

**ERERZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0038 – 2320 E Riverside Dr

DISTRICT: 3

ZONING FROM / TO: ERC (Corridor Mixed Use Subdistrict), to increase the maximum building height through participation in the density bonus program

ADDRESS: 2320 East Riverside Drive

SITE AREA: 0.5334 acre  
(23,235 square feet)

OWNER / APPLICANT: 2410 East Riverside Ltd. (David L. Roberts)

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

STAFF RECOMMENDATION:

**The Staff recommendation is to grant East Riverside Corridor (ERC) district zoning by amending Figure 1-8, (East Riverside Corridor 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:

**May 24, 2022: TO FORWARD TO COUNCIL WITHOUT A RECOMMENDATION DUE TO LACK OF AN AFFIRMATIVE VOTE**

CITY COUNCIL ACTION:

**June 16, 2022:**

ORDINANCE NUMBER:

ISSUES:

There are no known issues at this time.

CASE MANAGER COMMENTS:

This site contains a vacant restaurant (limited) use and is zoned East Riverside Corridor (ERC) with a subdistrict designation of corridor mixed use (CMU) and is permitted to construct buildings up to 60 feet in height and a base floor-to-area (FAR) of 2 : 1. It is approximately one-half of an acre and located on the north side of East Riverside Drive. It is adjacent to existing ERC zoned properties in all directions that are also designated as CMU subdistricts. *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).*

The Applicant is not requesting to rezone their subdistrict or change any of the base entitlements currently allowed. They are requesting to amend Figure 1-8 (East Riverside Corridor Development Bonus Height Map) to allow up to 160 feet in height if the project met the development bonus program requirements. ***Please refer to Exhibit B.*** Per the Applicant’s submittal letter attached at the back of this report, the requested amendment would allow the property to be redeveloped with office, retail, and restaurant uses in conjunction with the adjoining commercial shopping center to the east and south.

**BASIS OF RECOMMENDATION:**

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

This site is located along East Riverside Drive which is identified as a Core Transit Corridor within the ERC. The current CapMetro bus system map shows two existing High-Frequency MetroBus routes as well as other regular routes along this portion of East Riverside Drive. It is also along the proposed Blue Line of Project Connect, a future light rail route planned to run from North Lamar and U.S. 183 through downtown and to Austin-Bergstrom International Airport (AUS). This site does not contain any existing residential uses, so should the Applicant’s request for rezoning be granted by City Council, redevelopment of the site would not result in any displacement of existing residents. Additionally, the increased entitlements to this site would only be allowed if the Applicant complied with the development bonus program of the ERC Regulating Plan.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	ERC (CMU subdistrict)	Restaurant (limited)
<i>North</i>	ERC (CMU subdistrict)	Restaurants (limited)
<i>South</i>	ERC (CMU subdistrict)	Restaurants and retail within a commercial shopping center
<i>East</i>	ERC (CMU subdistrict)	Restaurants and retail within a commercial shopping center
<i>West</i>	ERC (CMU subdistrict) ( <i>west side of E Riverside Dr</i> )	Restaurant, retail, financial services, medical office, and cocktail lounge within a commercial shopping center

**NEIGHBORHOOD PLANNING AREA:** East Riverside Corridor (Riverside Planning Area)

**TIA:** Deferred until site plan

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

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes



	entire property in a Hub and eligibility for development bonus up to 120' in height, on 4.837 acres		
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, on 6.74 acres	To Grant	Apvd (4-20-2017).

RELATED CASES:

The subject rezoning area is described as Lot 1, Lake Shore Colony Subdivision No. 2, recorded in September 1978 (C8s-77-209).

The East Riverside Corridor Regulating Plan rezoned approximately 700 acres from various to ERC. City Council approved ERC base district zoning on May 9, 2013 (C14-2012-0111).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW / ASMP ROW	Existing Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East Riverside Drive	141' / 140'	80'	Level 3	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:

East Riverside Corridor Regulating Plan (ERC) Review

The subject property is located within the ERC planning boundary and currently zoned as Corridor Mixed Use (CMU), the most intensive district as it relates to density and height. The Applicant is requesting to rezone this property to allow for participation in the Regulating Plans Density Bonus Program, for the purpose of constructing office, retail, food and beverage uses.

