

Potential Amendments to the Sept. 14, 2012 Draft ERC Regulating Plan

Staff and Planning Commission recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan:

1. Pp. 19-23, Figures 1-9 thru 1-13, Subdistrict Development Regulations, Environmental maximum impervious cover citations: Change from ECM to LDC 25-8. (**Note:** Incorrect code citation).
2. P. 56, Subsection 4.2.3.D.1 Impervious Cover: Change to just cite LDC 25-8. (**Note:** Incorrect code citation).
3. P. 59, Subsection 4.2.4.D.2.b – Remove “Outdoor dining (not after 10:00pm).” from list of permitted activity in the use restricted zone.
4. P. 61, Subsection 4.2.4.D.4.b.ii – Modify to read: Automobiles in a parking structure must be screened from public view from the public right of way and from the triggering property.
5. P. 62, Subsection 4.2.4.E – Remove subsections 1 and 2 and modify subsection 3 to read: Variances may only be granted by the Board of Adjustment due to hardship, per LDC Section 25-2-473 (Variance Requirements).
6. P. 77, Subsection 4.9.3.C (paragraph after subsection 7) – Modify to read: Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the Montopolis Greenbelt Trail route, the Country Club Creek Trail route, or in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed...
7. P. 97, Subsection 6.4.1.C.2 – Modify to read: The developer shall pay into the Transit-Area Housing Assistance Fund...
8. P. 97, Subsection 6.4.1.C.3 – This fee should be reviewed as needed, or at least every 5 years.
9. P. 97, Subsection 6.4.1.C.3 – Remove \$.50 fee (**Background:** Staff has been discussing different methodologies to calculate in-lieu fees with affordable housing advocates. Analysis shows that there is no market for buildings over 90 feet at present, but the question is whether to have a placeholder fee in place in case anyone does choose to build a building over that height.)
10. Miscellaneous spelling and grammar corrections.

Other Planning Commission recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan:

11. P. 32, Figure 2-1, Make Congregate Living a permitted use in all ERC Subdistricts.

Other Staff recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan:

12. P. 4, Subsection 1.2.3.D.1. Change to read: Development that does not require a site plan under LDC Sections 25-5-2(~~B~~), (~~C~~), (~~E~~), (~~F~~), (~~G~~), (~~H~~), (~~I~~) ~~or (J)~~, except that Section 4.6 (Exterior Lighting) shall apply; (**Note:** Changed to match site plan exemptions in other parts of the city.)
13. PP. 11-18, Figures 1-1 to 1-8: Change label in key from “ERC Zoning District Boundary” to “ERC Planning Area Boundary.” (**Note:** Changed to clarify which parcels are included in the ERC zoning district.)
14. P. 24. Add new Figure 1-14: East Riverside Corridor (ERC) Future Land Use Map (Nov. 8, 2012 DRAFT – see attached) (**Note:** Added for clarification purposes.)
15. P. 81, Subsection 4.11.3.A: Change to just cite LDC 25-8. (**Note:** Incorrect code citation).
16. P. 81, Subsection 4.11.3.B: Change citation from LDC 25-2-601 to LDC 25-1-601 and from LDC 25-2-063 to LDC 25-1-603. (**Note:** Incorrect code citations).
17. P. 55, figure 4-1: Two Story Minimum Requirements. Replace figure with Nov. 8, 2012 Draft. (**Note:** Changed to make figure more understandable – see attached.)

Items from Planning Commission for staff to make recommendations about for City Council deliberation:

18. P. 15, Modification to collector street map to account for an existing drainage way. See revised Figure 1-5: East Riverside Corridor Collector Street Map (Nov. 8, 2012 DRAFT – see attached) and associated Figure 1-3: East Riverside Corridor Roadway Type Map (Nov. 8, 2012 DRAFT– see attached).
19. P. 51, Subsection 3.5.6.C. – Modify to read: Alleys should be used mid-block for service access and shall not substitute for streets required ~~for emergency vehicle access~~ or to meet minimum block size or connectivity requirements in this Section, but may be used for emergency vehicle access if approved by the Fire Department.
20. Adding minimum density, FAR, or height requirements: Staff recommends adding aspirational FAR targets for each ERC Subdistrict to indicate the amount of development desired per ERC Subdistrict. The aspiration target is 60% of the maximum FAR allowed for each subdistrict.
Recommended change:
 - PP. 19-23, Figures 1-9 to 1-13, Change to add the following to the Floor Area Ratio section in each figure: Desired minimum FAR: 60% of maximum FAR by right.
21. Notification requirement for Alternative Equivalent Compliance (AEC) requests: Staff does not recommend additional notification for AEC applications because:
 - All property owners, utility customers, and groups in the community registry within 500 feet of any property filing a site plan notification are already sent a notification of the site plan filing and can request to be added as an interested party; and
 - AEC is an administrative process. The final decision making body for site plans is either the Director or the appropriate Land Use Commission, as specified in LDC Chapter 25-5, and the building official for building permits.

Figure 1-3: East Riverside Corridor Roadway Type Map

Indicates the Roadway type for all existing and proposed streets within the ERC boundary.

