, 20180412-051, 20180628-088, 20190207-057, 20190808-101, 20201210-073, 20211014-079, 20220127-082, 20220609-101, 20221027-044, 20230209-046, 20231019-056, 20231130-092, 20240118-064, 20240118-080, 20240321-047, 20240321-049, 20240321-050, 20240502-077, 20240718-156, 20240912-105, and 20241024-076.

PART 3. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from North Burnet/Gateway-neighborhood plan (NBG-NP) combining district (commercial mixed use subdistrict) and North Burnet/Gateway-neighborhood plan (NBG-NP) combining district (warehouse mixed use subdistrict) to North Burnet/Gateway-neighborhood plan (NBG-NP) combining district (commercial mixed use-gateway zone subdistrict) on the property described in Zoning Case No. C14-2024-0129, on file at the Planning Department, as follows:

Parcel 1: TRACT 1, ALLEN SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 10, Page 38, of the Plat Records of Travis County, Texas; SAVE AND EXCEPT that portion conveyed to the City of Austin in deed recorded in Volume 2142, Page 191, of the Deed Records of Travis County, Texas, and SAVE AND EXCEPT that certain 591 square feet conveyed in

deed recorded in Volume 7421, Page 38, of the Deed Records of Travis County, Texas, and

Parcel 2: A 5 feet by 200 feet tract of land adjacent to and parallel with the north line of TRACT 1, ALLEN SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 10, Page 38, of the Plat Records of Travis County, Texas, said 5 feet by 200 feet tract being out of TRACT 2, ALLEN SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 10, Page 38, of the Plat Records of Travis County, Texas,

(Parcel 1 and Parcel 2 being more particularly described by survey in **Exhibit "A"** incorporated into this ordinance), and

LOT A, CHEM-PRODUCTS ADDITION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 59, Page 88, of the Plat Records of Travis County, Texas, and

LOT 1, PAGE ADDITION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 86, Page 135B, of the Plat Records of Travis County, Texas, and

LOT B-1 AND LOT B-2, RESUBDIVISION OF LOT B, CHEM-PRODUCTS ADDITION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 96, Page 171, of the Plat Records of Travis County, Texas, and

LOT 1-B, RUTLAND ADDITION, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 36, Page 4, of the Plat Records of Travis County, Texas, (collectively, the "Property"),

locally known 9901 and 10025 Burnet Road and 2416, 2500, 2500 1/2, 2510, and 2522 1/2 Rutland Drive in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 4. The Regulating Plan for the North Burnet/Gateway Zoning District (the "Regulating Plan") identified and defined subdistricts within the plan area and established boundaries for each subdistrict. Currently, the Property is within the Commercial Mixed Use (CMU) and Warehouse Mixed Use (WMU) subdistricts as shown in **Exhibit "C"**. Figure 1-2 of the Regulating Plan depicting the boundaries of the Commercial Mixed Use-Gateway Zone (CMU-Gateway Zone) subdistrict is amended to include the Property as shown on **Exhibit "D"**.

PART 5. Figure 4-3 of the Regulating Plan is amended to make the Property eligible for maximum floor-to-area ratio (FAR) allowed with a development bonus, with a maximum FAR of 12:1, as shown on **Exhibit “E”**.

PART 6. Figure 4-5 of the Regulating Plan is amended to make the Property eligible for maximum height allowed with a development bonus, with a maximum height of 420 feet, as shown on **Exhibit “F”**.


PART 7. Figure 1-2, Figure 4-3, and Figure 4-5 attached as Exhibits “D” through “F” are incorporated into the Regulating Plan, and the revised figures shall be substituted where appropriate in the Regulating Plan documents.

PART 8. Except as specifically provided in this ordinance, the Property is subject to the terms and conditions of Ordinance No. 20090312-035, as amended.

PART 9. This ordinance takes effect on December 2, 2024.

