

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0001  
2409 Town Lake Circle

DISTRICT: 3

ZONING FROM:

East Riverside Corridor (ERC) district - Neighborhood Mixed Use (NMU) subdistrict

ZONING TO:

East Riverside Corridor (ERC) district - Corridor Mixed Use (CMU) subdistrict and to increase the maximum building height through participation in the density bonus program.

ADDRESS: 2409 and 2413 Town Lake Circle

SITE AREA: 3.308 acres

PROPERTY OWNER:  
2409 Town Lake Circle, LLC

AGENT:  
Drenner Group, PC  
(Amanda Swor)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property from ERC to ERC to change the subdistrict from NMU to CMU. The Staff recommendation also amends Figure 1-8, (ERC Development Bonus Height Map), to allow for a maximum building height of 160 feet through participation in the density bonus program. For a summary of the basis of Staff's recommendation, please see case manager comments on page 2.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 27, 2022:

July 12, 2022: To grant ERC-CMU as recommended by staff, on consent. (9-0-1) [J. Shieh- 1st, J. Thompson- 2nd; A. Azhar- Abstained; S. Praxis, J. Mushtaler, C. Llanes-Pulido and Y. Flores- Absent]

CITY COUNCIL ACTION:

September 29, 2022:

September 1, 2022: To postpone to September 29, 2033, on consent.

July 28, 2022: First Reading approved on July 28, 2022, on consent. Vote: 10-0, Council Member Fuentes - off the dais.

ORDINANCE NUMBER:

ISSUES:

The rezoning request from ERC to ERC to change the subdistrict from NMU to CMU was approved on July 12, 2022 on consent by Planning Commission. It was determined that additional language about participation in the density bonus program and potential height increase to 160 feet required an additional review by Planning Commission.

CASE MANAGER COMMENTS:

The subject property is located on the south side of Town Lake Circle in the East Riverside Corridor (ERC) planning area. The property is in the Neighborhood Mixed Use (NMU) subdistrict and is developed with 120 multifamily units that are approximately 36 years old. All other properties on the same side of Town Lake Circle are also developed with multifamily land uses. While the subject property and the property immediately to the west are in the NMU subdistrict, the remainder of the properties on the street are in the Corridor Mixed Use (CMU) subdistrict. Across Town Lake Circle is property that was previously developed with apartments that were demolished in 2008-2010 that is also in the CMU subdistrict. To the east and southeast of the subject property (along Pleasant Valley Drive) are other CMU subdistrict properties that include multifamily land use, undeveloped property, and retail-limited (HEB grocery) land uses. To the west and southwest (along East Riverside Drive) are properties that are in the NMU and CMU subdistricts. These properties are developed with commercial shopping centers with uses including restaurant-limited, retail, pawn shop and other uses. ***Please see Exhibits A, B, and C- Zoning Map, Aerial Exhibit and ERC Subdistrict Map.***

The ERC Regulating Plan states that the NMU subdistrict that is currently designated for the subject property, “provides for mid-rise residential with neighborhood-oriented retail and smaller employers. It is intended to have opportunities for attached residential and smaller-scale commercial uses.” The Regulating Plan also states that the proposed CMU subdistrict, “is the highest density district designation within the East Riverside Corridor and will typically consist of mixed use buildings such as residential or office uses over retail or office ground floor uses. The ground floors of these buildings are envisioned to be primarily retail or office while upper floors may be office and/or residential. Mixed use development is key within this subdistrict because it will help to create a walkable environment with a variety of land uses located in a compact area.”

Correspondence has been received in opposition to the rezoning request. ***Please see Exhibit D- Correspondence.***

Staff supports the requested change from the NMU subdistrict to the CMU subdistrict of the East Riverside Corridor planning area and to increase the maximum building height through participation in the density bonus program. The majority of surrounding properties are in the CMU subdistrict, making the change consistent with similarly situated properties. The property lies between an ERC Core Transit Corridor and ERC Pedestrian Priority Collector Street, both which require density to support the goal of walkability.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Granting of the request should result in an equal treatment of similarly situated properties.*
3. *The proposed zoning should promote consistency and orderly planning.*

EXISTING ZONING AND LAND USES:

	ZONING/ SUBDISTRICT	LAND USES
Site	ERC-NMU	Multifamily residential
North	ERC-CMU	Vacant
South	ERC-CMU, ERC-NMU	Retail-limited, Restaurant-limited, Pawn shop services
East	ERC-CMU	Multifamily residential, Vacant
West	ERC-NMU, ERC-CMU	Multifamily residential

NEIGHBORHOOD PLANNING AREA: Not applicable

TIA: Deferred to time of site plan, if required.

