

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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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 _____, 2024.

PASSED AND APPROVED

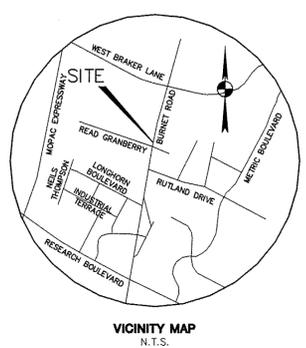
_____, 2024

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Kirk Watson
Mayor

APPROVED: _____
Deborah Thomas
Interim City Attorney

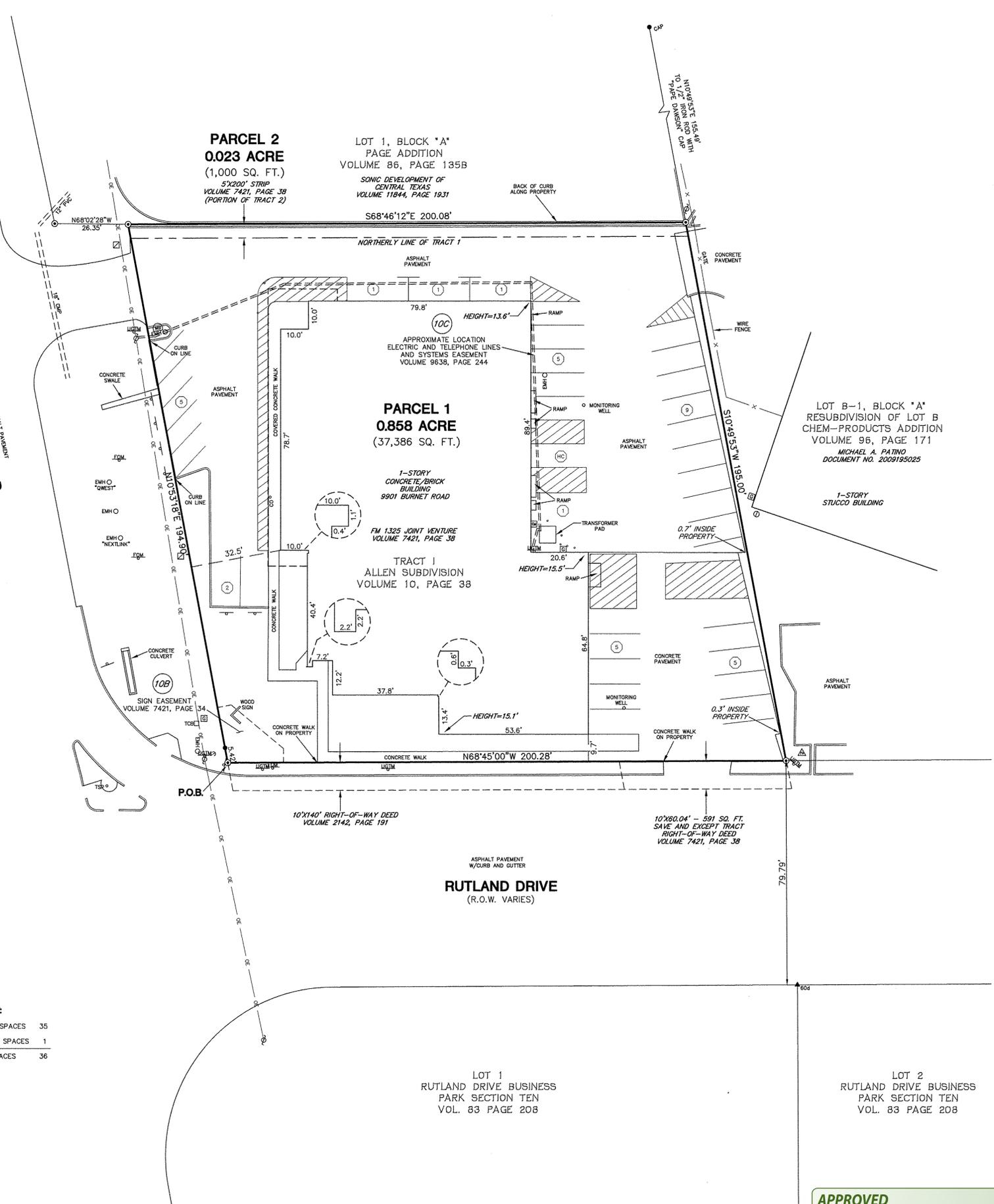
ATTEST: _____
Myrna Rios
City Clerk



BURNET ROAD
(R.O.W. VARIES)

