

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0149 (Donely NBG Rezoning)

DISTRICT: 4

ADDRESS: 2101, 2105, 2111 and 2201 Donley Drive

ZONING FROM: NBG-WMU-NP

TO: NBG-TOD(Gateway Zone)-NP

SITE AREA: 8.55 acres

PROPERTY OWNER: 2101-2105 Donley Drive Property LLC; BW 2115 Kramer LLC

AGENT: Armbrust & Brown PLLC (Richard T. Suttle Jr.)

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

February 13, 2024: Approved staff's recommendation of NBG-TOD(Gateway)-NP zoning by consent (12-0); A. Azhar-1st, F. Maxwell-2nd.

CITY COUNCIL ACTION:

March 21, 2024

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of four lots making up 8.55 acres that are currently developed with an office/warehouse structure (Metric Center), a surface parking area and a three-story office building (Innovation Park). The property 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. The site located on Donely Drive, a level 2/collector roadway, to the east of Missouri Pacific Railroad. There is also NBG-WMU-NP zoning to the east and west that is developed with a communication services facility (CBS Austin) and office/warehouse uses respectively. 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 applicant is requesting to rezone the property from NBG-NP (WMU Subdistrict) to NBG-NP (TOD-Gateway Zone Subdistrict) to allow for the construction of approximately 450 multi-family units (*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 is slated to open later this month 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. This property will be within walking distance of the proposed Red-Line Trail to the east that will provide pedestrian and bike paths that will connect to the new regional rail station. McKalla Station will feature 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 City Council passed a resolution last May (*please see Resolution No. 20230504-020 - Exhibit F*). This resolution is a direction to the staff that the City Council wants community

benefits for the additional entitlements (i.e.- height and FAR) in the Gateway zones. The proposed modifications to the development bonus provisions and fees for the North Burnet/Gateway Regulating Plan will allow maximum height and FAR to be achieved administratively with sufficient community benefit, and the maximums exceeded with council approval, similar to the Downtown Density Bonus Program, achieving greater community benefits such as housing and transit- and mobility-related improvements. The Urban Design division is currently working on creating these Tier 2 conditions for the North Burnet/Gateway Regulating Plan and these changes/amendments to the NBG will be presented to the City Council this spring in March of 2024.

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 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 will be 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 would be 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 (Metric Center), Surface Parking Area, 3-Story Office Building (Innovation Park)
<i>North</i>	NBG-NP (North Burnet/Gateway-Transit Oriented Development Subdistrict-Neighborhood Plan), NBG-NP (North Burnet/Gateway-Neighborhood Mixed Use Subdistrict-Neighborhood Plan)	1-Story Office/Warehouses
<i>South</i>	NBG-NP (North Burnet/Gateway-Commercial Industrial Subdistrict-Neighborhood Plan)	1-Story Industrial Warehouses (Denton Center)
<i>East</i>	NBG-NP (North Burnet/Gateway-Warehouse-Mixed Use Subdistrict-Neighborhood Plan)	Communication Services (CBS Austin/ Telemundo Austin)
<i>West</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)

NEIGHBORHOOD PLANNING AREA: North Burnet/Gateway Neighborhood Plan AreaWATERSHED: Little Walnut CreekSCHOOLS: 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
C14-2023-0150 (Kramer NBG Rezoning: 2111 & 2115 Kramer Lane; 2106 1/2 Donley Drive)	NBG-NMU-NP to NBG-TOD (Gateway Zone)-NP	2/13/24: Pending	
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 st , P. Ellis-2 nd .
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.

			<p>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.</p> <p>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.</p>
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 st , P. Seeger-2 nd .	February 4, 2021: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20210204-058 for public (P) district zoning was approved on Council Member Pool's motion, Council Member Tovo's second on an 11-0 vote.
C14-2019-0055 (Austin FC: 10414 McKalla Place and 10617 ½ Burnet Road)	LI-NP, NBG-NP to LI-PDA-NP	5/14/19: To approve the staff's recommendation of LI-PDA zoning, with added condition to approve the Transportation Impact Analysis (TIA) with the site plan process, if practical (Vote: 11-2, K. McGraw and P. Seeger-No); G. Anderson-1 st , C. Kenny- 2 nd .	6/06/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-097 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Harper-Madison was absent.

C14-2016-0074 (Element Hotel: 10728 Burnet Road)	MI-PDA to MI-PDA	8/09/16: Approved staff's recommendation of MI-PDA zoning on consent (8-0, K. McGraw, S. Oliver, P. Seeger, J. Thompson, T. White-absent); N. Zaragoza-1 st , J. Shieh-2 nd .	9/22/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-071 for MI-PDA zoning, to change a condition of zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.
C14-2014-0062 (The Kenzie: 3201 Esperanza Crossing)	MI-PDA to MI- PDA	5/27/14: Approved staff's recommendation for MI-PDA zoning by consent (8-0, J. Nortey-absent); R. Hattfield- 1 st , N. Zaragoza-2 nd .	6/26/14: Approved MI-PDA zoning, to change a condition of zoning, on consent on all 3 readings (6-0, M. Martinez- off the dais); B. Spelman-1 st , S. Cole-2 nd .
C14-2013-0130 (Domain Entertainment District: 11824 Burnet Road)	MI-PDA to MI- PDA	11/12/13: Approved staff's recommendation for MI-PDA zoning, with conditions for a limitation of 90,000 square feet of Cocktail Lounge use as permitted with no one user exceeding 13,000 sq. ft. within the designated 43.267acre area (outlined in Exhibit A) located within the Property., by consent (7-0-2, D. Chimenti and A. Hernandez-absent); J. Nortey-1 st , B. Roark-2 nd .	12/12/13: Approved MI-PDA zoning on consent on all 3 readings (7-0); B. Spelman-1 st , S. Cole-2 nd .
C14-2012-0002 (The Domain: 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing)	MI-PDA to MI-PDA: To amend the PDA 1) To allow for a Cocktail Lounge use as a permitted use on a 2,198 sq. ft. parcel and 2) To relocate 1- acre of designated zero impervious area within a nine acre park to a new	5/08/12: Approved MI-PDA zoning by consent (9-0); D. Anderson-1 st , S. Kirk-2 nd .	6/28/12: Approved MI-PDA zoning to change a condition of zoning on all 3 readings (7-0); C. Riley-1 st , S. Cole-2 nd .

