

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2024-0074 (2209 Donley Drive)

DISTRICT: 4

ADDRESS: 2209 Donley Drive

ZONING FROM: NBG-WMU-NP

TO: NBG-TOD(Gateway Zone)-NP

SITE AREA: 2.899 acres

PROPERTY OWNER: Marquardt Family LP (David Marquardt)

AGENT: Drenner Group PC (Amanda Swor)

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

STAFF RECOMMENDATION:

**Staff recommends NBG-TOD(Gateway)-NP, North Burnet/Gateway-Transit Oriented Development-Gateway Zone-Neighborhood Plan, district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**June 11, 2024: Approved staff's recommendation of NBG-TOD(Gateway)-NP zoning by consent (10-0, J. Mushtaler-arrived late; G. Cox and N. Barrera-Ramirez-absent); A. Azhar-1st, F. Maxwell-2nd.**

CITY COUNCIL ACTION:

**July 18, 2024**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a 2.9 acre lot that is developed with a 25,664 square foot office/warehouse multi-tenant small bay building (Texas Cool Roofing & Waterproofing, Blue Sky Scrubs, LLC, Nova Tuff Coatings). To the east, there is another office/warehouse (Metric Center), a surface parking area and a three-story office building (Innovation Park) that were recently rezoned to NBG-TOD(Gateway Zone)-NP. The lot to the west is zoned NBG-WMU-NP and is developed with a one-story office/warehouse structure. To the north, across Donely Drive, there are lots that are zoned NBG-TOD-NP and NBG-NMU-NP and are developed with one-story offices. To the south, there are one-story industrial warehouses (Denton Center) that are zoned NBG-CI-NP.

The site under consideration is within the North Burnet Gateway Neighborhood Planning area and is zoned NBG-WMU-NP, North Burnet Gateway-Warehouse Mixed Use-Neighborhood Plan Combining District. This lot is located on Donely Drive, a level 2/collector roadway, to the east of Missouri Pacific Railroad. The applicant is requesting to rezone the property from NBG-NP (WMU Subdistrict) to NBG-NP (TOD-Gateway Zone Subdistrict) to allow for the development of a residential project with associated ground floor uses. (*please see Applicant's Request Letter-Exhibit C*). The TOD subdistrict allows a FAR of 12:1 and a maximum building height of up to 491 feet, with development bonuses (*please see the revised North Burnet Gateway - TOD subdistrict General Site Development Standards-Exhibit D*).

With the development of the Q2 stadium on the former McKalla tract to the west, there has been a transition in the zoning of the properties in this area within the North Burnet Gateway Neighborhood Plan (*please see the Area Case Histories table below*). Gateway zones are connected to the designated Transit Corridors and allow for greater height and density in close proximity to rail stations, such as the new McKalla Rail Station, which opened on February 24, 2024 to coincide with the kick-off of the fourth season for Austin FC.

Therefore, the staff is recommending North Burnet Gateway-Neighborhood Plan (TOD-Gateway Zone Subdistrict) zoning for this property because the proposed zoning will be compatible with the continued redevelopment patterns in this area around Q2 stadium. The NBG-NP (TOD Gateway) subdistrict zoning is appropriate at this location because it is consistent with the NBG-TOD-NP zoning to the north and east. This property will be within walking distance of the proposed Red-Line Trail to the west that will provide pedestrian and bike paths that will connect to the new regional rail station. McKalla Station features daily operations including special game day trips as well as a double track design, two passenger platforms and expanded walking and bike paths connecting to the stadium and surrounding neighborhood. Therefore, the staff's recommendation will permit uses and site development standards to the northeast of Q2 Stadium on Donely Drive that will allow for redevelopment to permit new commercial and residential uses.

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.

Transit-Oriented Development (TOD) is the highest density subdistrict in the North Burnet/Gateway area with the greatest focus on providing active pedestrian-oriented uses at the ground level of buildings. Density is enabled to the highest degree in the "TOD-Gateway area" closest to the rail station and to a lesser degree elsewhere.

