

ORDINANCE AMENDMENT REVIEW SHEET**Amendment:** C20-2024-007

Amendments to the Regulating Plan for the North Burnet/Gateway Zoning District to change the expiration date for approved preliminary plans for property subject to the North Burnet/Gateway Regulating Plan.

Background and summary of proposed code amendment:

Initiated by the City Council under [Resolution No. 20240321-037](#).

Council Sponsors: Mayor Pro Tem Leslie Pool, Council Member José "Chito" Vela, Council Member Zohaib "Zo" Qadri, Council Member Mackenzie Kelly.

Conduct a public hearing and consider a recommendation for an ordinance amending City Code Title 25 to modify Regulating Plan for the North Burnet/Gateway Zoning District to change the expiration date for approved preliminary plans for property subject to the North Burnet/Gateway Regulating Plan. The amendment will create a new section under *1.3.4. Exemption from Certain Preliminary Plan Requirements* as described in **Exhibit "A"** and achieve the following:

1. Extend the expiration date of approved Preliminary Plans in the North Burnet/Gateway Regulating Plan from five years to ten years with one five-year extension at the discretion of the Director of Development Services Department (Director), for a maximum period of 15 years from the original Preliminary Plan expiration date.
2. Apply this amendment to projects of 50 acres or more located within the boundaries of the North Burnet/Gateway Regulating Plan area.
3. Existing projects in the North Burnet/Gateway Regulating Plan with approved Preliminary Plans that meet the 50 acres or more criteria are extended to the full ten-year period, with one five-year extension at the discretion of the Director.

The Imagine Austin Comprehensive Plan identified the North Burnet/Gateway and Domain areas as a Regional Center and Austin's "second downtown." The North Burnet/Gateway Vision Plan was adopted in 2006, followed with adoption of the North Burnet/Gateway Regulating Plan (the Plan) in 2009 that set development and design standards for the area. Multiple amendments to the Plan since 2013 have facilitated the redevelopment of the area's older industrial, office, and warehouse sites in favor of mixed-use development with increased housing density, variety of office spaces, and vibrant store fronts for small retail business. The recent 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 have generated significant development interest in the area.

The Plan has been updated on several occasions per City Council and Planning Commission initiation of amendments to City Code Title 25 including:

1. Amendments to the Commercial Mixed-Use (CMU) Gateway Subdistrict of the North Burnet/Gateway Regulating Plan to increase FAR and building height when using a development bonus as executed in [Ordinance No. 20221027-044](#).
2. Planning Commission initiation of amendments to the Transit-Oriented Development (TOD) subdistrict when using a development bonus. The Commission requested an increase in the maximum FAR and building height when using a development bonus. As a result, the City Council approved [Ordinance No. 20230209-046](#).
3. Creation of a new subdistrict: Commercial Mixed-use – Midway (CMU-M) which allows for a maximum floor-to-area ratio (FAR) of 10:1 and a maximum building height of up to 350 feet, when using a development bonus. ([Ordinance No. 20231019-056](#)).

4. Creation of a new subdistrict: Research and Sciences Mixed-use (RSMU) to establish a new set of uses, including but not limited to, life sciences, lab, and biomedical uses, and to establish development regulations and standards. ([Ordinance No. 20240321-047](#)).

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed Code Amendment to the North Burnet/Gateway Regulating Plan as amended by **Exhibit “A”**.

Recent changes to land development patterns in the planning area merit the consideration to incentivize development via base entitlements and development bonuses for increased residential, commercial, retail, life sciences, lab, and biomedical uses. The proposed amendment aligns with the Vision of the North Burnet/Gateway Plan and will implement the City Council policy direction to increase density and consideration of community benefits as outlined in the Plan. The Imagine Austin Comprehensive Plan identifies the North Burnet/Gateway Planning Area as a Regional Center envisioned to be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Large complex developments in the North Burnet/Gateway plan area are often multi-phased with advanced infrastructure, such as transit improvements, that can take several years of planning and construction, thus necessitating a pathway to extend expiration date of approved preliminary plans.

City Council and Board and Commission Actions:

1. **March 21, 2024:** Initiated by the City Council under [Resolution No. 20240321-037](#).
2. **April 18, 2024:** Set public hearing at City Council
3. **April 23, 2024:** Planning Commission public hearing
4. **May 2, 2024:** Conduct public hearing at City Council

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1.3.3. Standards Applicable During Building Permit Review

The standards contained in the following sections of this Document shall be applied in the normal review process for building permits as set forth in Chapter 25-11 of the Austin Code:

- A. Section 4.6, Exterior Lighting (for fixtures affixed to buildings);
- B. Section 4.7, Screening of Equipment and Utilities (for fixtures affixed to buildings);
- C. Section 4.8, Sign Regulations; and
- D. Article 5, Building Design Standards.

In addition to meeting the review criteria specified in Chapter 25-11, each building permit application shall evidence compliance with the standards listed above.

1.3.4. Exemption from Certain Preliminary Plan Requirements

For the area within the North Burnet/Gateway (NBG) Zoning District (Figure 1-1), this section supersedes LDC §25-4-62 – Expiration of Approved Preliminary Plan.

- A. For projects of 50 acres or more that are located within the boundaries of the North Burnet/Gateway (NBG) Zoning District, the expiration date of an approved Preliminary Plan is extended from five years to ten years with one five-year extension at the discretion of the Director of Development Services Department (Director), for a maximum period of 15 years from the original Preliminary Plan expiration date.
- B. Existing projects in the North Burnet/Gateway (NBG) Zoning District with approved Preliminary Plans that meet the 50 acres or more criteria are extended to the full ten-year period, with one five-year extension at the discretion of the Director.

1.4. ALTERNATIVE EQUIVALENT COMPLIANCE**1.4.1. Purpose and Scope**

To encourage creative and original design, and to accommodate projects where the particular site conditions or the proposed use prevent strict compliance with this Document, alternative equivalent compliance allows development to occur in a manner that meets the intent of this Document, yet through an alternative design that does not strictly adhere to the Document's standards. The procedure is intended to be used for relief from a specific design standard or standards, and it is not a general waiver of regulations.

1.4.2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this Document: