1. Rezoning: **C14-2018-0026 - E Riverside Dr and S Pleasant Valley Rd Tract 4; District 3**
   Location: 1600 Wickersham Lane, Country Club West Watershed; Pleasant Valley NP Area
   Owner/Applicant: NRE ION LLC
   Agent: Armbrust & Brown, PLLC (Michael Whellan)
   Request: ERC-NMU to ERC-CMU, extend eligibility for a development bonus
   Staff Rec.: **Recommended within 0.5 miles of intersection of Riverside and Pleasant Valley, not recommended beyond 0.5 miles**
   Staff: Jerry Rusthoven, 512-974-3207
   Planning and Zoning Department

2. Rezoning: **C14-2018-0028 - E. Riverside Dr and 1109 S. Pleasant Valley Road Tracts 1 and 2; District 3**
   Location: 1109 South Pleasant Valley Road, 4600 Elmont Drive, Country Club West Watershed; Pleasant Valley NP Area
   Owner/Applicant: NRE TOWN LAKE PROPERTY OWNER LLC
   Agent: Armbrust & Brown, PLLC (Michael Whellan)
   Request: ERC-UR to ERC-CMU, extend eligibility for a development bonus
   Staff Rec.: **Recommended within 0.5 miles of intersection of Riverside and Pleasant Valley, not recommended beyond 0.5 miles**
   Staff: Jerry Rusthoven, 512-974-3207
   Planning and Zoning Department

3. Rezoning: **C14-2018-0027 - E. Riverside Dr and S. Pleasant Valley Rd. Tracts 3 & 5; District 3**
   Location: 4700 East Riverside Drive, 1515 Wickersham Lane, Country Club West Watershed; Pleasant Valley NP Area
   Owner/Applicant: NRE ZONE LLC
   Agent: Armbrust & Brown, PLLC (Michael Whellan)
   Request: ERC-NMU and ERC-UR to ERC-CMU, extend eligibility for a development bonus
   Staff Rec.: **Recommended within 0.5 miles of intersection of Riverside and Pleasant Valley, not recommended beyond 0.5 miles**
   Staff: Jerry Rusthoven, 512-974-3207
   Planning and Zoning Department
4. **Restrictive Covenant Amendment:**

   **Location:** 1600 Wickersham Lane, 4700 E Riverside Drive, 1515 Wickersham Lane, 1109 South Pleasant Valley Road, 4600 Elmont Drive, Country Club West Watershed; Pleasant Valley NP Area

   **Owner/Applicant:** NRE ZONE LLC

   **Agent:** Armbrust & Brown, PLLC (Michael Whellan)

   **Request:** Amend Restrictive Covenant

   **Staff Rec.:** Recommended

   **Staff:** Jerry Rusthoven, 512-974-3207

   Planning and Zoning Department

5. **Restrictive Covenant Termination:**

   **Location:** 1600 Wickersham Lane, Country Club West Watershed; Pleasant Valley NP Area

   **Owner/Applicant:** AUSTIN STUDENT VENTURE II LP JLC SOUTHEAST LLC; NRE ION LLC

   **Agent:** Armbrust & Brown, PLLC (Michael Whellan)

   **Request:** Terminate Restrictive Covenant

   **Staff Rec.:** Recommended

   **Staff:** Jerry Rusthoven, 512-974-3207

   Planning and Zoning Department

**Question: Commissioner McGraw**

1) Phasing of this project. We are being asked to up zone 97 acres for a 20 year plan. Please explain each tract with current entitlements, proposed entitlements, environmental and traffic impacts, phasing, context and intentions with regards to affordable housing.

2) Please provide survey mapping of the parkland and better explanation of the rights of way in the park and situation with transportation.

3) Please provide a thorough explanation of items that may become grandfathered over such a long build out.

4) Is there a recommendation from Small Area Planning?

5) It would help to have recommendations from the Environmental Board re: flooding and other environmental impacts, Community Development Commission re: intentions regarding removing affordable housing and dealings with existing tenants and communities, Transportation Commission regarding new streets, bridges, parking and other
traffic features and the Parks Board re: impacts and relationship to Roy Guerrero Park. Are these scheduled? If not may the PC recommend this? If to why not.

**Question: Commissioner Seeger**

- **Recommendations:** Did this large rezoning project go through the Environmental Commission? Any other Commissions/Boards?
- **Grandfathering:** If the rezoning is approved, will LDC regulations especially environmental, be grandfathered for the duration of the project, up to 20 years?
- **Development phase timeline:** Table 3 of TIA gives rough estimates of timeline. Is this close to targeted completions? (asked of Applicant also)
- **Are the TIA staff recommendations enshrined in a CO or Public restrictive covenant?** As this is a long-term project, the duration of the requirement should be until the final certificate of occupancy granted.
- **Density bonus:** Where can I find the text for the density bonus requirements? Fee-in-lieu?