Within the TOD Subdistrict certain areas are identified as active edges on the NBG Subdistrict Map. An active edge designation imposes additional specific land use and design requirements for development at visible intersections and along key streets that lead to the rail station.

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 (TOD Gateway Zone) district because it is consistent with the NBG-NP (TOD) subdistrict zoning directly to the east and to the north across Donely Drive. 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. The proposed zoning should allow for a reasonable use of the property.*

The NBG-TOD(Gateway Zone)-NP zoning district would allow for a fair and reasonable use of the site. The proposed TOD(Gateway Zone) subdistrict will allow for high-density residential and commercial uses, which will provide desirable housing opportunities and additional services 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). It is within the vicinity of the new McKalla Station adjacent to Q2 Stadium, near Delta Drive, on the MetroRail Red Line approximately 850 feet south of Braker Lane.

This property has access to all modes of transportation within walking distance. The new McKalla Rail Station is located to the west and the associated Redline trail will provide pedestrian and bicycle access north and south. With a pedestrian crossing connecting McKalla Station to Delta Drive, the property is a 0.3 mile walk to the new transit station.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NBG-NP (North Burnet/Gateway-Warehouse-Mixed Use Subdistrict-Neighborhood Plan)	Office/Warehouse (Texas Cool Roofing & Waterproofing, Blue Sky Scrubs, LLC, Nova Tuff Coatings)
<i>North</i>	NBG-NP (North Burnet/Gateway-Transit Oriented Development Subdistrict-Neighborhood Plan)	1-Story Office/Warehouses
<i>South</i>	NBG-NP (North Burnet/Gateway-Commercial-Mixed Use Subdistrict-Neighborhood Plan), NBG-NP (Commercial Industrial Subdistrict-Neighborhood Plan)	Multifamily (Broadstone North ATX), 1-Story Industrial Warehouses (Denton Center)
<i>East</i>	NBG-NP (North Burnet/Gateway-TOD(Gateway Zone) Subdistrict-Neighborhood Plan)	Office/Warehouse (Metric Center), Surface Parking Area, 3-Story Office Building (Innovation Park)
<i>West</i>	NBG-NP (North Burnet/Gateway-Warehouse-Mixed Use Subdistrict-Neighborhood Plan)	1-Story Office/Warehouses (Lux Art Consulting, Run Lab, Hyperion International Tech, IPEX)

NEIGHBORHOOD PLANNING AREA: North Burnet/Gateway Neighborhood Plan Area

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.

Katherine A. Cook Elementary School  
 Padron Elementary School  
 BASIS Austin  
 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,  
 North Growth Corridor Alliance,  
 SELTexas,  
 Shoal Creek Conservancy,  
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0149 (Donely NBG Rezoning: 2101, 2105, 2111 and 2201 Donley Drive)	NBG-WMU-NP to NBG-TOD (Gateway Zone)-NP	2/13/2024: Approved staff's recommendation of NBG-TOD(Gateway)-NP zoning by consent (12-0); A. Azhar-1st, F. Maxwell-2nd.	3/21/2024: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20240321-050 for North Burnet/Gateway-neighborhood plan (NBG-NP) combining district zoning (transit-oriented development-gateway zone) was approved on Council Member Qadri's motion, Council Member Ryan Alter's second on an 11-0 vote.
C14-2023-0150 (Kramer NBG Rezoning: 2111 & 2115 Kramer Lane; 2106 1/2 Donley Drive)	NBG-NMU-NP to NBG-TOD (Gateway Zone)-NP	2/13/24: Approved staff's recommendation of NBG-TOD(Gateway)-NP zoning by consent (12-0); A. Azhar-1st, F. Maxwell.	3/21/2024: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20240321-049 for North Burnet/Gateway-neighborhood plan (NBG-NP) combining district zoning (transit oriented development-gateway zone subdistrict) was approved on Council Member Qadri's motion, Council Member Ryan Alter's second on an 11-0 vote.
C14-2023-0040 (10317 - 10423 McKalla Place)	NBG-WMU-NP to NBG-TOD (Gateway Zone)-NP	12/12/23: Approved the staff's recommendation of NBG-TOD (Gateway)-NP zoning by consent (12-0, P. Howard-absent); F. Maxwell-1st, A. Azhar-2nd.	1/18/24: Approved staff's rec. of NBG-TOD (Gateway)-NP zoning by consent (11-0); Z. Qadri-1 <sup>st</sup> , P. Ellis-2 <sup>nd</sup> .