PARKING COUNT:

REGULAR PARKING SPACES	35
HANDICAP PARKING SPACES	1
TOTAL PARKING SPACES	36



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- IRON PIPE FOUND
- ⊙ TRAFFIC SIGNAL POST
- ⊖ POWER POLE
- ⊘ DOWN GUY
- ⊕ 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 ELEC. LINE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

GENERAL NOTES:

- ONLY VISIBLE EVIDENCE OF IMPROVEMENTS AND UTILITIES IS SHOWN HEREON.
- A FIELD NOTE DESCRIPTION HAS BEEN PREPARED TO ACCOMPANY THE SURVEY SHOWN HEREON AND IS IDENTIFIED AS BURY, INC. FIELD NOTE FILE FN. NO. 13-553(MJJ)

BEARING BASIS NOTE:
THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(98), 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 OR PLAT THEREOF, RECORDED IN VOLUME 10, PAGE 38 OF THE PLAT 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 591 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 CUT 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 TITLE COMMITMENT G.F. NO. 201202963, EFFECTIVE DATE 03/01/13, AND LISTED 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 SITE DEED RECORDED IN VOLUME 7117, PAGE 224 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (PARCEL 1) - SUBJECT TO (BLANKET TYPE)
10B) THE TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN DECLARATION OF EASEMENT FOR SIGN DATED MAY 14, 1981, RECORDED IN VOLUME 7421, PAGE 34 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. (PARCEL 1) - SUBJECT TO, AS SHOWN
10C) ELECTRIC AND TELEPHONE LINES AND SYSTEMS EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT DATED SEPTEMBER 5, 1985, RECORDED IN VOLUME 9368, 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 G.F. NO. 201302963, 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:
I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, REGISTRATION NUMBER 4998, HEREBY STATE THAT DURING THE MONTH OF DECEMBER, 2013, A SURVEY OF THE REAL PROPERTY DESCRIBED AS A 0.881 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 ACTUALLY MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION, AND THAT TO THE BEST OF MY PROFESSIONAL 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 AND LINES OF ACTUAL POSSESSION ARE THE SAME EXCEPT AS NOTED; THE SIZE, LOCATION AND TYPE OF ALL OBSERVABLE IMPROVEMENTS ARE SHOWN HEREON; THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD IS AS SHOWN; THE PROPERTY ABUTS AND ADJOINS A PUBLIC ROADWAY; ALL RECORDED EASEMENTS AND OTHER EXCEPTIONS, AS NOTED IN THE ABOVE MENTIONED TITLE COMMITMENT HAVE BEEN CORRECTLY SHOWN OR REFERENCED HEREON;
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. 48453C0265H, DATED SEPTEMBER 26, 2008, 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 II, 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.

SCALE: 1"=20'

