

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

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

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

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

50           City Council initiates amendments to the North Burnet/Gateway Regulating  
51 Plan, initiates rezoning of the Property, and directs the City Manager to process

amendments and the rezoning application and to recommend appropriate rezoning, including removal of Part 5 of Ordinance No. 20180628-088 in its entirety, to accomplish the purposes set forth in this Resolution.

**BE IT FURTHER RESOLVED:**

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

**ADOPTED:** \_\_\_\_\_, 2024      **ATTEST:** \_\_\_\_\_  
Myrna Rios  
City Clerk