WATERSHEDS: Lady Bird Lake – Urban / Country Club West – Suburban

SCHOOLS:

Sanchez Elementary School      Martin Middle School      Eastside Memorial High School

NEIGHBORHOOD ORGANIZATIONS:

189 – Southeast Austin Neighborhood Alliance      299 – The Crossing Gardenhome Owners Assn.  
 511 – Austin Neighborhoods Council      742 – Austin Independent School District  
 1228 – Sierra Club, Austin Regional Group      1255 – Pleasant Valley  
 1363 – SEL Texas      1424 – Preservation Austin  
 1444 – East Austin Conservancy      1465 – Waterfront Condominium Owners Association  
 1474 – East Riverside Corridor Staff Liaison      1530 – Friends of Austin Neighborhoods  
 1550 – Homeless Neighborhood Association      1774 – Austin Lost and Found Pets  
 1616 – Neighborhood Empowerment Foundation  
 763 – East Riverside / Oltorf Neighborhood Plan Contact Team  
 1542 – Friends of Riverside ATX Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0038 2320 E. Riverside Dr	Amend Figure 1-8, (ERC Development Bonus Height Map), to allow for a maximum building height of 160 feet through participation in the density bonus program.	Forward with no recommendation	1 <sup>st</sup> reading approved (6-16-2022) 2 <sup>nd</sup> /3 <sup>rd</sup> readings-scheduled for 7-28-2022.
C14-2021-0014 – 2200 E. Riverside – 2200 E Riverside Dr	ERC (NMU subdistrict) to ERC (CMU subdistrict) and to amend Figure 1-8 (ERC Development Bonus Height Map) to allow for a maximum height of 120' through the density bonus program	To Grant	Apvd (5-6-2021).
C14-2018-0065 – Town Lake Circle I – 2215 and 2315 Town Lake Circle	ERC (NMU subdistrict) to ERC (CMU subdistrict), inclusion of the entire property in a Hub and eligibility for development bonus up to 120' in height	To Grant	Apvd (4-11-2019).

C14-2016-0115 – 2222 Town Lake Circle – 2222 and 2400 Town Lake Circle; 2217 and 2225 Elmont Drive	ERC (NMU subdistrict) to ERC (CMU subdistrict), inclusion of the entire property in a Hub and eligibility for development bonus up to 120' in height	To Grant	Apvd (4-20-2017).
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**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Town Lake Circle	62'-66'	40'	Level 1	Yes	No	Yes

**ADDITIONAL STAFF COMMENTS:****East Riverside Corridor Regulating Plan (ERC)**

The 3.3-acre property is located within the ERC planning boundary and currently zoned as Neighborhood Mixed Use (NMU). The applicant is requesting to rezone this property from NMU to Corridor Mixed Use (CMU). The property is not located within or adjacent to a Neighborhood Planning Area.

- Many of the surrounding properties are zoned CMU, therefore compatibility should not be an issue.
- The property lies between an ERC Core Transit Corridor and ERC Pedestrian Priority Collector Street, both which require density to support the goal of walkability.

Based on the information above, Staff believes that the proposed zoning change request is supported by the Eastern Riverside Corridor Regulating plan.

**Environmental****West (+/- 2/3) Area of Lot**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

**East (+/-1/3) Area of Lot**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club West Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

### Site Plan

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. The principal roadway is an Urban Roadway.

### Demolition and Historic Resources

SP3. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### Overlay Districts

SP4. The site is within the following overlay districts:

- ☐ East Riverside Corridor Regulating Plan District. Please reference [https://www.austintexas.gov/sites/default/files/files/Housing\\_%26\\_Planning/Urban%20Design/erc\\_reg\\_plan\\_adopted.pdf](https://www.austintexas.gov/sites/default/files/files/Housing_%26_Planning/Urban%20Design/erc_reg_plan_adopted.pdf) for additional information.
- ☐ East Riverside/Oltorf Combined Neighborhood Planning Area. Please reference <https://www.austintexas.gov/page/adopted-neighborhood-planning-areas-0> for additional information.
- ☐ Residential Design Standards Overlay. Please reference <https://www.austintexas.gov/departments/residential-design-compatibility-standards> for additional information.
- ☐ ADU Approximate Area Reduced Parking Overlay. Please reference <https://www.austintexas.gov/page/accessory-dwelling-units> for additional information.
- ☐ Non-conforming Signs Ordinance Area Overlay. Please reference [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE\\_CH25-10SIRE\\_ART7SPSI\\_S25-10-152NOSI](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-10SIRE_ART7SPSI_S25-10-152NOSI) for additional information.

