

**ORDINANCE NO. 20190606-097**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 10414 MCKALLA PLACE AND 10617 ½ BURNET ROAD IN THE NORTH BURNET/GATEWAY NEIGHBORHOOD PLAN FROM LIMITED INDUSTRIAL SERVICES-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT AND NORTH BURNET/GATEWAY-NEIGHBORHOOD PLAN (NBG-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA-NEIGHBORHOOD PLAN (LI-PDA-NP) COMBINING DISTRICT.**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited industrial services-neighborhood plan (LI-NP) combining district and North Burnet/Gateway-neighborhood plan (NBG-NP) combining district to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district on the property described in Zoning Case No. C14-2019-0055, on file at the Planning and Zoning Department, as follows:

Those two certain tracts or parcels of land in Travis County, Texas, described as (a) 0.598 of an acre of land out of the J. Rogers Survey No. 19, Abstract 659, more particularly described by metes and bounds in **Exhibit "A"** attached hereto and incorporated herein, and (b) Lot 1, Braker at Burnet Subdivision, Section 4, a subdivision in Travis County, Texas, according to the map or plat of record thereof recorded in Volume 89, Page 37, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 10414 McKalla Place and 10617 ½ Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as **Exhibit "B"**.

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the limited industrial services (LI) base district and other applicable requirements of the City Code.

**PART 3.** Development of the Property within the boundaries of the planned development area (PDA) combining district established by this ordinance is subject to the use and site development regulations set forth in this part:

A. The following uses are additional permitted uses of the Property:

Club or lodge  
Multifamily residential  
Transportation terminal

Cocktail lounge  
Outdoor entertainment

B. The following uses are prohibited uses of the Property:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Basic industry	Construction sales and services
Drop-off recycling and collection facility	Electronic prototype assembly
Electronic testing	Equipment repair services
Equipment sales	Exterminating services
Funeral services	General warehousing and distribution
Group home, Class I (General)	Group home, Class I (Limited)
Group home, Class II	Kennels
Light manufacturing	Limited warehousing and distribution
Monument retail sales	Plant nursery
Printing and publishing	Railroad facilities
Recycling center	Research services
Residential treatment	Resource extraction
Scrap and salvage	Software development
Transitional housing	Vehicle storage
Veterinary services	

C. The following site development standards apply to the Property:

1. The interior side yard setback is 0 feet.
2. The rear yard setback is 0 feet.
3. The maximum height of a building or structure shall not exceed 130 feet.
4. The maximum impervious cover is 85%.
5. The maximum building coverage is 80%.
6. The floor-to-area ratio is 2 to 1.

D. Subsection (A) of Section 25-2-1003 (*General Requirements*) is modified to establish that the portion of the stadium (Outdoor Entertainment use) oriented towards Burnet Road shall be considered the "front wall" to determine landscape requirements.

- E. Section 25-2-812 (C)(3) (*Mobile Food Establishments*) is modified to provide that a mobile food establishment may be located within fifty (50) feet of a lot with a building that contains residential and/or commercial uses.
- F. Chapter 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to provide that the director shall determine:
  - 1. Parking for all uses on the Property;
  - 2. Loading and unloading for all uses on the Property; and
  - 3. Off-street bicycle parking for all uses on the Property.
- G. Chapter 25-6, Article 7 (*Design and Construction Standards for Parking and Loading Facilities*) is modified to allow for grass pavers, crushed granite, pervious pavement, and other surfaces or similar material to be utilized in a motor vehicle parking lot.
- H. Lighting on the Property shall comply with LEED V4 Light Pollution Reduction (SSc6) requirements.
- I. Unless otherwise provided for in this ordinance, Chapter 25-2, Subchapter E – Design Standards and Mixed Use, shall only apply to commercial and civic uses as defined in Chapter 25-2, Subchapter A, Article 1 (*Zoning Uses*).
- J. Development of the Property for an Outdoor Entertainment use shall not be subject to Chapter 25-2, Subchapter E – Design Standards and Mixed Use, Section 2.2 (*Relationship of Buildings to Streets and Walkways*), Section 2.3 (*Connectivity Between Sites*), Section 2.5 (*Exterior Lighting*), and Section 3 (*Building Design Standards*).
- K. The Director of the Development Services Department or its successor department may grant Alternative Equivalent Compliance from any provision of Chapter 25-2, Subchapter E – Design Standards and Mixed Use, for this property.
- L. All exterior lighting may be controlled with a network of astronomical time clocks and configured by the Illuminating Engineering Society Lighting Handbook, 10<sup>th</sup> Edition.

