

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2017-006 Regulating Plan for the North Burnet/Gateway Zoning District

Description: Consider an ordinance amending Title 25 of the City Code to add a new Commercial Mixed Use - Gateway Zone Subdistrict to the Regulating Plan.

Proposed Language: See attached draft ordinance and background information.

Summary of proposed code amendment

- The proposed CMU-Gateway Zone Subdistrict will extend the FAR, height, and sign ordinance regulations of the Domain PDA to the three parcels at Braker Lane and Burnet Road.
 - Permit a base height entitlement of 140 feet.
 - Modify platting requirements of section 24-4-171 to permit a lot to abut a dedicated public street or Major Internal Drive.
 - Permit a FAR of 8:1 with a development bonus.
 - Permit a maximum building height of 308 feet with a development bonus.
 - Exempt development within the Subdistrict from the maximum parking requirements established in part 4.4.2.B.3 of the Regulating Plan.

Background: Initiated by City Council Resolution 20170831-058

In August 2017, City Council issued a resolution that directed staff to extend the FAR, height, platting requirements, and sign regulation of the Domain PDA to the adjacent properties near Burnet Road and Braker Lane.

Staff Recommendation: Staff recommends the proposed code amendment.

Board and Commission Actions

February 21, 2018: Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote.

March 13, 2018: To be reviewed by the Planning Commission.

