

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0139 (Rezoning for 11501 Burnet Road - City Initiated)

ADDRESS: 11501 Burnet Road

DISTRICT: 7

ZONING FROM: NBG-TOD(Gateway Zone)-NP TO: NBG-TOD(Gateway Zone)-NP*

*To change a condition of zoning to remove Part 5 of zoning Ordinance No. 20180628-088.

SITE AREA: 65.91 acres

PROPERTY OWNER: Hitachi Vantara LLC, Lenovo US Inc, Broadmoor Austin Associates, HCL America Inc., CISCO Systems, New York Life Insurance, Clifton Larson Allen LLP, Brandywine Property, One Uptown Office Property LP, Kyndryl Inc and IBM Corporation

APPLICANT/AGENT: City of Austin – Planning Department (Sherri Sirwaitis)

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

STAFF RECOMMEDATION:

Staff recommends NBG-TOD(Gateway Zone)-NP, North Burnet/Gateway-Transit Oriented Development-Gateway Zone-Neighborhood Plan Combining District, zoning, to change a condition of zoning to remove conditions in the current zoning ordinance that state:

- A. The maximum height of a building or structure on the Property located within 200 feet of the Neighborhood Residential (NR) subdistrict shall be limited to 120 feet.**
- B. The Property shall be developed according to the commercial mixed use (CMU) subdistrict regulations, unless a Capital Metropolitan Transportation Authority (Cap Metro) Commuter Rail Station is proposed and construction commenced. Upon issuance to the contractor of a notice to proceed for the construction of a Cap Metro Commuter Rail Station on or adjacent to the Property, the Property may be developed in compliance with transit-oriented development (TOD) Gateway zoning subdistrict regulations.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 12, 2024: Approved staff's recommendation of NBG-TOD(Gateway Zone)-NP zoning, to change a condition of zoning, by consent (12-0; G. Cox-absent); A. Azhar-1st, D. Skidmore-2nd.

CITY COUNCIL ACTION:

December 12, 2024

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The site under consideration is currently developed with an office complex (Broadmoor) containing seven-buildings with 1.1 million square feet of office space, a new office 348,000 sq. ft. structure known as One Uptown and a new 13-story residential tower with 341 apartment units (Solaris House). This Broadmoor campus is located within the North Burnet/Gateway Combined Neighborhood Planning Area. The property was originally developed for IBM, which has been the sole occupant since the campus was constructed in 1991. The site is located at the southeast corner of Burnet Road and Gault Lane and is zoned NBG with a Transit Oriented Development-Gateway Zone subdistrict designation (NBG-TOD-Gateway Zone) (*please see Figure 4-1 TOD: NBG Zoning District General Site Development Standards – Attachment C*). The tracts of land to the north contain a vacant lot, a cell tower and a multifamily use (Radius at the Domain Apartments). To the south there is a hotel/motel use (Home 2 Suites by Hilton) and an indoor sports and recreation/restaurant use (Top Golf). To the east there is a rail line and an office complex (Charles Schwab) with outdoor recreation (tennis courts, baseball field and soccer field). The lots to the west, across Burnet Road, are part of The Domain development which contains commercial, hotel, multifamily, industrial/office/warehouse uses.

Capital Metro is proposing a new rail station along the Red Line, the Broadmoor Station, which officials held a groundbreaking ceremony in January of 2023 on this property known as the Uptown ATX campus. The station is being built to improve access to The Domain, a major high-density business, retail, and residential center. According to Capital Metro, this hybrid infill station is planned to have two double-length, covered platforms and construction on the project is expected to complete in either late 2024 or early 2025. Therefore, on July 18, 2024, the City Council passed a resolution to rezone this property from NBG-TOD (Gateway Zone)-NP to NBG-TOD (Gateway Zone)-NP, to change specific conditions of the current zoning ordinance (*please see Resolution No. 20240718-094 – Exhibit D*). The resolution directs staff to modify conditions of the zoning for this property to enable the property to achieve increases in FAR and building height, when utilizing the development bonus, that meet the goals and priorities of the North Burnet/Gateway Regulating Plan and to remove impediments ensure the creation of the new Red Line Rail Station.

The staff's recommendation is to grant the North Burnet/Gateway-Transit Oriented Development-Gateway Zone-Neighborhood Plan (NBG-TOD-NP) Combining District zoning, to change the conditions of zoning for this property. The TOD-Gateway Zone Subdistrict would permit the Broadmoor campus to be redeveloped with the highest density in the NBG area near a Capital Metro commuter rail station. The removal of the current ordinance limitations that include 1) a maximum height restriction of 120 feet of a building or structure on the property located within 200 feet of the NR subdistrict and 2) to subject this property to CMU subdistrict regulations, unless construction on the proposed Capital Metro Commuter Rail Station has commenced, will encourage a mixture of uses and more density at this location to achieve the vision of the North Burnet/Gateway Regulating Plan.

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.

Transit oriented development subdistrict is the most intensively developed land use zone and will typically be expressed as high density residential or office over active ground floor uses, such as retail. This land use designation is concentrated near the Capital Metro commuter rail station.