C14-2023-0045 (2404 Rutland Drive)	NBG-WMU-NP to NBG-CMU (Gateway Zone)-NP	9/12/23: Approved the applicant's request for NBG-CMU (Gateway Zone)-NP zoning (9-1-1, J. Mushtaler-No, G. Cox-abstain)	10/19/23: Postponed to November 2, 2023 at the applicant's request by consent (10-0, N. Harper-Madison-absent); P. Ellis-1st, L. Pool-2nd.  11/02/2023: Postponed to November 30, 2023 at the applicant's request by consent (9-0, M. Kelly-off the dais, N. Harper-Madison-absent); Z. Qadri-1st, J. Velasquez-2nd.  11/30/2023: Approved NBG-CMU(Gateway Zone)-NP zoning by consent on all 3 readings (10-0, R. Alter-off the dais); N. Harper-Madison-1st, P. Ellis-2nd.
C14-2022-0045 (10321 and 10401 Burnet Road)	NBG-CMU-NP to NBG-CMU (Gateway Zone)-NP	5/10/22: Approved staff's recommendation of NBG-CMU (Gateway Zone)-NP zoning by consent (13-0); A. Azhar-1st, J. Mushtaler-2nd.	6/09/22: Approved NBG-CMU (Gateway Zone)-NP zoning by consent on all 3 readings (11-0); N. Harper-Madison-1st, P. Renteria-2nd.
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 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> ).	February 4, 2021: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20210204-058 for public (P) district zoning was approved on Council Member Pool's motion, Council Member Tovo's second on an 11-0 vote.
C14-2019-0055 (Austin FC: 10414 McKalla	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	6/06/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-097 for

Place and 10617 ½ Burnet Road)		Impact Analysis (TIA) with the site plan process, if practical (Vote: 11-2, K. McGraw and P. Seeger-No); G. Anderson-1 <sup>st</sup> , C. Kenny- 2 <sup>nd</sup> .	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	8/0916: Approved staff's recommendation of MI-PDA zoning on consent (8-0, K. McGraw, S. Oliver, P. Seeger, J. Thompson, T. White-absent); N. Zaragoza-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .	9/22/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-071 for MI-PDA zoning, to change a condition of zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.
C14-2014-0062 (The Kenzie: 3201 Esperanza Crossing)	MI-PDA to MI- PDA	5/27/14: Approved staff's recommendation for MI-PDA zoning by consent (8-0, J. Nortey-absent); R. Hattfield-1 <sup>st</sup> , N. Zaragoza-2 <sup>nd</sup> .	6/26/14: Approved MI-PDA zoning, to change a condition of zoning, on consent on all 3 readings (6-0, M. Martinez- off the dais); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2013-0130 (Domain Entertainment District: 11824 Burnet Road)	MI-PDA to MI- PDA	11/12/13: Approved staff's recommendation for MI-PDA zoning, with conditions for a limitation of 90,000 square feet of Cocktail Lounge use as permitted with no one user exceeding 13,000 sq. ft. within the designated 43.267acre area (outlined in Exhibit A) located within the Property., by consent (7-0-2, D. Chimenti and A. Hernandez-absent); J. Nortey-1 <sup>st</sup> , B. Roark-2 <sup>nd</sup> .	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2012-0002 (The Domain: 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210	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)	5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1 <sup>st</sup> , S. Kirk-2 <sup>nd</sup> .	6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .

Esperanza Crossing)	To relocate 1-acre of designated zero impervious area within a nine acre park to a new location within the same park.		
C14-2010-0087 (The Domain Rezoning-Simon: 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace)	MI-PDA to MI-PDA: To amend the Domain zoning ordinance to request a change to the PDA overlay to allow 83% impervious cover for the overall site.	8/24/10: Approved staff's recommendation of MI-PDA zoning with the condition that the applicant agree to a public restrictive covenant to limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to offset the increase in impervious cover on the Simon-Domain property (8-1, Chimenti-No), with the following additional conditions: 1) Require the applicant to provide bicycle access for a portion Bicycle Route Segment #905.04 (Please see Public Works Department Memorandum – "Attachment B") to allow for continuity for bicycle traffic to and through the Domain development. 2) Require a public restrictive covenant that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to be signed and recorded before the 3 <sup>rd</sup> reading of this zoning case at City Council.	8/26/10: The public hearing will remain open and the first reading of the case was approved for MI-PDA zoning (7-0); Morrison-1 <sup>st</sup> , Spelman-2 <sup>nd</sup> , with the following additional conditions: 1) The applicant is to provide bicycle access for a portion of Bicycle Route Segment #905.04 to allow for continuity for bicycle traffic to and through the Domain development. 2) A public restrictive covenant that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover will be signed and recorded before the third reading of this zoning case. 10/14/10: Approved MI-PDA zoning on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); Spelman-1 <sup>st</sup> , Leffingwell-2 <sup>nd</sup> , with the following amendments: 1) Part 3, C, 1 of the ordinance should read: "A pedestrian/bicycle entrance shall be provided between the existing pedestrian/bicycle trail under Mopac Expressway and the Simon Project internal drive as shown on the attached Exhibit B. A minimum 12-foot wide paved path shall be constructed with an associated curb cut connecting to the internal drive prior to issuance of a certificate of occupancy for a building on Lot 5A, Block A, the Domain Shopping Center



			<p>Section 3 Subdivision.”; 2) Add a new paragraph to Part 3, Section D to read: “The two trees on the property numbered 5068 and 5081 as shown on Exhibit D may not be removed, unless the City Arborist approved otherwise based on the health of the individual trees.”; 3) The approved otherwise based on fourth WHEREAS of the restrictive covenant should read: “WHEREAS, the requirements of the Land Development Code for both the Endeavor Tract and the Simon Tract allow for a combined maximum of eighty percent (80%) net site area impervious cover resulting in a total allowable impervious cover area of 135.36 acres for the Endeavor Tract and 40.54 for the Simon Tract; and”.</p>
<p>C14-2010-0015 (The Domain Rezoning- Endeavor: 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing)</p>	<p>To rezone the property from MI-PDA to MI-PDA to amend the Domain zoning ordinance to modify the following conditions: 1) To provide updated bike lanes for the development by routing sharrows and hike and bike paths throughout the site 2) To request a variance through the PDA to LDC Sec. 25-2-813 to allow an administrative approval of one large retail user exceeding 100,000 square feet to be constructed on the portion of the Domain property that is located north</p>	<p>8/24/10: Approved staff’s recommendation for MI-PDA zoning (8-1, Tovo-No), with an amendment to the Public Works Department Memorandum – “Attachment A” to change the wording in the first line of item #2 from should to <u>shall</u>. The Commission also included findings for the justification for the approval of the proposed variance to the “Big Box” ordinance, LDC Sec. 25-2-813:</p> <ol style="list-style-type: none"> <li>1) This request is a special circumstance because the property is located with a PDA overlay district.</li> <li>2) This approval is in accordance with the North Burnett/Gateway Neighborhood Plan.</li> <li>3) The approval for this case allows for the inclusion of the recommendations of</li> </ol>	<p>10/14/10: Approved MI-PDA zoning on all 3 readings on consent (7-0); Spelman-1<sup>st</sup>, Cole-2<sup>nd</sup>, with the following conditions: 1) Part 3, C, 1 of the ordinance should read: “The Domain-Endeavor Project shall provide internal bicycle routes for access and continuity to existing or planned bicycle routes as well as multi-use hike and bike trails as more particularly detailed in the attached Exhibit C.”, 2) Part 3, C, 4 of the ordinance should read: “The sharrows shall be installed within one year of the effective date of this ordinance for existing roadways and at the time of construction for future roadways.”</p>