Council Action

April 12, 2018: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Anne Milne

Phone: 974-2868

Email: Anne.Milne@austintexas.gov

North Burnet Gateway Regulating Plan

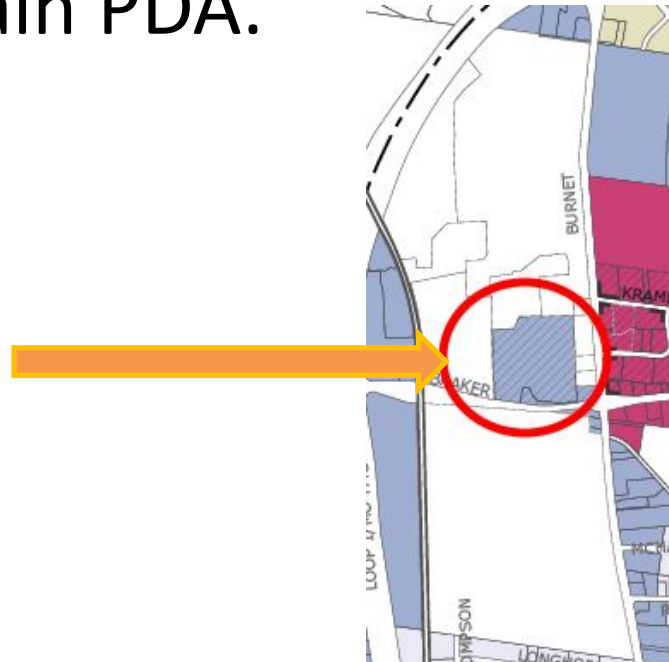
Code Amendment

3-13-2018



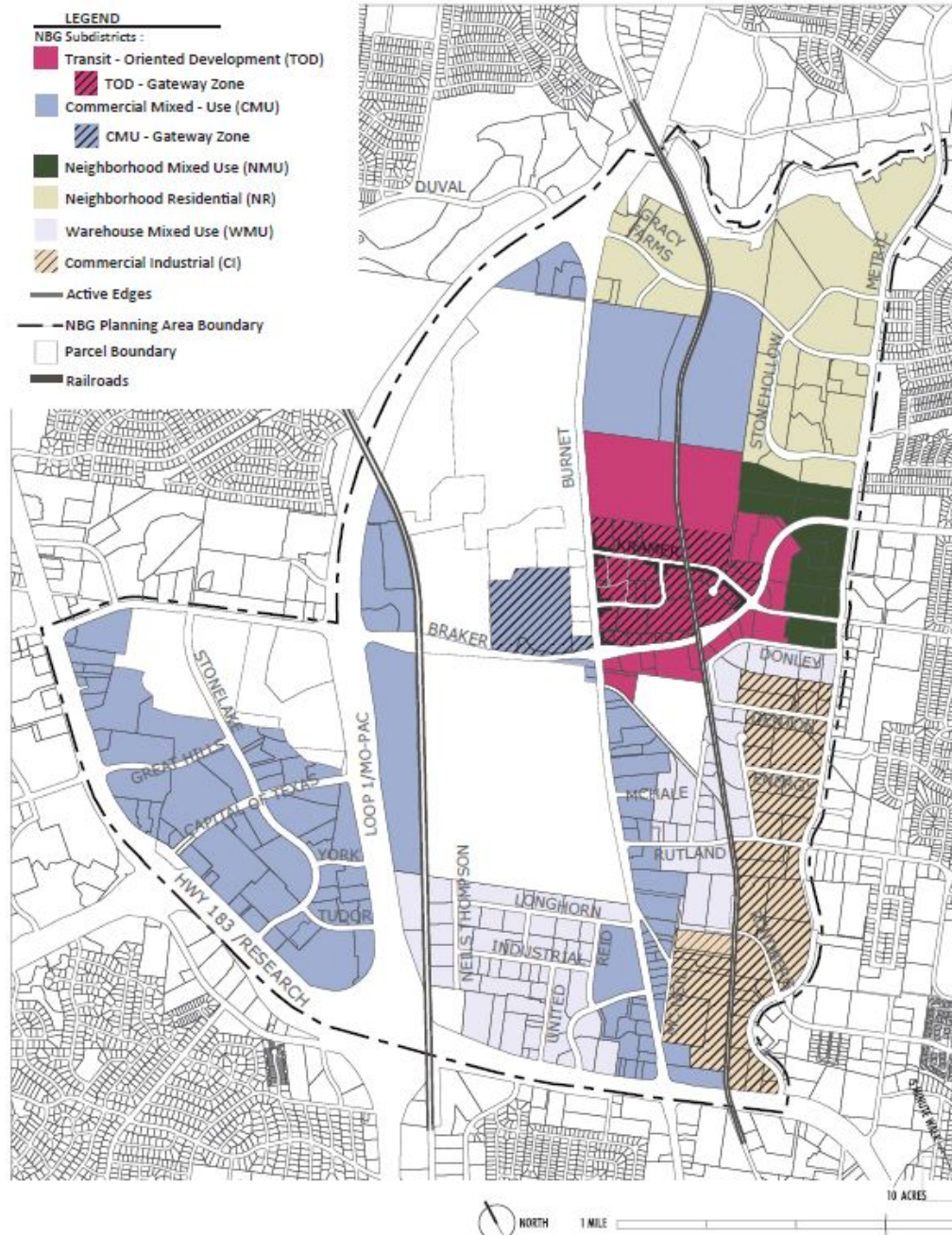
Council Resolution 20170831-058

- Directed staff to align the FAR, height, platting requirements, and sign regulations for the properties at Burnet and Braker with those of the adjacent Domain PDA.



Amendment – Consistent with The Domain

Regulations	FAR	Height	Platting Requirements to Avoid Flag Lots	Signs
The Domain (MI-PDA)	8:1	308'	Yes	Sign Ordinance
North Burnet Gateway (NBG)	3:1	180'	No	University Neighborhood Overlay (UNO)
2017 NBG Ordinance Amendment (NBG)	8:1	308'	Yes	Sign Ordinance



LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
Front Yard and Street Side Yard*:	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
Front and Street Side Upper-Story Building Facade Setbacks:	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
Interior Side Yard:	0 Feet
Rear Yard:	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

MAXIMUM IMPERVIOUS COVER	
If located in an urban watershed (Shoal or Little Walnut Creek):	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
If located in a suburban watershed (Walnut Creek)*:	
80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

PLATTING REQUIREMENTS	
If located in the CMU Gateway Zone:	
Section 24-4-171(Access to Lots) of the City Code is modified to permit a lot to abut a dedicated public street or a Major Internal Drive.	

FLOOR TO AREA RATIO	
Maximum Floor-to-Area Ratio (FAR) by Right:	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property's zoning prior to adoption of this Document)	
Maximum Floor-to-Area Ratio (FAR) with Development Bonus:	
CMU Zone	3:1
CMU Gateway Zone	8:1
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



Typical examples of buildings in the Commercial Mixed Use Subdistrict.

BUILDING HEIGHT	
Minimum Building Height:	
Not applicable	
Maximum Building Height by Right:	
Established on Figure 4-4 (Based on the maximum height allowed by the property's zoning prior to adoption of this Document.)	
Maximum Building Height with Development Bonus*:	
CMU Zone	180 Feet
CMU Gateway Zone	308 Feet
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	
*Exception: If adjacent to or across the street from NR Subdistrict the maximum height is 120 feet.	

