

RESOLUTION NO.

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

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

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

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

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

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

35 **WHEREAS**, ~~such complex activities have~~ the complexity of developing the
36 Red Line Station has resulted in significant and ongoing delays in the permitting
37 and construction of the ~~Red Line~~ Station forcing a subsequent delay in the ~~project's~~
38 ~~delivery~~ development of ~~the~~ housing and commercial amenities that could be
39 achieved on the property with an increased FAR and building height ~~could deliver~~
40 when using a development bonus that other similarly situated properties have
41 benefited from; and

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

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

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

51 City Council initiates amendments to the North Burnet/Gateway Regulating
52 Plan, initiates rezoning of the Property, and directs the City Manager to process
53 amendments and the rezoning application and necessary to recommend appropriate
54 rezoning, including removal of ~~conditions, such as those in~~ Part 5 of Ordinance No.
55 20180628-088 in its entirety, to accomplish the purposes set forth in this Resolution.

56 **BE IT FURTHER RESOLVED:**

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

63
64 **ADOPTED:** _____, 2024

ATTEST: _____

65 Myrna Rios
66 City Clerk
67