DATE: 12/27/13

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

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



NO.	DATE	DESCRIPTION	MAJ	BY
1	08/26/13	ADDRESS TITLE COMMENTS		

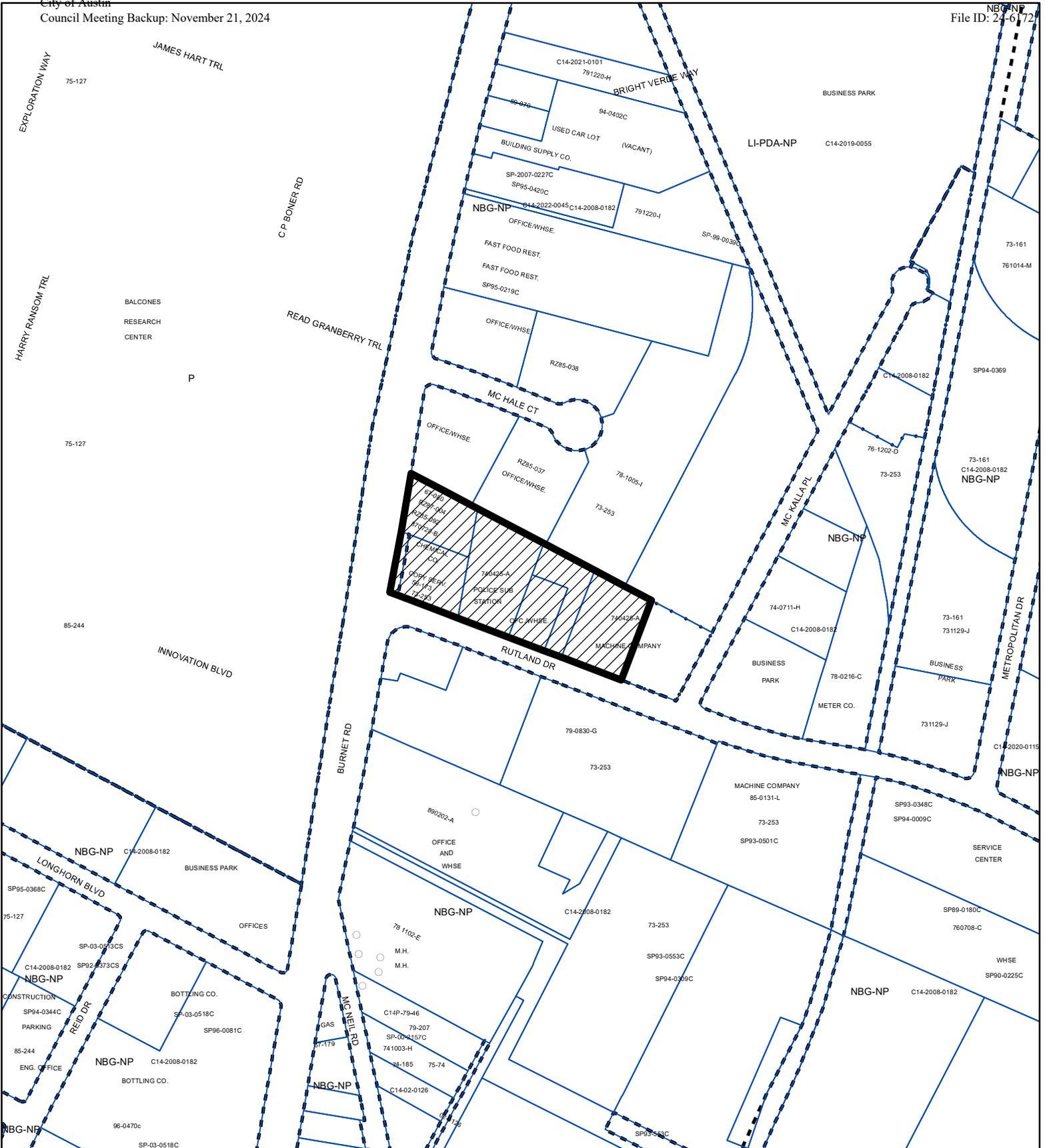
BURY
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0025
TBPE # F-1048 TBPLS # F-10107500
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LAND TITLE SURVEY
OF A 0.881 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 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.

LIVE OAK-GOTTESMAN, LLC
9901 BURNET ROAD

Scale: 1"=20'	Date: 12/17/13
File: H:\100011\028\100011028T12.DWG	
Database: 9901 BURNET	
Drawn by: KWA/AAM	
Approved by: MJJ	
Project No.: R0100011-10028	

SHEET
1
OF 1



ZONING
ZONING CASE#: C14-2024-0129

EXHIBIT "B"



-  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.