#### **PART 4. SIGNS.**

A. Findings.

1. The City Council incorporates the findings in City Code Section 25-10-1 (*Purpose and Applicability*) and makes the following additional findings.
2. Sports stadiums around the country frequently utilize signs to identify the facility with products, services, and companies who have a contractual or financial relationship with the sports franchise associated with the stadium, events held at the stadium, or stadium operations (collectively referred to as a "sponsor").
3. When installed on property used for a sports stadium, signs displaying the name or logo of a sponsor bear a closer similarity to on-premise business signs than to traditional off-premise signs or billboards that are typically: (a) not associated with a land use or occupancy; (b) unattached to a permanent structure other than supporting poles; and (c) function solely as product advertising.
4. A sign with a reader board component at sports stadiums is less likely to negatively impact public safety and visual aesthetics than freestanding billboards. This is due to design standards applicable to construction of the signs, as well as the close association of sponsorships signs with a permanent stadium facility and the limited number of stadiums located in a particular metropolitan area.
5. Based on the foregoing findings, the Council finds that allowing well-regulated use of reader boards at the new soccer stadium at the City's McKalla Place property is consistent with the goals of the City Code Chapter 25-10 (*Sign Regulations*), with national best practices, and with the Lease and Development Agreement for McKalla Place.

B. Definitions

1. DIGITAL DISPLAY means images, scrolling images, moving images, flashing images through the use of grid lights, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other electronic media or technology that is integrated into a sign and that may be changed remotely through electronic means.

2. FREESTANDING SIGN means a sign not attached to a building, but permanently supported by a structure extending from the ground and permanently attached to the ground.
3. SPORTS STADIUM means a multi-functional stadium for use by one or more professional or amateur sports teams designed to seat at least 20,000 spectators.
4. OFF-PREMISE SIGN means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.
5. PUBLIC RIGHT-OF-WAY means Burnet Road and Braker Lane and roadway within 250 feet of the intersection of Burnet Road and Panhandle Road.
6. READER BOARD COMPONENT means a portion of a sign that includes images and information related to:
  - a. events occurring within the sports stadium;
  - b. products, services, and companies located within or available at the sports stadium; or
  - c. products, services, and companies having a contractual relationship with the teams at the sports stadium or events occurring within the sports stadium
7. WALL SIGN means a sign attached to the exterior of the sports stadium that is more than three inches thick and placed more than 40 feet above grade.

C. Applicability.

1. This applies to a sign described in this part and visible from the public right-of-way.
2. This part supersedes City Code Chapter 25-10 (*Sign Regulations*) in the event of a conflict.

3. The City Manager is authorized to address the signs that are internal to the property subject to this PDA in a Comprehensive Signage Program as set forth in Section 4.3(c) of the "Lease and Development Agreement" between the City of Austin and Austin Stadco LLC, dated December 18, 2018, and as amended from time to time.

D. General Requirements

1. Off-premise signs are prohibited.
2. Sign area is calculated:
  - a. for a wall sign, the sign area is the lesser of:
    - i. the area of the smallest rectangle within which the face of the sign can be enclosed; or
    - ii. the smallest area of not more than three contiguous rectangles enclosing different sections of the sign; and
  - b. for a freestanding sign, the sign area is measured using only one face.
3. The City Manager shall adopt administrative rules pursuant to Chapter 1-2 (*Administrative Rules*) establishing requirements for illumination, refresh rate, sign hours of operation, materials, and display maintenance for a sign that includes a digital display or illumination.
4. A sign may include:
  - a. a digital display and
  - b. a reader board component that complies with Subsection (E).
5. The signs described in this part must comply with Section 25-10-211 (*Sign Installation Permit Required*).

E. Reader Board Component. A reader board component:

1. May be incorporated into wall signs and freestanding signs;

2. May include digital displays and lighting; and
3. May not include a sponsor product, service, or company that:
  - a. is not located within or available at the sports stadium; or
  - b. lacks a contractual relationship with a team at the sports stadium or an event occurring within the sports stadium.