### Transportation

#### ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 92 feet of right-of-way for the future South Lakeshore Boulevard-East Riverside Drive Connector. It is recommended that 46 feet of right-of-way from the future centerline should be dedicated for the future South Lakeshore Boulevard-East Riverside

Drive Connector according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

#### Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6- 113.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Town Lake Circle	62'-66'	40'	Level 1	Yes	No	Yes

#### Parks & Recreation

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with ERC-CMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended.

The East Riverside Corridor Regulating Plan has specific requirements regarding the eligibility for the development bonus: to be eligible for the bonus, there must be some parkland dedicated as part of the development (cannot be satisfied only through fee in-lieu). See Article 6.4.2 of the Regulating Plan.

PARD approval is required to authorize the development bonus.

Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities.

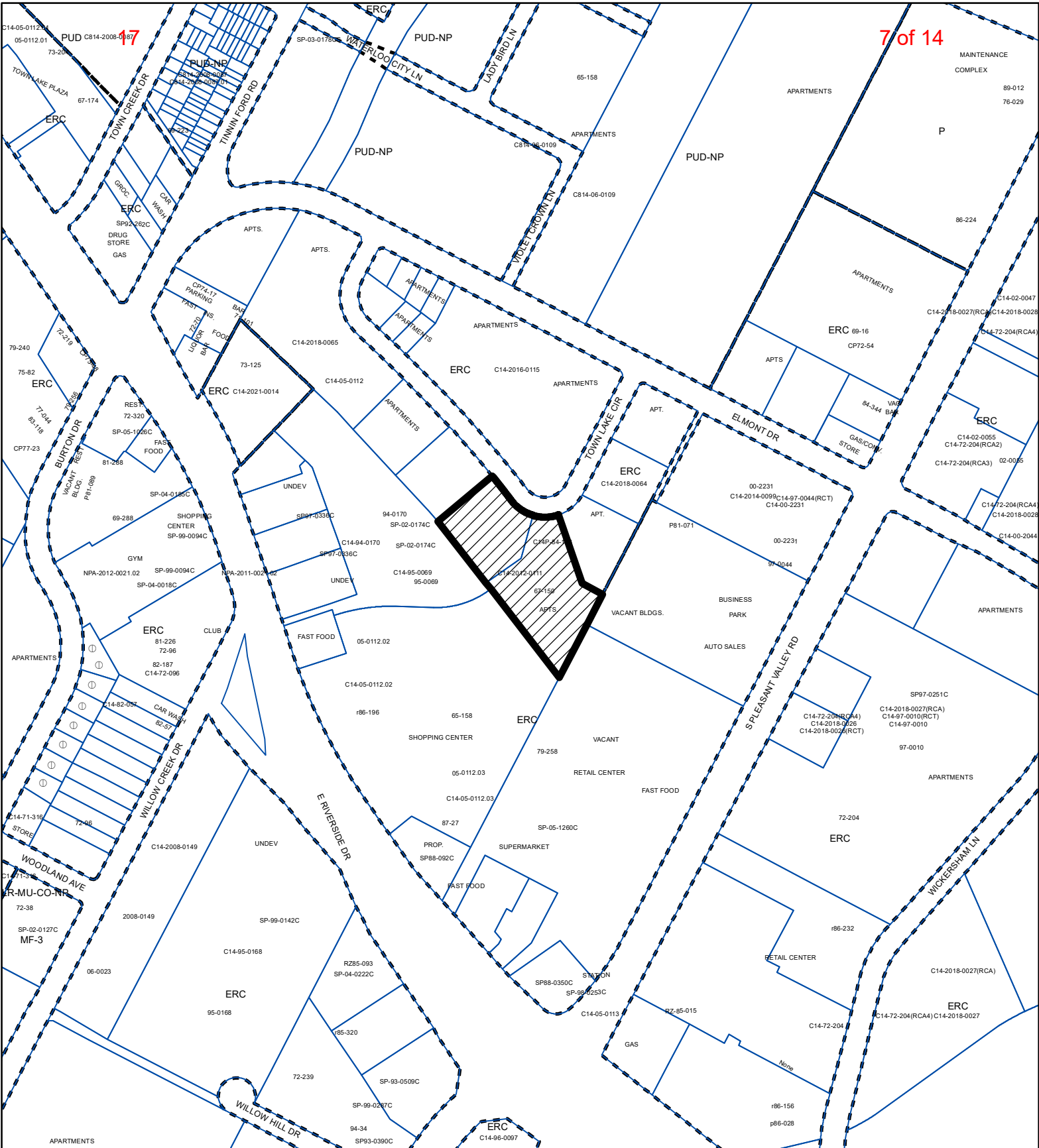
The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. ERC Subdistrict Map
- D. Correspondence