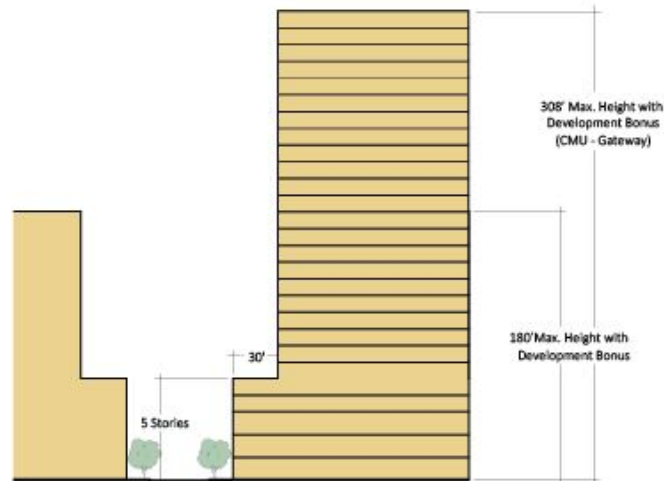


Figure 4-3 : Maximum Floor - to - Area-Ratio (FAR) with Development Bonus

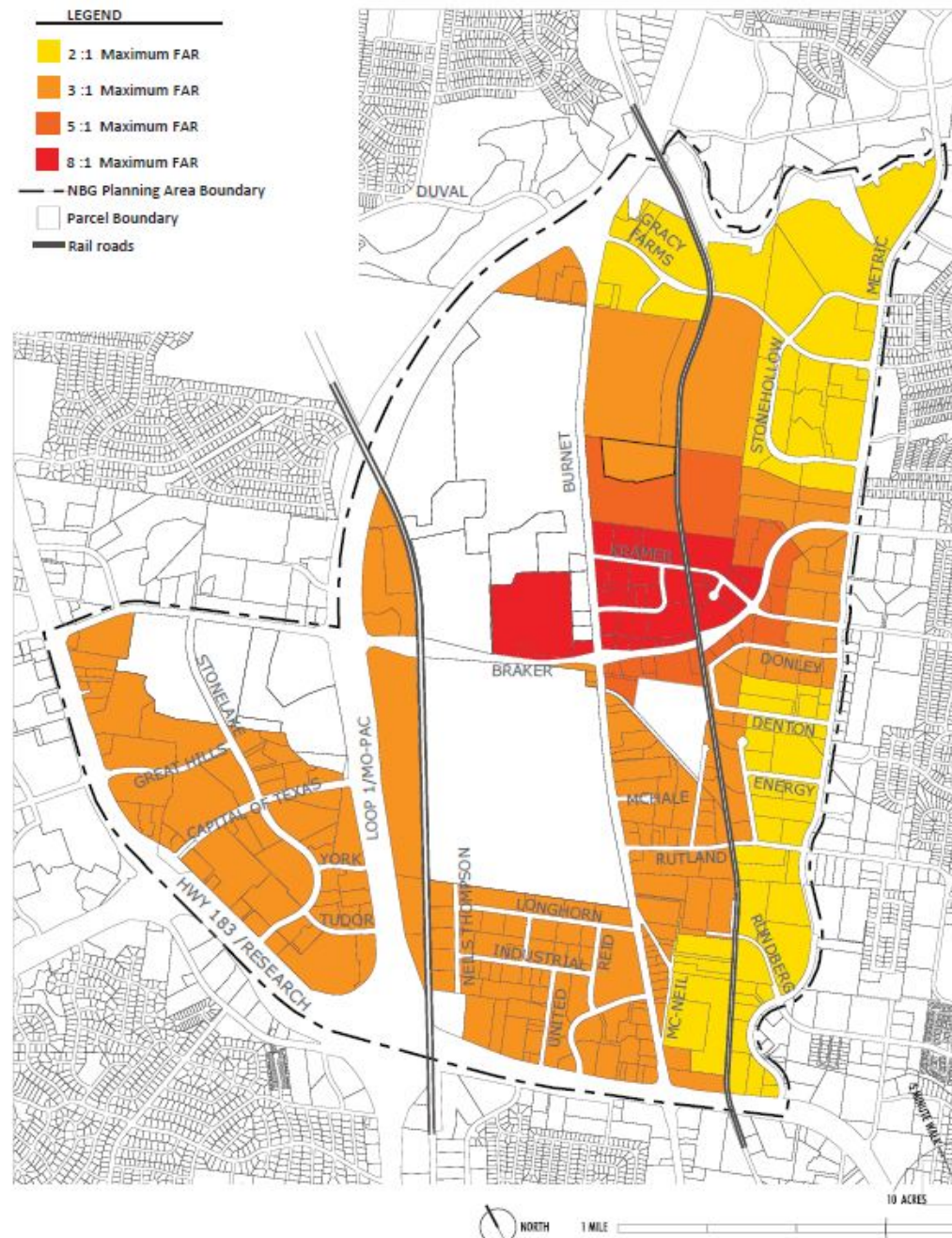
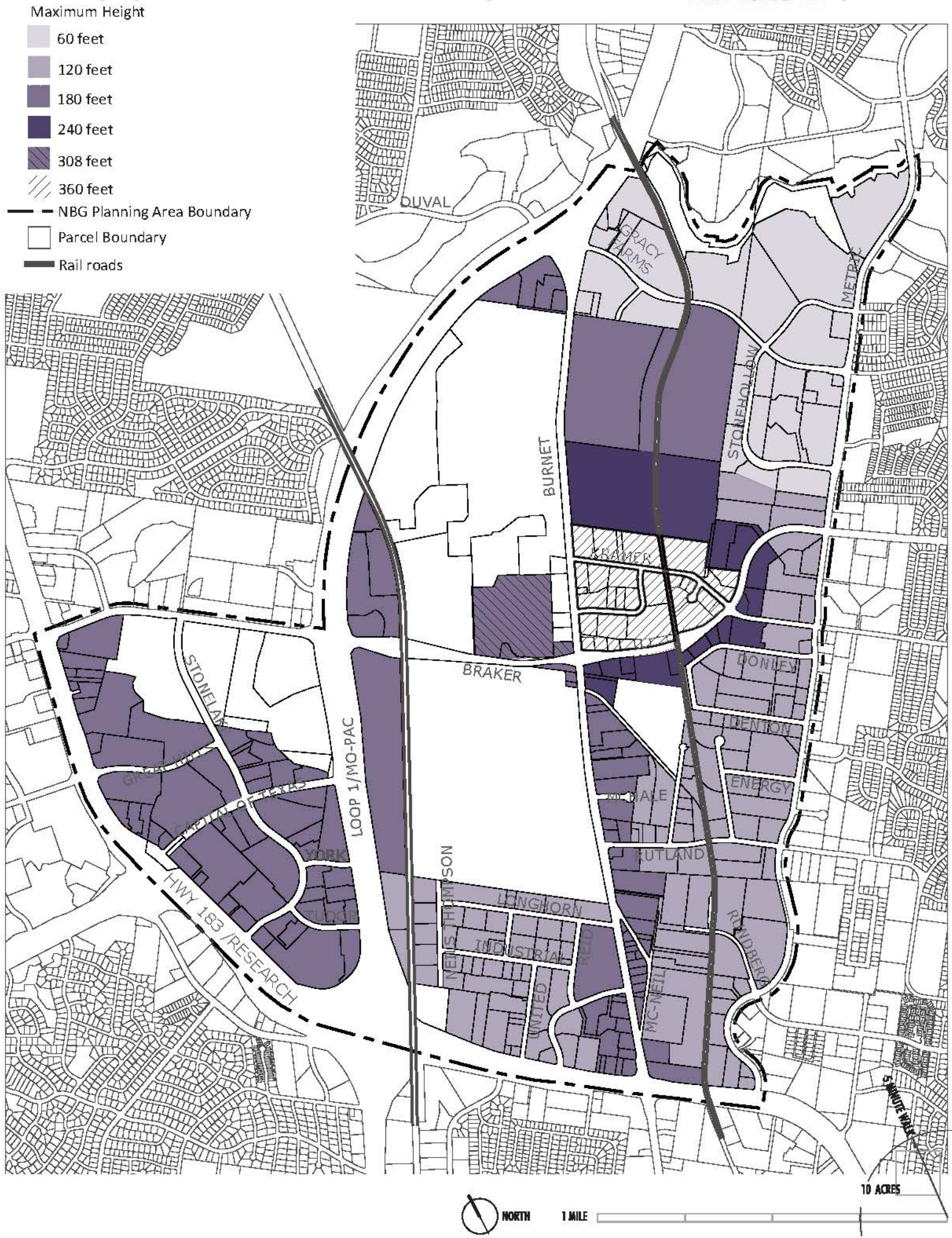