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

The NBG-TOD-Gateway Zone will permit the Broadmoor campus to be redeveloped with the highest density in the NBG area. The purpose of the NBG-TOD subdistrict is to have the greatest focus on providing active pedestrian oriented uses at the ground level of buildings. The degree of development intensity permitted in the North Burnet/Gateway regulating plan is intended to be at the highest density in this TOD-Gateway Zone subdistrict and to step down away from the TOD station site to a lesser degree throughout the rest of the NBG area. The transit-oriented development subdistrict is the most intensively developed land use zone and will typically be expressed as high density residential or office over active ground floor uses, such as retail. The location of the site is appropriate for the proposed mixture and intensity of uses because the property in question fronts onto a major arterial roadway, North Burnet Road, across from The Domain Development and is located along a commuter rail line.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NBG-TOD(Gateway Zone)-NP	Office Complex (New York Life, IBM, Cisco Systems, One Uptown), Multifamily Residential (Solaris House)
<i>North</i>	NBG-TOD-NP, NBG-NR-NP	Vacant, Telecommunications Tower, Multifamily (Radius at the Domain Apartments)
<i>South</i>	NBG-CMU-NP, NBG-TOD-NP	Hotel (Home 2 Suites by Hilton), Indoor Sports and Recreation (Top Golf)
<i>East</i>	NBG-CMU-NP	Rail line, Office Complex (Charles Schwab) with Outdoor Recreation (Tennis Courts, Baseball Field, Soccer Field)
<i>West</i>	MI-PDA	Office (The Domain), Detention

NEIGHBORHOOD PLANNING AREA: North Burnet/Gateway NP

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,
 North Growth Corridor Alliance,
 SELTexas,
 Sierra Club, Austin Regional Group

SCHOOLS: Austin Independent School District

Pillow Elementary School
 Burnet Middle School
 Anderson High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0090 (11700 Metric: 11550 and 11550 1/2 Metric Boulevard)	NBG-NR-NP to NBG-NMU-NP	9/24/24: Approved staff's recommendation of NBG-NMU- NP zoning by consent (10-0, P. Howard, N. Barrera-Ramirez and F. Maxwell-absent); R. Johnson-1st, A. Woods-2nd.	10/24/24: Approved NBG-NMU- NP zoning by consent on all 3 readings (13-0); J. Veasquez-1st, N. Harper-Madison-2nd.
C14-2024-0005 (2700 Gracy Farms: 2700 Gracy Farms Lane and 2700 ½ Gracy Farms Lane)	NBG-NR-NP to NBG-CMU- Midway(CMU- M)-NP	8/13/2024: Approved staff's recommendation of NBG- CMU-M-NP zoning by consent (12-0, P. Howard-absent); A. Azhar-1st, A. Woods-2nd.	9/12/2024: Approved staff's recommendation of NBG- CMU-M-NP zoning by consent on all 3 readings (11-0); J. Vela-1st, P. Ellis-2nd.
C14-2021-0173 (11911 Burnet Road)	NBG-NR-NP to NBG-CMU-NP	12/22/21: Approved staff's recommendation of NBG- CMU-NP zoning by consent (8-0); C. Hempel-1st, P. Howard-2nd.	1/27/22: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220127-082 for NBG-NP combining district (commercial mixed use subdistrict) zoning was approved on Council Member Kitchen's motion, Council Member Fuentes' second on an 11-0 vote.

<p>C14-2016-0136 (Broadmoor: 11501 Burnet Road)</p>	<p>NBG-CMU-NP to NBG-TOD (Gateway Zone)-NP</p>	<p>3/27/18: Approved staff's recommendation of NBG- TOD(Gateway)-NP zoning, with conditions, by consent (12-0, P. Seeger- absent); G. Anderson-1st, J. Thompson- 2nd.</p>	<p>4/12/18: Approved NBG- TOD- NP zoning, with conditions, on 1st reading only (6-0, G. Casar- off dais, D. Garza, E. Troxclair, K. Tovo and S. Adler-absent); L. Pool-1st, P. Renteria-2nd. 6/28/18: Ordinance No. 20180628-088 for north burnet/gateway-transit oriented development- gateway zone- neighborhood plan (NBG-TOD(Gateway Zone)-NP) combining district zoning, with conditions was approved on Council Member Troxclair's motion, Council Member Garza's second on an 11-0 vote.</p>
<p>C14-2014-0058 (Esperanza Crossing: 2800 Esperanza Crossing)</p>	<p>NBG-TOD-NP to NBG-CMU- NP</p>	<p>8/12/14: Approved staff's recommendation of NBG- CMU-CO-NP zoning, with conditions, on consent (8-0, B. Roark-absent); S. Oliver-1st, N. Zaragoza-2nd.</p>	<p>8/28/14: Approved NBG-CO- NP zoning, with conditions, on consent on all 3 readings (7-0); B. Spelman-1st, L. Morrison- 2nd.</p>
<p>C14-2011-0050 (Burnet- Kramer Rezoning: 11205 & 11301 Burnet Road)</p>	<p>NBG-TOD to NBG-CMU</p>	<p>10/11/11: Approved the staff's recommendation of NBG- CMU-NP zoning for Tract 2, with the TIA conditions, by consent (9-0); M. Dealey-1st, D. Chimenti-2nd.</p>	<p>11/10/11: Approved NBG- CMU-NP zoning with conditions on consent on 1st reading only (7-0); Spelman-1st, M. Martinez-2nd. 12/08/11: Approved NBG- CMU-NP zoning, with conditions, on consent on 2nd/3rd readings (6-0); C. Riley- 1st, S. Cole-2nd.</p>

RELATED CASES:

C14-2007-0157 (North Burnet/Gateway NP Rezoning)

OTHER STAFF COMMENTS:

Comprehensive Planning

The subject property located at 11501 Burnet Road is currently developed as an office complex on a 65-acre site. The site is within the NBG TOD Gateway zoning district intended to provide the highest density of active pedestrian-oriented ground-level uses near rail stations. Two new NBG Pedestrian Priority Collectors are shown through the site in Figure 1-3: *NBG Zoning District Roadway Types Map* and shown as required in Figure 3-12: *NBG Zoning District Collector Street Plan*.