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0001



1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

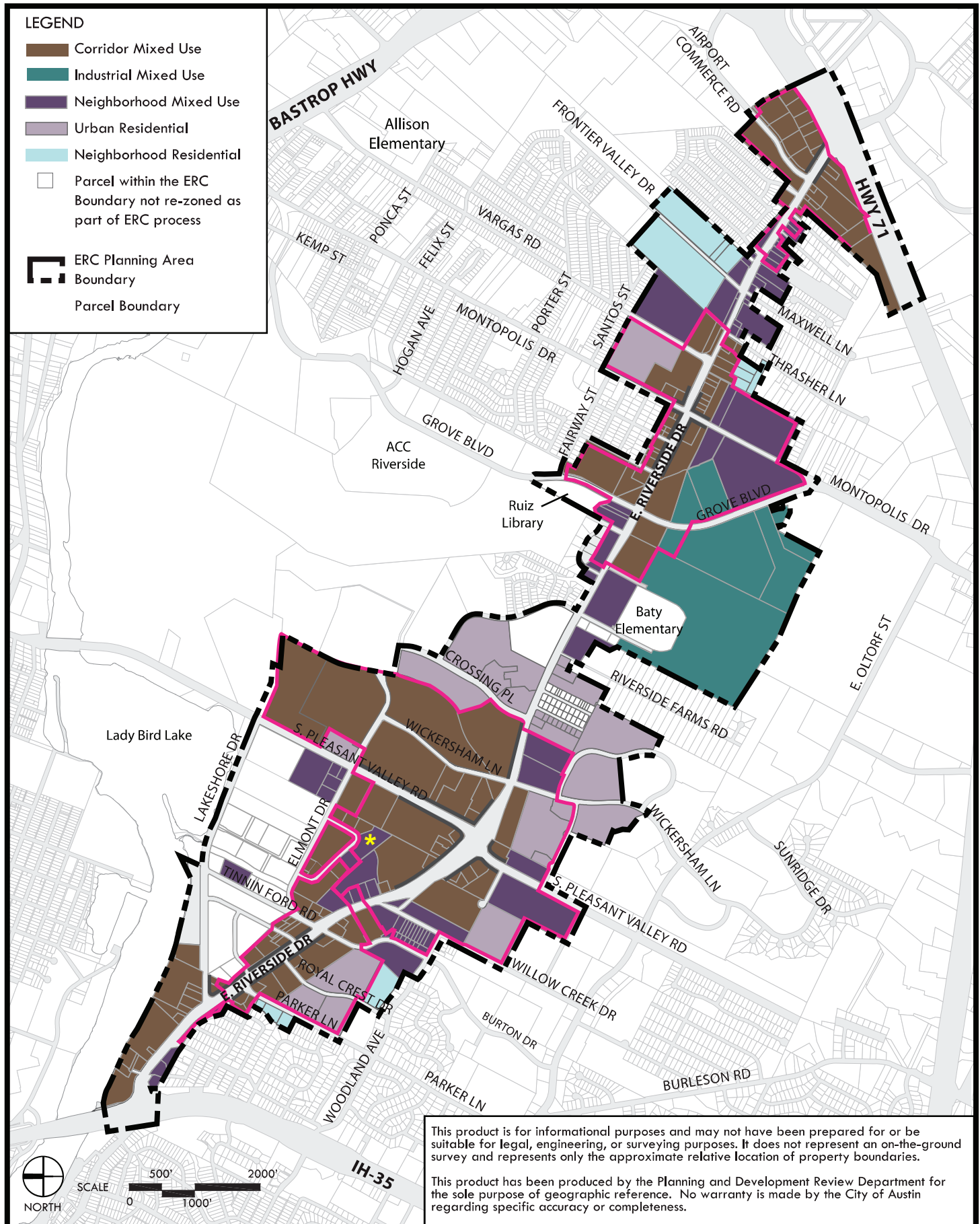
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 1/4/2022

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**FIGURE 1-2: East Riverside Corridor Subdistrict Map**

Identifies the subdistrict for each property within the ERC boundary.



From: Sarah Dunson  
Sent: Thursday, June 30, 2022 6:43 PM  
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
Subject: No you are strong arm evicting us

\*\*\* External Email - Exercise Caution \*\*\*

City council is REZONING areas they are changing into mixed use and vertical only catering to the upper class.