Figure 4-5: Maximum Height with Development Bonus

C-07

REVISED

EXHIBIT 123



Parking Requirements

4.4.2. Parking Requirements

A. Minimum Parking Requirement:

60 percent of that prescribed by the LDC Section 25-6 Appendix A (Tables of Off-Street Parking and Loading Requirements)

B. Maximum Parking Requirement:

1. 100 percent of that prescribed by Appendix A ; or
 2. 110 percent of that prescribed by Appendix A if the following qualifications are met:
 - a. Any parking spaces provided over 100 percent of the calculated LDC rate in Appendix A are made available for public use; and
 - b. Signage is provided indicating where public parking is available
3. Development in the CMU-Gateway zone is not subject to a maximum parking requirement.

Sign Regulations

4.8. SIGN REGULATIONS

4.8.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 4.8 Sign Regulations	●	●	●	●	--	--	●	●	●	--	All development

4.8.2. Sign Regulations

- A. Except as provided in Subsection B and Subsection C, all development to which this standard is applicable shall comply with the Sign Regulations in LDC Section 25-10-133, University Neighborhood Overlay Zoning District Signs.
- B. For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign shall not exceed 6 feet and the sign area may not exceed 100 square feet.
- C. Development in the CMU – Gateway Subdistrict is not subject to LDC Section 25-10-133, University Neighborhood Overlay Zoning District. All development in the CMU – Gateway Subdistrict shall comply with the Sign Regulations established in Chapter 25-10 of the City's Land Development Code.



The Domain Sign Example



Questions?



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20090312-035 TO AMEND THE REGULATING PLAN FOR THE NORTH BURNET/GATEWAY ZONING DISTRICT RELATING TO PORTIONS OF THE DOMAIN PLANNED DEVELOPMENT AREA BOUNDED BY BRAKER LANE, BURNET ROAD, UNION PACIFIC RAILROAD, AND GAULT LANE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Exhibit A to Ordinance No. 20090312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending page viii, Figure 1-2 (*North Burnet/Gateway (NBG) Zoning District Subdistrict Map*) to add to a new CMU-Gateway Zone as shown on Exhibit A to this ordinance.

PART 2. Exhibit A to Ordinance No. 20090312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending page 48, Figure 4-1 (*Commercial Mixed Use (CMU) Subdistrict*) to add a section on platting requirements and add the floor-to-area ratio with development bonus and maximum height with development bonus for the CMU-Gateway Zone as shown on Exhibit B to this ordinance.

PART 3. Exhibit A to Ordinance No. 20090312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending page 54, Figure 4-3 (*Maximum Floor-to-Area Ratio (FAR) with Development Bonus*) to add an 8:1 maximum floor-to-area ratio as shown on Exhibit C to this ordinance.

PART 4. Exhibit A to Ordinance No. 20090312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending page 56, Figure 4-5 (*Maximum Height with Development Bonus*) to show the Domain parcels with a maximum height of 308 feet with a development bonus as shown on Exhibit D to this ordinance.

PART 5. Exhibit A to Ordinance No. 20091312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending Page 65, Section 4.4.2(B) (*Maximum Parking Requirement*) to add a new subsection 4.4.2(B)(3) to read as follows:

3. Development in the CMU-Gateway zone is not subject to a maximum parking requirement.

PART 6. Exhibit A to Ordinance No. 20091312-035 (*Regulating Plan for the North Burnet/Gateway Zoning District*) is amended by amending Page 75, Section 4.8.2 (*Sign Regulations*) to amend subsection (A) and add a new subsection (C) to read as follows:

[A. Except as provided in Subsection B and Subsection C, all development to which this standard is applicable shall comply with the Sign Regulations in LDC Section 25-10-133, University Neighborhood Overlay Zoning District Signs.]

C. Development in the CMU-Gateway Subdistrict is not subject to LDC Section 25-10-133, University Neighborhood Overlay Zoning District. All development in the CMU-Gateway Subdistrict shall comply with the Sign Regulations established in Chapter 25-10 of the City's Land Development Code.