	location within the same park.		
C14-2010-0087 (The Domain Rezoning-Simon: 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace)	MI-PDA to MI-PDA: To amend the Domain zoning ordinance to request a change to the PDA overlay to allow 83% impervious cover for the overall site.	8/24/10: Approved staff's recommendation of MI-PDA zoning with the condition that the applicant agree to a public restrictive covenant to limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to offset the increase in impervious cover on the Simon-Domain property (8-1, Chimenti-No), with the following additional conditions: 1) Require the applicant to provide bicycle access for a portion Bicycle Route Segment #905.04 (Please see Public Works Department Memorandum – "Attachment B") to allow for continuity for bicycle traffic to and through the Domain development. 2) Require a public restrictive covenant that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to be signed and recorded before the 3 rd reading of this zoning case at City Council.	8/26/10: The public hearing will remain open and the first reading of the case was approved for MI-PDA zoning (7-0); Morrison-1 st , Spelman-2 nd , with the following additional conditions: 1) The applicant is to provide bicycle access for a portion of Bicycle Route Segment #905.04 to allow for continuity for bicycle traffic to and through the Domain development. 2) A public restrictive covenant that will limit one acre of land on the Endeavor- Domain site to zero percent impervious cover will be signed and recorded before the third reading of this zoning case. 10/14/10: Approved MI-PDA zoning on 2 nd /3 rd readings (7-0); Spelman-1 st , Leffingwell-2 nd , with the following amendments: 1) Part 3, C, 1 of the ordinance should read: "A pedestrian/bicycle entrance shall be provided between the existing pedestrian/bicycle trail under Mopac Expressway and the Simon Project internal drive as shown on the attached Exhibit B. A minimum 12-foot wide paved path shall be constructed with an associated curb cut connecting to the internal drive prior to issuance of a certificate of occupancy for a building on Lot 5A, Block A, the Domain Shopping Center Section 3 Subdivision."; 2) Add a new paragraph to Part 3, 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”.
C14-2010-0015 (The Domain Rezoning- Endeavor: 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing)	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 of Esperanza Crossing. Thereby, removing the requirement to secure approval of a Conditional Use Permit for this sole	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: 1) This request is a special circumstance because the property is located with a PDA overlay district. 2) This approval is in accordance with the North Burnett/Gateway Neighborhood Plan. 3) The approval for this case allows for the inclusion of the recommendations of the City of Austin Bicycle Program for the property.	10/14/10: Approved MI-PDA zoning on all 3 readings on consent (7-0); Spelman-1 st , Cole-2 nd , 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.”

	large retail user at this location.		
C14-06-0121	MI-PDA to MI-PDA	<p>2/13/10: Approved staff's rec. for MI-PDA zoning with additional conditions of:</p> <ul style="list-style-type: none"> • 2 star Green Building rating • natural landscaping of all water quality ponds (existing and future); • be in compliance with TIA conditions; • the applicant's requested parkland dedication proposal; • height base of 140-ft; plus an additional 12-stories based on electing to provide some of the public benefits as listed in the North Burnet/Gateway Neighborhood Plan. • Maximum height of 308 feet. <p>Vote: (9-0); J.Reddy-1st, G. Stegeman-2nd.</p>	3/01/07: Approved MI-PDA zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction (7-0); McCracken-1 st , Dunkerley-2 nd .
C14-06-0154	MI-PDA to MI-PDA	8/08/06: Approved staff rec. of MI-PDA by consent (8-0)	<p>09/28/06: Approved MI-PDA (7-0); 1st reading</p> <p>10/05/06: Approved MI-PDA changes as a condition of zoning (6-0); 2nd/3rd readings</p>
C14-04-0151	MI-PDA to MI-PDA	11/23/04: Approved staff recommendation of MI-PDA, with Environmental Board conditions (9-0).	12/16/04: Approved MI-PDA (7-0); all 3 readings
C14-04-0146	P to CH	11/9/04: Approved staff's recommendation of CH zoning with conditions (9-0)	12/2/04: Approved CH zoning (7-0); all 3 readings
C14-03-0017	MI-PDA to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning, with inclusion of original PDA conditions (as read into the record) from Ordinance #000608-67 (8-0, R. Pratt-off dais)	7/31/03: Granted MI-PDA on all 3 readings (7-0)
C14-03-0016	MI to MI-PDA	6/11/03: Approved staff's recommendation of MI-PDA zoning (8-0, R. Pratt-off dais)	7/31/03: Granted MI-PDA on all 3 readings (7-0)

C14-03-0015	MI to CS	6/11/03: Approved staff's recommendation of CS-CO zoning (8-0, R. Pratt-off dais)	7/31/03: Granted CS-CO on all 3 readings
C14-02-0062	LI to CS-1	6/12/02: Approved CS-1 by consent (8-0)	7/11/02: Approved PC rec. of CS-1 (7-0); all 3 readings
C14H-00-2177	LI-PDA to LI-PDA	10/24/00: Approved staff rec. of LI-PDA (TR1), LI-PDA-H (TR2) by consent (9-0)	11/30/00: Approved LI-PDA (TR1) and LI-PDA-H (TR2); (7-0); all 3 readings
C14-00-2065	MI to MI-PDA	<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"> 1) That minimum lot size be 1 acre provided for any lots that directly abut Braker Lane and Burnet Road (but not both) and which are less than 3 acres in size. 2) The total number of additional curb cuts on Braker Lane & Burnet Road providing access to such lots shall not exceed 50 % of the total number of such lots. 3) The foregoing limitation shall not apply to any lot of more than 3 acres, which abut Braker Lane and Burnet Road. 	6/8/00: Approved MI-PDA, with changes agreed to with neighborhood association (7-0); all 3 readings

RELATED CASES:

C14-2018-0182 (North Burnet/Gateway NP Rezonings)
C8S-73-196; C8S-84-034 (Subdivision Cases)

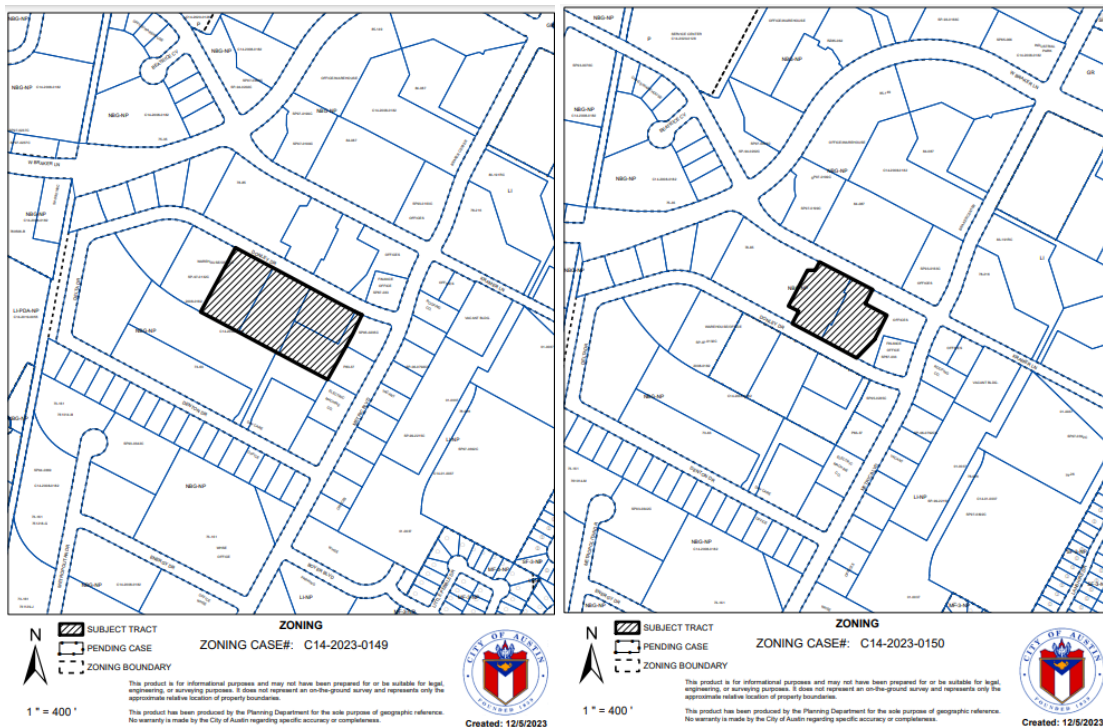
OTHER STAFF COMMENTS:

