

**AGENDA****Recommendation for Council Action**

Austin City Council	Item ID	12042	Agenda Number	56.
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Meeting Date:	1/26/2012	Department:	Planning and Development Review
Subject			

Set a public hearing to receive public comments and consider an ordinance amending the North Burnet Gateway Regulating Plan to allow certain legal non-conforming uses to continue or change in the Neighborhood Residential subdistrict for a set period of time. (Suggested date and time: March 1, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)

**Amount and Source of Funding****Fiscal Note**

Purchasing Language:	
Prior Council Action:	August 26, 2010: Council approved Resolution No. 20100826-045 directing the City Manager to process an amendment to the North Burnet Gateway Regulating Plan to allow legal non-conforming uses to continue within a site rather than on a suite-by-suite basis in the Neighborhood Residential Subdistrict; and to establish a plan to reinstate the City's standard nonconforming use regulations after a set period of time.
For More Information:	Christine Freundl, Planning and Development Review Department, (512) 974-2868
Boards and Commission Action:	Recommended by the Planning Commission.
MBE / WBE:	
Related Items:	
Additional Backup Information	

The North Burnet Gateway Overlay replaced Limited Industrial Services (LI) zoning with subdistricts which prohibited most LI uses previously allowed. However, non conforming use status was determined on a tenant, rather than project basis. This had the unintended result of requiring non-industrial tenants in an industrial building.

On August 26, 2010 Council directed the City Manager to process an amendment to the North Burnet Gateway (NBG) Regulating Plan to allow certain industrial and commercial uses that were allowed prior to the NBG Regulation plan to continue in the Neighborhood Residential and Neighborhood Mixed Use Subdistricts.

The NBG Regulating Plan's purpose is a long term vision and plan to consolidate existing industrial uses in a certain area while promoting a more mixed-use high density development area over the next 20-30 years. It was not intended that the existing buildings be forced to convert now or to force non-industrial tenants into an industrial building. The amendment strikes a balance between the long term vision and the short term impact of vacancies and replacement of existing industrial tenants by allowing a building to complete its useful life cycle before converting.