East Riverside Corridor Regulating Plan

Motion #	Agenda Item #	Proposed Action	Comments	PC Motion and Vote on Oct. 23, 2012	CC Action on March 7, 2013	Comments
1	42	**Approve the ordinance for Item 42 - including any amendments adopted here today. See attachment for potential amendments.**	Contested recommendations/tracts will be discussed separately as later motions.	Approved with recommended changes; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		
Proposed Neighborhood Plan Amendments: East Riverside/Oltorf Combined (EROC) Neighborhood Planning Area						
Motion #	**Agenda Item #**	**Proposed Action (Case # NPA-2012-0021.02)**	**Comments**	**PC Motion and Vote on Oct. 23, 2012**	**CC Action on March 7, 2013**	**Comments**
2	43	**Approve the neighborhood plan amendments for the East Riverside Corridor Zoning District (within the E. Riverside/Oltorf Comined Neighborhood Planning Area), as recommended by Planning Commission, for all tracts.**	Action on this item includes recommending adoption for the EROC Neighborhood Planning Area the Future Land Use Designation of "SRD" (Specific Regulating District).	Approved staff recommendation; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		
Proposed Neighborhood Plan Amendments: Montopolis Neighborhood Planning Area						
Motion #	**Agenda Item #**	**Proposed Action (Case # NPA-2012-0005.04)**	**Comments**	**PC Motion and Vote on Oct. 23, 2012**	**CC Action on March 7, 2013**	**Comments**
3	44	**Approve the neighborhood plan amendments for the East Riverside Corridor Zoning District (within the Montopolis Neighborhood Planning Area), as recommended by Planning Commission, for all tracts.**	Action on this item includes recommending adoption for the Montopolis Neighborhood Planning Area the Future Land Use Designation of "SRD" (Specific Regulating District).	Approved staff recommendation; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		
Proposed Rezonings: Riverside Neighborhood Planning Area						
Motion #	**Agenda Item #**	**Proposed Action (Case # C14-2012-0111a)**	**Comments**	**PC Motion and Vote on Oct. 23, 2012**	**CC Action on March 7, 2013**	**Comments**
4	45	**Approve the rezonings for the East Riverside Corridor Zoning District (within the Riverside Planning Area), as recommended by Planning Commission, for all tracts except 1600 Pleasant Valley Rd. (see motion #7) and 2229 E. Riverside Dr. (see motion #8).**	Action on this item includes recommending rezoning identified properties within the Riverside Neighborhood Planning Area to "ERC."	Approved staff recommendation; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		
Proposed Rezonings: Pleasant Valley Neighborhood Planning Area						
Motion #	**Agenda Item #**	**Proposed Action (Case # C14-2012-0111b)**	**Comments**	**PC Motion and Vote on Oct. 23, 2012**	**CC Action on March 7, 2013**	**Comments**
5	46	**Approve the rezonings for the East Riverside Corridor Zoning District (within the Pleasant Valley Planning Area), as recommended by Planning Commission, for all tracts except for 5600 E. Riverside Dr. (see motion #9), and 5617,5701,5709 & 5717 Penick Dr. (see motion #10).**	Action on this item includes recommending rezoning identified properties within the Pleasant Valley Neighborhood Planning Area to "ERC."	Approved staff recommendation; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		
Proposed Rezonings: Montopolis Neighborhood Planning Area						
Motion #	**Agenda Item #**	**Proposed Action (Case # C14-2012-0112)**	**Comments**	**PC Motion and Vote on Oct. 23, 2012**	**CC Action on March 7, 2013**	**Comments**
6	47	**Approve the rezonings for the East Riverside Corridor Zoning District (within the Montopolis Planning Area), as recommended by Planning Commission, for all tracts except a portion of Prop. ID 290067 (see motion #11), 1700 1/2 Frontier Valley Dr. (see motion #12), and 7600 & 7700 E. Ben White Blvd. (see motion #13).**	Action on this item includes recommending rezoning identified properties within the Montopolis Neighborhood Planning Area to "ERC."	Approved staff recommendation; Motion: D. Chimenti, J. Stevens - 2nd; Vote: 8-0		

Motion Sheet for the East Riverside Corridor Regulating Plan: "Contested Tracts"