The allowance to participate in the density bonus program to obtain the requested height of up to 160 feet which promotes higher density and supports transit development along this Future Rail Line Corridor. The property is located along the ERC Core Transit Corridor. Based on the information above, Staff believes the proposed rezoning change is supported by the East Riverside Corridor Regulating Plan.

#### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

#### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake and Country Club West Watersheds of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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 onsite control for the two-year storm.

#### Impervious Cover and Building Coverage

The maximum impervious cover and building coverage allowed by ERC zoning (CMU subdistrict) is 90% (Article 4.2, General Development Standards, Section C).

### PARD – Planning & Design Review

Parkland dedication will be required for any applicable uses proposed by this development, commercial with ERC-CMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Currently, parkland dedication is not applicable to commercial developments.

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 open space and/or parkland dedicated as part of the development. See Article 6.4.2 of the Regulating Plan. PARD approval is required to authorize the development bonus.

If the applicant wishes to discuss parkland dedication and ERC open space 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 the parkland dedication requirements.

### Site Plan and Compatibility Standards

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any development shall comply with the applicable provisions of the [Regulating Plan for the East Riverside Corridor Zoning District](#). See 1.3.2 for standards applicable during Site Plan Review.

### **Demolition**

The Applicant is responsible for requesting demolition or relocation 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.

### **Scenic Roadway Sign District Regulations**

Project is required to comply with Scenic Roadway sign regulations in 25-10-124 and as modified in 4.8.2 of the ERC regulating plan.

### Austin Transportation Department – Engineering Review

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.

Austin Water Utility

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.

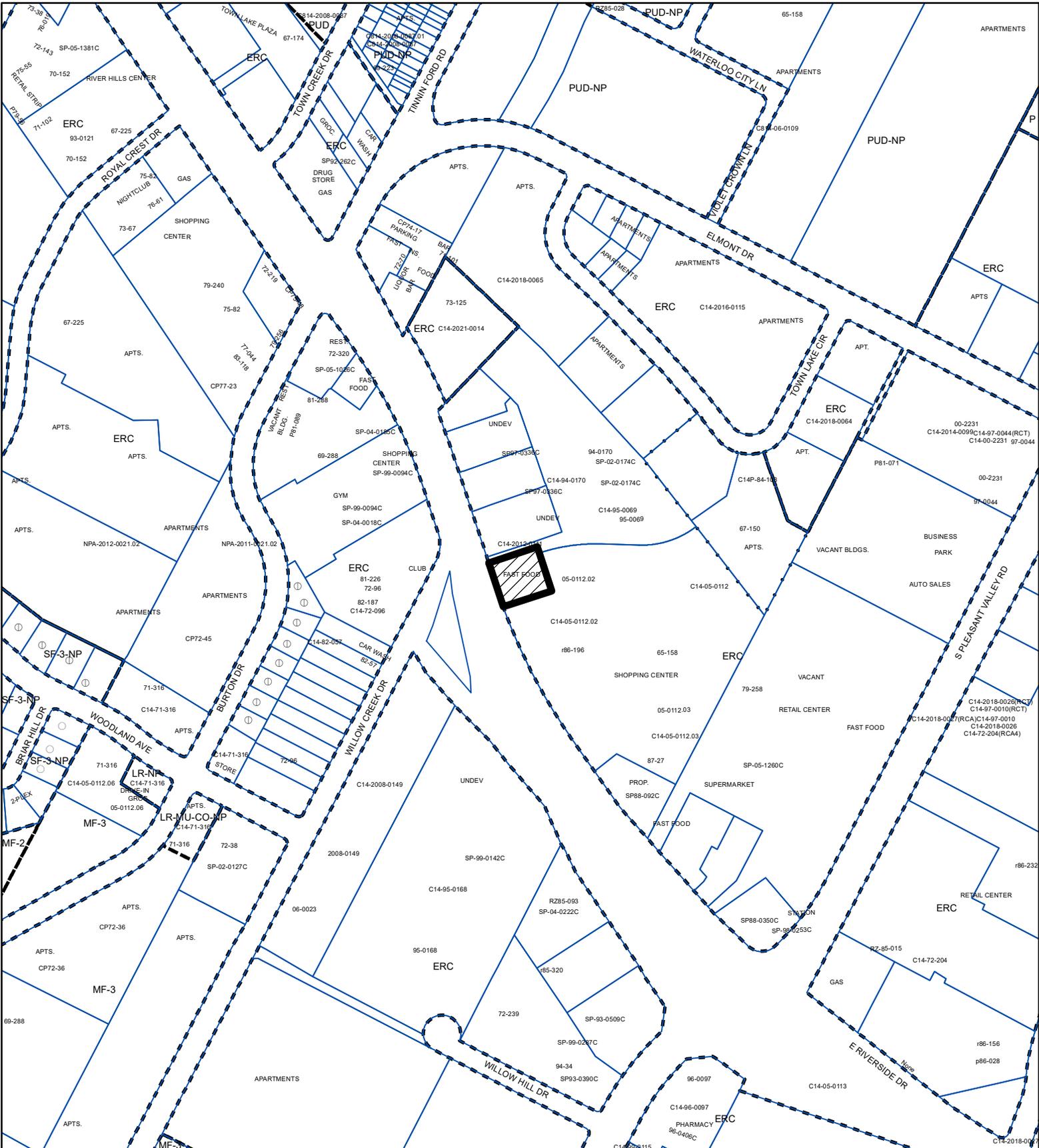
## INDEX OF EXHIBITS AND ATTACHMENT TO FOLLOW:

A: Zoning Map

A-1: Aerial Map

B: Figure 1-8: East Riverside Corridor Development Bonus Height Map

Applicant's Summary Letter



**ZONING**

Exhibit A

ZONING CASE#: C14-2022-0038



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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: 3/23/2022



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1" = 100'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

## 2320 East Riverside Drive

Exhibit A - 1

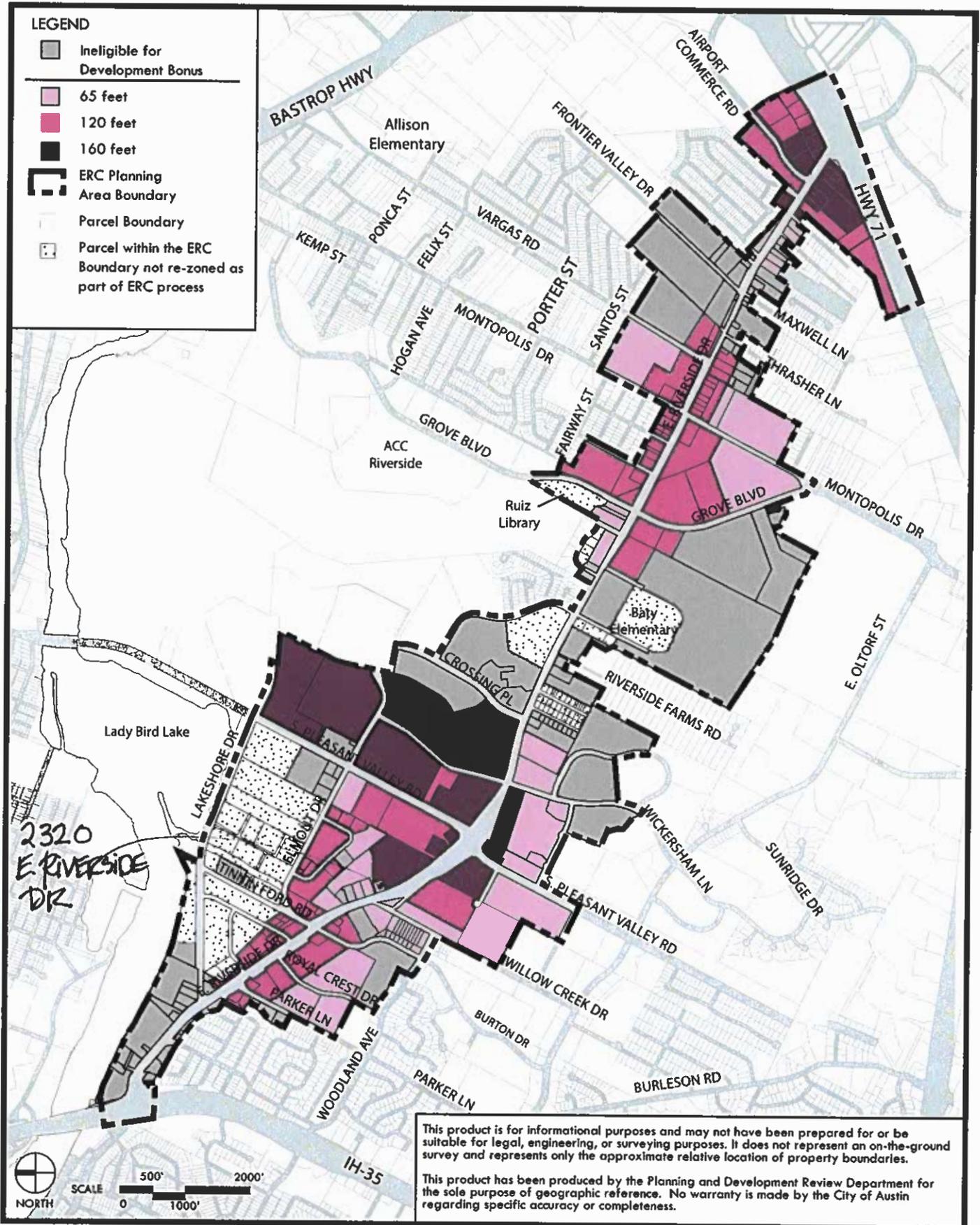
ZONING CASE#: C14-2022-0038  
 LOCATION: 2320 East Riverside Drive  
 SUBJECT AREA: 0.5334 Acres  
 GRID: K19  
 MANAGER: WENDY RHOAD



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**FIGURE 1-8: East Riverside Corridor Development Bonus Height Map**

This map shows eligible properties and maximum heights allowed with a development bonus.



# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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March 9, 2022

Rosie Truelove  
Director, Housing & Planning Department  
City of Austin  
1100 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

Re: Zoning Application for property located at 2320 E. Riverside Drive, Austin, Texas 78741, also known as TCAD Parcel No. 0304080414 (the “Application”)

Dear Ms. Truelove:

This letter is submitted on behalf of the owner in the above referenced Application. The area to be rezoned is comprised of a ±0.5334 acre tract of land located at 2320 E. Riverside Drive in Austin, Travis County, Texas (the “Property”).

The Property is zoned East Riverside Corridor (“ERC”) district and is designated as a Corridor Mixed Use (“CMU”) subdistrict within the ERC. The purpose of the Application is to modify Figure 1-8 (East Riverside Corridor Development Bonus Height Map) of the East Riverside Corridor Regulating Plan to allow for a maximum building height of 160 feet through participation in the development bonus program. The owner of the Property owns surrounding property as shown on the map below which is currently allowed 160 feet through the development bonus and would like the ability to develop the properties as a single mixed-use project with the same development entitlements.



Our request does not provide any increase in the base entitlements for the Property. The CMU subdistrict will remain the same, as will the base allowable height of 60 feet and the base floor-to-area ratio ("FAR") of 2:1. Participation in the East Riverside Corridor Regulating Plan's development bonus will ensure that any increase in height or FAR beyond what is currently allowed today would only be provided in exchange for community benefits.

Thank you in advance for your time and consideration of this matter. If you have any questions or need additional information, please do not hesitate to contact me or Kelly Wright at (512) 435-2364.

Very truly yours,

**ARMBRUST & BROWN, PLLC**



Richard T. Suttle, Jr.

cc: Jerry Rusthoven, City of Austin  
Kelly Wright