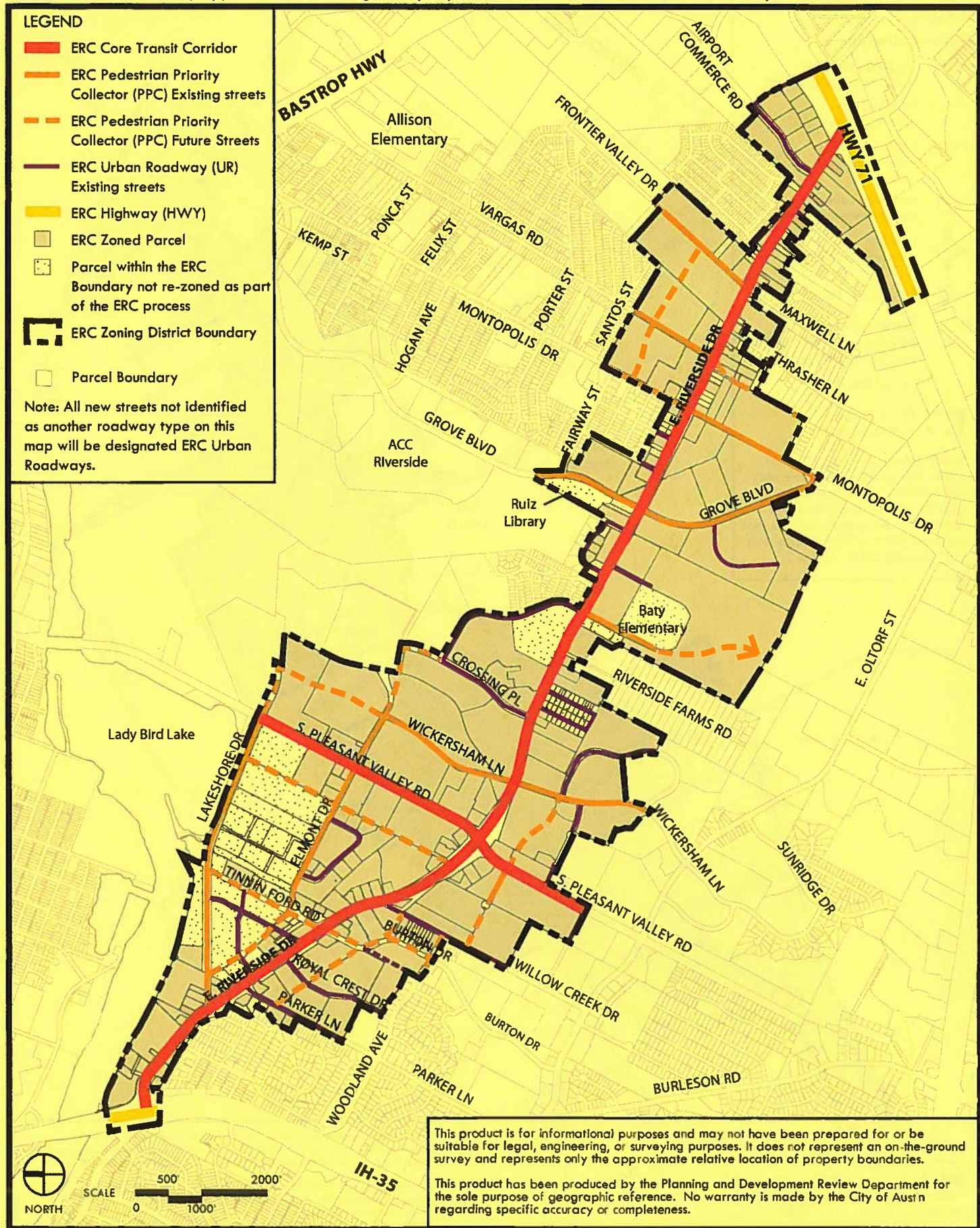
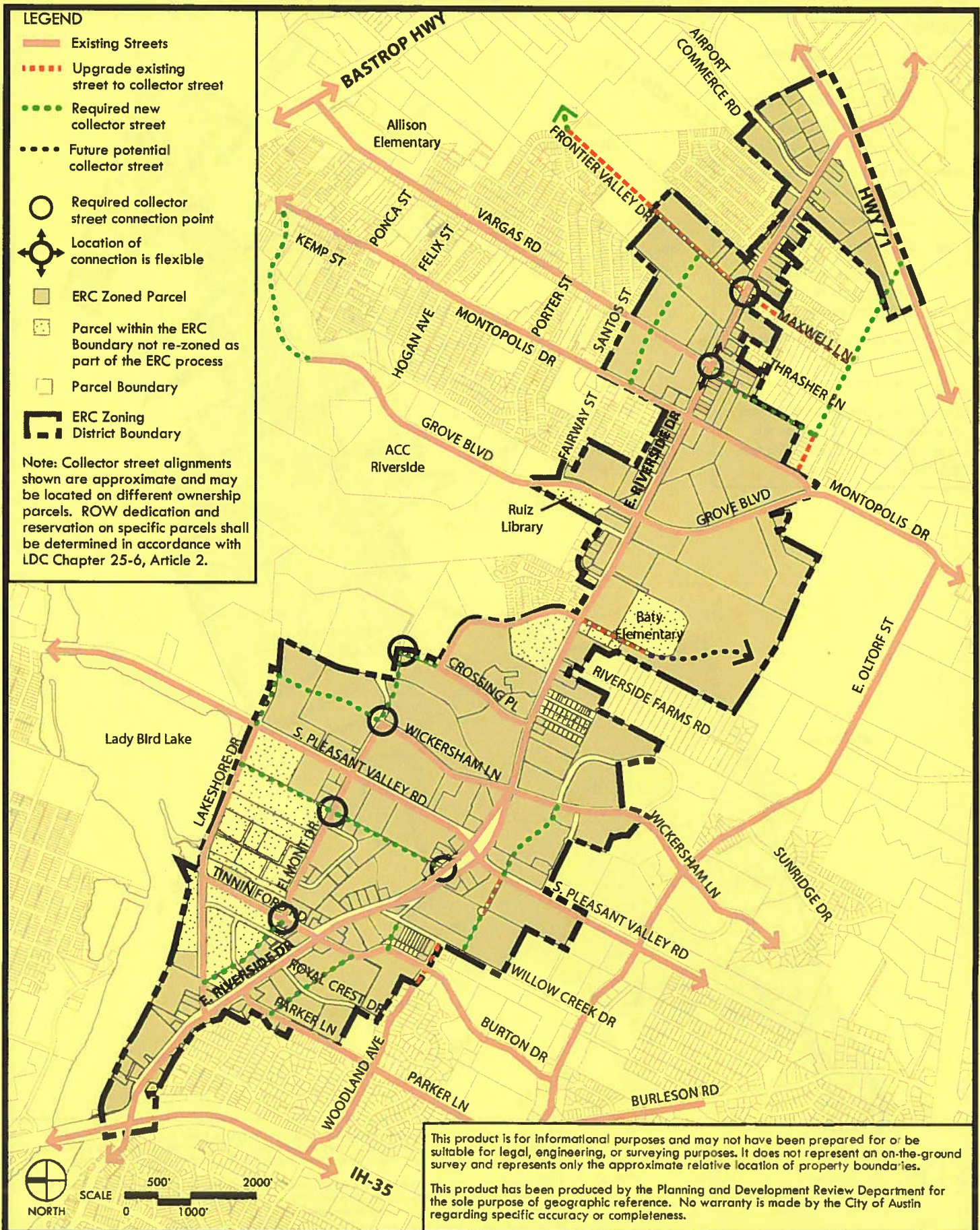