Comprehensive Planning

The North Burnet Gateway Regulating Plan was adopted in 2009 to help implement a long-term vision for the area to redevelop the low density, auto-oriented commercial, warehouse and industrial uses into a higher density urban mixed-use neighborhood that supports active transportation and centers around major transit stations. The NBG Zoning Subdistricts, illustrated in Figure 1-2 of the Plan, reflect the principles of transit-oriented development by allowing the highest density use around the commuter rail station and lowest density, most restrictive use along the eastern edge where the NBG area meets residential uses.

Wherein many significant changes have occurred in and around the NBG area since 2009, the most consequential for the NBG Plan is the planned decommission of Kramer Station and addition of McKalla Station and Broadmoor Station. McKalla Station is expected to be operational by the beginning of 2024.

The applicant is requesting to change 2101, 2105, 2111 & 2201 Donley Drive from Warehouse Mixed-Use to TOD-Gateway subdistrict zoning. Below are two maps illustrating this zoning case and another current zoning case directly to the north:



According to the Plan:

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.

The Property, located at 2101, 2105, 2111 & 2201 Donley Drive, is a 0.8 mile walk to the McKalla Station. With a pedestrian crossing connecting McKalla Station to Delta Drive, the Property would be a 0.3 mile walk to the McKalla Station. In Austin, the walkshed for transit-oriented development ranges from a quarter mile to a half mile radius.

TOD is the densest, least restrictive zoning subdistrict within NBG. In 2023, TOD-Gateway and TOD-Midway were changed to offer the same maximum FAR with a development bonus of 12:1 and maximum height with a development bonus of 491 feet.

This request follows the logic of the NBG Regulating Plan considering today’s knowledge of and precise location of the existing and upcoming rail stations in this area. However, adjacent land uses and scale may not be compatible with high rise residential uses. Additional considerations include:

- **Step back on the easternmost facade.** Consider requiring a step back to the development, typically required at the third, forth, fifth, or sixth story and above, to help maintain a relational scale to eastern neighboring properties.
- **Required connection.** According to *Figure 3-12*, there is a required Pedestrian Priority Collector connection running north-south.. The goal is to enhance mobility and connectivity as redevelopment occurs and this could be a good opportunity to provide a piece of the connection that will eventually connect to Metropolitan Drive to Stonehollow Drive.
- **Existing Active Transportation connections.** Donley Drive does not have a contiguous sidewalk. There is limited bicycle network connectivity around this property, however, the Red Line Trail is within a half mile.
- **Designate Active Edge.** If TOD-Gateway subdistrict is granted, consider designating Donley Drive an Active Edge. Alternatively, consider applying the parking standards related to active edge standards, found in Section 5.8.2.B.

2101, 2105, 2111 & 2201 Donley Drive			
	Current	Proposed	Street Type
Zoning	Warehouse Mixed Use	TOD-Gateway	Donley Drive is an NBG Urban Roadway. There is a proposed NBG Pedestrian Priority Collector running north-south to the west of the Property that may be required. <i>See Figure 1-3.</i>
Land Use	High Density Mixed Use Office is current use	High Density Mixed Use 450 proposed multi-family residential units	
Lot Size	+/- 8.6 acres	+/- 8.6 acres	
Base Height & FAR	60 feet 1:1 (<i>Figure 4-2: Maximum FAR by Right and Figure 4-4: Maximum Height by Right</i>)	60 feet 1:1 (<i>Figure 4-2: Maximum FAR by Right and Figure 4-4: Maximum Height by Right</i>)	
Max Height & Max FAR	120 feet 3:1	491 12:1	
Dev. Bonus	Eligible	Eligible	
Active Edge	No (<i>Figure 1-2</i>)	No (<i>Figure 1-2</i>)	
Setbacks	No ground-level setback requirements, however, 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	80% (<i>Figure 4-6</i>)	80% (<i>Figure 4-6</i>)	
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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

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with NBG TOD Gateway, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acres of additional parkland, per requirements described in § 25-1-602 as of December 18, 2023. However, new requirements to be in effect January 1, 2024 may require less parkland than six acres. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. The site is currently in a park deficient area within a rapidly growing district.

Should there be any fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

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

Site Plan

No comments received.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Donley Drive. It is recommended that 42 feet of right-of-way from the centerline should be dedicated 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 Metropolitan Drive. It is recommended that 42 feet of right-of-way from the future centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55]. *Please note that Metropolitan Drive is a new planned roadway identified in the ASMP.*

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within $\frac{1}{4}$ mile)
Donley Drive	Level 2	84 feet	72 feet	58 feet	None	None	Yes
Metropolitan Drive	Level 2	84 feet	0 feet	0 feet	None	None	Yes

Water Utility

No comments on zoning change.

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be

reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. North Burnet Gateway Regulating Plan – WMU Subdistrict and TOD Subdistrict General Site Development Standards
- E. Additional Exhibits from the North Burnet Gateway Regulating Plan
- F. Resolution No. 20230504-020
- G. McKalla Station Fact Sheet