City Council, March 7, 2013
Agenda items #42, 43, 44, 45, 46, 47

Motion #	Agenda #	Tract #	TCAD PROP ID	Property Address	Current Zoning	Proposed Zoning	Neighborhood Planning Area	Current Future Land Use	Proposed Future Land Use	Proposed ERC Subdistrict (Staff Recommen-dation)	Applicant / Owner / Other Request	Oct. 23, 2012 Planning Commission Motion Made and Vote	CC Votes Needed
7	45	6	285506	1600 S PLEASANT VALLEY RD	GR	ERC	EROC (Riverside Planning Area)	None	SRD	NMU	Owner request: CMU and be eligible for 120 feet of height under the ERC Development Bonuses	Motion made on previous request for CMU subdistrict; Forward to CC without a recommendation; Vote 4-4	4
8	45	22	285488	2229 E RIVERSIDE DR	GR-NP	ERC	EROC (Riverside Planning Area)	Mixed Use	SRD	NMU	Owner request: CMU	Approved staff recommendation; Motion: D.Chimenti; J. Stevens - 2nd; Vote: 5-3	4
9	46	10	759245	5600 E RIVERSIDE DR	SF-3-NP; SF-1-NP	ERC	EROC (Pleasant Valley Planning Area)	Single-Family	SRD	NMU	Neighbor request: Not rezone	No motion to consider further; therefore staff recommendation holds.	4
10	46	10	759246, 759247, 759248, & 759249	5617, 5701, 5709, & 5717 PENICK DR	SF-1-NP	ERC	EROC (Pleasant Valley Planning Area)	Single-Family	SRD	NR	Neighbor request: Not rezone	No motion to consider further; therefore staff recommendation holds.	4
11	47	16	A portion of 290067	VARGAS RD. NORTH OF E. RIVERSIDE DR (ABS DELVALLE S ACR 17.090)	SF-3-NP	ERC	MONTOPOLIS Planning Area	Single-Family	SRD	NR	Owner request: NMU	No motion to consider further; therefore staff recommendation holds.	4
12	47	15	A portion of 290066	1700 1/2 FRONTIER VALLEY DR.	MF-3	ERC	MONTOPOLIS Planning Area	Multi-family	SRD	NR	Owner request: Not rezone	Not discussed by PC	4
13	47	35	483327 & 483328	7600, & 7700 E. BEN WHITE BLVD.	CS-CO-NP	ERC	MONTOPOLIS Planning Area	Commercial	SRD	CMU	Owner request: Allow drive throughs	Not discussed by PC	4
14	47	**17**	483337	7812 E. BEN WHITE BLVD.	CS-CO-NP	ERC	MONTOPOLIS Planning Area	Commercial	SRD	CMU	Owner request: Not rezone	Not discussed by PC	4

Motion #1: Potential Amendments to the Sept. 14, 2012 Draft ERC Regulating Plan

Potential Amendments, Group A:

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

A.1. 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.)

A.2. 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).

A.3. 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.)

A.4. P. 39, Figure 3-4 – Correct the figure to show the correct dimensions of clear zone and planting zone as stated in Figure 3-2, the required standards for public sidewalks within the ERC Zoning District. (**Note**: Dimensions are flipped in Figure 3-4 and need to be corrected.)

A.5. 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.)

A.6. P. 56, Subsection 4.2.3.D.1 Impervious Cover: Change to just cite LDC 25-8. (**Note**: Incorrect code citation).

A.7. P. 81, Subsection 4.11.3.A: Change to just cite LDC 25-8. (**Note**: Incorrect code citation).

A.8. 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).

A.9. P. 97, Subsection 6.4.1.B.4: – Modify to cite 6.4.1.B.1. (**Note**: Incorrect citation).

A.10. P. 97, Subsection 6.4.1.B.5: – Modify to cite 6.4.1.B.1. (**Note**: Incorrect citation).

A.11. Miscellaneous spelling and grammar corrections.

Potential Amendments, Group B:

Staff and Planning Commission recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan proposed in November 2012:

B.1. 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.

B.2. P. 61, Subsection4.2.4.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.

B.3. 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).