Created: 9/6/2024

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

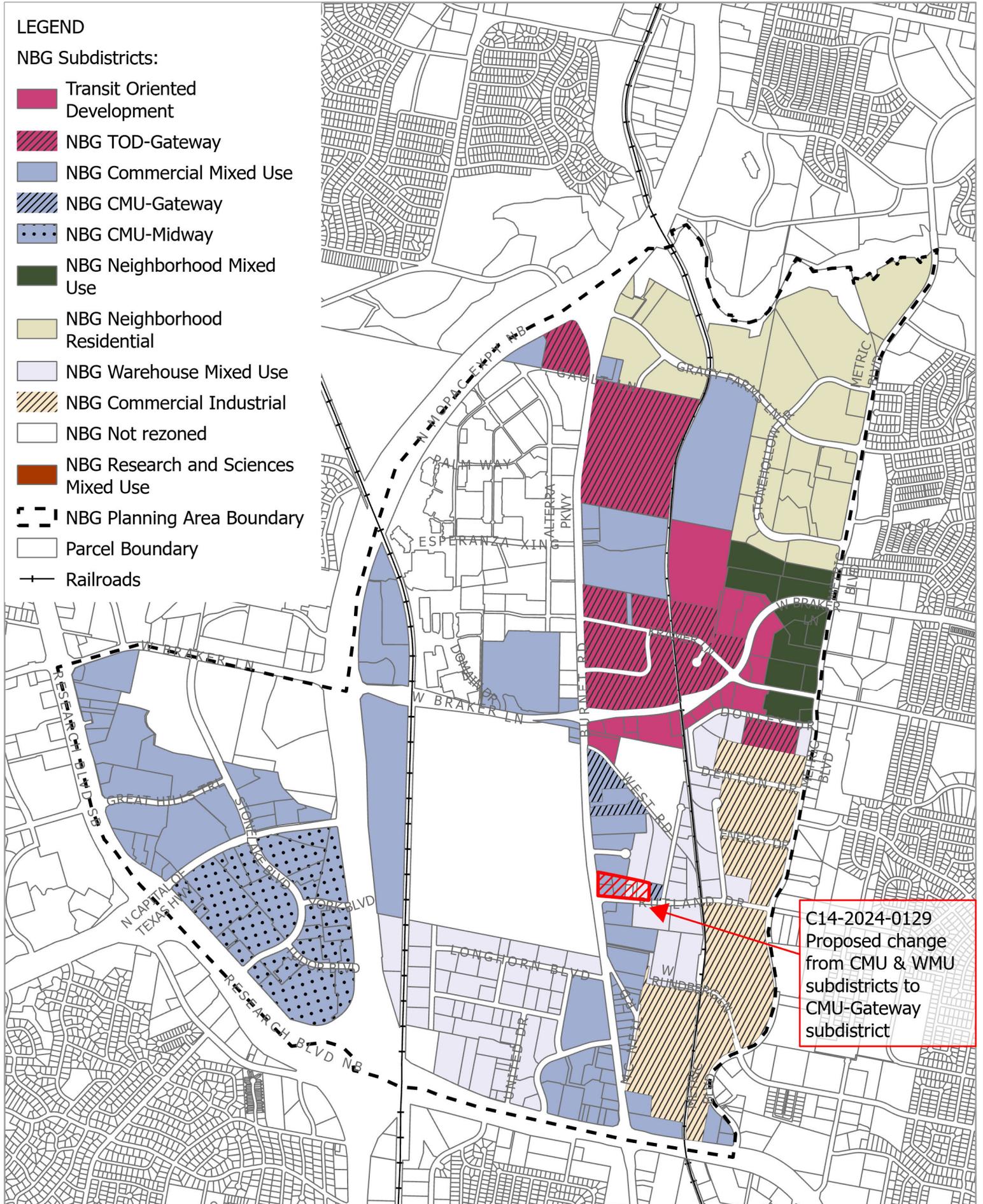


Figure 4-3: Maximum Floor-to-Area-Ratio (FAR) with Development Bonus

Legend

Maximum FAR with Development Bonus

2:1

3:1