F. Regulations Applicable to Specific Sign Types

1. Stadium Entrance Sign.

- a. Maximum 1 stadium entrance sign.
- b. Must be free-standing.
- c. May contain multiple display areas on multiple sides or all sides.
- d. Maximum sign area: 600 square feet.
- e. Maximum height: 60 feet.
- f. Sign height is calculated by measuring the vertical distance above grade or building façade to the highest point of the sign.

2. Freestanding sign that is not a stadium entrance sign.

- a. Maximum 2 freestanding signs.
- b. Maximum area: 450 square feet for freestanding signs that are not the stadium entrance sign.
- c. Maximum height: 30 feet.
- d. Sign height is calculated by measuring the vertical distance above grade or building façade to the highest point of the sign.

### 3. Wall Sign

- a. Maximum height for each digital wall sign: 40 feet.
- b. Sign height is calculated by measuring the vertical distance from the lowest point of the sign to the highest point of the sign.
- c. The total sign area for wall signs may not exceed 10 percent of the façade area of the stadium facility.

### 4. Roof Sign

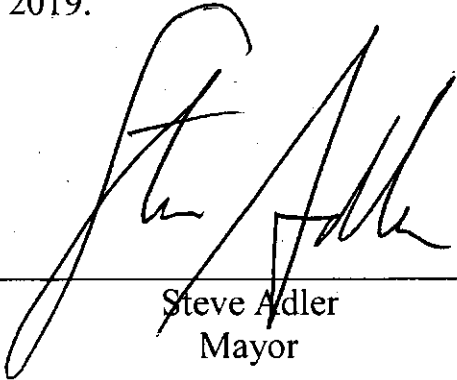
- a. Maximum 3 roof signs.
- b. Maximum height: 30 feet.
- c. Sign height is calculated by measuring the vertical distance from the lowest point of the sign to the highest point of the sign.

**PART 5.** This ordinance takes effect on June 17, 2019.


**PASSED AND APPROVED**

June 6, 2019

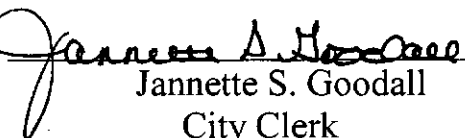
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Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk



## Exhibit "A"

**METES AND BOUNDS DESCRIPTION OF 0.598 ACRES OF  
LAND OUT OF AND A PORTION OF THE JAMES B.  
ROGERS SURVEY No. 18, ABSTRACT No. 659, TRAVIS  
COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF 0.598 ACRES OF LAND OUT OF  
AND A PORTION OF THE JAMES B. ROGERS SURVEY No. 18, ABSTRACT  
No. 659, TRAVIS COUNTY, TEXAS, AND BEING THE SAME PROPERTY  
CONVEYED TO REICHOLD CHEMICALS, INC. PER VOLUME 10744, PAGE  
2006, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE  
PARTICULARLY DESCRIBED BY METES AND BOUNDS AND AS SURVEYED  
BY AB SURVEYING & ENGINEERING CO. IN MAY OF 1995 AS FOLLOWS:

**BEGINNING**, at a 1/2" iron rod set at the Northwest corner of Lot 1, Braker at Burnet Section Four, a subdivision of record per Plat Book 89, Pages 37, 38, of the Plat Records of Travis County, Texas, in the South line of Lot 1, Braker at Burnet Section Two, a subdivision of Record per Plat Book 87, Page 88B, of the Plat Records of Travis County, Texas;

**THENCE**, along the South line of said Lot 1, Braker at Burnet Section Two, N59°32'20"W, pass a 1/2" iron rod set at a distance of 280.40 feet, for a total distance of 527.03 feet to a 1/2" iron rod found in concrete in the East right-of-way line of Burnet Road, for the Northwest corner of the tract herein described;