B.4. 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…

B.5. P. 97, Subsection 6.4.1.C.2 – Modify to read: The developer shall pay into the Transit-Area Housing Assistance Fund…

B.6. P. 97, Subsection 6.4.1.C.3 – This fee should be reviewed as needed, or at least every 5 years.

B.7. 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.)

B.8. P. 32, Figure 2-1, Make Congregate Living a permitted use in all ERC Subdistricts.

Potential Amendments, Group C:

Other Staff recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan proposed in November 2012:

C.1. 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.)

C.2. 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).

C.3. 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.

C.4. 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.

Potential Amendments, Group D:

Other Staff recommended changes to the Sept. 14 draft E. Riverside Corridor Regulating Plan proposed in March 2013:

D.1 P. 27, Subsection 2.3.5.B (Drive-Through Facilities) – Delete the text of Subsection B and replace with the following: "A property containing a drive-through facility legally constructed or permitted prior to [insert ERC Regulating Plan adoption date], is not subject to this Subsection 2.3.5.A. Construction on said properties can include the replacement of a drive-through facility, but construction will be subject to all standards in the ERC Regulating Plan according to the applicability standards in Section 1.2 Applicability. The number of drive-through bays or lanes cannot be increased from those existing as of the above date." (**Note**: Staff deemed the original Subsection B language section repetitive and unnecessary.)

D.2 P. 28, Land Use Table – Modify Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type) to be conditional uses in the NMU Subdistrict with the following additional requirements: Land use cannot be utilized as a rationale to seek Alternative Equivalent Compliance.

D.3 P. 62, Subsection. 4.2.4.D.5.b (Compatibility Standards - Additional Standards) – Modify to read: "Any permanently placed refuse receptacle…" and "The location of and access to any permanently placed…"

D.4 P. 62, Subsection 4.2.4.D.5.c (Compatibility Standards - Additional Standards) – Modify to read: "Collection or dumping of any permanently placed refuse receptacle…"

D.5 P. 69, Subsection 4.4.3 (Shared Parking) – Modify title to read: "Optional Shared Parking."

D.6 P. 69, Subsection 4.4.4 (Reduction of Minimum Off-Street Parking Requirements) – Modify title to read: "Optional Reduction of Minimum Off-Street Parking Requirements."

D.7 P. 72, Subsection 4.5 (Drive-Through Facilities) – Modify to read: "Unless legally constructed or permitted prior to [insert ERC Regulating Plan adoption date], drive-through facilities are not allowed in the ERC Zoning District."

D.8 P. 73, Subsection 4.7.2.B (Screening of Equipment and Utilities) – Delete "and acoustic impacts" to be consistent with proposed Subchapter E amendments.

D.9 P. 95, Subsection 6.3.2 (Density Bonus Standards) – Add at the end of paragraph: "If final bonus square footage is different than the amount estimated at the site plan approval stage, the public benefit requirements will be adjusted accordingly. The final public benefit requirements will be documented before a certificate of occupancy will be granted."

D.10 P. 97, Subsection 6.4.1.B.4. (Affordability Requirements for Owner-Occupied Units) – Modify to read: "Habitable space (as defined in Article 7 Definitions) as required…"

D.11 P. 97, Subsection 6.4.1.B.5. (Affordability Requirements for Rental Units) – Modify to read: "Habitable space (as defined in Article 7 Definitions) as required…"

D.12 P. 106, Article 7: Definitions – Add the following definition: "Habitable space – Interior square footage designed for people to live in. Habitable space will be measured to the inside surface of the party or exterior walls of the unit."

Other Items:

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

- 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.