ZONING BOUNDARY

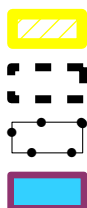
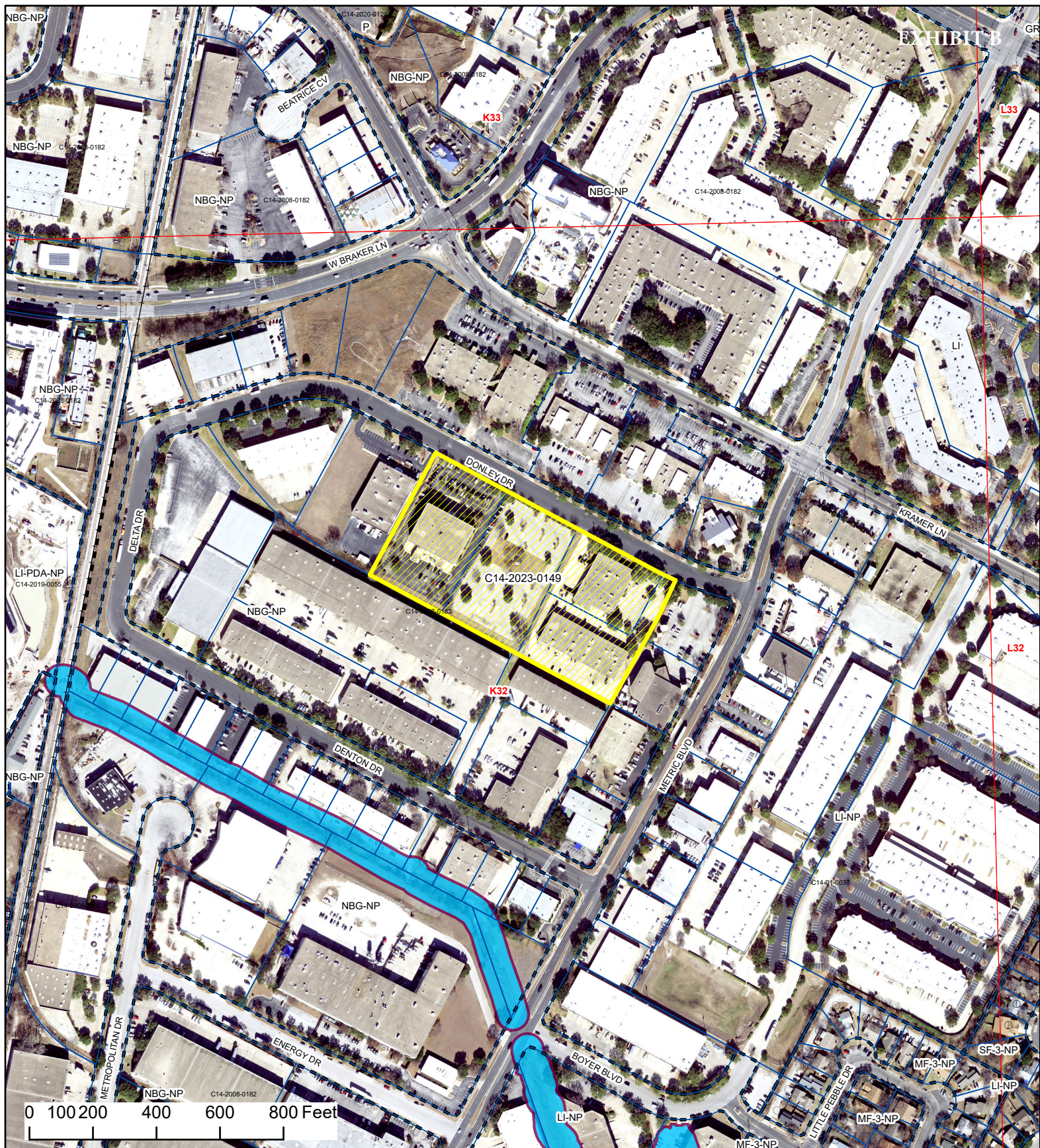
ZONING CASE#: C14-2023-0149

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Created: 12/5/2023

$$1'' = 400'$$



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

Donley NBG Rezoning

ZONING CASE#: C14-2023-0149
 LOCATION: 2101, 2105, 2111, 2201 Donley Dr
 SUBJECT AREA: 8.551 Acres
 GRID: K32
 MANAGER: Sherri Sirwaitis



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Created: 1/3/2024

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.
(512) 435-2300
rsuttle@abaustin.com

November 13, 2023

Lauren Middleton-Pratt, Director
City of Austin Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Zoning Application for property located at 2101, 2105, 2111 & 2201 Donley Drive, Austin, TX 78758 also known as TCAD Parcel No. 0250110216, 0250110215 and 0250110213 (the "Application")

Dear Mrs. Middleton-Pratt:

This letter, along with the Application, is submitted to rezone ±8.551 acres of land located at 2101, 2105, 2111 & 2201 Donley Drive (the "Property"). The Property is zoned North Burnet/Gateway – Neighborhood Plan Combining District ("NBG-NP") and is located within the Warehouse Mixed Use Subdistrict ("WMU"). The Property is located within the North Burnet/Gateway Combined Neighborhood Planning Area and was rezoned under Ordinance No. 20090312-036 which rezoned properties within the North Burnet/Gateway Planning Area to NBG-NP and established the Regulating Plan for the North Burnet/Gateway Zoning District (the "Regulating Plan").

The Property is currently developed as an office use with surface parking and associated infrastructure. The proposed development is for the construction of approximately 450 multi-family units (the "Project"). This Application seeks to rezone the Property from NBG-NP (WMU Subdistrict) to NBG-NP (TOD-Gateway Subdistrict) in order to facilitate development of the Project.

Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2300.

Very truly yours,

ARMBRUST & BROWN, PLLC

A handwritten signature in blue ink, appearing to read 'R. Suttle, Jr.', is positioned above the printed name.

Richard T. Suttle, Jr.

cc: Joi Harden, City of Austin
Amanda Morrow, Armbrust & Brown, PLLC
Amanda Hendrix, Armbrust & Brown, PLLC

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

Revised 10-25-23

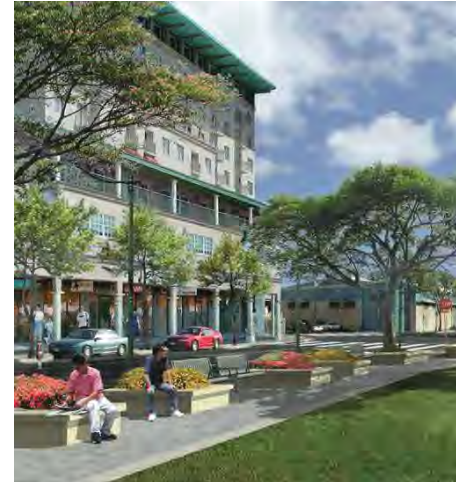
LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

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

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

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: 3:1	
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:	
Not applicable	
Maximum Building Height by Right:	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
Maximum Building Height with Development Bonus: 120 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 examples of buildings in the Warehouse Mixed Use Subdistrict.

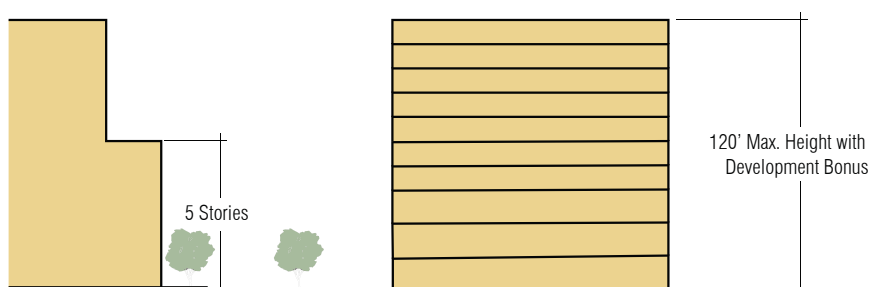


FIGURE 4 - 1 TOD : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS
TRANSIT ORIENTED DEVELOPMENT (TOD) SUBDISTRICT

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
<p>* 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.</p>	

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%	
<p>* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.</p>	

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
<p>This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.</p>	



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
<p>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.</p>	

Typical example of buildings in the Transit Oriented Development Subdistrict.