PASSED AND APPROVED

_____, November 21, 2024

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Kirk Watson
Mayor


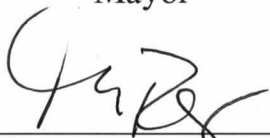
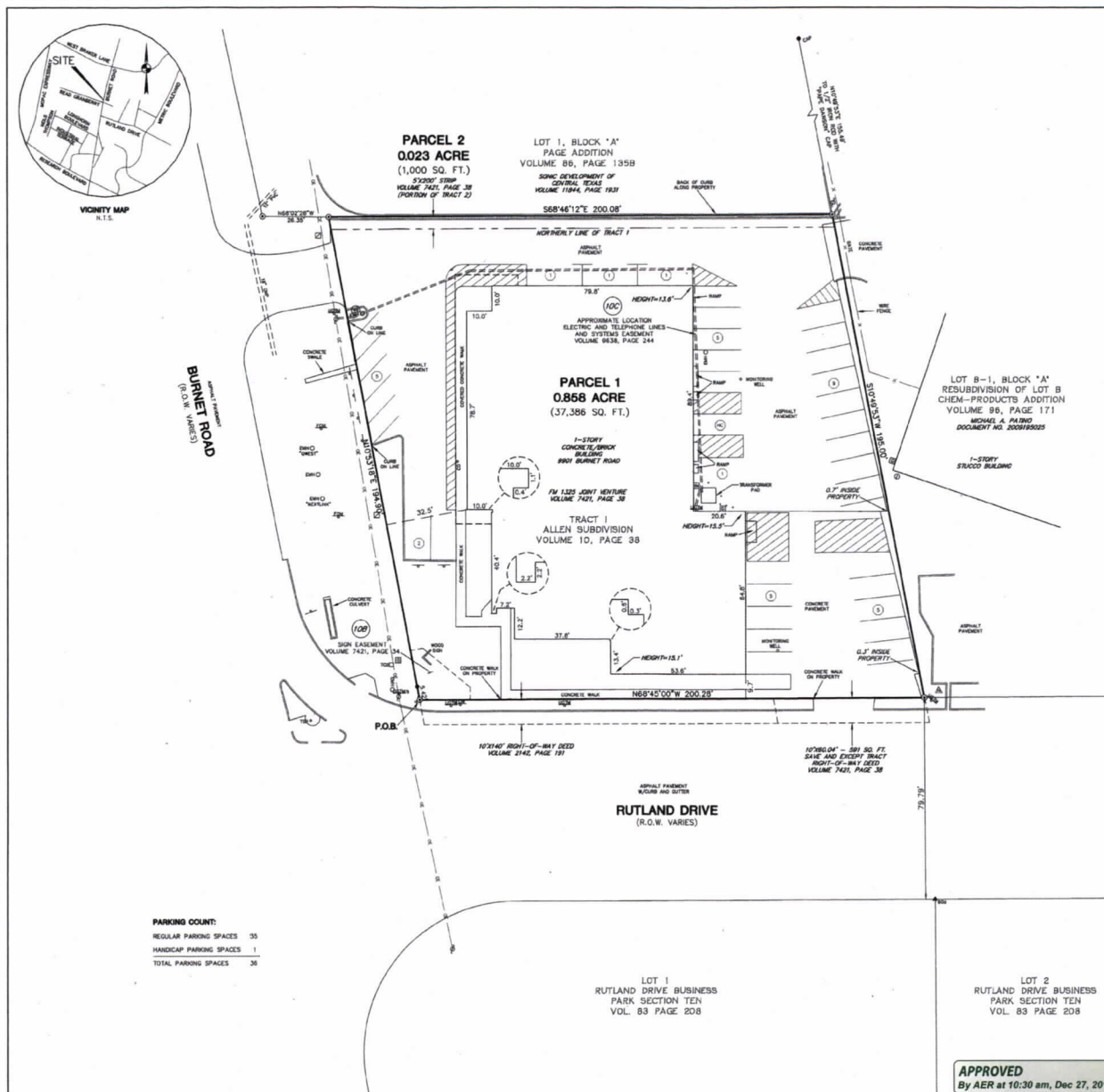
APPROVED:  **ATTEST:** 
Deborah Thomas
Interim City Attorney
Myrna Rios
City Clerk

EXHIBIT "A"



APPROVED
By AER at 10:30 am, Dec 27, 2013

LEGEND

- 1/2" ROAD FOUND (UNLESS NOTED)
- ⊗ IRON PIPE FOUND
- ⊕ TRAFFIC SIGNAL POST
- ⌚ POWER POLE
- ↓ DOWN GUT
- ⊠ TRAFFIC CONTROL BOX
- ⊞ GAS METER
- ⌊ UNDERGROUND FIBER OPTIC MARKER
- ⌋ UNDERGROUND TELEPHONE MARKER
- ⌌ CABLE TV RISER
- ⊕ WATER VALVE
- ⌏ SIGN
- ⊞ BOLLARD
- ⊞ MAILBOX
- ⊞ PARKING COUNT
- ⊞ ELECTRIC MANHOLE
- ⊞ ELECTRIC METER
- WIRE FENCE
- OVERHEAD ELECTRIC LINE
- ⊞ RECORD INFORMATION
- POINT OF BEGINNING