**Answer, Staff response to both Commissioner Seeger and McGraw:**

**SEEGER 1)** Phasing of this project. We are being asked to up zone 97 acres for a 20 year plan. Please explain each tract with current entitlements, proposed entitlements, environmental and traffic impacts, phasing, context and intentions with regards to affordable housing.

**MC GRAW 1)** Development phase timeline: Table 3 of TIA gives rough estimates of timeline. Is this close to targeted completions? (asked of Applicant also)

The Applicant has stated that they plan to construct this project over a 10- to 20-year period. An estimated phasing is provided in the TIA memo, though the exact phasing is subject to change. A table outlining the current and proposed entitlements, environmental and traffic impacts, and the phasing as outlined in the TIA memo is attached.

The ERC Regulating Plan requires the provision of an affordable housing community benefit in order to achieve heights above 60 ft. Staff estimates that the Staff recommendation could potentially result in the creation of 200 to 334 income-restricted units; the Applicant estimates that 400 to 565 income-restricted units could be provided if they get the requested 160 ft. of height. There are currently no income-restricted units on the site today.

The Applicant will be responsible for traffic mitigation and meeting the City’s environmental standards. The TIA memo outlines the following transportation improvements required to be provided by the Applicant:

- $14 million of on-site improvements;
- $5.7 million on off-site improvements; and
- $4 million of fee in-lieu improvements.
SEEGER 2) Please provide survey mapping of the parkland and better explanation of the rights of way in the park and situation with transportation.

Figure 1-5 of the ERC Regulating Plan requires the extension of Lakeshore Boulevard to connect with Wickersham Lane. This required extension is proposed to remain public and be achieved using a 90 ft.-wide existing right-of-way and a portion of Tract 1. Figure 1-5 is Exhibit E to the staff back-up (Page 20 of the staff back-up). Detailed survey/engineering information is not required at time of zoning; however a preliminary plan for this area was submitted by the Applicant in December 2018. A copy of the proposed preliminary plan is attached.

SEEGER 3) Please provide a thorough explanation of items that may become grandfathered over such a long build out.

MC GRAW 3) Grandfathering: If the rezoning is approved, will LDC regulations especially environmental, be grandfathered for the duration of the project, up to 20 years?

The Applicant is not seeking any environmental variances.

SEEGER 4) Is there a recommendation from Small Area Planning?

See #5

SEEGER 5) It would help to have recommendations from the Environmental Board re: flooding and other environmental impacts, Community Development Commission re: intentions regarding removing affordable housing and dealings with existing tenants and communities, Transportation Commission regarding new streets, bridges, parking and other traffic features and the Parks Board re: impacts and relationship to Roy Guerrero Park. Are these scheduled? If not may the PC recommend this? If to why not.

MC GRAW 5) Recommendations: Did this large rezoning project go through the Environmental Commission? Any other Commissions/Boards?

No other commission briefings are scheduled at this time. The Applicant is not seeking any environmental variances, will not be removing any income-restricted units, and is required to construct new streets and mobility infrastructure according to the standards established in the ERC Regulating Plan and according to the analysis provided in the TIA memo. Additionally, because no Chapter 26 proceeding is necessary at this time, the Parks and Recreation Board will not need to review. Per City Code Title 25, Planning Commission is authorized to review the applications and make recommendations to Council (§ 25-2-282(C)).

Per scheduling requirements set out in City Code § 25-2-282 (E), the public hearings of these rezoning cases must be heard at the June 11, 2019 Planning Commission meeting. The public hearing cannot be postponed to another date. Commissions subject to 2-1 must adhere to the following: two or more
board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting.

**MC GRAW 6)** Are the TIA staff recommendations enshrined in a CO or Public restrictive covenant? As this is a long-term projects, the duration of the requirement should be until the final certificate of occupancy granted.

A restrictive covenant will be attached to the affected rezoning ordinances prior to third reading; the TIA requirements are reviewed as part of each site plan as it comes through. If any uses are changed after site plan, any changes that affect traffic will be required to comply as well.

**MC GRAW 7)**

Density bonus: Where can I find the text for the density bonus requirements? Fee-in-lieu?

The Density Bonus provision of the ERC Regulating Plan can be found at Article 6, which begin at page 99 of the Regulating Plan (Link to plan: ftp://ftp.ci.austin.tx.us/npzd/Austingo/erc_reg_plan_adopted.pdf).

**Resubdivision:**

**C8-2018-0044.0A - Broadacres Resubdivision; District 7**

**Location:** 5509 Clay Avenue, Shoal Creek Watershed; Brentwood NP Area

**Owner/Applicant:** Starling Development

**Agent:** Prossner and Associates (Kurt Prossner)

**Request:** Approval of the resubdivision of Lot 14, Block 4 of Broadacres subdivision, comprised of two lots on 14,798 square feet, including a flag lot variance.

