



**NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET**

**Amendment:** Initiate an amendment to Title 25 of the City Code to amend the East Riverside Corridor Regulating Plan to add an address to the list of existing drive-throughs.

**Description:** The East Riverside Corridor Regulating Plan allows for existing drive-throughs to operate normally until May 9, 2020, at which point all drive-throughs in the ERC zoning district become non-complying. The property at 1701 E. Riverside has operated a functioning drive-through since 2011 and therefore should have been included in the East Riverside Corridor plan as a property with Drive-Through Facilities. The code amendment is to make that correction.

**Proposed Language:**

**Background:** Initiation recommended by Codes and Ordinances Subcommittee on May 19, 2015.

**Staff Recommendation:**

**Board and Commission Actions:**

**Council Action:**

**Ordinance Number:** NA

**City Staff:** Greg Dutton    **Phone:** 974-3509    **Email:** greg.dutton@austintexas.gov

P/2

AFFIDAVIT

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Roberta Mueller, who, being by me first duly sworn, upon her oath deposes and says:

My name is Roberta Mueller. I am over eighteen years of age and my business address is PO Box 2716, Georgetown, TX 78627. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

The real property located at 1701 E. Riverside Dr., Austin, Texas (the "Property"), has been owned since at least 1996 by Mueller Family Partnership #1, Harold E. Mueller and Robert B. Mueller. I am president of Austin Real Estate Corporation, General Partner of the Mueller Family Partnership #1. In 1973, Hixon Development Company, as landlord and then owner of the Property, entered into a lease agreement with Ralston Purina Company as tenant for the Property. Ralston Purina Company built a Jack in the Box restaurant on the site. In 1975, members of the Mueller family acquired the Property and the rights and interest of Hixon Development Company as landlord under the lease with Ralston Purina Company. During the course of the lease, Ralston Purina Company assigned its rights and interest in the lease to Foodmaker, Inc. which continued to operate a Jack in the Box restaurant on the site. The lease with Foodmaker, Inc. was extended various times through March 31, 2014. The Jack in the Box was in continuous operation at the Property through February 21, 2011, when the Property was subleased to Adolfo Rendon doing business as Marisco Grill. While operated by Jack in the Box, the restaurant had a functioning drive-through window in continuous operation. From February 21, 2011, when Marisco Grill took over the Property, through the present time, to the best of my knowledge the restaurant has had a functioning drive-through window in continuous operation, including on the date of adoption of the East Riverside Corridor Regulating Plan adoption on or about May 20, 2013. The lease with Adolfo Rendon has been extended and Marisco Grill continues to operate its restaurant at the Property with the drive-through window in continuous operation.

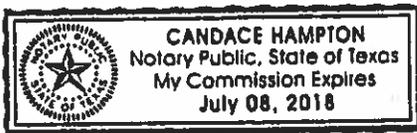
WITNESS MY HAND this the 27 day of March, 2015.

Roberta Mueller  
Roberta Mueller

THE STATE OF TEXAS §  
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 27 day of March, 2015, by Roberta Mueller.

Candace Hampton  
Notary Public, State of Texas





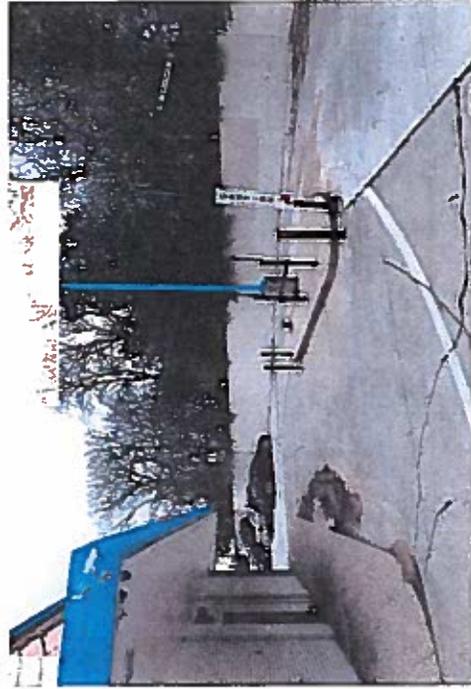








3) West side and north side view from right-of-way, looking southeast



4) Rear drive-through area (not operational)

D1  
/ 7

Subject Photographs  
1701 East Riverside Drive  
Austin, Texas 78741



1) Front view and east-side view looking west from right-of-way

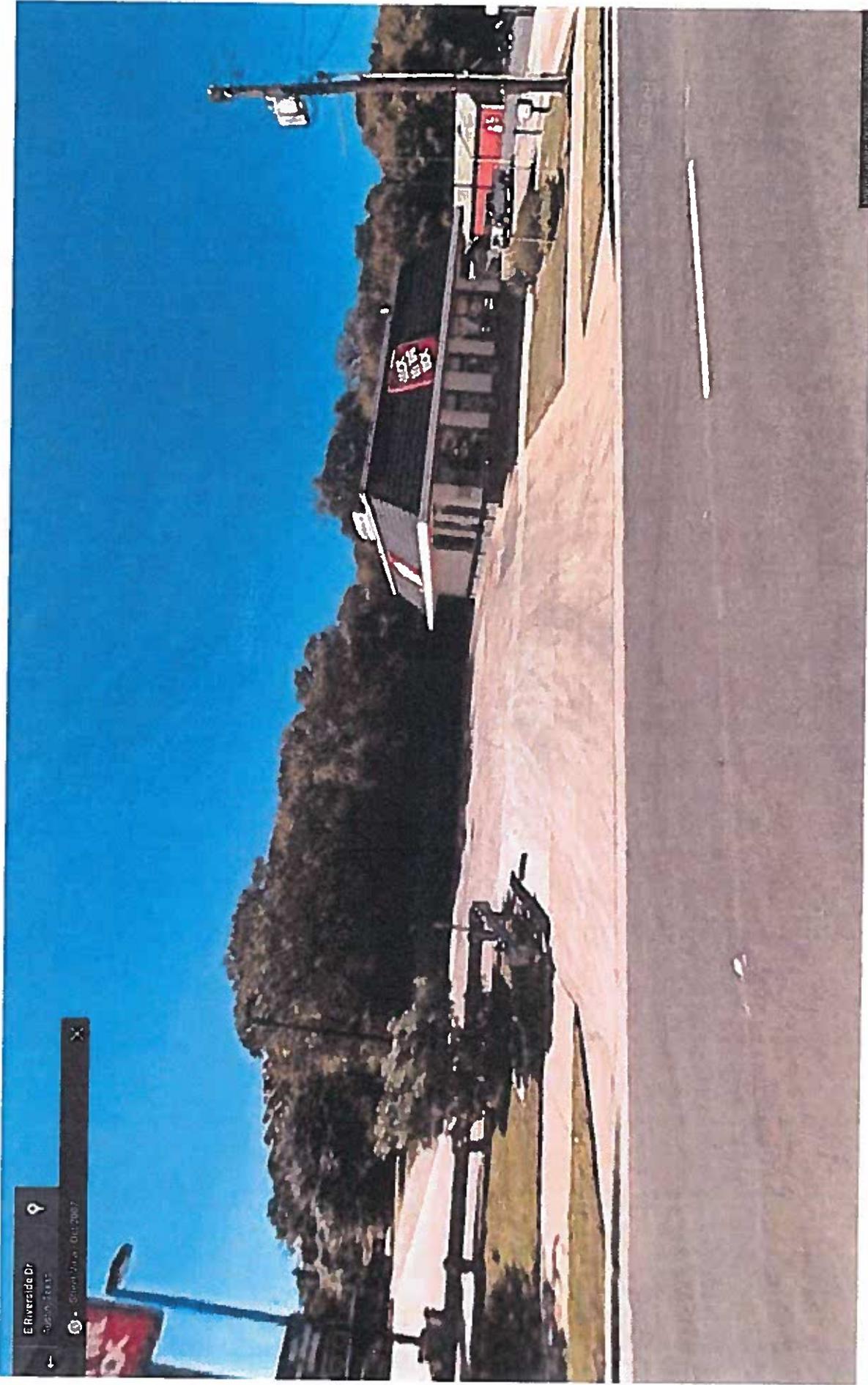
Drive  
+  
Window



2) East side and south side view, looking northwest

Drive +  
Window

D-1/8



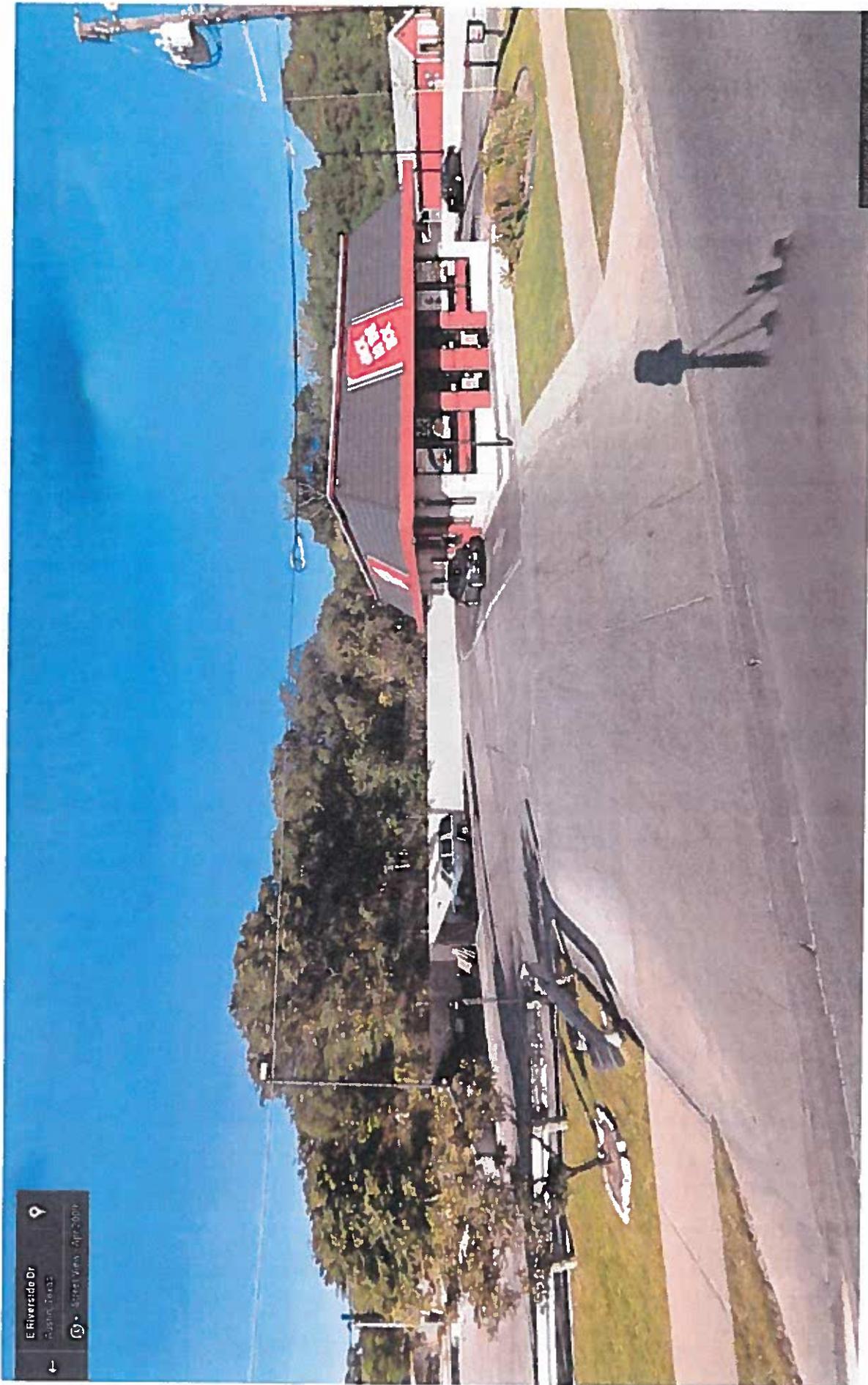
www.fishbase.org

DI/9



E Riverside Dr  
Austin, Texas  
Direct: 512-415-0007