0 10 20 30 40
1"=20'

GENERAL NOTES:

- 1) ONLY VISIBLE EVIDENCE OF IMPROVEMENTS AND UTILITIES IS SHOWN HEREON.
- 2) A FIELD NOTE DESCRIPTION HAS BEEN PREPARED TO ACCOMPANY THE SURVEY SHOWN HEREON AND IS IDENTIFIED AS BURY, INC. FIELD NOTE FILE FN. NO. 13-5530MJJ

BEARING BASIS NOTE:
THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LEGAL DESCRIPTION:

PARCEL 1: TRACT 1, ALLEN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT THEREOF, RECORDED IN VOLUME 10, PAGE 38 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AUSTIN BY INSTRUMENT RECORDED IN VOLUME 2142, PAGE 191 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; FURTHER SAVE AND EXCEPT THAT CERTAIN 391 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED IN DEED RECORDED IN VOLUME 7421, PAGE 38 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

PARCEL 2: A TRACT OF LAND 5 FEET BY 200 FEET ADJACENT TO AND PARALLEL WITH THE NORTH LINE OF TRACT 1, ALLEN SUBDIVISION, SAID 5 FEET TRACT BEING OUT OF TRACT 2, ALLEN SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS. ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 10, PAGE 38 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

TITLE COMMITMENT NOTE:
ONLY THOSE EASEMENTS AND THAT INFORMATION LISTED IN FIRST AMERICAN TITLE INSURANCE COMPANY'S
COMMITMENT G.F. NO. 2012022963, EFFECTIVE DATE OCTOBER 16, 2013, AND RELISTED BELOW WERE CONSIDERED
FOR THIS SURVEY. NO OTHER RESEARCH WAS PERFORMED BY BURY, INC.

RESTRICTIVE COVENANTS:

VOLUME 10, PAGE 38, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - SUBJECT TO
VOLUME 1906, PAGE 471, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - SUBJECT TO

SCHEDULE B:

10A) TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN NOTICE OF REGISTRATION, INDUSTRIAL SOLID WASTE GENERATION/DISPOSAL FILED MARCH 14, 1980, EVIDENCED BY INDUSTRIAL SOLID WASTE DISPOSAL DEED RECORDATION RECORDED IN VOLUME 7117, PAGE 224 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (PARCEL 1) - SUBJECT TO (BLANKET TYPE)

10C) ELECTRIC AND TELEPHONE LINES AND SYSTEMS EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT DATED SEPTEMBER 5, 1985, RECORDED IN VOLUME 9366, PAGE 244 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. (PARCEL 1) - SUBJECT TO, AS SHOWN

CERTIFICATION:
EXCLUSIVELY TO PARTIES INVOLVED IN FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT O.F.
HEX 2013022963, EFFECTIVE DATE OCTOBER 16, 2013, SPECIFICALLY INCLUDING: FM 1325 JOINT VENTURE, A
TEXAS JOINT VENTURE; DAVID MARQUARDT; HERITAGE TITLE COMPANY OF AUSTIN, INC. AND FIRST AMERICAN
TITLE INSURANCE COMPANY.

JOHN T. BLUNDIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, REGISTRATION NUMBER 4084, HEREBY CERTIFIES THAT DURING THE MONTH OF DECEMBER, 2013, A SURVEY OF THE REAL PROPERTY DESCRIBED AS A 0.81 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO FM 1325 JOINT VENTURE, BY DEED OF RECORD IN VOLUME 7421, PAGE 38 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, WAS ACCURATELY LAYED OUT AND MEASURED IN ACCORDANCE WITH THE BEST OF HIS KNOWLEDGE AND BELIEF. THE INFORMATION SHOWN HEREON IS CORRECT AS DETERMINED BY SAID SURVEY; THE INFORMATION SHOWN HEREON IS CORRECT AS DETERMINED BY SAID SURVEY; THAT THE BOUNDARY LINES OF SAID TRACT OF LAND ARE SHOWN HEREON AS BEING CORRECT; THAT THE DISTANCE OF ALL OF ALL OBSERVABLE IMPROVEMENTS ARE SHOWN HEREON; THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD IS AS SHOWN; THE PROPERTY ABANDONS AND ADJACENS A PUBLIC ROADWAY; ALL RECORDED EASEMENTS AND OTHER EXCEPTIONS, AS NOTED IN THE ABOVE MENTIONED TITLE COMMITMENT HAVE BEEN

THAT EXCEPT AS SHOWN HEREON, THERE ARE NO OBSERVABLE ENCROACHMENTS ON TO THE PROPERTY OR PROTRUSIONS THEREFROM; THERE ARE NO OBSERVABLE IMPROVEMENTS ON THE PROPERTY; THERE ARE NO OBSERVABLE EASEMENTS OR RIGHTS-OF-WAY ON THE PROPERTY; AND THERE ARE NO OBSERVABLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA OR BOUNDARY LINE CONFLICTS.