PART 7. This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

_____	§	_____
	§	
_____, 2018	§	
		Steve Adler
		Mayor

APPROVED: _____	ATTEST: _____
Anne L. Morgan	Jannette S. Goodall
City Attorney	City Clerk

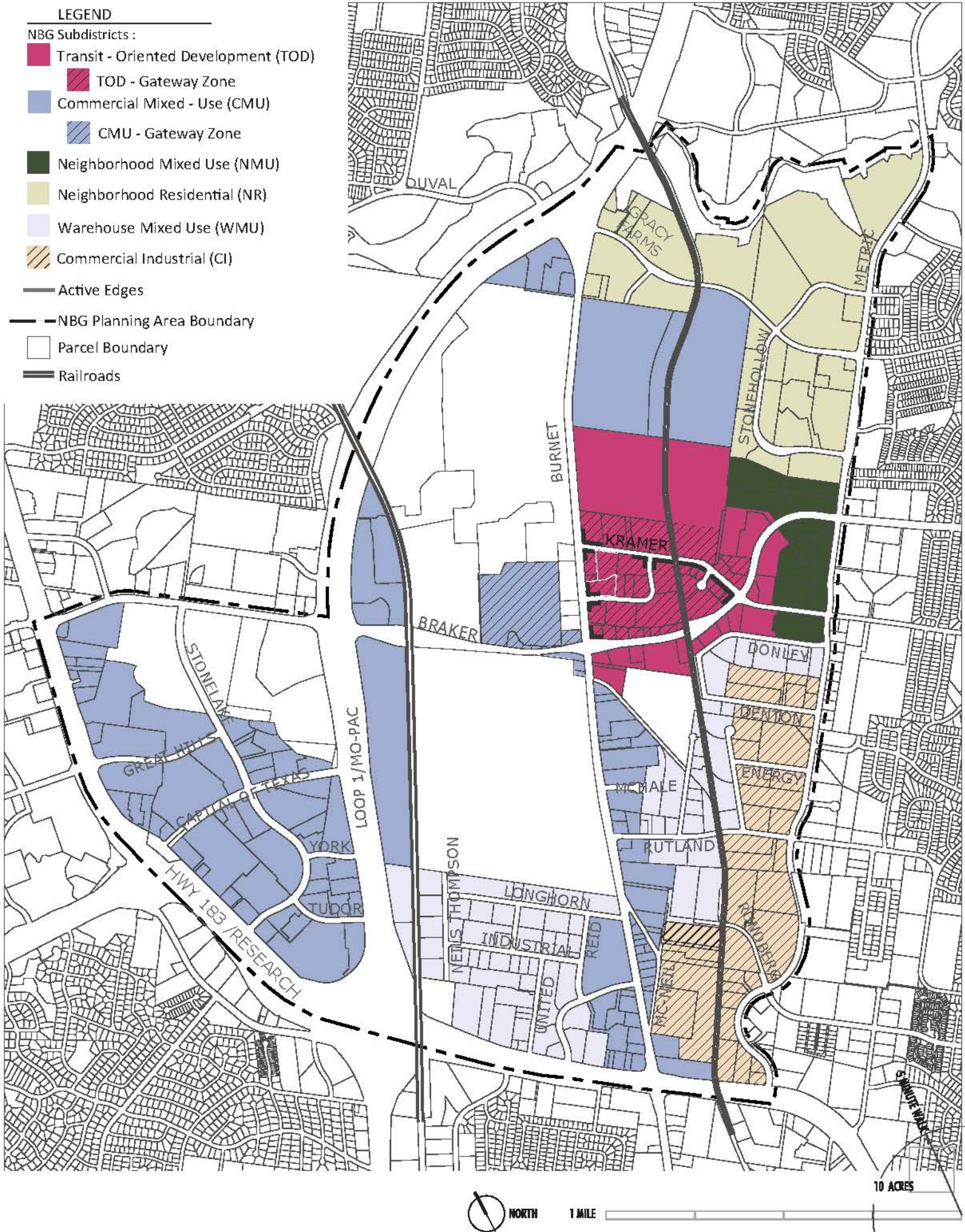


EXHIBIT A

Article 4: Site Development Standards
 Section 4.4. Off-Street Vehicular and Bicycle Parking
 Subsection 4.4.1. Applicability

4.4. OFF-STREET VEHICULAR AND BICYCLE PARKING

4.4.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 4.4 Off-Street Vehicular and Bicycle Parking	●	●	●	●	●	●	●	●	●	●	- All development - Active Edge standards

4.4.2. Parking Requirements

A. Minimum Parking Requirement:

60 percent of that prescribed by the LDC Section 25-6 Appendix A (Tables of Off-Street Parking and Loading Requirements)

B. Maximum Parking Requirement:

1. 100 percent of that prescribed by Appendix A ; or
2. 110 percent of that prescribed by Appendix A if the following qualifications are met:
 - a. Any parking spaces provided over 100 percent of the calculated LDC rate in Appendix A are made available for public use; and
 - b. Signage is provided indicating where public parking is available

3. Development in the CMU-Gateway zone is not subject to a maximum parking requirement.

4.4.3. Reduction of Minimum Off-Street Parking Requirements

This section provides for reductions in the minimum off-street parking requirements in Subsection 4.4.2. The minimum off-street parking requirement shall be reduced as follows:

- A. By one space for each on-street parking space located adjacent to the site.
- B. By up to 10 percent to preserve significant stands of trees or protected trees in addition to those required to be preserved by the Code, pursuant to protection measures specified in the Environmental Criteria Manual. If the applicant provides more parking spaces than the minimum required, the additional parking spaces may not result in the removal of significant stands of trees or protected trees.

Article 4: Site Development Standards
Section 4.8. Sign Regulations
Subsection 4.8.1. Applicability

- B.** Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions may be placed alongside public alleys without the necessity of screening.