The zoning request appears to be consistent with the intent of the North Burnet Gateway Master Plan as well as urban planning and design best practices primarily by increasing intensity and density of a mix of land uses in the urban core along a transit corridor for the city’s only operational rail line.

NBG Master Plan:

“STATION AREA/TRANSIT-ORIENTED DEVELOPMENT (TOD) ...greater density and building heights of up to 30 stories would be allowed and encouraged on properties located within a 1/4 mile of any rail transit station. This distance is recommended as roughly a 5 to 10 minute walk from potential developments to any proposed rail station. In these areas, density will be allowed to step up significantly in return for specific public benefit bonuses within the development...” p79 NBG MP

“1. Provide zoning entitlements that allow high density housing developments in the North Burnet/Gateway area (see “Land Use and Zoning” section of this chapter), to increase the supply of housing in Austin and begin to accommodate some of the housing demand that will be generated from expected population growth in the region. 2. Encourage high density housing in close proximity to transit to help reduce vehicle dependency.” p94 NBG MP

11501 Burnet Road		
	Current	Request
Zoning	NBG TOD-Gateway (Figure 1-2)	NBG TOD-Gateway
Land Use	Office	Mixed-Use
Base Maximum Height	120 feet (Figure 4-4)	120 feet
Base Maximum FAR	1:1 (Figure 4-2)	1:1

Development Bonus	Maximum Height: 491 feet (Figure 4-5) Maximum FAR: 12:1 (Figure 4-3)	Maximum Height: 491 feet Maximum FAR: 12:1
Building Setbacks	Interior Side Yard: 0' Rear Yard: 0'	Interior Side Yard: 0' Rear Yard: 0'
Maximum Impervious Cover	80% or maximum allowed by LDC 25-8 (Figure 4-6)	80% or maximum allowed by LDC 25-8
Compatibility Standards	N/A (Figure 1-6)	N/A
Active Edge	N/A (Figure 1-2)	N/A
Adjacent Roadway Types	Burnet Road is a NBG Core Transit Corridor, Hobby Horse Court is a NBG Urban Roadway existing street (Figure 1-3)	Burnet Road is a NBG Core Transit Corridor, Hobby Horse Court is a NBG Urban Roadway existing street
Future Streets	N/A (Figure 1-3)	N/A

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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

No comments.

Parks and Recreation

The Preliminary Plan for this area, sometimes referred to as Broadmoor, had an attached Parks Exhibit, which designated the areas to be dedicated to the City as parkland. PARD will continue to refer to this exhibit as the development moves forward.

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

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 § 25-1-609.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: scott.grantham@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan

The legal description in the application and resolution are prior to some resubdivisions on this property. So it might be good to update that in the ordinance just so it's clear all 4 lots are included.

The rezoning area covers 4 lots:

AMENDED PLAT OF THE IBM EAST RESUBDIVISION LOTS 1B, 2B AND 3B BLOCK A
IBM EAST SUBDIVISION, BLOCK "A", LOTS 1 & 2; AMEN*
IBM SUBDIVISION EAST RESUBDIVISION ESTABLISHING LOTS 1, 2, & 3, BLOCK F
IBM SUBDIVISION EAST RESUBDIVISION ESTABLISHING LOTS 1 & 2, BLOCK L

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 154 feet of right-of-way for Burnet Rd. It is recommended that 77 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].

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Burnet Rd Collector. It is recommended that 42 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].

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Gracy Farms Ln – Kramer Ln Collector. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Gracy Farms Ln – Kramer Ln Collector according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Solaris St. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Solaris St according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Rosalind Way. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Rosalind Way according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Azul Xing. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Azul Xing according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Gault Lane. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Gault Lane according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd	Level 4 (TXDOT Roadway)	154 feet	Approx 135 feet	Approx 68 feet	Yes	Yes	Yes
Burnet Rd Collector	Level 2	84 feet					Yes
Gracy Farms Ln – Kramer Ln Collector	Level 2	84 feet					Yes
Solaris St	Level 1 (Private Drive)	58 feet		Approx 35 feet	Yes	No	Yes
Rosalind Way	Level 1 (Private Drive)	58 feet		Approx 30 feet			Yes
Azul Xing	Level 1 (Private Drive - southern)	58 feet					Yes
Gault Lane	Level 3	116 feet	Approx 28 feet			Yes	Yes
Azul Xing	Private Drive - northern						Yes
Skyrise Ave	Private Drive			Approx 58 feet			Yes
John S Chase Trail	Private Drive						Yes

Water Utility

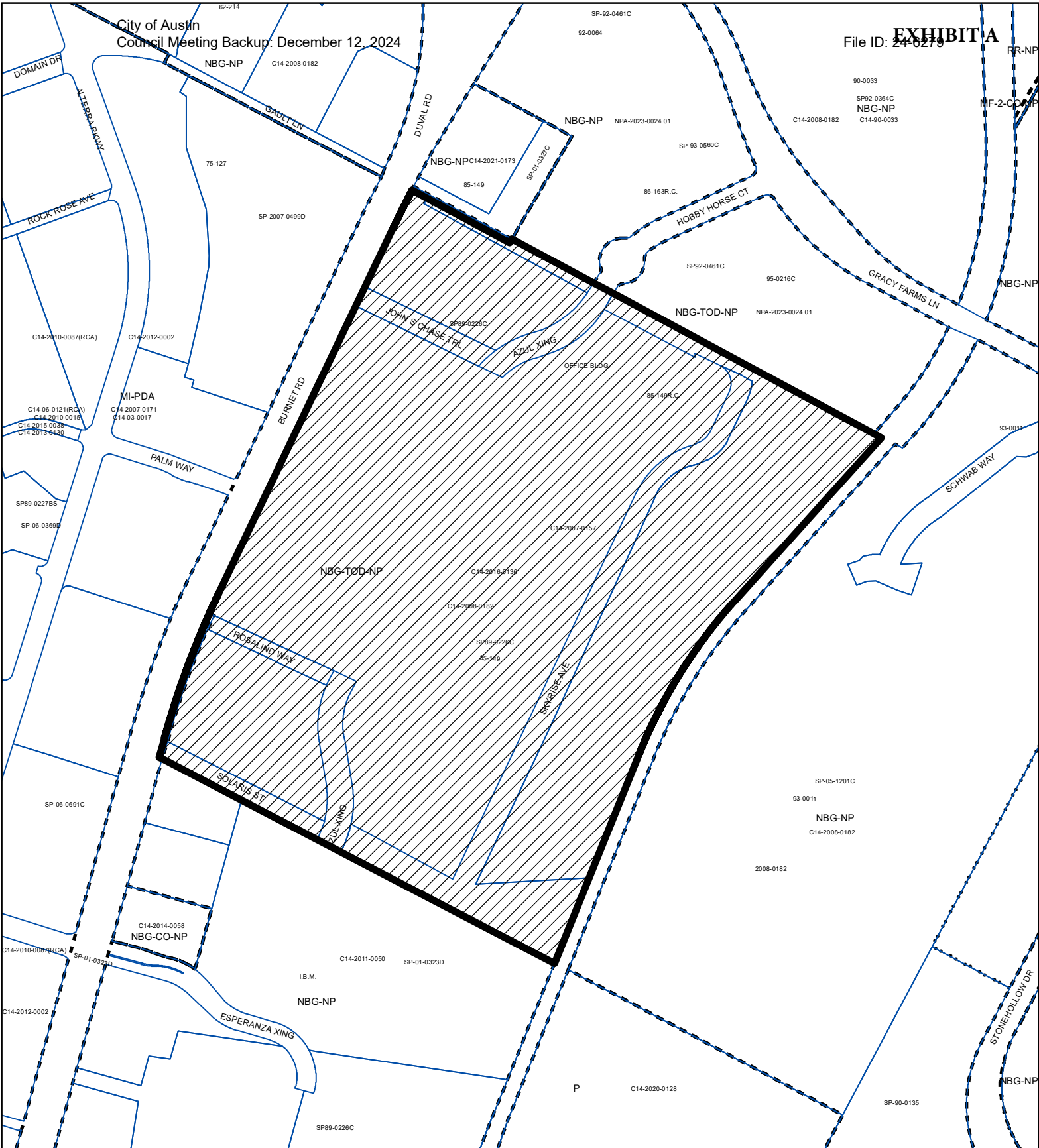
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.




INDEX OF EXHIBITS TO FOLLOW

- A. Zoning Map
- B. Aerial Map
- C. TOD: NBG Zoning District General Site Development Standards
- D. Resolution No. 20240718-094
- E. Ordinance No. 20180628-088