Figure 1-5: East Riverside Corridor Collector Street Map

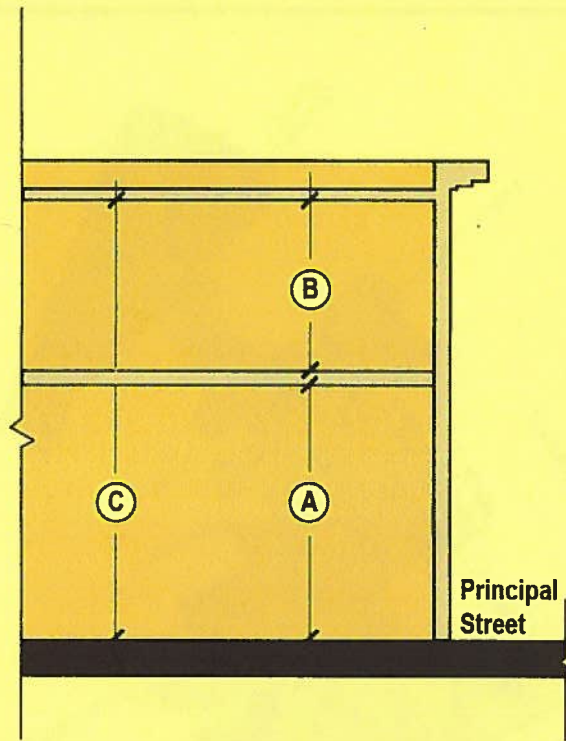
Shows existing and new streets designated as Collector streets.



The map below indicates the properties within the ERC planning boundary with the Specific Regulating District (SRD) FLUM designation.



Figure 4-1: Two Story Minimum Requirements



	Definition	Height without Active Edge	Height with Active Edge
A	Ground Floor: Measured from the finished floor to the bottom of structure.	9' Minimum	12' Minimum
B	Upper Floors: Measured from the finished floor to the bottom of structure.	8' Minimum	8' Minimum
C	Double Height Space, if provided: Measured from the finished floor to the bottom of floor or roof structure above. The maximum depth of a double height space along a Principal Street is 24'.	18' Minimum Height	22' Minimum Height
See Figure 1-4 for properties with active edge designations			

EDUCATIONAL IMPACT STATEMENT

CITY OF AUSTIN CODE AMENDMENT

Austin Independent
School District



Prepared for the City of Austin



CODE AMENDMENT NAME: East Riverside Corridor Regulating Plan

CASE #: C20-2011-003

☒ POTENTIAL IMPACT ON SCHOOL(S)

☐ NO IMPACT ON SCHOOL(S)

CODE AMENDMENT SUMMARY

The proposed code amendment creates the East Riverside Corridor (ERC) Zoning District and provides for a regulating plan which establishes use and site development regulations for the ERC District. The intent of the East Riverside Corridor Regulating Plan is to implement the vision of an urban mixed-use neighborhood that supports current and future transit options along a portion of East Riverside Drive. Article 6 of the Regulating Plan allows for development bonuses, in part to encourage affordable housing and mixed income communities. One of the development bonus requirements is to provide for a minimum of 50% of the Bonus Area as on-site affordable housing or payment of an in-lieu fee for affordable housing.

IMPACT ON SCHOOLS

The East Riverside Corridor (ERC) Zoning District is within five elementary school, two middle school, and three high school attendance areas and impacts 1, 172 AISD students. The following three tables show the affected schools within the proposed ERC zoning district and their respective 2011-12 enrollment data including free or reduced (F/R) lunch figures.