4.8. SIGN REGULATIONS

4.8.1. Applicability

Standard	Applies if the NBG Subdistrict is:						Applies if the Adjacent Street is:				Applies to the following:
	TOD	CMU	NMU	NR	WMU	CI	CTC	PPC	UR	HWY	
Section 4.8 Sign Regulations	●	●	●	●	--	--	●	●	●	--	All development

4.8.2. Sign Regulations

- A.** Except as provided in Subsection B and Subsection C, all development to which this standard is applicable shall comply with the Sign Regulations in LDC Section 25-10-133, University Neighborhood Overlay Zoning District Signs.
- B.** For all development located on a NBG Core Transit Corridor, one freestanding monument sign is permitted on a lot. The height of this sign shall not exceed 6 feet and the sign area may not exceed 100 square feet.
- C.** Development in the CMU – Gateway Subdistrict is not subject to LDC Section 25-10-133, University Neighborhood Overlay Zoning District. All development in the CMU – Gateway Subdistrict shall comply with the Sign Regulations established in Chapter 25-10 of the City's Land Development Code.

FIGURE 4 - 1 CMU : NBG ZONING DISTRICT GENERAL SITE DEVELOPMENT STANDARDS
COMMERCIAL MIXED USE (CMU) SUBDISTRICT

LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
Front Yard and Street Side Yard*:	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
Front and Street Side Upper-Story Building Facade Stepbacks:	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
Interior Side Yard:	0 Feet
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* If the street right-of-way is less than 60 feet in width, the minimum front yard setback for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

MAXIMUM IMPERVIOUS COVER	
If located in an urban watershed (Shoal or Little Walnut Creek) :	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property's zoning prior to adoption of the this Document.)	
If located in a suburban watershed (Walnut Creek)*:	
80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

PLATTING REQUIREMENTS	
If located in the CMU Gateway Zone:	
Section 24-4-171(Access to Lots) of the City Code is modified to permit a lot to abut a dedicated public street or a Major Internal Drive.	

FLOOR TO AREA RATIO	
Maximum Floor-to-Area Ratio (FAR) by Right:	
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Maximum Floor-to-Area Ratio (FAR) with Development Bonus:	
CMU Zone	3:1
CMU Gateway Zone	8:1
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



Typical examples of buildings in the Commercial Mixed Use Subdistrict.

BUILDING HEIGHT	
Minimum Building Height:	
Not applicable	
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Maximum Building Height with Development Bonus*:	
CMU Zone	180 Feet
CMU Gateway Zone	308 Feet
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	
*Exception: If adjacent to or across the street from NR Subdistrict the maximum height is 120 feet.	