ZONING

ZONING CASE#: C14-2024-0139

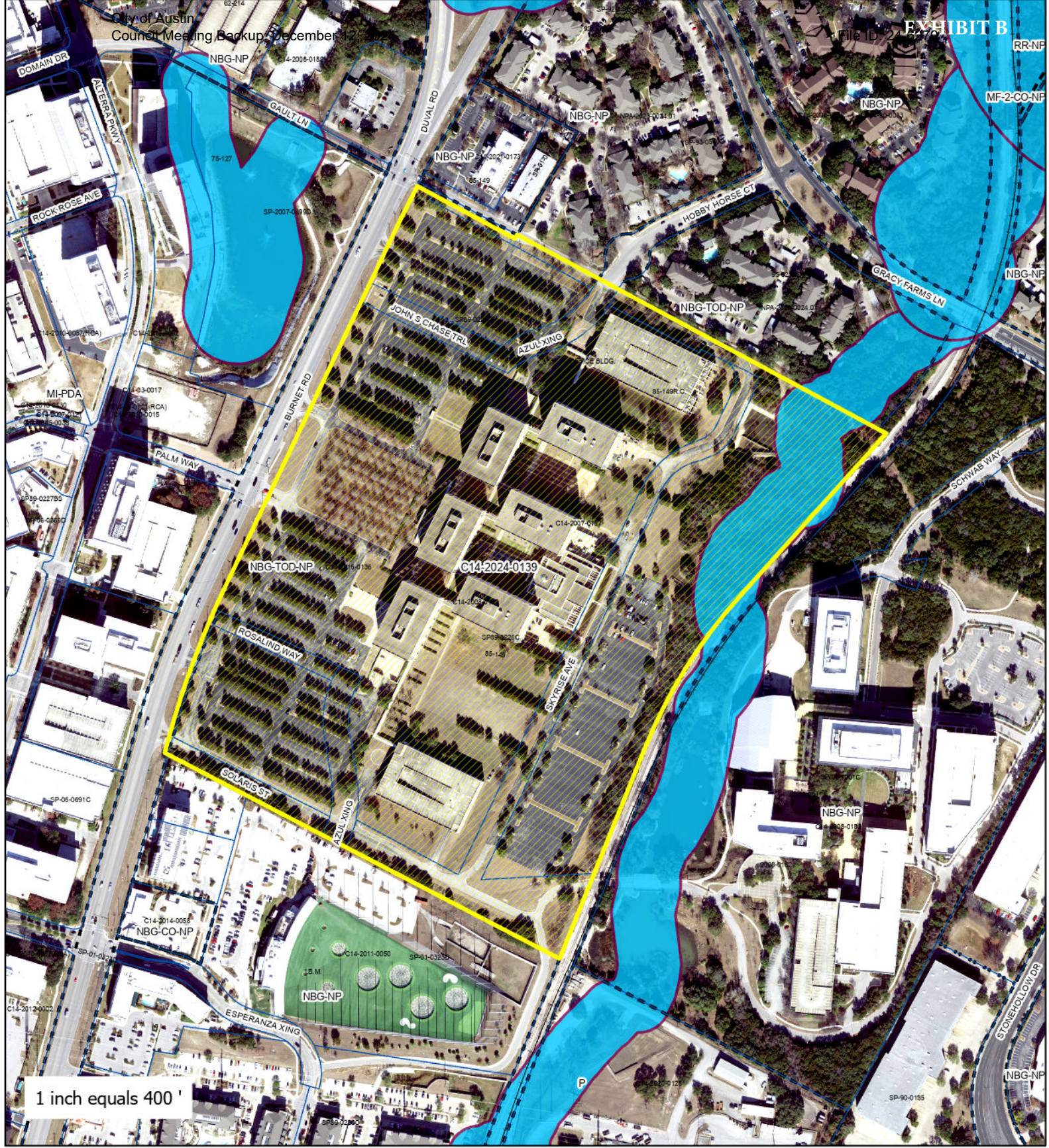
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

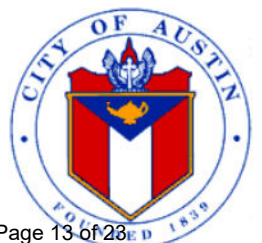




Rezoning for 11501 Burnet Road - City Initiated

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

ZONING CASE#: C14-2024-0139
 LOCATION: 11501 Burnet Rd.
 SUBJECT AREA: 65 Acres
 MANAGER: Sherri Sirwaitis



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 completeness.

FIGURE 4 - 1 TOD NBZ ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT

Revised 10-25-23

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.	
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 and street side yard setbacks for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

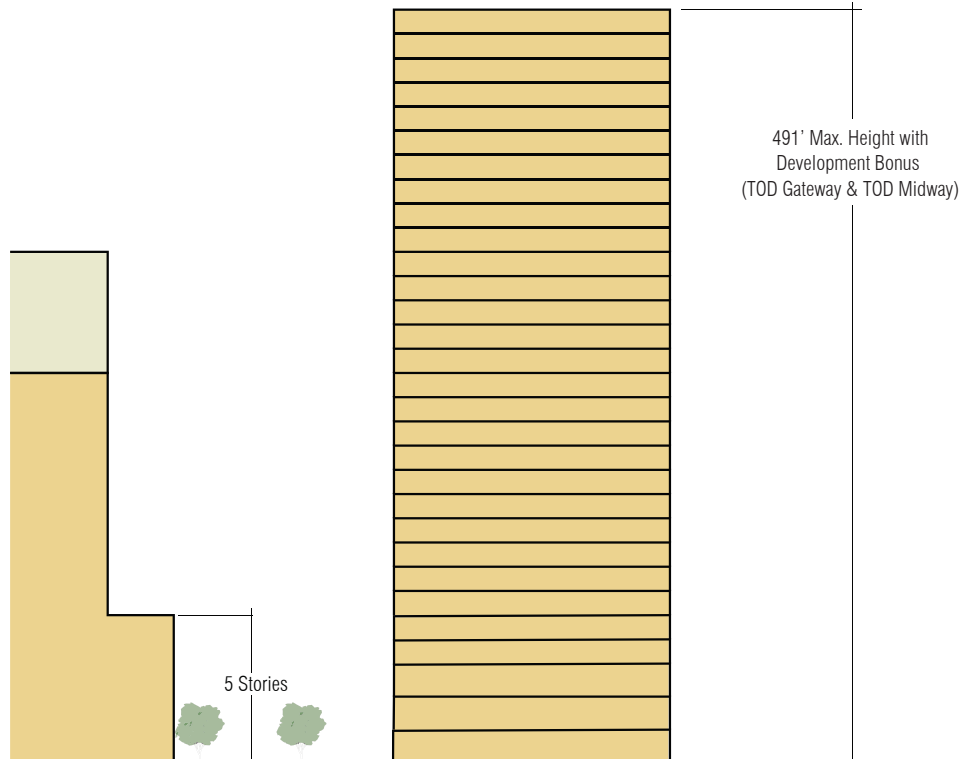
MAXIMUM IMPERVIOUS COVER	
If located in an urban watershed (Shoal or Little Walnut Creek) :	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
If located in a suburban watershed (Walnut Creek)*:	80%
* This requirement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