Table 1

2011-2012 Elementary School Enrollment Data of Schools Impacted by the ERC Zoning District

Elementary School	Total Enrollment	Elementary Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Allison	527	113	21.4%	101	89.4%
Brooke	408	6	1.5%	3	50%
Linder	866	77	8.9%	71	92.2%
Metz	521	279	53.5%	264	94.6%
Sanchez	587	265	45.1%	240	90.5%
TOTAL	2,909	740	25.4%	679	94.2%

Metz and Sanchez have the largest percentage of students who reside within the East Riverside Corridor (ERC), at 53.5% and 45.1 % respectively. Additionally, Allison has a large number of students that may be impacted by potential redevelopment within the ERC. All five of the affected schools have a very high percentage (50%-94.6%) of students that are eligible for free or reduced lunch.

EDUCATIONAL IMPACT STATEMENT

CITY OF AUSTIN CODE AMENDMENT

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School District



Prepared for the City of Austin

Table 2

2011-2012 Middle School Enrollment Data of Schools Impacted by the ERC Zoning District

Middle School	Total Enrollment	Middle School Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Fulmore	1,043	50	4.8%	44	88%
Martin	598	164	27.4%	144	87.8%
TOTAL	1,641	214	13%	188	87.9%

27.4% of Martin's students reside within the ERC with 87.8% eligible for free or reduced lunch.

Table 3

2011-2012 High School Enrollment Data of Schools Impacted by the ERC Zoning District

High School	Total Enrollment	High School Students within ERC	Percentage of Students Enrolled within ERC	Number of Students Eligible for F/R Lunch within ERC	Percentage of Students Eligible for F/R Lunch within ERC
Austin	2,252	12	0.5%	4	33.3%
Eastside	633	84	13.3%	74	88%
Travis High	1,473	122	8.3%	108	88.5%
TOTAL	4,358	218	5%	186	85.3%

Eastside Memorial would be the most affected high school with 13.3% of the student enrollment residing within the ERC.

Summary: Without more information about specific redevelopment projects and the number of affordable units proposed, it is difficult to determine the exact impact on the affected schools. However, as noted on the above tables, there is a potential negative impact at Allison Elementary School, Metz Elementary School, Sanchez Elementary School, and Martin Middle School due to the potential loss of students residing within the East Riverside Corridor, especially if existing affordable housing options are replaced by housing with a lower percentage of affordable units. A loss of students due to redevelopment has already occurred in the Metz and Sanchez attendance areas in 2006-07. The redevelopment of two apartment complexes displaced approximately 183 elementary students and resulted in a decrease in student enrollment at Metz (11.4%) and Sanchez (16.2%) over a one-year period.

Date Prepared: 11/5/2012

Director's Signature: _____

Paul Turner

November 5, 2012

Mayor Lee Leffingwell
Mayor Pro-Tem Sheryl Cole
Council Member Chris Riley
Council Member Mike Martinez
Council Member Kathy Tovo
Council Member Laura Morrison
Council Member Bill Spelman

City of Austin
201 W Second Street
Austin, Texas 78701

RE: 1700 ½ Frontier Valley Drive

Dear Mayor and Council Members:

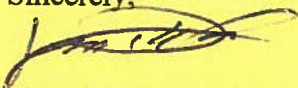
Please accept this as a request to exclude the property at 1700 ½ Frontier Valley Drive from the boundaries of the East Riverside Corridor Plan (ERC).

The ERC Master Plan was adopted in 2010, but there was no regulating plan to enforce the master plan. When we began our project in March 2012, City of Austin staff indicated that there was no defined schedule for adoption of the regulating plan. We proceeded with our Project based upon the enforceable rules and regulations in effect. As we approached our scheduled Planning Commission and City Council hearings, we were informed that the ERC would be heard by the Planning Commission and City Council in October / November time frame. We received zoning approval at the October 18, 2012 city council meeting. We are currently working on our site plan application. If the property were to remain in the ERC, we would have to start from the beginning on our project.

There is a restrictive covenant in place that requires pedestrian friendly sidewalks, buildings oriented towards Frontier Valley Drive, and surface parking be located internal to the site. The restrictive covenant also requires the property to reserve 70-feet of right-of-way for a future pedestrian priority roadway. These restrictions provide for some compliance with requirements of the ERC.