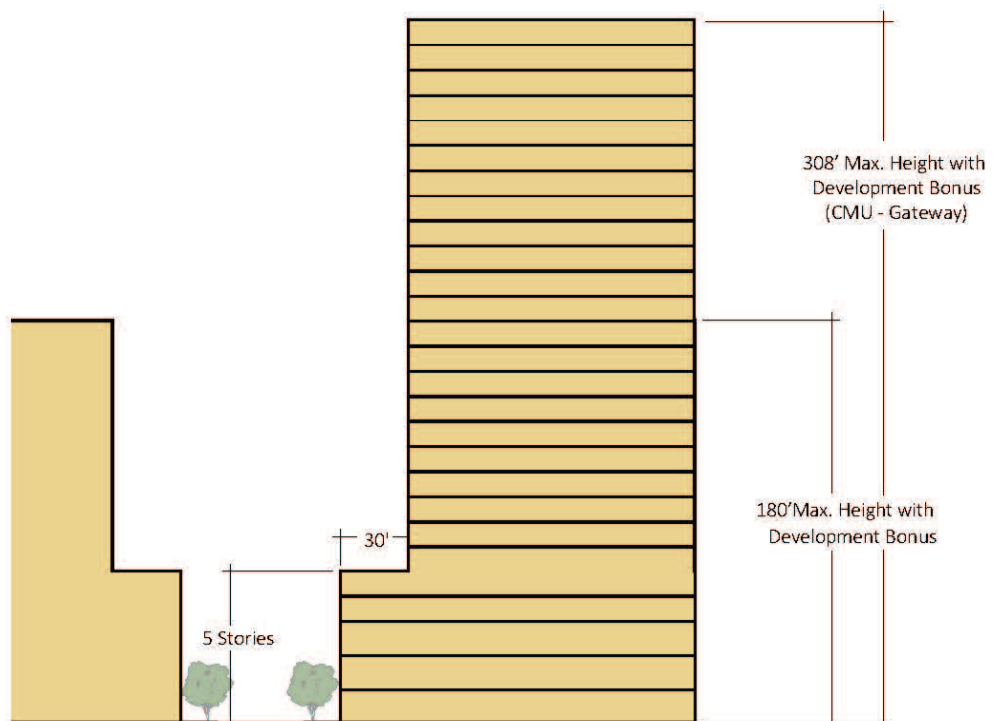


Figure 4-3: Maximum Floor - to - Area- Ratio (FAR) with Development Bonus

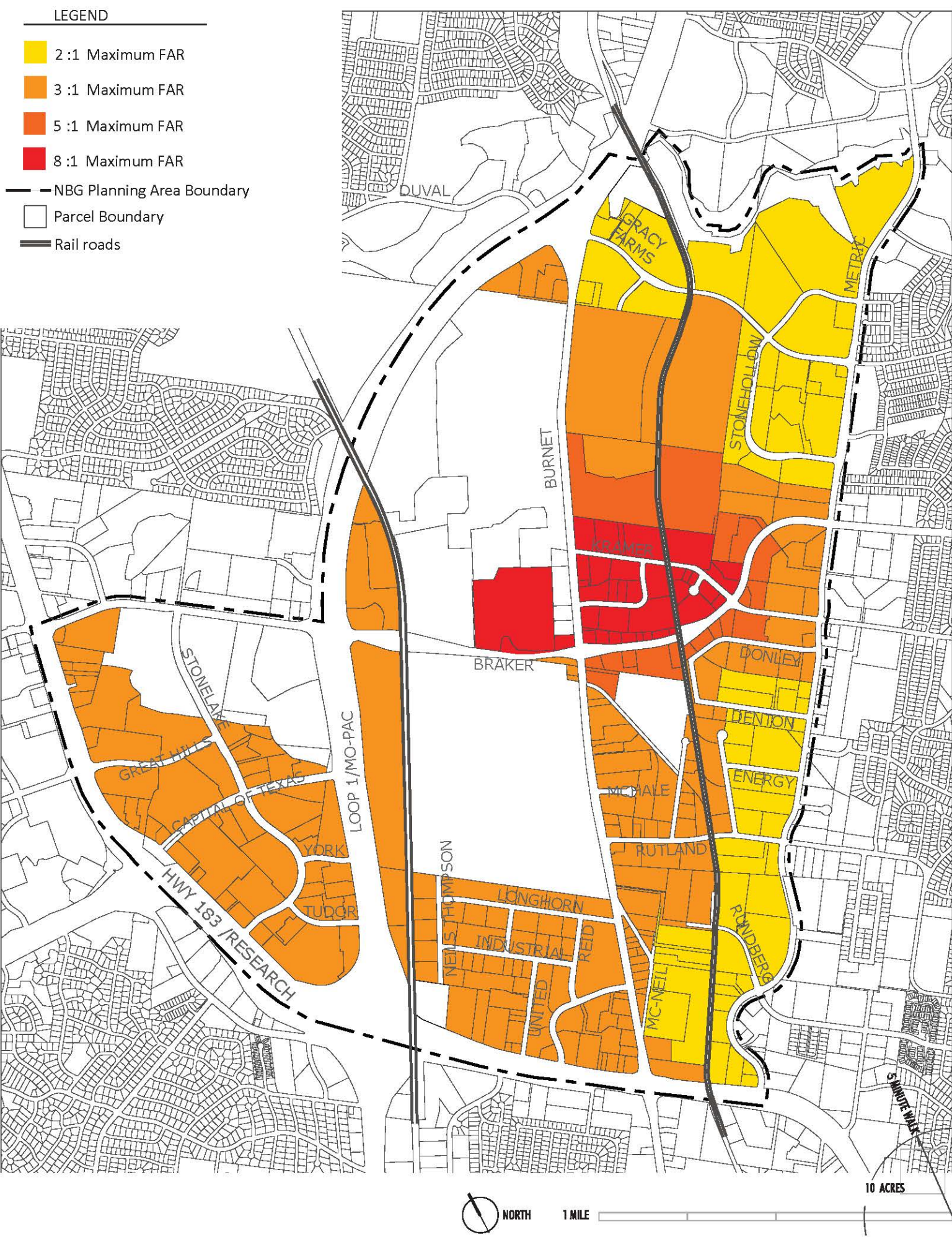
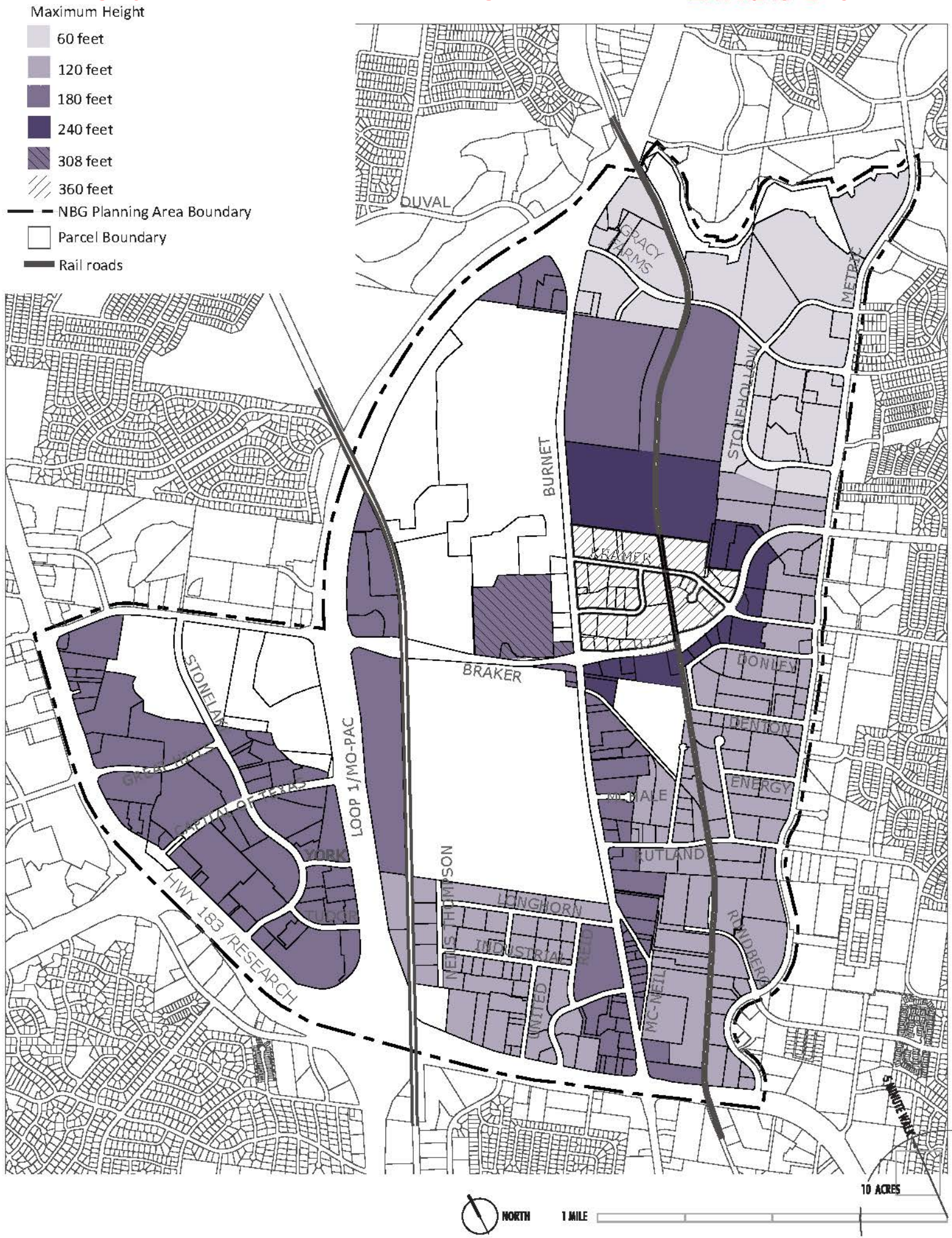


