

A G E N D A



Recommendation for Council Action

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|---|--|-------|---------------|---------------------------------|
| Austin City Council | Item ID | 13434 | Agenda Number | 88. |
| Meeting Date: | 3/22/2012 | | Department: | Planning and Development Review |
| Subject | | | | |
| Conduct a public hearing and consider an ordinance to amend the regulating plan for the North Burnet/Gateway Zoning District to allow the continuation of certain industrial and commercial uses in an area of the neighborhood residential and neighborhood mixed use subdistricts until redevelopment requiring a site plan occurs. | | | | |
| Amount and Source of Funding | | | | |
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| Fiscal Note | | | | |
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| Purchasing Language: | | | | |
| Prior Council Action: | <p>August 26, 2010: Council approved a resolution 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.</p> <p>January 26, 2012: Council set a public hearing for March 1, 2012.</p> <p>March 1, 2012: Council postponed public hearing and action to March 22, 2012.</p> | | | |
| For More Information: | Christine Freundl, 974-2868 | | | |
| Boards and Commission Action: | Recommended by the Planning Commission. | | | |
| MBE / WBE: | | | | |
| Related Items: | | | | |
| Additional Backup Information | | | | |

On August 26, 2010, Council passed resolution number 20100826-045 directing staff to process amendments to the North Burnet Gateway neighborhood regulating plan.

Properties used as warehouses were zoned LI, Limited Industrial Services, prior to the adoption of the North Burnet Gateway (NBG) Regulating Plan. The NBG Regulating Plan replaced the LI zoning with subdistricts which prohibited certain LI uses previously allowed. Existing industrial uses continued to operate as legal non-conforming uses.

This created some issues. Non-conforming status is determined on tenant, not project basis. As a result, if a tenant in a site that is being used for industrial uses, vacates a suite at that site, the space can only be released with uses allowed in the NBG plan, or with an identical use to the former tenant. This could end up forcing non-industrial uses onto sites otherwise occupied with industrial uses.

The proposed language allows certain industrial uses to continue, up until such time as a property is subject to a new site plan. The result will be that properties will transition away from industrial uses on a site by site basis, not a suite by suite basis.