**Staff Rec.:** Recommended

**Staff:** Steve Hopkins, 512-974-3175

Development Services Department

**Question: Commissioner Shaw**

Can you please ask staff to work with the applicant to provide this information at the meeting? This includes the items in 2(a) and 2(b).

Thanks,

Todd

§ 25-4-175 - FLAG LOTS.

(A) A flag lot may only be approved in accordance with the requirements of this subsection.

(1) In single-family or duplex residential subdivisions on previously unplatted land, flag lot designs may be used where no more than two dwelling units utilize a shared driveway.
Residential flag lot designs with more than two units sharing a driveway may be utilized if the lots conform to the fire code, utility design criteria, plumbing code, and requirements for access.

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(2) In single-family or duplex residential subdivisions on previously platted land, the Land Use Commission shall grant a variance to allow flag lots if:

(a) the commission finds that the subdivision:
   (i) has provided accessibility for emergency responders;
   (ii) has adequate room for required utilities;
   (iii) enhances environmental and tree protection;
   (iv) is otherwise compatible with the surrounding neighborhood; and
(b) the applicant provides a copy of any existing private deed restrictions for informational purposes.

Answer: Staff

(i) Approved by Austin Fire Dept. Verified by note in Amanda.

(ii) Approved by Austin Energy on Dec 8, 2018, and by Austin Water on May 21, 2019.

(iii) Approved by heritage tree review on March 26, 2019. Approved by environmental review. Verified by note in Amanda.

(iv) Approval at the discretion of the PC. Staff finds the flag lot is compatible with the surrounding neighborhood due to the presence of other flag lots, and the lack of written opposition to the plat.

(b) There are no deed restrictions for this lot.

8. Rezoning: C14-2019-0057 - Moore's Crossing Residences; District 2
Location: 7508 Mc Angus Road, Dry Creek East Watershed; Moore's Crossing MUD
Owner/Applicant: SR Development, Inc. (William G. Gurasich)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: SF-2 to MF-4
Staff Rec.: Recommendation of MF-3
Staff: Wendy Rhoades, 512-974-7719
Planning and Zoning Department

Question: Commissioner McGraw
This is in a MUD but says it will have city water and wastewater. That seems contradictory to me. Please explain.

Looking at Page 7,

Where is the floodplain? There is info from a neighbor but none from the city.

What are Impervious cover transfers?

Please elaborate on this statement:

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

**Answer: Staff**

In the Moore’s Crossing MUD, the developer builds the water and wastewater infrastructure using MUD bonds to finance these improvements. The water and wastewater systems are subsequently dedicated to the City of Austin which assumes maintenance responsibilities and bills the customers. The Moore’s Crossing MUD operates as a financing tool and has operational characteristics similar to other recently approved MUDs such as Pilot Knob and Southeast Travis County.

The floodplain is directly north of the site and is depicted on the aerial exhibit provided on page 12 of the backup. The adjacent properties have P, Public and SF-2 zoning and are owned by the City and used for parkland purposes.

In general, impervious cover transfers involve transferring a portion of available impervious cover from more environmentally sensitive or constrained areas of a site to flatter, more developable areas. The proposed transfer of impervious cover is evaluated at the time of subdivision or site plan when a drainage study is produced.

This general statement indicates whether a property has been subdivided. This particular property has not been subdivided, hence it does not have any pre-existing approvals and subject to current water quality and related Code requirements.
PRELIMINARY PLAN
FOR
97 ACRES EAST RIVERSIDE AND PLEASANT VALLEY
CITY OF AUSTIN, TRAVIS COUNTY, TX

VICINITY MAP
SCALE 1"=1000'
AMPLIFIED SCALE 1"=200'
LEGEND

PROPOSED WASTEWATER

EXISTING STRUCTURES

EXISTING IMPROVEMENTS

EXISTING WATER/SEWER

EXISTING EMBANKMENTS

NOTES:

1. EXISTING ELEMENTS SHOWN HERE SERVE AS EXISTING SITE INFRASTRUCTURE. WHERE APPROPRIATE, NEW IMPROVEMENTS WILL BE REQUIRED OR ADDED PURSUANT TO THE PROPOSED MASTER USE SITE PLAN.

2. PROPOSED WATERLINE AND/or SEWERLINE ALIGNMENTS MAY VARY AT SITES MARKED

PROPOSED WASTEWATER LINE ALIGNMENTS MAY VARY AT SITES MARKED
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**TRAFFIC IMPACT ANALYSIS**

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**ENVIRONMENTAL**

- **Existing Water Quality Facilities**
  - Yes
  - (Included in Tract 2a&2b)
  - None

**PHASING**

- **Projected Construction Completion**
  - 2023
  - 2028
  - (Included in Tract 2a&2b)
  - 2033
  - 2038
  - 2043