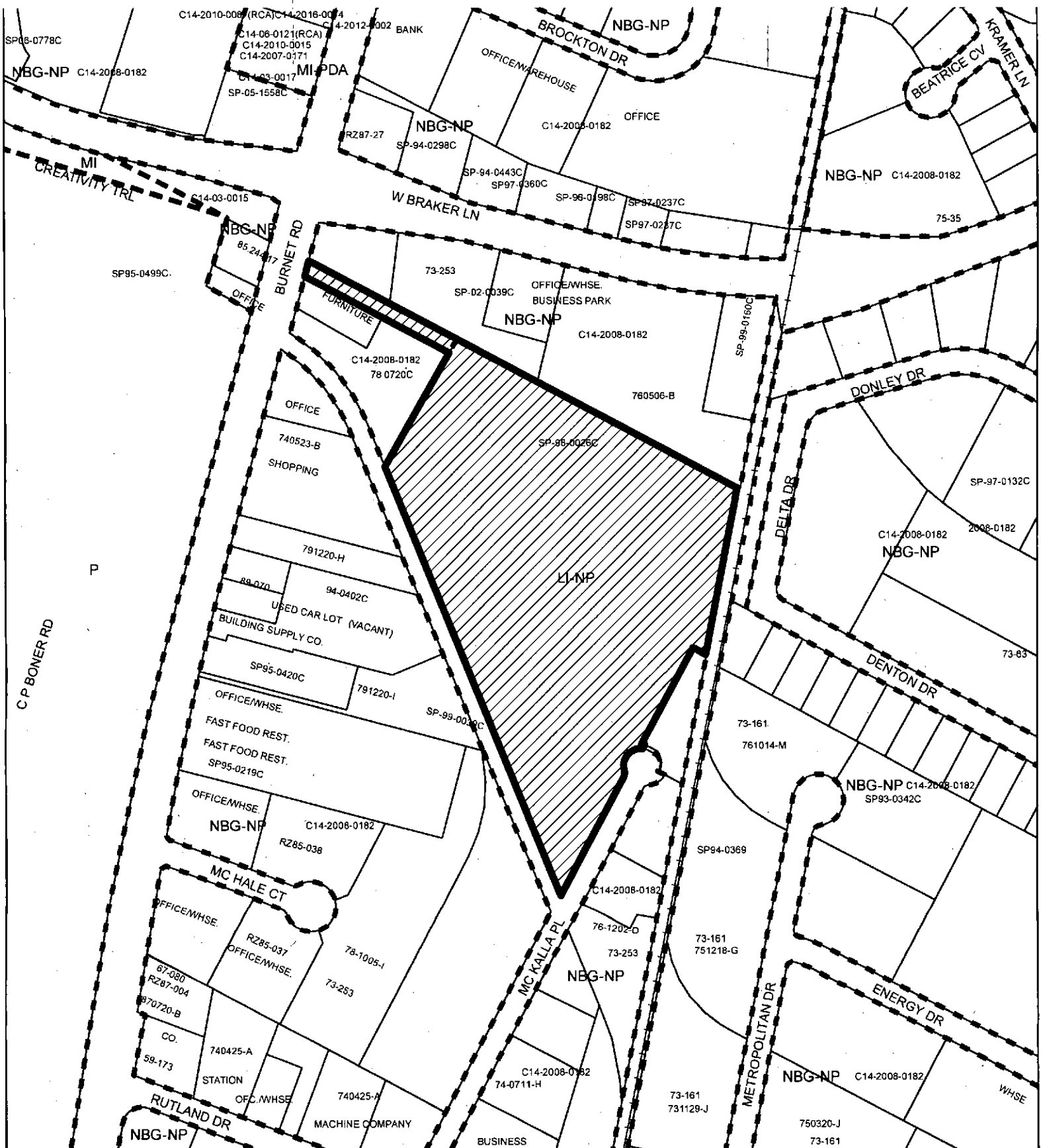
**THENCE**, along the said East line of Burnet Road, S17°29'40"W, a distance of 51.31 feet to a 1/2" iron rod set, being at the Northwest corner of Lot 1, Warren-Holmans Subdivision, a subdivision of record per Plat Book 77, Page 30, of the Plat Records of Travis County, Texas, for the Southwest corner herein;




**THENCE**, along the North line of said Lot 1, Warren-Holmans Subdivision, S59°32'20"E, a distance of 514.30 feet to a 1/2" iron rod set at the Northeast corner of said Lot 1, and being in the West line of the aforementioned Lot 1, Braker at Burnet Section Four for the Southeast corner of the tract herein described;

**THENCE**, along the West line of said Lot 1, N31°51'10"E, a distance of 50.01 feet to the **POINT OF BEGINNING**, containing 0.598 acres of land.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED  
FROM AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION  
AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

 5/18/95  
ALAN G. ABBE  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2331  
(C:ART920154\WRI)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2019-0055**  
**EXHIBIT "B"**

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



**Created: 3/13/2019**

1" = 400'