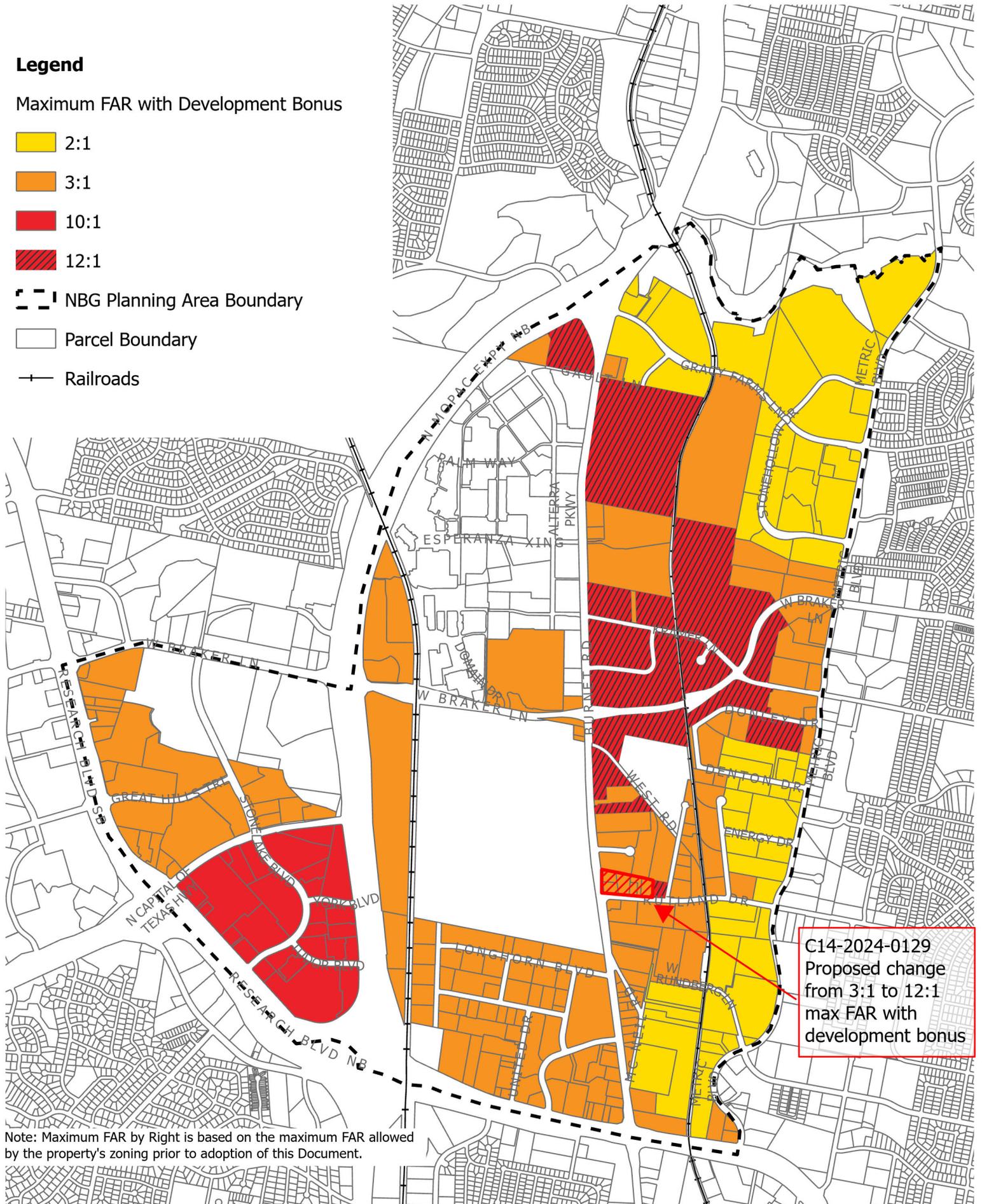
10:1

12:1

NBG Planning Area Boundary

Parcel Boundary

Railroads



Note: Maximum FAR by Right is based on the maximum FAR allowed by the property's zoning prior to adoption of this Document.