	of Esperanza Crossing. Thereby, removing the requirement to secure approval of a Conditional Use Permit for this sole large retail user at this location.	the City of Austin Bicycle Program for the property.	
C14-06-0121	MI-PDA to MI-PDA	<p>2/13/10: Approved staff's rec. for MI-PDA zoning with additional conditions of:</p> <ul style="list-style-type: none"> <li>• 2 star Green Building rating</li> <li>• natural landscaping of all water quality ponds (existing and future);</li> <li>• be in compliance with TIA conditions;</li> <li>• the applicant's requested parkland dedication proposal;</li> <li>• height base of 140-ft; plus an additional 12-stories based on electing to provide some of the public benefits as listed in the North Burnet/Gateway Neighborhood Plan.</li> <li>• Maximum height of 308 feet.</li> </ul> <p>Vote: (9-0); J.Reddy-1<sup>st</sup>, G. Stegeman-2<sup>nd</sup>.</p>	3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1 <sup>st</sup> , Dunkerley-2 <sup>nd</sup> .
C14-06-0154	MI-PDA to MI-PDA	8/08/06: Approved staff rec. of MI-PDA by consent (8-0)	<p>09/28/06: Approved MI-PDA (7-0); 1<sup>st</sup> reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).	12/16/04: Approved MI-PDA (7-0); all 3 readings
C14-04-0146	P to CH	11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0)	12/2/04: Approved CH zoning (7-0); all 3 readings
C14-03-0017	MI-PDA to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of	7/31/03: Granted MI-PDA on all 3 readings (7-0)

		original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off dais)	
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	<p>5/9/00: Approved staff rec. of MI-PDA by consent (8-0); with the following conditions:</p> <ol style="list-style-type: none"> <li>1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size.</li> <li>2) The total number of additional curb cuts on Braker Lane &amp; Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots.</li> <li>3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road.</li> </ol>	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

RELATED CASES:

C14-2018-0182 (North Burnet/Gateway NP Rezoning)  
C8S-73-196 (Subdivision Case)

OTHER STAFF COMMENTS:

### Comprehensive Planning

The subject property located at 2209 Donley Drive is currently the site of a warehouse use on 2.89 acres. The site is within a Transit Oriented Development (TOD) zone and adjacent to the NBG TOD Gateway zoning district intended to provide the highest density of active pedestrian-oriented ground-level uses near the rail station. A new NBG Pedestrian Priority Collector is shown adjacent to 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.

It appears existing zoning capacity established in the NBG Master and Regulating Plans, most notably around the TOD zones, were not ambitious enough to allow the subject property and others like it to respond to market forces which desire to fulfill the intent of the NBG plan through the creation of transit-supportive, higher-density mix of uses.

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 around a transit corridor/stop for the city's only operational rail line.

#### NBG Master Plan:

“STATION AREA/TRANSIT-ORIENTED DEVELOPMENT (TOD) Within the Commercial Mixed Use subdistrict, 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

2209 Donley Drive		
	Current	Request
<b>Zoning</b>	NBG-NP Warehouse Mixed Use (WMU) (Figure 1-2)	NBG-NP TOD Gateway
<b>Land Use</b>	Warehouse	Mixed-Use
<b>Base Height</b>	60 feet (Figure 4-4)	In accordance with Figure 4-4
<b>Base FAR</b>	1:1 (Figure 4-2)	In accordance with Figure 4-2
<b>Development Bonus</b>	<b>Maximum Height:</b> 120 feet (Figure 4-5) <b>Maximum FAR:</b> 3:1 (Figure 4-3)	<b>Maximum Height:</b> 491 feet  <b>Maximum FAR:</b> 12:1