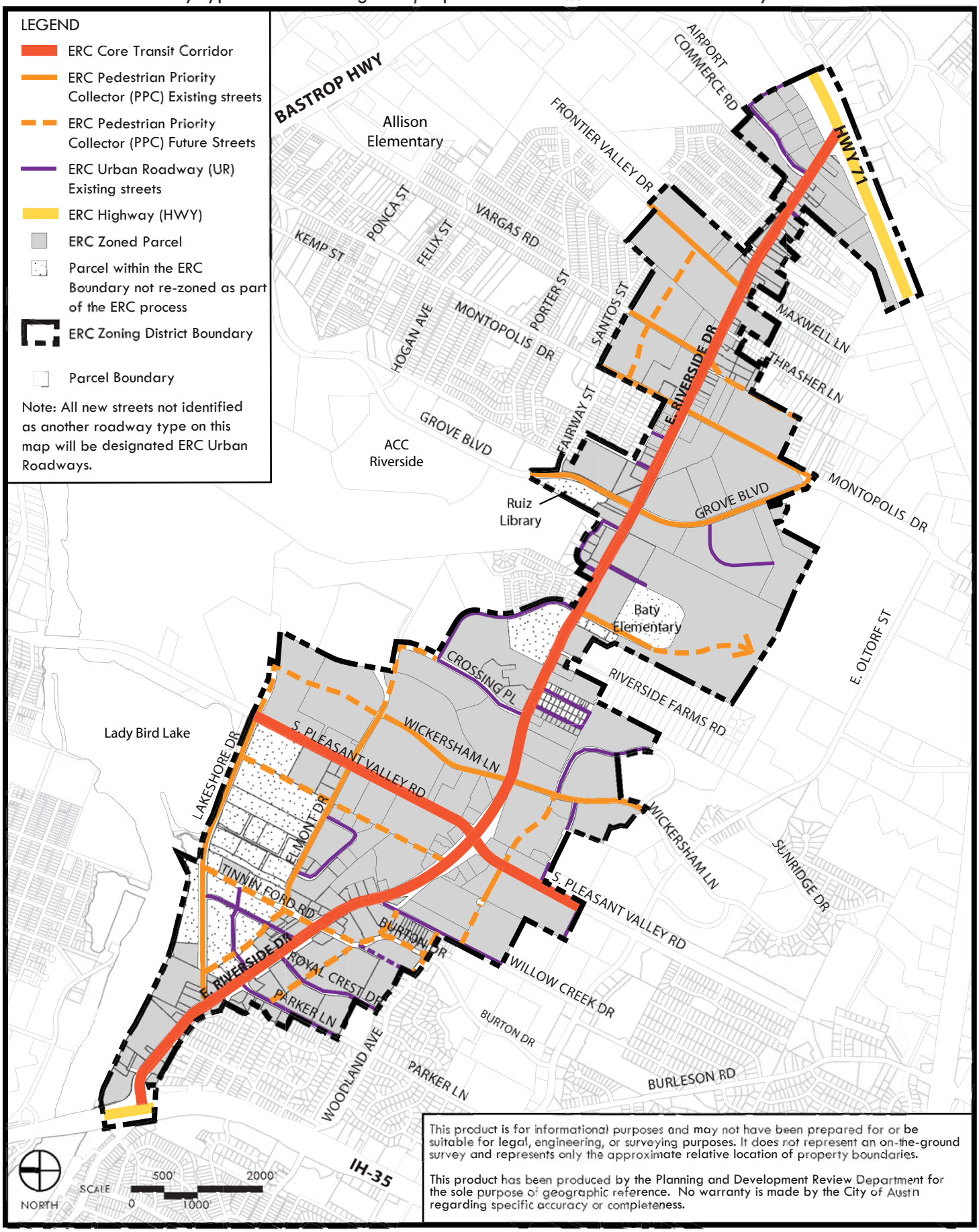


Figure 1-5: East Riverside Corridor Collector Street Map

Shows existing and new streets designated as Collector streets.