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:	
TOD Gateway Zone	12:1
TOD Midway Zone	12:1
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



BUILDING HEIGHT	
Minimum Building Height:	
2 Stories	
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*	
TOD Gateway	491 Feet
TOD Midway	491 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.	

Typical example of buildings in the Transit Oriented Development Subdistrict.



RESOLUTION NO. 20240718-094

WHEREAS, in June 2018, City Council approved Ordinance No. 20180628-088 rezoning approximately 65-acres of land, described as Lot 2A, Amended Plat of Lots 1 and 2, Block A, IBM Subdivision, East and locally known as 11501 Burnet Road (the “Property”); and

WHEREAS, Ordinance No. 20180628-088 amends the North Burnet/Gateway Regulating Plan and changes the zoning on the Property from North Burnet/Gateway-neighborhood plan (NBG-NP) (Commercial Mixed Use Subdistrict) to North Burnet/Gateway neighborhood plan (NBG-NP) (Transit Oriented Development - Gateway Zone Subdistrict); and

WHEREAS, Ordinance No. 20180628-088 includes a condition that development on the Property shall follow the development regulations allowed in North Burnet/Gateway neighborhood plan (NBG-NP) (Transit Oriented development - Gateway Zone) contingent upon the receipt of a notice to proceed for construction of a new Capital Metro Red Line rail station located on and adjacent to the Property (the “Red Line Station”); and

WHEREAS, from October 2021 through October 2023, City Council approved Ordinance Nos. 20211014-079, 20220127-082, 20220609-101, 20221027-044, 20230209-046, and 20231019-056, amending the North Burnet/Gateway Regulating Plan to rezone and expand the zoning map for Commercial Mixed – Use (CMU)-Gateway subdistricts, increase the maximum floor-to-area ratio (FAR) and building height in the CMU-Gateway, Transit-Oriented Development (TOD)-Gateway Zone, and TOD-Midway Zone, and modify site development and compatibility standards, increase maximum FAR and building height, and establish the Commercial Mixed-Use Midway (CMU-M) Zone within the CMU subdistrict; and

WHEREAS, through these numerous amendments to the Regulating Plan, City Council has clearly indicated that increased FAR and increased building height are desirable in CMU-Midway, CMU-Gateway, TOD, TOD-Midway, and TOD-Gateway zoning subdistricts when using a development bonus; and

WHEREAS, in 2017, the owner of the Property, Capital Metro, and adjacent property owners began design and permitting activities associated with the Red Line Station, including the filing of initial Site Development permits with the City in January 2022 that are still under review by the City; and

WHEREAS, the complexity of developing the Red Line Station has resulted in significant and ongoing delays in the permitting and construction of the Station forcing a subsequent delay in the development of housing and commercial amenities that could be achieved on the property with an increased FAR and building height when using a development bonus that other similarly situated properties have benefited from; and

WHEREAS, amendments to the North Burnet/Gateway Regulating Plan and rezoning of the Property to modify conditions of zoning will enable the Property to achieve those increases in FAR and building height when using a development bonus that meet the goals and priorities of the North Burnet/Gateway Regulating Plan; and

WHEREAS, the Council supports the removal of impediments to achieving the North Burnet/Gateway vision on the Property, as well as, measures to ensure creation of a new Red Line Rail Station; **NOW, THEREFORE,**

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

City Council initiates amendments to the North Burnet/Gateway Regulating Plan, initiates rezoning of the Property, and directs the City Manager to process

amendments and the rezoning application and to recommend appropriate rezoning, including removal of Part 5 of Ordinance No. 20180628-088 in its entirety, to accomplish the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED:

As part of the ordinance to rezone the Property, the City Manager is directed to propose a method to restrict the issuance of a certificate of occupancy for any buildings, or portions of buildings, constructed on Block L of the Preliminary Plan that utilize development bonuses for increased FAR and building height as allowed by the Regulating Plan, unless and until a notice to proceed for construction is issued for the Red Line Station.

ADOPTED: July 18, 2024

ATTEST: *Myrna Rios*
Myrna Rios
City Clerk

ORDINANCE NO. 20180628-088

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) TO NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT (TRANSIT ORIENTED DEVELOPMENT – GATEWAY ZONE SUBDISTRICT) FOR THE PROPERTY LOCATED AT 11501 BURNET ROAD.

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, and 20140828-159.

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) to North Burnet/Gateway-neighborhood plan (NBG-NP) combining district (transit oriented development – Gateway zone subdistrict) on the property described in Zoning Case No. C14-2016-0136, on file at the Planning and Zoning Department, as follows:

Lot 2A, Amended Plat of Lots 1 and 2, Block A, IBM Subdivision East, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 201200035 of the Official Public Records of Travis County, Texas (the "Property"),

locally known as 11501 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "A"**.