<b>Building Setbacks</b>	Interior Side Yard: 0' Rear Yard: 0'	Interior Side Yard: 0' Rear Yard: 0'
<b>Maximum Impervious Cover</b>	80% in accordance with Figure 4-6 or maximum allowed by LDC 25-8	80% in accordance with Figure 4-6 or maximum allowed by LDC 25-8
<b>Compatibility Standards</b>	N/A	N/A
<b>Active Edge</b>	Active Edge (Figure 1-2) = no	N/A
<b>Adjacent Street Types</b>	Roadway type (Figure 1-3) = Donley Drive is a NBG Urban Roadway existing street.	Roadway type (Figure 1-3) = Donley Drive is a NBG Urban Roadway existing street.
<b>Future Streets</b>	Proposed street (See Figure 1-3 and Figure 3-12) = Yes. A new NBG Pedestrian Priority Collector is shown as required along the eastern property boundary.	Proposed street (See Figure 1-3 and Figure 3-12) = Yes. A new NBG Pedestrian Priority Collector is shown as required along the eastern property boundary.

### Environmental

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on-site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### Fire

No comments.

### Parks and Recreation

Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(D). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, multifamily with GR-MU-V zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of parkland dedication requirements.

### Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North, East, and West property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 24 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI- This site is in the North Lamar Neighborhood Plan.

### Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Rundberg Ln. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated 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)
Rundberg Ln	Level 3	116'	87'	66'	Yes, on north side	no	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](mailto:ser@austintexas.gov).

INDEX OF EXHIBITS TO FOLLOW

A. Zoning Case Map

B. Applicant's Request Letter

C. North Burnet/Gateway Regulating Plan – WMU Subdistrict and TOD Subdistrict General Site Development Standards





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L — — —

ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2024-0074

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: 5/6/2024**

$$1'' = 400'$$

**DRENNER**  
GROUP

Amanda Swor  
dial: (512) 807-2904  
aswor@drennergroupp.com

April 24, 2024

Ms. Lauren Middleton-Pratt  
Housing and Planning Department  
City of Austin  
6310 Wilhelmina Delco Dr.  
Austin, TX 78752

*Via Electronic Delivery*

Re: 2209 Donley Drive – Rezoning application for the approximately 2.899-acre piece of property located at 2209 Donley Drive in the City of Austin, Travis County, Texas (the “Property”).

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 2209 Donley Drive and is approximately 2.899 acres of land, located at 2209 Donley Drive. The Property is in the full purpose jurisdiction of the City of Austin.

The Property is currently zoned NBG-NP, North Burnet/Gateway – Neighborhood Plan, district, and is more specifically located in the Warehouse Mixed Use (“WMU”) subdistrict of the North Burnet Gateway (“NBG”) Regulating Plan. The requested rezoning is from the WMU subdistrict to the TOD-Gateway, Transit Oriented Development – Gateway, subdistrict. The Property is currently developed with warehouse uses. The purpose of the rezoning is to allow for the development of a residential project with associated ground floor uses. This request is consistent with proposed uses surrounding Q2 Stadium and in the surrounding area. The proposed development will comply with site development and design standards established in the NBG Regulating Plan.

This rezoning also proposes to amend three (3) maps within the NBG Regulating Plan. Firstly, Figure 1-2 (North Burnet / Gateway Zoning District Subdistrict Map) is proposed to be amended to designate the Property as within the TOD Gateway Zone. Secondly, Figure 4-3 (Maximum Floor-to-Area-Ratio with Development Bonus) is proposed to be amended to allow for a 12:1 Maximum Floor-to-Area Ratio on the Property. Lastly, Figure 4-5 (Maximum Height with

Development Bonus) is proposed to be amended to allow for a maximum height of 491 feet with a development bonus on the Property.