You are ripping out affordable housing and abusing your tax exemptions and terms and conditions of your federal grants for this property.

City council is not funding legal representation for legal aid and low income. Violating are 6th amendment and due process of eviction and fair trials .

Judge Gonzalez record in district 4 shows this partiality. Allowing TAA to misappropriate and abuse non profit tax credits benefiting landlords, managers and developers.

Lobbying against public safety and our rights to housing. TAA and this city council are responsible for the uptick in homelessness statistics allowing TAA and property managers to charge excessive fees for people in federal or state rent relief programs.

This city is neglecting that we are not being grandfathered into renew properties.  
HUD has documented these strong arm evictions after code complaints of uninhabitable conditions.

You are allowing us to live in inhumane conditions to cater to your high rises and shopping villas.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

**Case Number: C14-2022-0001**  
**Contact: Heather Chaffin, 512-974-2122**  
**Public Hearing: June 28, 2022, Planning Commission**

*Sarah Dunson*  
 Your Name (please print) *Peter Rammer*  
*2215 Tunn Lake Apt 107*  
 Your address(es) affected by this application (optional)  
*[Signature]* *June 28, 22*  
 Signature Date  
 Daytime Telephone (optional): *512 209 0438*  
 Comments: *NO YOU ARE FORCING US INTO HOMELESSNESS*  
*this is illegal rezoning abusing tax credits for affordable housing. per Anne Marie Mac policy agreement of your bailout for subprime mortgages*

If you use this form to comment, it may be returned to:  
 City of Austin, Housing & Planning Department  
**Heather Chaffin**  
 P. O. Box 1088, Austin, TX 78767  
 Or email to:  
**Heather.chaffin@austintexas.gov**

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## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:  
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

**Case Number: C14-2022-0001**

**Contact: Heather Chaffin, 512-974-2122**

**Public Hearing: Sept 27, 2022, Planning Commission**

Jan Dong  
 Your Name (please print)

☐ I am in favor  
☒ I object

2411 Riverside Farms  
 Your address(es) affected by this application (optional)

[Signature] 9/28/22  
 Signature Date

Daytime Telephone (optional): 512-656-9586

Comments: The East Riverside Corridor Plan  
was a balanced, measured approach to develop-  
ment along East Riverside radiating from  
four transportation hubs along the corridor.  
This parcel is on a very northern-most  
edge and adjacent to CMU property  
but was intended to be part of a  
stepped down approach to properties  
north of East Riverside.

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

**Heather Chaffin**

P. O. Box 1088, Austin, TX 78767

Or email to:

[Heather.chaffin@austintexas.gov](mailto:Heather.chaffin@austintexas.gov)

# DRENNER GROUP

Amanda Swor  
direct dial: (512) 807-2904  
aswor@drennergroupp.com

July 8, 2022

Ms. Rosie Truelove  
Housing and Planning Department, City of Austin  
Street-Jones Building  
1000 East 11th Street, Ste. 200  
Austin, TX 78702

Via Electronic Delivery

Re: 2409 Town Lake Circle – Rezoning application for the 3.308-acre piece of property located at 2409 Town Lake Circle in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 2409 Town Lake Circle, consists of 3.308 acres, and is located west of South Pleasant Valley Road and north of East Riverside Drive, approximately 530 feet south of the intersection of Elmont Drive and Town Lake Circle. The Property is currently developed as six buildings of 3-story multifamily residential composed of 120 units.

The Property is currently zoned Neighborhood Mixed Use (NMU) within the East Riverside Corridor Neighborhood Plan. The requested rezoning is from Neighborhood Mixed Use (NMU) to Corridor Mixed Use (CMU). The request includes a proposed maximum height of 160 feet and we anticipate the maximum number of residential units to be 630 units. This request is consistent with surrounding uses.

The Property falls within the East Riverside Corridor Plan therefore a Neighborhood Plan Amendment will not be required with this rezoning request.

A letter informing tenants that this rezoning application is being submitted was sent on December 11, 2021.

A Traffic Impact Analysis (“TIA”) has been waived via a TIA Determination Form from Amber Mitchell dated November 24, 2021 with the note that a TIA determination is deferred

until review of a site plan application when land use and intensity will be finalized. (Note, the approved TIA Determination had originally proposed the higher unit count of 765 units. Since that time, we have refined this unit count to the current lower proposal of 630 units.)

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)  
Heather Chaffin, Planning and Zoning Review Department (*via electronic delivery*)