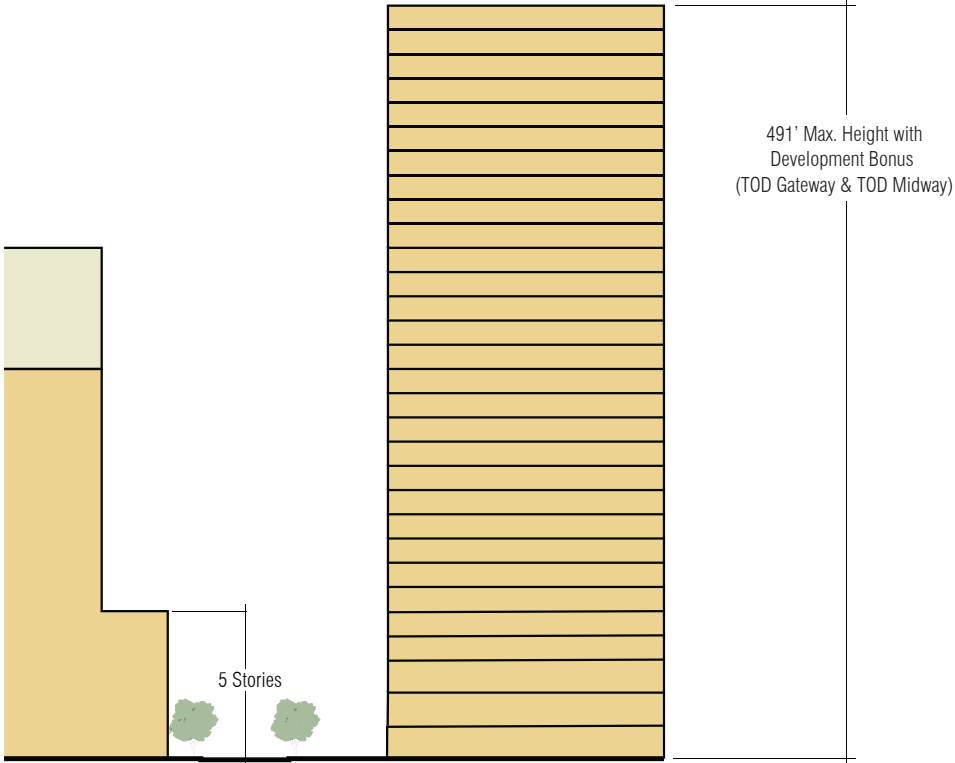


Figure 1 - 2 : North Burnet / Gateway (NBG) Zoning District Subdistrict Map

Revised 10-25-23

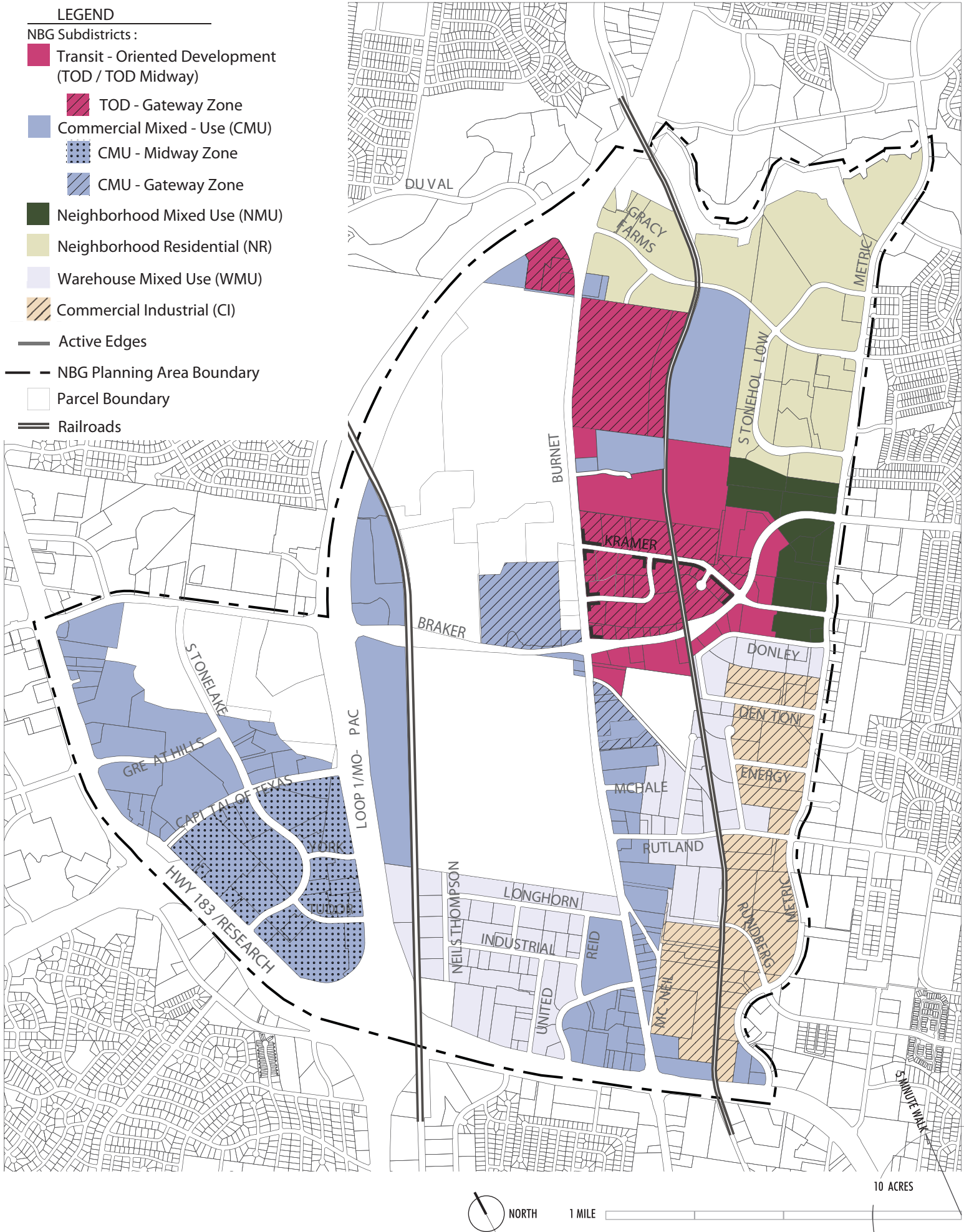


Figure 4-2 : Maximum Floor - to - Area - Ratio (FAR) by Right (with no Development Bonus)