In conclusion, we respectfully request that the 17.199 acre tract located at 1700 ½ Frontier Valley Drive be excluded from the boundary of the East Riverside Corridor Plan. Should you have any questions, comments, or concerns, feel free to contact me.

Sincerely,



Vince DiMare
Equity Secured Capital, LP

Leak, Erica

From: Zahir Walji <zahirwalji@yahoo.com>
Sent: Wednesday, November 07, 2012 5:26 PM
To: Leak, Erica
Cc: Fred Lockwood; Kareem Hajjar
Subject: Urgent request: ERC Regulating Plan

Re: ERC Regulating Plan

Dear Ms. Leak,

We own two lots at the northeast corner of Highway 71 East and E. Riverside Drive (Lots 1 and 2, Subdivision B, Airport Commerce Park). The name on the tax records is that of my elderly father, (who resides in Irving, Texas); as such, he has been getting the mail notifications of the proposed EAST RIVERSIDE CORRIDOR ZONING DISTRICT ("ERC"). He did not understand the notifications so he simply collected them and disposed of them right after, having no idea of the impact of the ERC on his property. The reason behind this is that he has owned the property since 1998 wanting to develop it; however, TXDOT has let us down many times over the years in continuously delaying the development of Hwy. 71. I am certain my father thought that this was yet another misguided attempt to inform him of all the supposed improvements being planned.

I was made aware of the ERC early last week only when McDonald's (the fast food chain) made an offer on the property. Evidently they had tried to get a hold of my father earlier but to no avail. They finally got a hold of me through their local development agents and only then was I made aware of the change being proposed to the whole area/neighborhood at Ben White and Riverside - McDonald's will only go through with such property purchase and subsequent development if their establishment will have access with a drive-through facility.

Accordingly, I have been scrambling since then to inform myself of the contents of the proposal offered by you. In fact, I even attended the meeting and presentation that you gave in/at City Hall last week (I also was the person who left you a message on your voicemail). The engineer we have been working with has been and still is Fred Lockwood, also the engineer representing the owners of the rest of Airport Commerce Park (the 100 acre development at the NE corner of Riverside and Hwy 71 East/Ben White Blvd.).

Our property is listed to be zoned for Corridor Mixed Use development. It is my understanding that one of the main goals of the ERC is to promote pedestrian use, and there are numerous roadways in the ERC designated as such. The provision in the ordinance that most affects my property is that no drive-through facilities will be allowed in the ERC. Highway 71 East is defined in the ERC as an *ERC HIGHWAY*, and E. Riverside Drive is defined as an *ERC CORE TRANSIT CORRIDOR*. These roadways are by definition not primarily designated for pedestrian use.

It only seems logical to allow a drive-through facility at the intersection of a HIGHWAY and a TRANSIT CORRIDOR, and whereby it will in no way adversely affect any pedestrians directly or indirectly.

The ERC is on the agenda for a public hearing and possible consideration at tomorrow's (November 08) City Council meeting. I know that it is the eleventh hour, but I respectfully request that consideration of the ERC be postponed for a reasonable

few days so that I may have time to explore the possible options for best use in development of our property (and mostly due to my not receiving timely notification); the other option being one of giving an exception to our specific location.

I truly believe, and with all the information provided from various sources in the last few days, that the specific property we own will not in any way whatsoever adversely or negatively impact or effect all that your group is trying to establish for that neighborhood. If anything, it will be a definite benefit to all the local businesses in that area (the motels and motels, the commercial, industrial and flex-use businesses, the traffic turning into Riverside Dr. from the Hwy 71 service roads, etc.) besides providing employment to some of the local residents.

I ask that you please contact me to see how we can avoid having my property value being deteriorated by the proposed action.

I can be reached at 512.771.9955, as well as my email.

Please work with me in giving my specific location such consideration.

Thank you for your time and patience in this matter.

Once again, my sincere apologies for all the delay in reaching out to you.

Yours truly,

Zahir Walji
for Riverside 71, LP.