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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 resulted in significant and  
36 ongoing delays in the permitting and construction of the Red Line Station forcing a  
37 subsequent delay in the project's delivery of the housing and commercial amenities  
38 that an increased FAR and building height could deliver when using a development  
39 bonus that other similarly situated properties have benefited from; and

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

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

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 necessary to recommend appropriate  
54 rezoning, including removal of conditions, such as those in Part 5 of Ordinance No.  
55 20180628-088, 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, unless and until a notice to proceed for  
61 construction is issued for the Red Line Station.

62  
63 **ADOPTED:** \_\_\_\_\_, 2024

64 **ATTEST:** \_\_\_\_\_  
65 Myrna Rios  
66 City Clerk