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

Revised 10-25-23

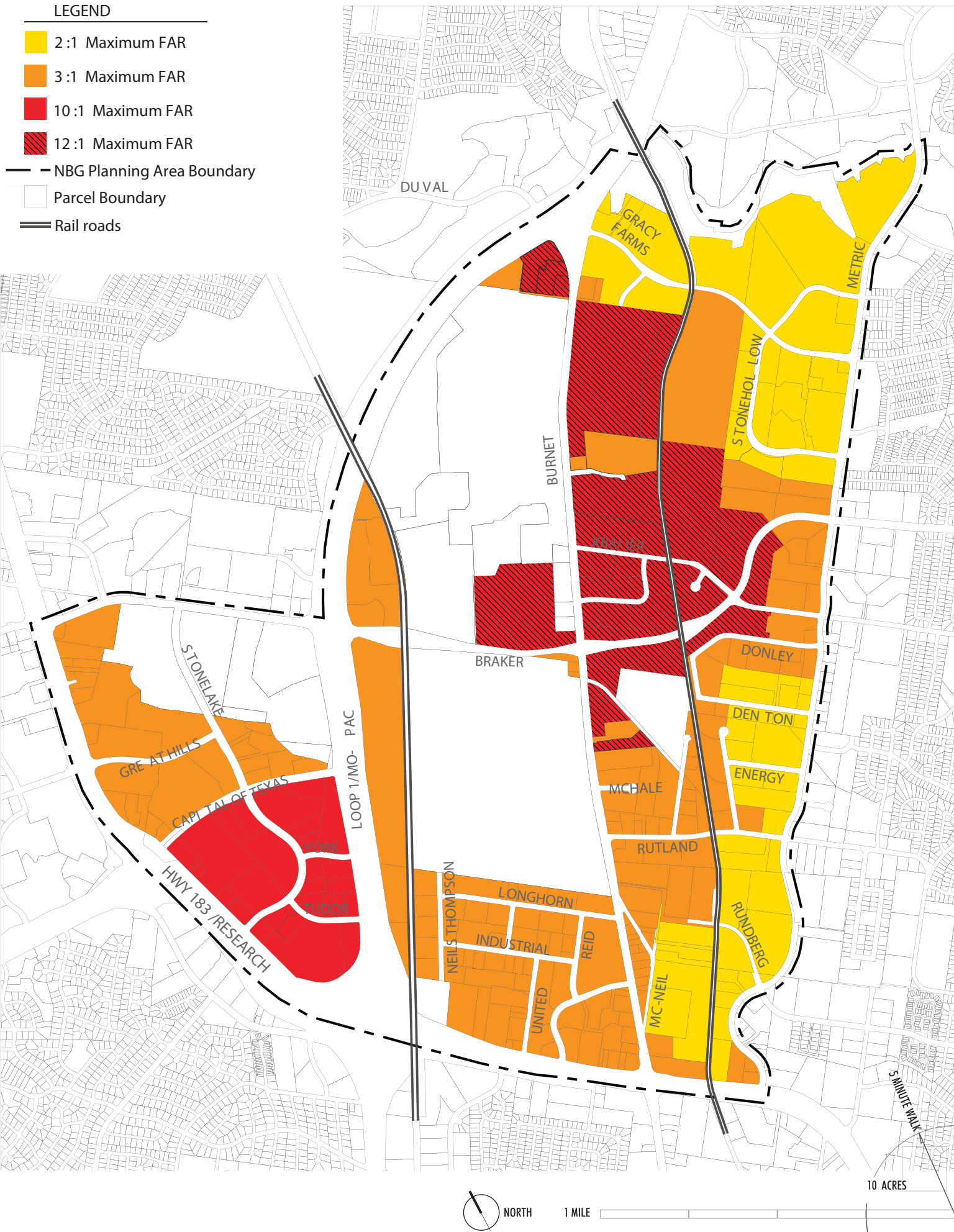


Figure 4 - 4 : Maximum Height by Right (with no Development Bonus)