Figure 4-5: Maximum Height with Development Bonus

C-07

REVISED

EX-00123



RESOLUTION NO. 20170831-058

WHEREAS, the City of Austin adopted the North Burnet Gateway Regulating Plan in 2007 in anticipation of the completion of the Capital Metro Red Line rail project; and

WHEREAS, the North Burnet Gateway Regulating Plan was intended to promote density and transit oriented development in a mostly industrial area to take advantage of the new rail line; and

WHEREAS, the Domain was not included in the North Burnet Gateway Regulating Plan because the property had major industry-planned development area (MI-PDA) zoning that allowed the property owner to create a custom set of regulations prior to the adoption of the North Burnet Gateway Regulating Plan; and

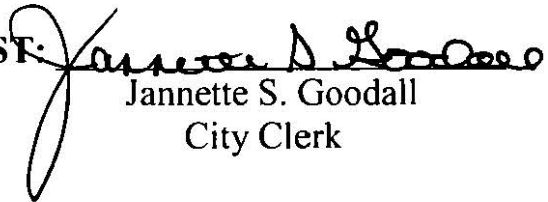
WHEREAS, many people consider the Domain to be a desirable and successful development; and

WHEREAS, in the rectangle bounded by Braker Lane, Burnet Road, Union Pacific Railroad, and Gault Lane, the only property subject to the North Burnet Gateway Regulating Plan is owned by Street Lights Residential and Stonelake Capital Partners and is not zoned MI-PDA; and

WHEREAS, these two property owners wish to comply with the same rules regarding floor-to-area ratio, height, platting requirements, and sign regulations as the rest of the properties within the Domain; **NOW, THEREFORE**,

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

The City Council initiates code amendments to City Code Title 25 (*Land Development Code*) and to the North Burnet Gateway Regulating Plan to bring the floor-to-area ratio, height, platting requirements, and sign regulations on the above mentioned properties in conformance with the adjacent properties within the Domain, and directs the city manager to process the amendments.


ADOPTED: August 31, 2017**ATTEST:**

Jannette S. Goodall
City Clerk

**AFFORDABILITY IMPACT STATEMENT**

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

NORTH BURNET GATEWAY REGULATING PLAN (CMU-GATEWAY) AMENDMENT

PROPOSED CODE AMENDMENT:	THE PROPOSED ORDINANCE WOULD AMEND THE NORTH BURNET GATEWAY REGULATING PLAN BY ADDING A CMU-GATEWAY ZONE SUBDISTRICT, AND REZONING THREE LOTS ON THE CORNER OF BURNET RD AND BRAKER LN TO THE NEW SUBDISTRICT.
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL THE PROPOSED REZONING WOULD GRANT THE THREE LOTS WHERE THE ZONING IS APPLIED INCREASED BONUS HEIGHT AND FAR ENTITLEMENTS WHILE MAINTAINING THE CURRENT BY-RIGHT ENTITLEMENTS.
IMPACT ON COST OF DEVELOPMENT	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL NO IMPACT FORESEEN.
IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL THE CREATION AND APPLICATION OF THE NEW SUBDISTRICT WOULD ALLOW FOR A LARGER DENSITY BONUS, WHICH IF ACCESSED, MAY RESULT IN THE PROVISION OF MORE AFFORDABLE HOUSING.
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	THE APPLICATION OF THE NEW SUBDISTRICT WITH AN INCREASED BONUS HEIGHT AND FAR ENTITLEMENT MAY RESULT IN THE PROVISION OF MORE AFFORDABLE HOUSING ON THE THREE LOTS WHERE IT IS APPLIED.
ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	
OTHER HOUSING POLICY CONSIDERATIONS:	
DATE PREPARED:	MARCH 8, 2018
MANAGER'S SIGNATURE:	<u></u>