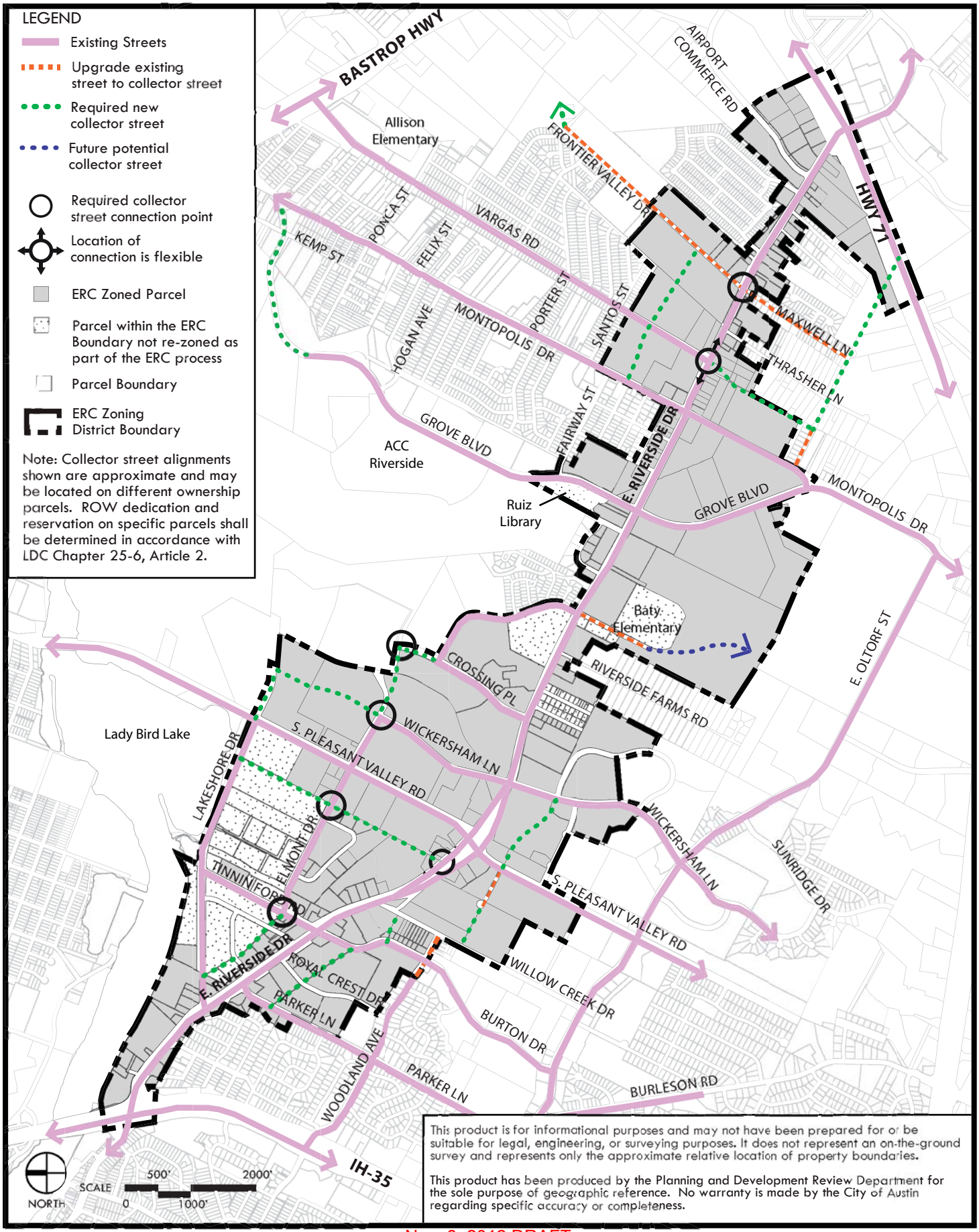


Figure 1-14: East Riverside Corridor (ERC) Future Land Use Map (FLUM)