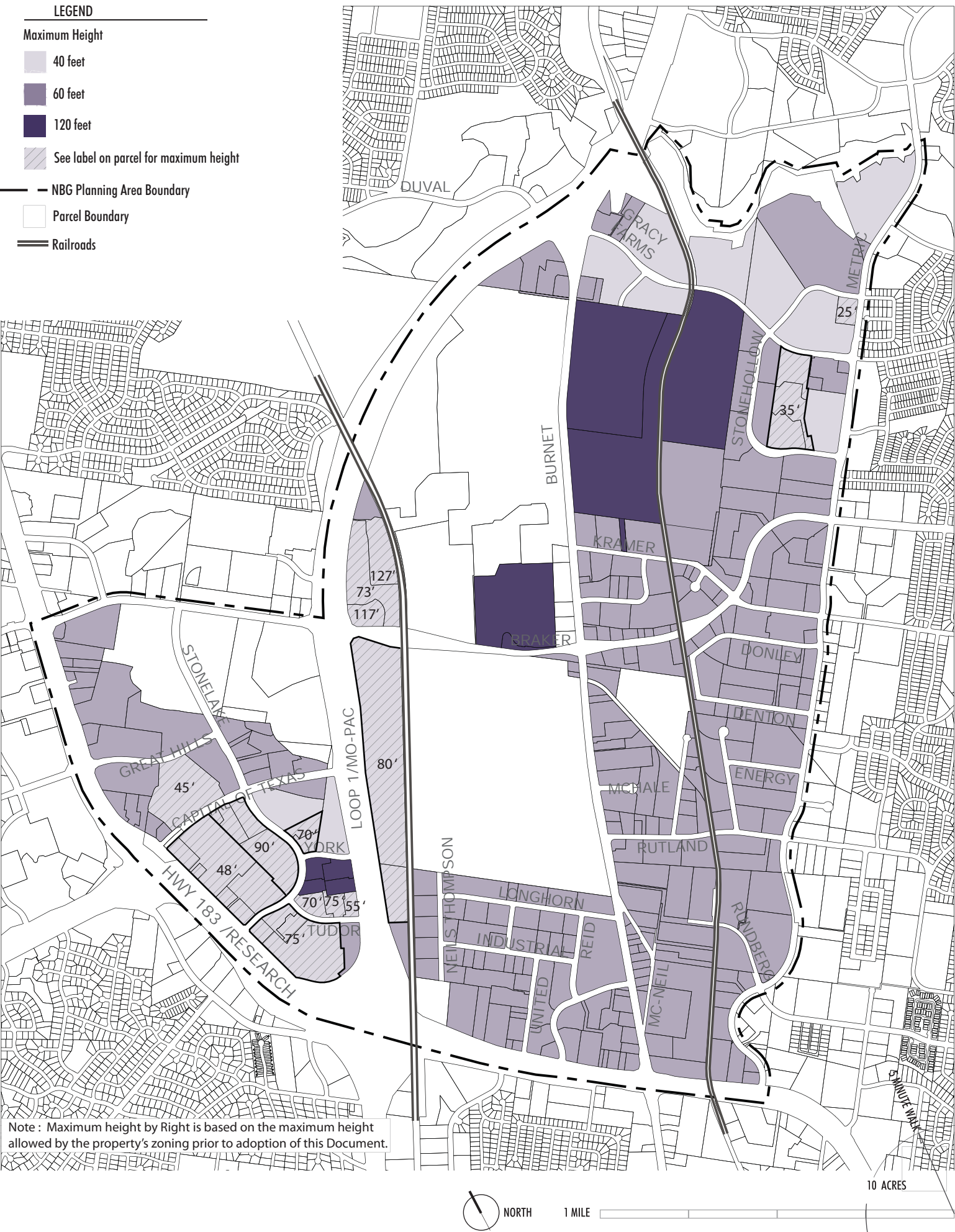
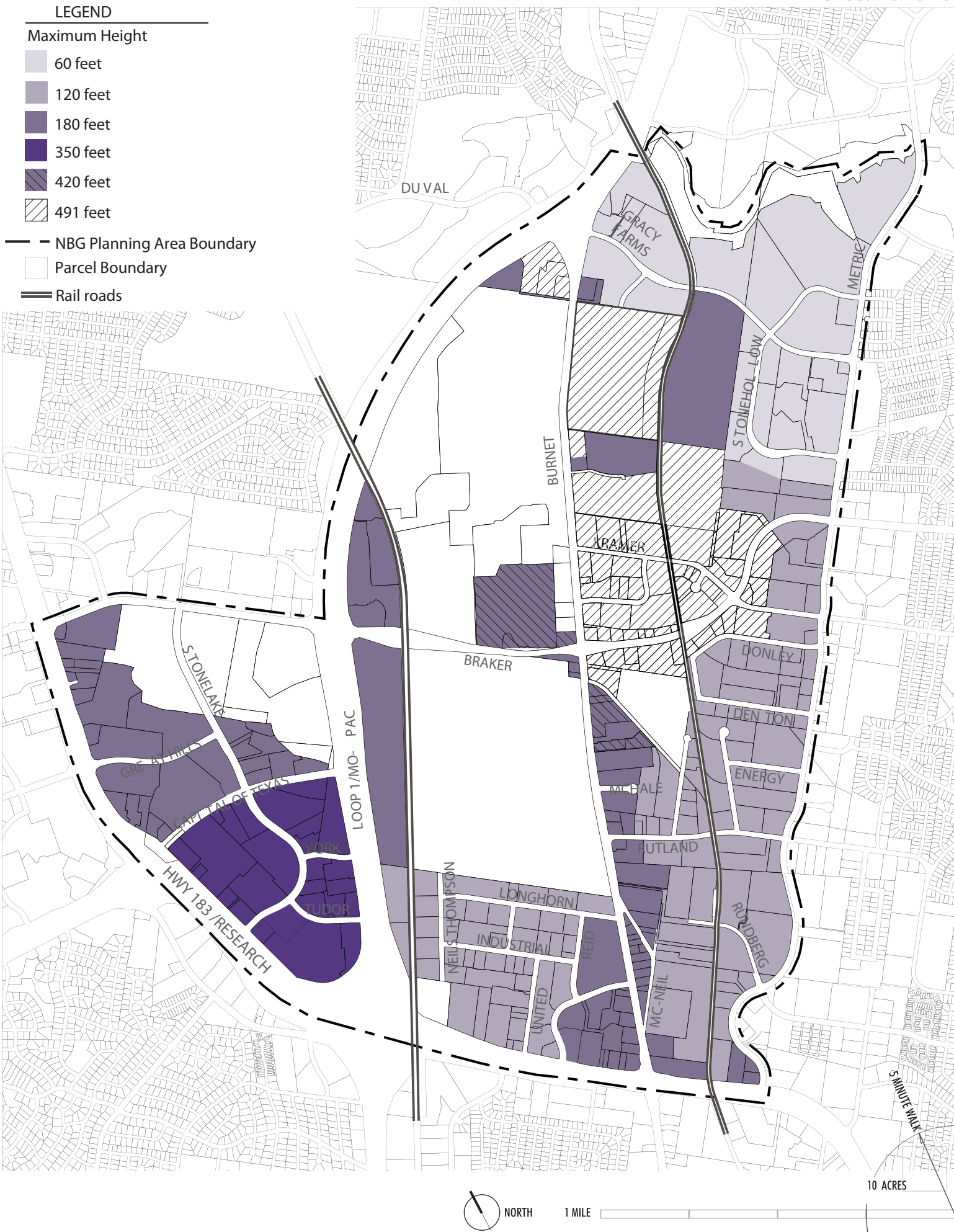


Figure 4-5: Maximum Height with Development Bonus

Revised 10-25-23



RESOLUTION NO. 20230504-020

WHEREAS, Austin is experiencing tremendous growth in the North Burnet/Gateway and Domain area, an Imagine Austin Regional Center identified as Austin's "second downtown"; and

WHEREAS, Council adopted the North Burnet/Gateway Vision Plan in 2006, and followed with adoption of the North Burnet/Gateway Regulating Plan in 2009; and

WHEREAS, Council has since adopted multiple amendments to the North Burnet/Gateway Regulating Plan, identified as Ordinance No. 20120322-088, Ordinance No. 20130425-104, Ordinance No. 20140828-159, Ordinance No. 20180412-051, Ordinance No. 20180628-088, Ordinance No. 20190620-112, Ordinance No. 20190808-101, Ordinance No. 20221027-044, Ordinance No. 20230209-046; and

WHEREAS, these amendments facilitated the redevelopment of the area's older industrial, office, and warehouse structures in favor of mixed use development with housing density, office spaces, and vibrant store fronts for small retail business; and

WHEREAS, Council supports a comprehensive update to meet the City's short- and long-term priorities for housing, employment, small business development, and transportation as outlined in Resolution 20220616-049; and

WHEREAS, the North Burnet/Gateway area needs to be positioned to help meet Austin's Strategic Housing Blueprint goals of locating 75% of new housing units within ½ mile of Imagine Austin's Centers & Corridors and of providing 25% of income-restricted affordable housing units in high opportunity areas; and

WHEREAS, the construction of two new Red Line commuter rail stations, one at the Uptown ATX campus and the other at McKalla to serve the Q2 Stadium,

will spur even more interest and development in the North Burnet/Gateway area;
and

WHEREAS, the North Burnet/Gateway area is also well-served by Burnet Road as a major MetroRapid transit corridor intersecting with multiple Capital Metro high-frequency bus routes; and

WHEREAS, comprehensive amendments to the North Burnet/Gateway Regulating Plan will provide cohesive alignment with the original Vision Plan, Imagine Austin, and Austin's Strategic Housing Blueprint. **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates the following amendments to the North Burnet/Gateway Regulating Plan:

- (1) Keep the base entitlements the same and increase the allowable maximum height and FAR in all subdistricts through a development bonus; and
- (2) Apply a wider variety of subdistricts to parcels in the North Burnet/Gateway Regulating Plan west of Mopac; and
- (3) Amend sign regulations in the North Burnet/Gateway Regulating Plan to align with City Code Chapter 25-10 (Sign Regulations), including common area signage, directional signage, free standing and wall signage on buildings, wayfinding signage, park signage, and Capital Metro signage, and any other signage regulations; and
- (4) Adjust the Land Use Standards for General Retail Sales (Figure 2-1) to remove square footage limitations in cases where a single project or property owner may provide retail space to multiple small businesses that will enhance the pedestrian experience; and
- (5) Eliminate the current requirement for a 30-foot step-back for building facades at the 6th story and above, which limits potential housing developments, retail choices, or office development; and

- (6) Eliminate the 120-foot height limit in the Transit-Oriented Development (TOD), Corridor Mixed Use (CMU), and CMU-Gateway subdistricts when adjacent to and across the street from Neighborhood Residential (NR) subdistrict; and
- (7) Amend Section 4.2.4 Compatibility Standards so that City Code Chapter 2, Article 10, Division 2 shall not apply within the North Burnet/Gateway Regulating Plan boundaries and eliminate Subsections 4.2.4.A. and 4.2.4.B.; and
- (8) Align parking requirements with applicable Council actions associated with citywide parking requirement changes; and
- (9) Modify the development bonus provisions and fees for the North Burnet/Gateway Regulating Plan to allow maximum height and FAR to be achieved administratively with sufficient community benefit, and the maximums exceeded with council approval, similar to the Downtown Density Bonus Program, achieving greater community benefits such as housing and transit- and mobility-related improvements.

BE IT FURTHER RESOLVED:

The City Manager is directed to process amendments necessary to accomplish the purposes set forth in this resolution and return with a draft ordinance for City Council consideration by October 19, 2023.

ADOPTED: May 4, 2023 **ATTEST:** Stephanie Hall for
Myrna Rios
City Clerk

MCKALLA STATION

» THE PROJECT

McKalla Station is a new regional rail transit station being constructed as part of Project Connect and will provide increased mobility and transit options for the North Burnet area. The station will be located adjacent to the new Major League Soccer Stadium (Q2 Stadium), near Delta Drive, on the MetroRail Red Line between Braker Lane and Rutland Drive.

» PURPOSE AND NEED

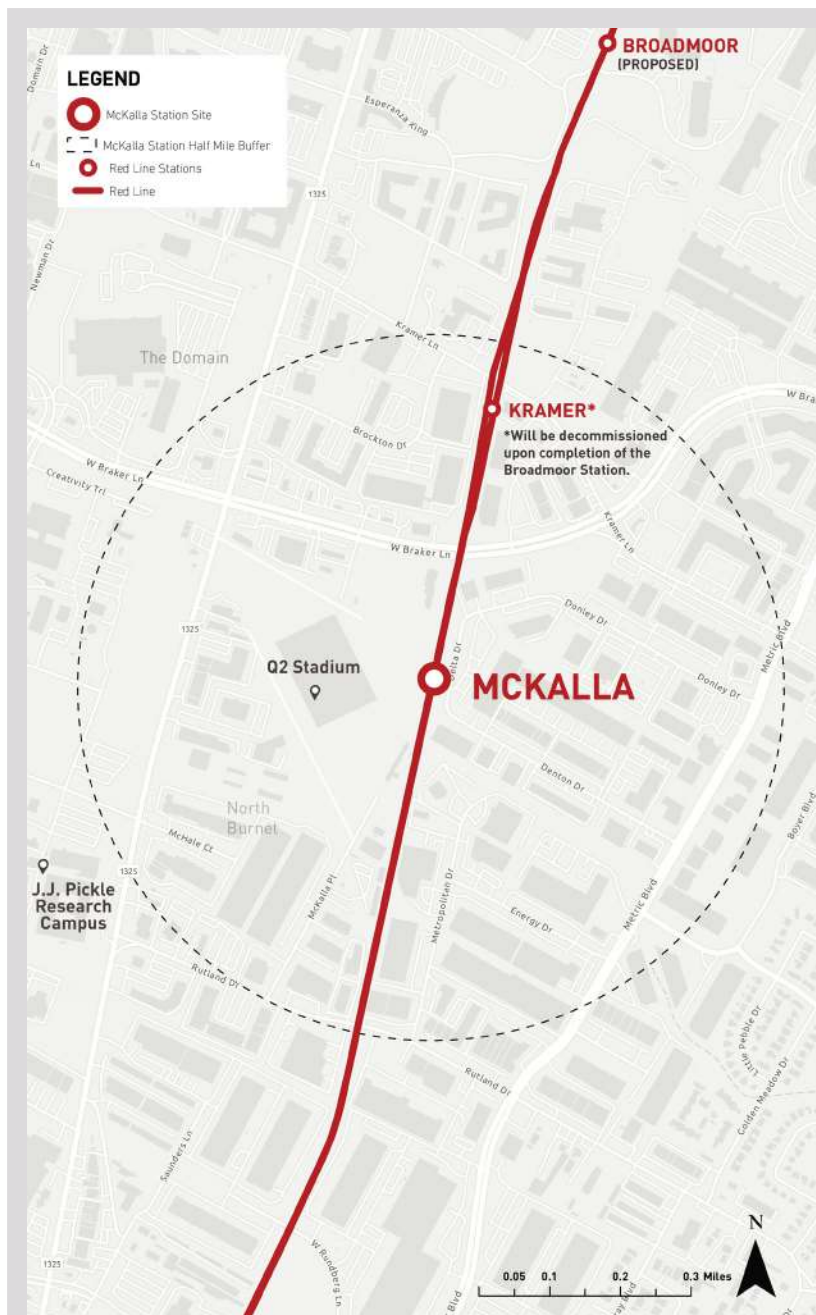
The need for McKalla Station is driven by robust development adjacent to the site, plus the increased ridership due to events at the Q2 Stadium. McKalla Station will allow the Red Line to serve a larger transit market location with sufficient platform capacity to accommodate the increasing need for mobility in the area.

The McKalla Station Project would provide:

- Direct, convenient, and safe public transportation to sporting events and other events at Q2 Stadium
- Improved connectivity to housing, employment, and activity in the North Burnet neighborhood
- Increased platform capacity for high ridership

The McKalla Station Project would address the following needs:

- Support the growth and connectivity in the North Burnet neighborhood and beyond
- Provide increased Red Line Service
- Provide a better transit option linking affordable housing and jobs near McKalla Station
- Increase transit access to high-activity destinations such as the Domain, restaurants, breweries, and other businesses in the surrounding area



Proposed location for **MCKALLA STATION**



*Image is an initial concept rendering only. Custom site-specific canopies and station designs are being evaluated for the new station.