Figure 4-5: Maximum Height with Development Bonus

Legend

Maximum Height with Development Bonus

60'

120'

180'

350'

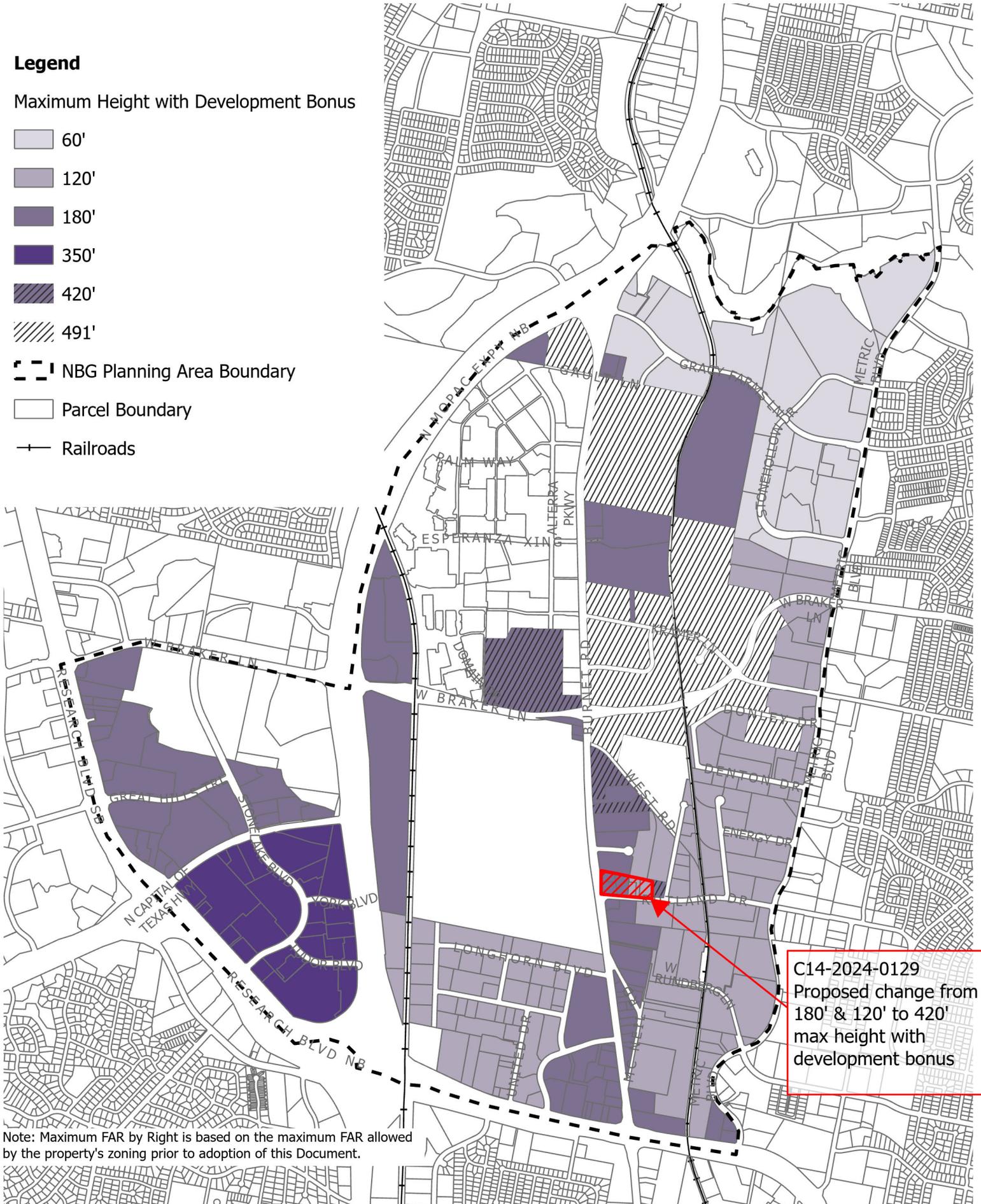
420'

491'

NBG Planning Area Boundary

Parcel Boundary

Railroads



C14-2024-0129
 Proposed change from
 180' & 120' to 420'
 max height with
 development bonus

Note: Maximum FAR by Right is based on the maximum FAR allowed by the property's zoning prior to adoption of this Document.