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

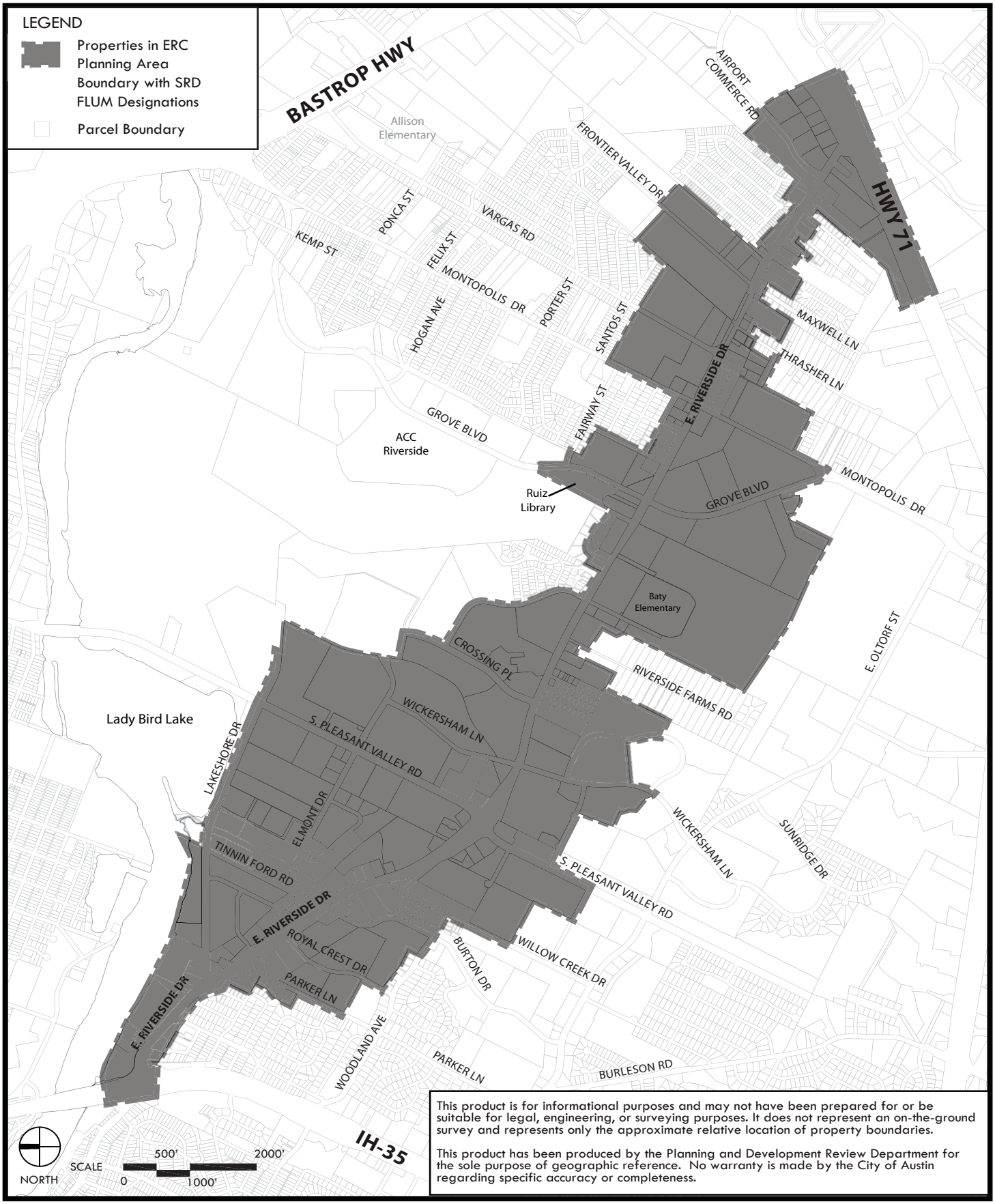
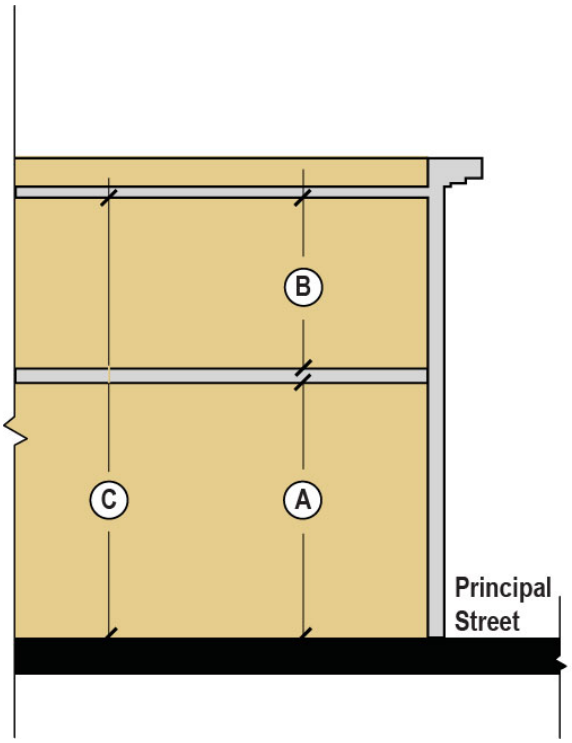


Figure 4-1: Two Story Minimum Requirements



	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			