10/10



E Riverdale Dr  
Cypress, Texas  
Street View, Apr 2009

D/E

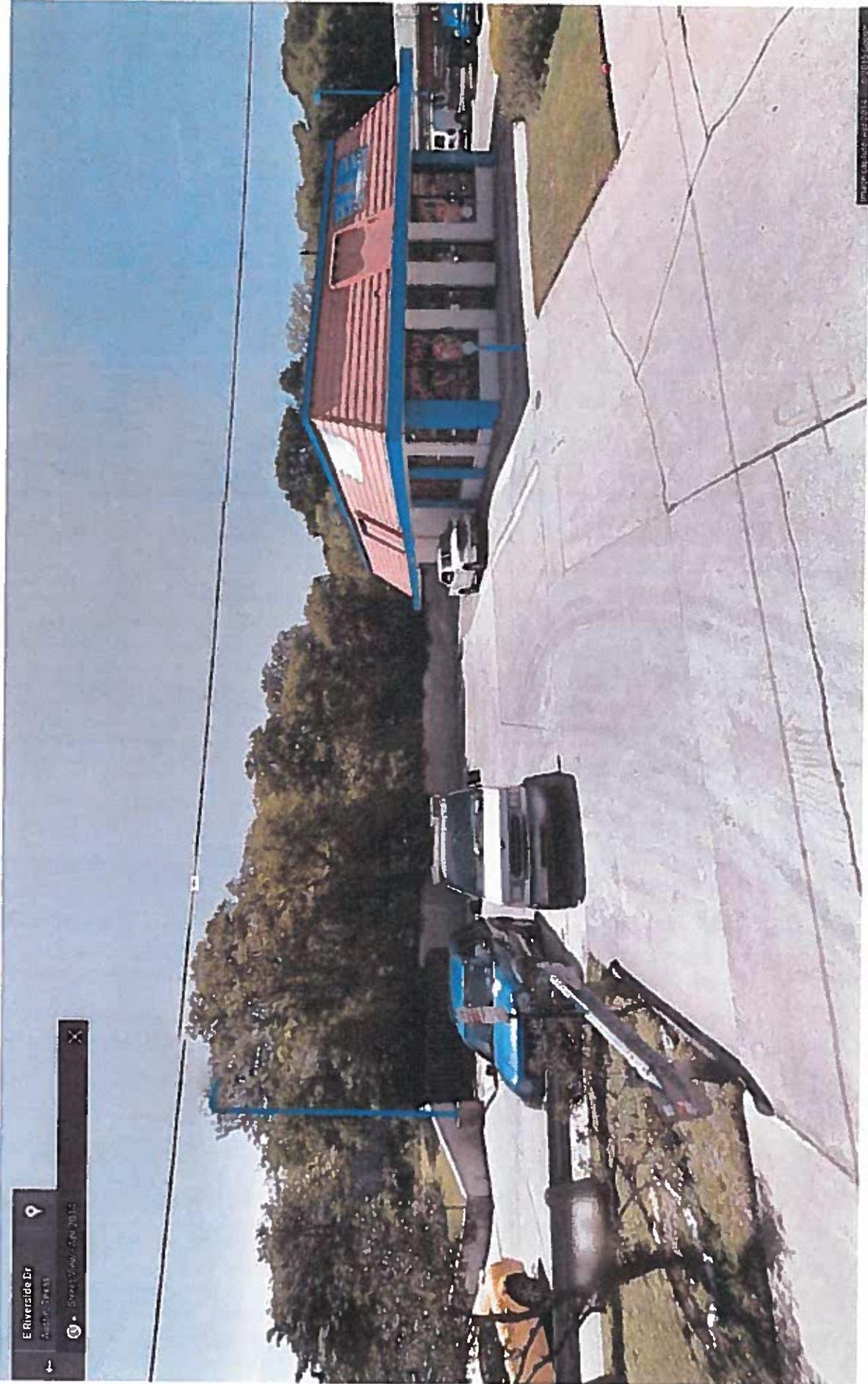


Image by Google, Inc. - 10/15/2014

2/10

D1  
/3



LOOKING WEST AT FRONT OF BUILDING.



LOOKING AT NORTH SIDE OF BUILDING FROM NORTH PROPERTY LINE.



LOOKING AT REAR OF BUILDING.



LOOKING AT SOUTH SIDE OF BUILDING FROM SOUTH PROPERTY LINE.

D1  
17

APPRAISAL  
of  
REAL PROPERTY  
located at  
1701 E. RIVERSIDE DRIVE  
AUSTIN, TRAVIS COUNTY, TEXAS  
as of  
JUNE 7, 1988

PREPARED FOR

MR. JOHN P. BENDER  
MUELLER & VACEK, ATTYS.  
P. O. BOX 1845  
AUSTIN, TEXAS 78767

PREPARED BY

KAISER & ASSOCIATES  
REAL ESTATE APPRAISERS & ANALYSTS  
901 S. MOPAC - SUITE 480  
AUSTIN, TEXAS 78746-5747

D1/18

1701 E. RIVERSIDE DRIVE

Gross Building Area

1st Level:

$35.7' \times 50.0' = 1,785.00 \text{ SF}$

2nd Level:

$26.7' \times 19.2' = 512.64$

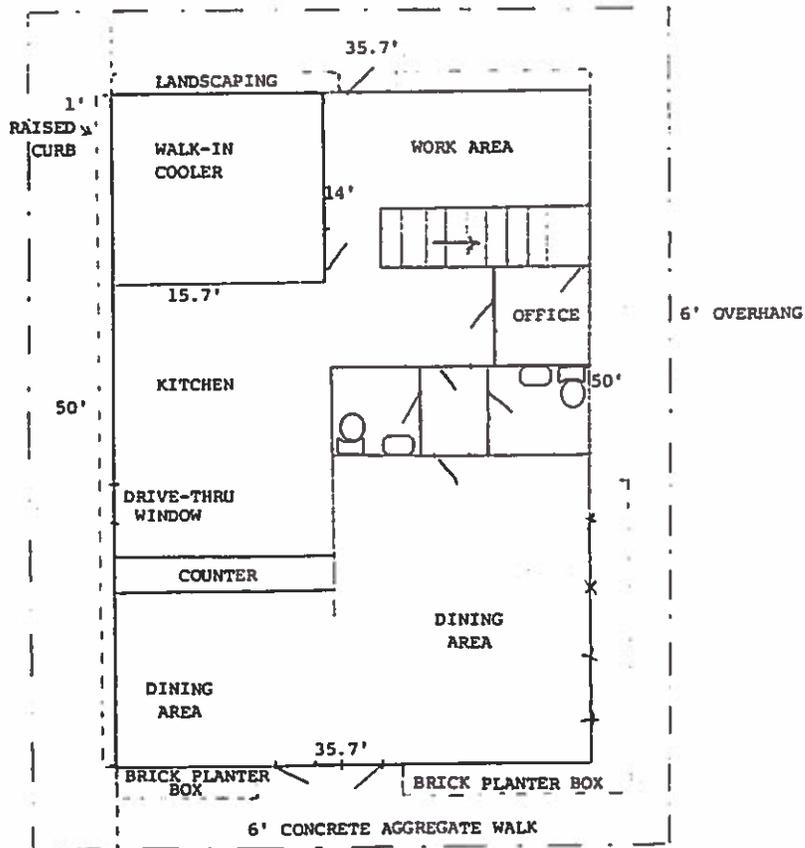
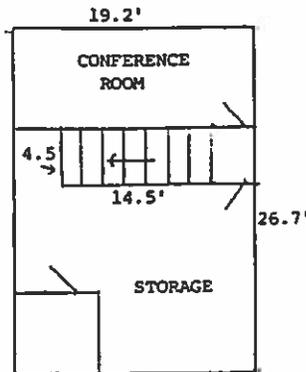
$- 4.5' \times 14.5' = - 65.25$

$\underline{447.39 \text{ SF}}$

1st Level = 1,785.00

2nd Level = 447.39

Total = 2,232.39 SF



**Building Sketch**

D/19

DESCRIPTION OF IMPROVEMENTS

The improvements consist of a 2,232 square foot fast-food building constructed in 1974. There are 1,785 square feet on the first level containing the sales counter, the dining area, the kitchen, a walk-in cooler, an office, and two restrooms. The second level has 447 square feet containing a storage room and a conference room. The foundation is poured concrete with concrete beams, and the exterior walls are wood frame and brick veneer. There is a flat built-up roof on the structure and it has a metal mansard canopy, cedar trim and strip fluorescent fixtures along the exterior edge. The canopy serves to provide a six-foot overhang on all sides of the building. Interior partitions are wood frame with drywall, wallpaper, and panel coverings. First level floors are carpet and pad or ceramic tile on concrete. Second level floors are wood frame with vinyl asbestos tile covering. The stairway to the second level has the dimensions of 4.5' x 14.5'. The building is in good condition and has remaining economic life. The building has been occupied by the same tenant since its construction.

The site improvements include 13,800 square feet of concrete paving surrounding the building, and 3,100 square feet of asphalt pavement on the south end of the site. There are 15 striped parking spaces on the concrete portion and 10 unmarked spaces on the asphalt portion. The building has a six-foot raised concrete aggregate sidewalk on three sides. On the side next to the drive-through lane, there is a one-foot raised curb. Behind the building is a 120 square foot raised concrete aggregate island which holds the menu and ordering intercom. There are 109 square feet of brick planter boxes along the front and one side. A 53.5 square foot strip of landscaping follows the rear wall. The parking lot is lighted with five mercury vapor lamps on single metal poles. There is one double sided translucent sign with fluorescent lights mounted on a single metal pylon. A 7.5 foot concrete retaining wall runs for 200 linear feet along the rear of the site. The concrete retaining walls gradually slope down at each end of the rear wall. A brick wall runs 95 linear feet along the north property line.

BUILDING CLASSIFICATION :	Fast-Food Restaurant
DATE CONSTRUCTED :	1974
GROSS BUILDING AREA :	2,232 SF
GROSS LEASABLE AREA :	2,232 SF
1st Level :	1,785 SF
2nd Level :	447 SF
BUILDING HEIGHT :	18'
CEILING HEIGHT :	8'
FOUNDATION :	Concrete Slab
EXTERIOR WALLS :	Wood frame; brick veneer.
ROOF STRUCTURE :	Wood frame; built-up gravel cover.