The Property is located within the NBG 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. A memorandum from Maureen Meredith dated April 23, 2024 is attached and confirms that a Neighborhood Plan Amendment application is not required with this zoning application.

The Traffic Impact Analysis ("TIA") is not required per the attached TIA Determination Form dated April 23, 2024 and executed by Mustafa Wali as the traffic generated by the proposed development does not exceed the thresholds established in the Land Development Code.

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,

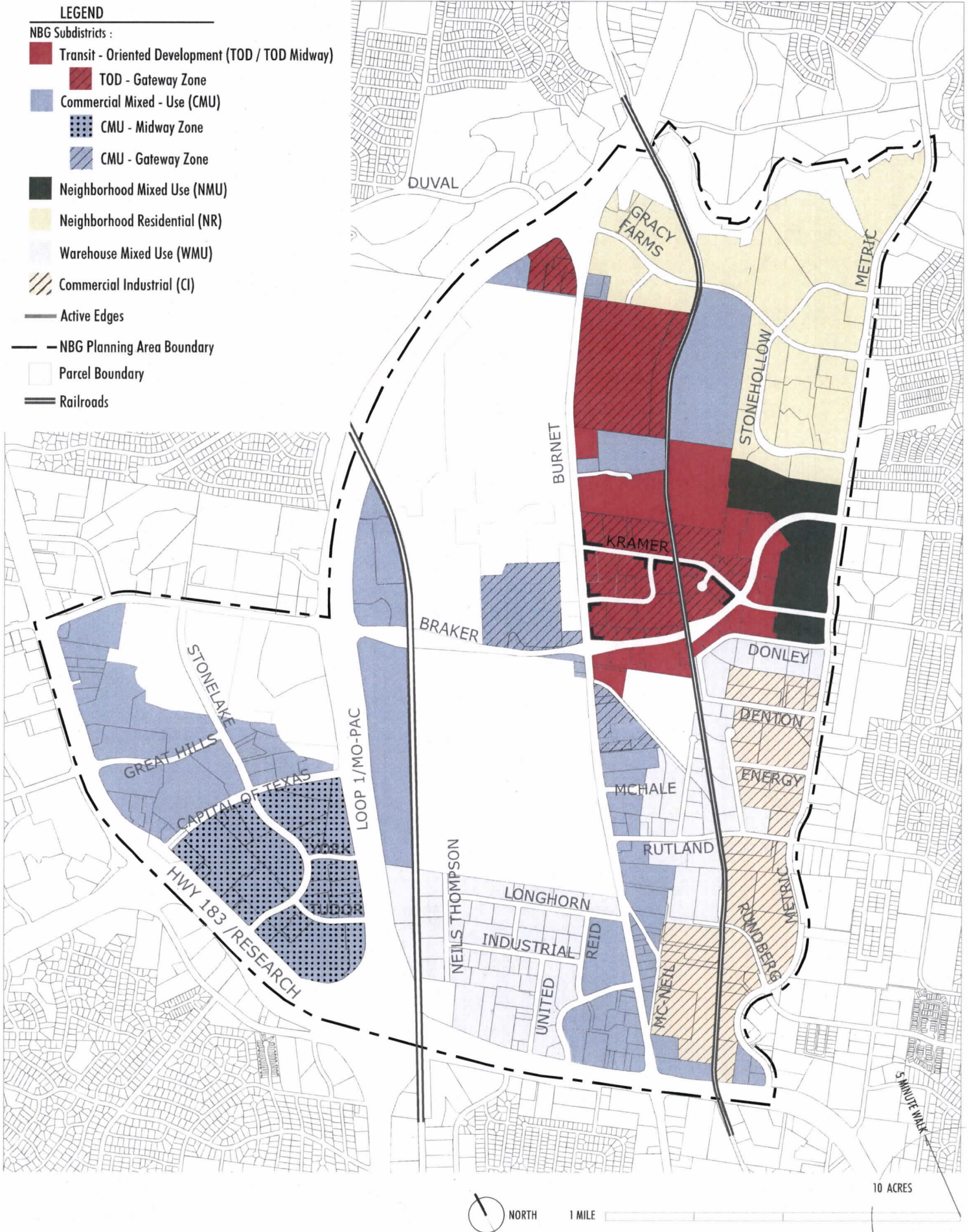


Amanda Swor

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



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





# FIGURE 4 - 1 WMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS WAREHOUSE MIXED USE (WMU) SUBDISTRICT

Exhibit "B"  
Revised 10-05-23

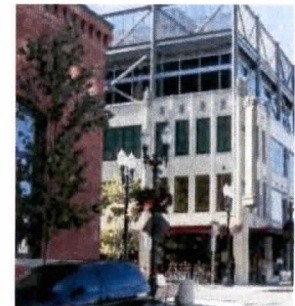
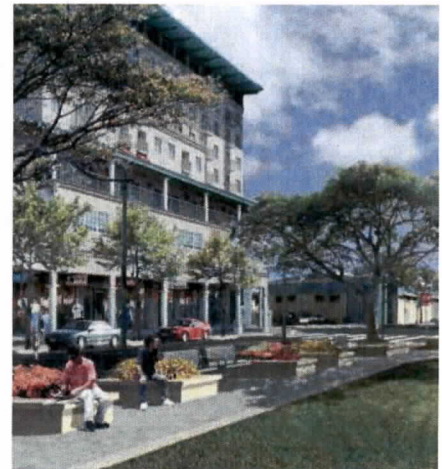
LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<b>Front and Street Side Upper Story Building Facade Stepbacks:</b>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

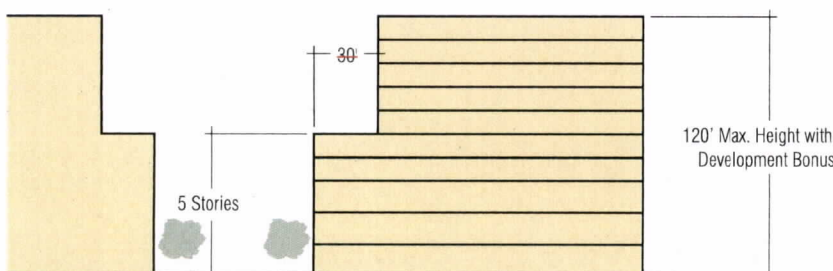
MAXIMUM IMPERVIOUS COVER	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek):</b>	
Not applicable	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus: 3:1</b>	
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	
<b>Minimum Building Height:</b>	
Not applicable	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus: 120 Feet</b>	
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 examples of buildings in the Warehouse Mixed Use Subdistrict.



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

**Exhibit "B"**

**Revised 10-05-23**

LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
<b>Front Yard and Street Side Yard*:</b>	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
<del>Front and Street Side Upper Story Building Facade Stepbacks:</del>	
<del>The building facade at the 6th story and above must be stepped back 30 feet from the ground level building facade line.</del>	
<b>Interior Side Yard:</b>	0 Feet
<b>Rear Yard:</b>	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard 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	
<b>If located in an urban watershed (Shoal or Little Walnut Creek) :</b>	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
<b>If located in a suburban watershed (Walnut Creek)*: 80%</b>	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

FLOOR TO AREA RATIO	
<b>Maximum Floor-to-Area Ratio (FAR) by Right:</b>	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
<b>Maximum Floor-to-Area Ratio (FAR) with Development Bonus:</b>	
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	
<b>Minimum Building Height:</b>	
2 Stories	
<b>Maximum Building Height by Right:</b>	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
<b>Maximum Building Height with Development Bonus*</b>	
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.	
<del>*Exception: If adjacent to or across the street from NR subdistrict maximum height is 120 feet.</del>	

Typical example of buildings in the Transit Oriented Development Subdistrict.