THE TRACT SHOWN HEREON LIES WITHIN ZONE "X," (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 48453C026H, DATED SEPTEMBER 26, 2006, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

THIS SURVEY WAS MADE SUBSTANTIALLY IN ACCORDANCE WITH THE STANDARDS AND CONDITIONS SET FORTH FOR A CATEGORY 1A, CONDITION 1, LAND TITLE SURVEY, BASED ON THE MANUAL OF PRACTICE FOR LAND SURVEYING IN TEXAS, 2006 REVISED ELEVENTH EDITION PREPARED BY THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS.

JOHN T. BANOSKI
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4998
BURY-AUS, INC.
221 WEST SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701



BURY

LAND TITLE SURVEY

LIVE OAK-GOTTESMAN, LLC

38 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

9901 BURNET ROAD

1

Created: 9/6/2024

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

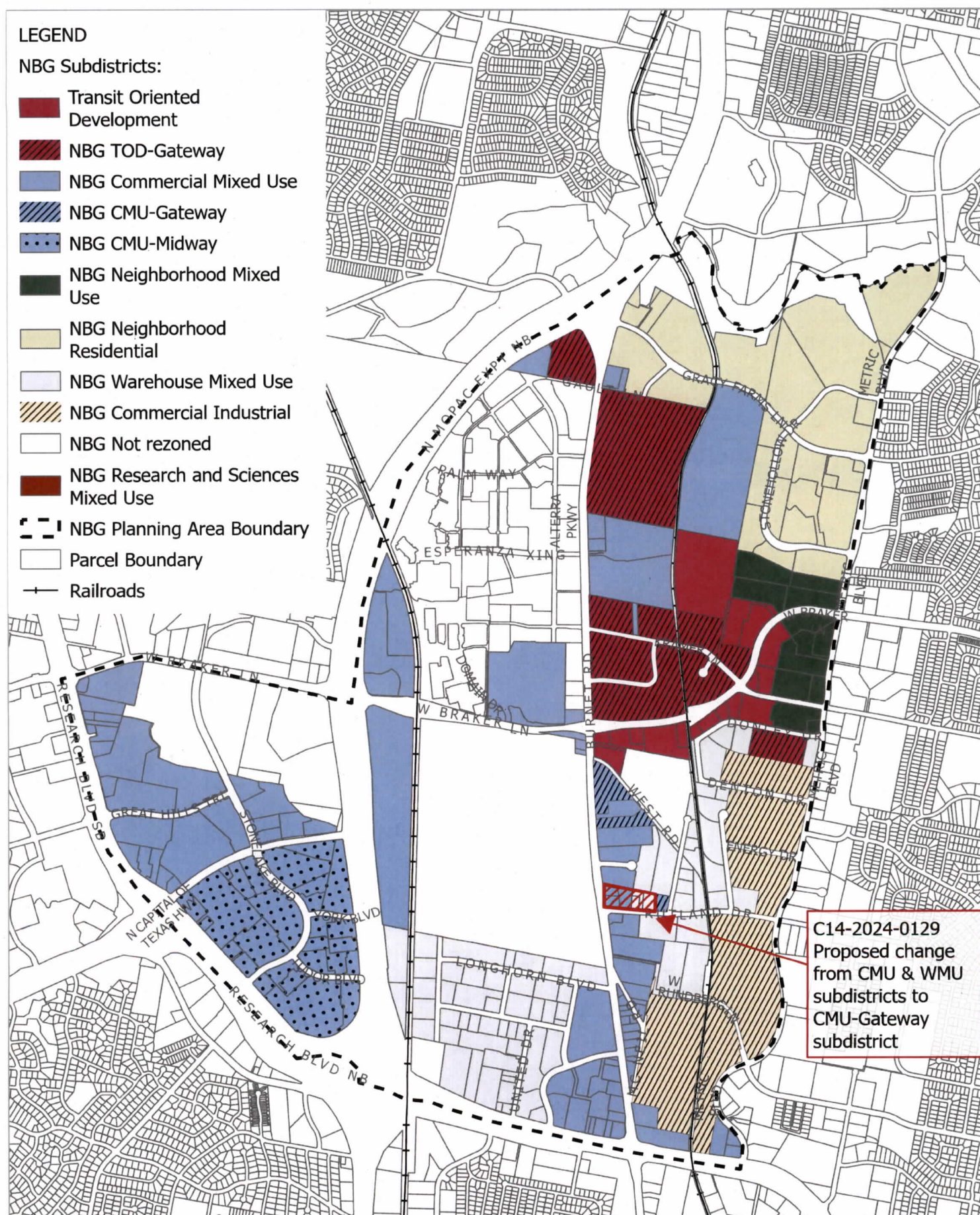


Figure I-2: North Burnet / Gateway (NBG) Zoning District Subdistrict Map

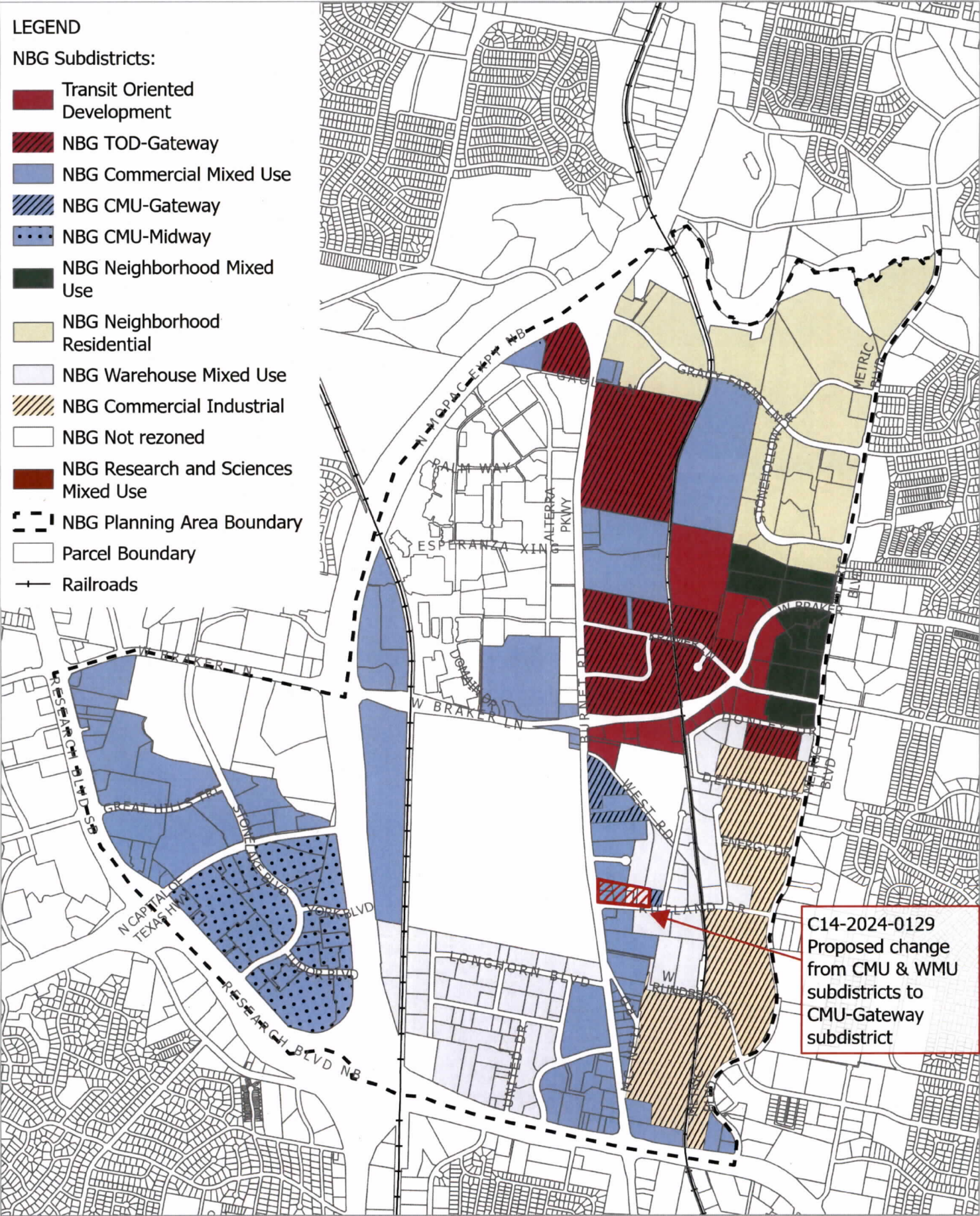


Figure 4-3: Maximum Floor-to-Area-Ratio (FAR) with Development Bonus

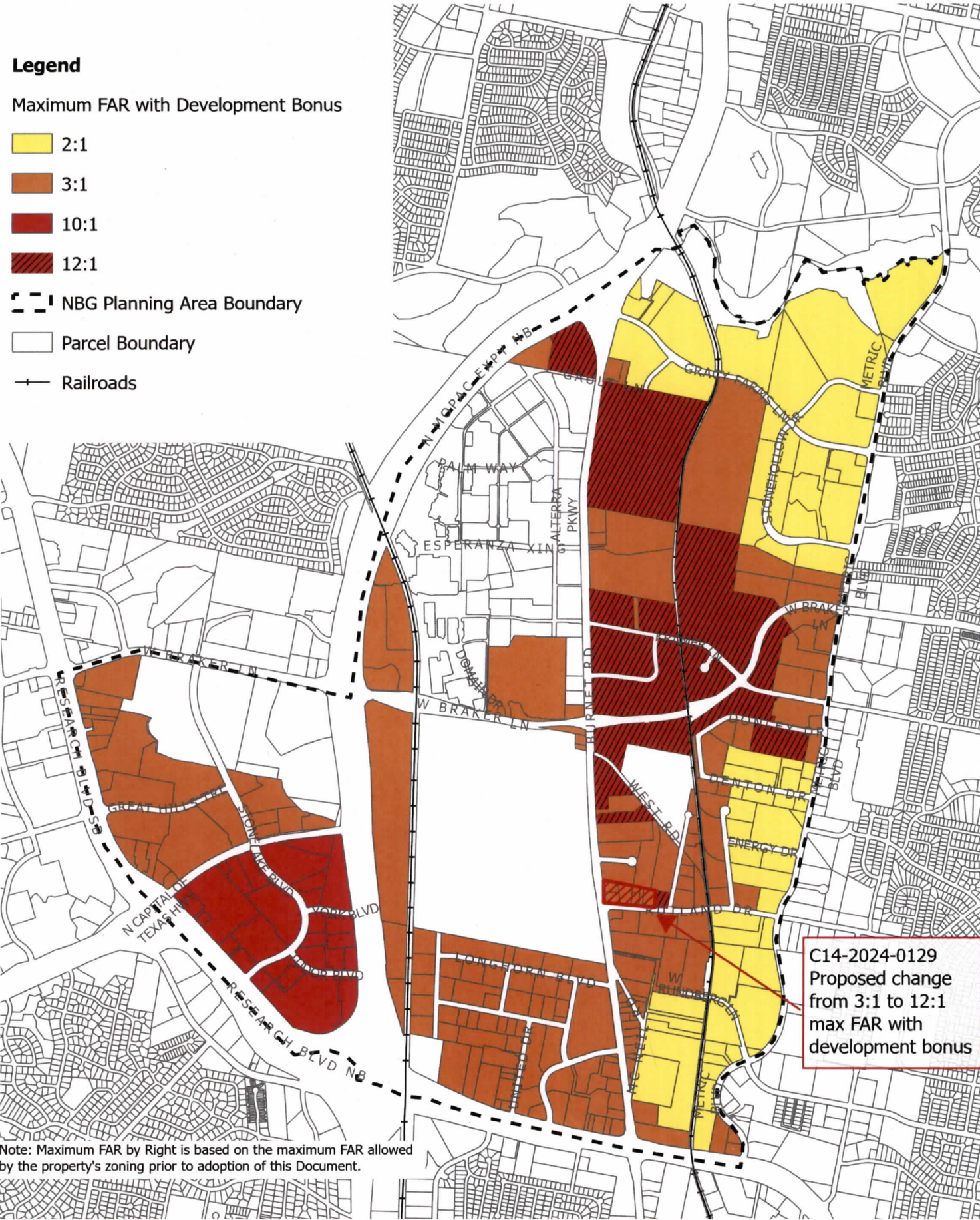


Figure 4-5: Maximum Height with Development Bonus