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) subdistrict and is located north of the transit oriented development (TOD) subdistrict as shown on **Exhibit “B”**. The boundaries of the transit oriented development (TOD) subdistrict shall be expanded to include the entire Property as shown on **Exhibit “C”**.

PART 5. The site development regulations for the Property within the boundaries of the North Burnet/Gateway-neighborhood plan (NBG-NP) combining district (transit oriented development – Gateway zone subdistrict) established by this ordinance are modified as follows:

- A. The maximum height of a building or structure on the Property located within 200 feet of the Neighborhood Residential (NR) subdistrict shall be limited to 120 feet.
- B. The Property shall be developed according to the commercial mixed use (CMU) subdistrict regulations, unless a Capital Metropolitan Transportation Authority (Cap Metro) Commuter Rail Station is proposed and construction commenced. Upon issuance to the contractor of a notice to proceed for the construction of a Cap Metro Commuter Rail Station on or adjacent to the Property, the Property may be developed in compliance with transit oriented development (TOD) Gateway zoning subdistrict regulations.

PART 6. The North Burnet/Gateway Zoning District Subdistrict Map (the “Map”) and other applicable references affecting the Property that are provided in the Regulating Plan are revised to show the changes in the boundaries of the subdistricts for the Property. A revised Map shall be substituted where appropriate in the Regulating Plan documents.

PART 7. Except as set forth in Part 5 of this ordinance, the Property is subject to the terms and conditions of Ordinance No. 20090312-035, as amended.

PART 8. This ordinance takes effect on July 9, 2018.

PASSED AND APPROVED

June 28, 2018

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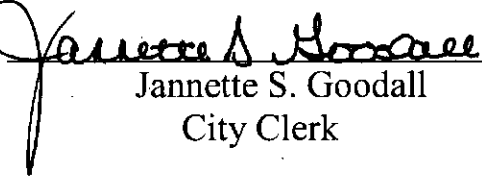
Steve Adler
Mayor

APPROVED:

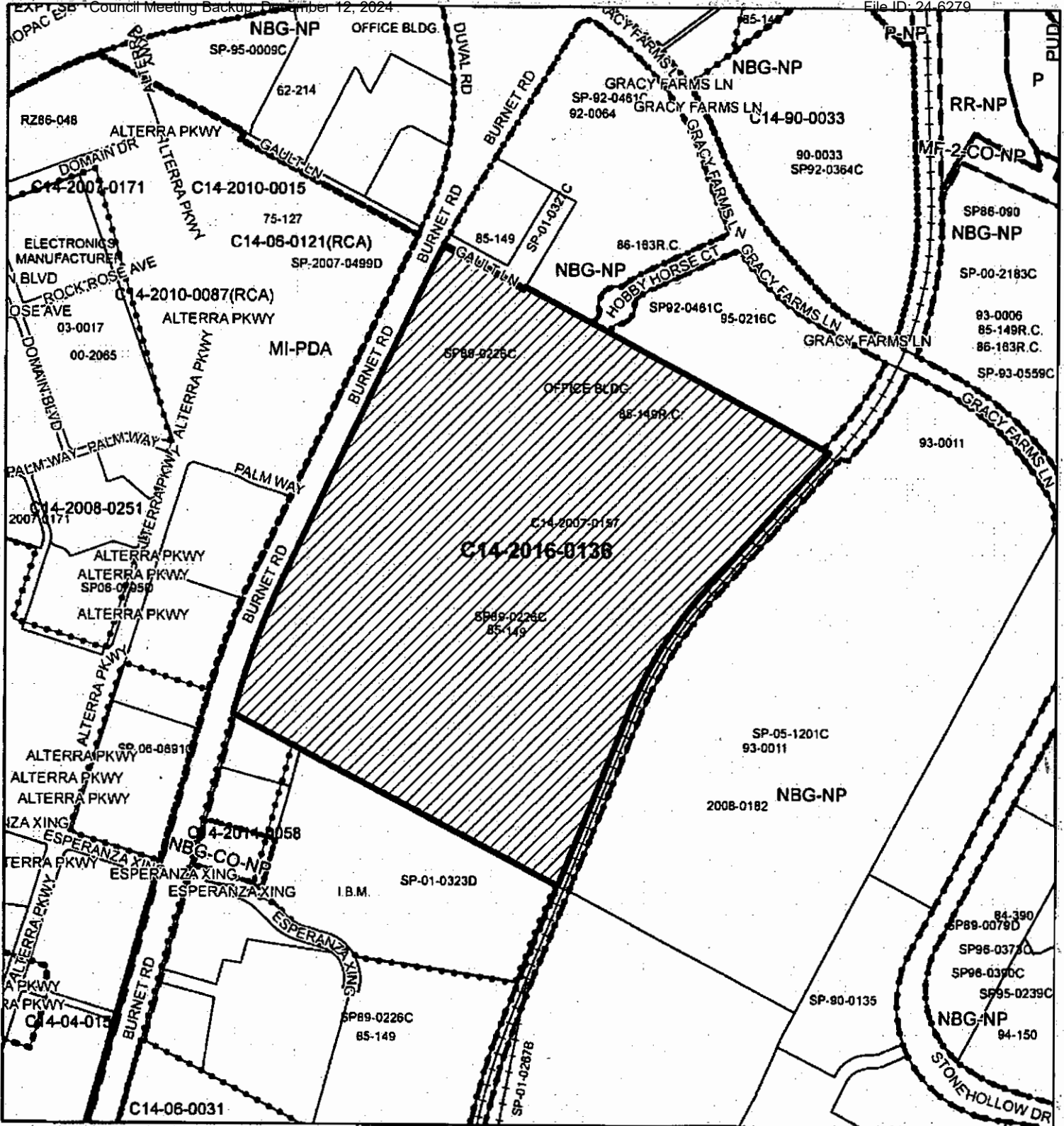


Anne L. Morgan
City Attorney

ATTEST:



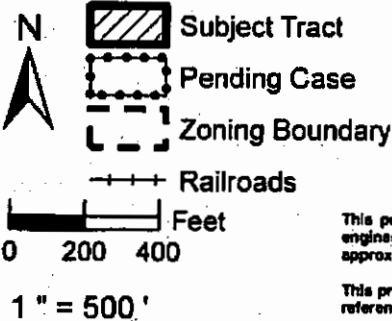
Jannette S. Goodall
City Clerk



ZONING

Case#: C14-2016-0136

Exhibit A



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 Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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

Revised 8-28-2014

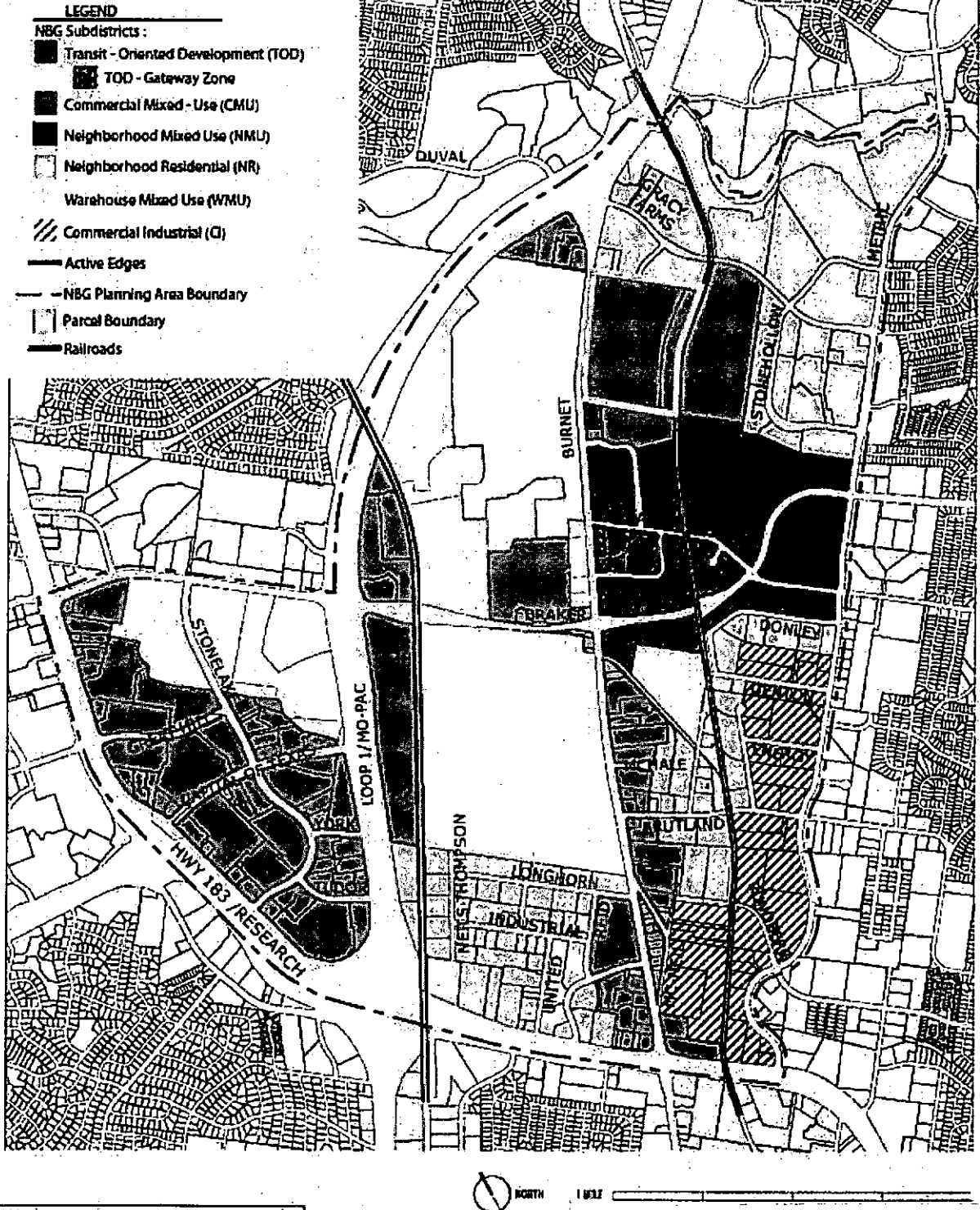


Figure 1 - 2: North Burnet / Gateway (NBG) Zoning District
Subdistrict Map

Revised 8-28-2014

