

P E T I T I O N

Date: 4/11/19

File Number: C-14-2019-0007

Address of Rezoning Request: 7307,
7311, 7401, & 7403 E Riverside Drive,
Austin, TX 78741

Parcel Numbers of Rezoning Request:
0312180109, 0312180110, 0312180111,
0312180112, 0312180113, 0312180114

Owner of Property: Artesia, 7307-7403 E
Riverside LLC

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than ERC-CMU (as it is zoned currently).

(STATE REASONS FOR YOUR PROTEST)

1. The zoning process is flawed and incomplete.

The City-initiated zoning case was posted and notified as "ERC to MH" which indicates the Property (including the addresses and parcels noted above) is to be removed from the East Riverside Corridor Planning Area (otherwise it would have been posted as "ERC-CMU to ERC-MH").

If the Property is removed from ERC Regulating Planning Area, a FLUM amendment to the Montopolis Neighborhood Plan is required prior to taking action on any rezoning application. To date, there has been no FLUM amendment proposed for the Property.

Further, if the Property is removed from the East Riverside Corridor Planning Area, the maps within the ERC Regulating Plan must be changed. To date, there has been no proposed changes to the ERC Regulating Plan maps or text.

If the Property is to remain in East Riverside Corridor Planning Area – which is not how the item has been posted – then the East Riverside Corridor Regulating Plan is still applicable to any development within the Planning Area.

Currently, mobile home use is not listed as an allowable use in any ERC Regulating Plan subdistrict. Adding such a use would require a Code Amendment to add it to the ERC Regulating Plan and provide development standards under which the Property is to be developed. To date, there has been no Code Amendment related to the addition of mobile home use within the ERC Regulating Plan.

- 2. Almost 20 years of planning and community input have been focused on the specific parcels in question.**

The 2001 Montopolis Neighborhood Plan depicted Commercial and Mixed-Use future land uses for the Property.

Throughout this planning era, these specific parcels have been recognized as contributing to the Gateway to the East Riverside Corridor and downtown Austin, with the mixed use and commercial land uses appropriate for this area. This includes direct and indirect references to the area encompassing the Property in the Envision Central Texas Growth Map(s), the 2001 Montopolis Neighborhood Plan, the Riverside Corridor Master Plan, the Downtown Austin Plan, the Imagine Austin Comprehensive Plan, the East Riverside Corridor Regulating Plan, and the Capital Metro Project Connect.

- 3. Out of the 23 zoning cases the City has filed related to MH zoning by City Council Resolution 20180823-078, this is the only case that proposes a change to a Corridor Regulating Plan.**
- 4. Downzoning to the MH Subdistrict is not consistent with City of Austin zoning principles – the metric by which all zoning cases are evaluated by City Staff.**
- 5. The Property is within the Riverside Station Town Center as identified in the Imagine Austin Comprehensive Plan.**
- 6. The Property intersects with the McKinney Employment Center as identified in the Imagine Austin Comprehensive Plan.**
- 7. The Property lies along both a Core Transit Corridor and an Imagine Austin Comprehensive Plan Activity Corridor.**
- 8. The Property is on the proposed Capital Metro Blue Line route.**
- 9. The East Riverside Corridor Regulating Plan has specific provisions to promote affordable housing on this corridor.**

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address



Colin Brothers

1000 E Cesar Chavez St., Austin, TX 78702

Date:

6/11/19

Contact Name:

DAVID J. ANDERSON

Phone Number:

512.807.2908

Note: The signature on this Petition is that of Colin Brothers, who is the Manager of ARE Ventures, LLC, which is the Manager of 7307-7403 E Riverside LLC, which is the owner of the Property. As such, this petition is considered "valid" for purposes of requiring a three-fourths majority vote for re-zoning the Property at City Council.

The validity of the statement above was confirmed with City staff via email correspondence on January 31, 2019.

INFORMATION FOR OPPOSING A ZONING CHANGE

If you are in opposition to a zoning change in your neighborhood, it is suggested you contact the City staff and the applicant to attempt to reach a compromise. When possible, applicants are advised to contact and work with the applicable neighborhood organization(s) prior to submitting an application.

If a compromise cannot be reached, the following procedures may be used to protest the zoning change. These are

- 1) either in writing or at the public hearing, request the Zoning and Platting Commission/Planning Commission not to recommend the zoning change to the City Council, and /or
- 2) petition the City Council not to grant the zoning change. Petitions must be submitted no later than 12:00 p.m. (noon) on the day of the scheduled public hearing to the Case Manager, Planning and Zoning Department (per City Council Resolution as of 11/13/1986). You are, however, encouraged to submit your petition earlier (possibly two days earlier) to assure that validation occurs in a timely manner.

These procedures are described below:

ZONING AND PLATTING COMMISSION / PLANNING COMMISSION

At the Zoning and Platting Commission/Planning Commission hearing you will be given an opportunity to speak in opposition to the zoning. If you are part of an organized group, it is recommended a spokesman be selected to represent the interests of the group.

A written statement of your opposition may also be presented to the Commission members (there are nine) with a copy for the staff.

The order of the meeting is as follows:

1. Chair announces request.
2. Staff present a summary
3. Chair calls on those FAVORING the request.
 - a. Applicant's presentation (5 minutes)
 - b. Others favoring the request (3 minutes)
4. Chair calls on those OPPOSING the request
 - a. Primary presentation (5 minutes)
 - b. Others opposing the request (3 minutes)
5. Applicant answers stated objections (3 minutes)
6. Staff summation and questions from Commission
7. Public hearing is closed and Commission acts on request

The Zoning and Platting Commission/Planning Commission's recommendation will be forwarded to the City Council for their action.

If you cannot appear at the hearing, a written statement of your opposition may be sent to the Planning and Zoning Department. Written protests should be filed as early as possible so copies will be available for the Commission. The Notices of Public Hearing contain a section where brief comments may be made and returned to the Planning and Zoning Department.

Comments should be mailed to:

Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Zoning File No. C14-2019-0007

CITY COUNCIL

At the City Council hearing you may again protest the zoning change following the same procedures as for the Zoning and Platting Commission/Planning Commission.

You may also submit a written petition against the zoning. Only a simple majority of the Council is required to grant the zoning unless a valid written petition has been submitted. A valid petition requires a three-fourths vote of Council. This usually consists of nine votes; however, if a Council Member must recuse, it could require fewer votes to obtain a three-fourths majority. An absence or abstention does not reduce the number of votes required.

Sec. 25-2-284 of the Land Development Code, states that:

- (A) The affirmative vote of three-fourths of the members of council is required to approve a proposed rezoning if:
- 1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or
 - 2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:
 - (a) included in the proposed change; or
 - (b) Immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

Case Number:

C14-2019-0007

PETITION

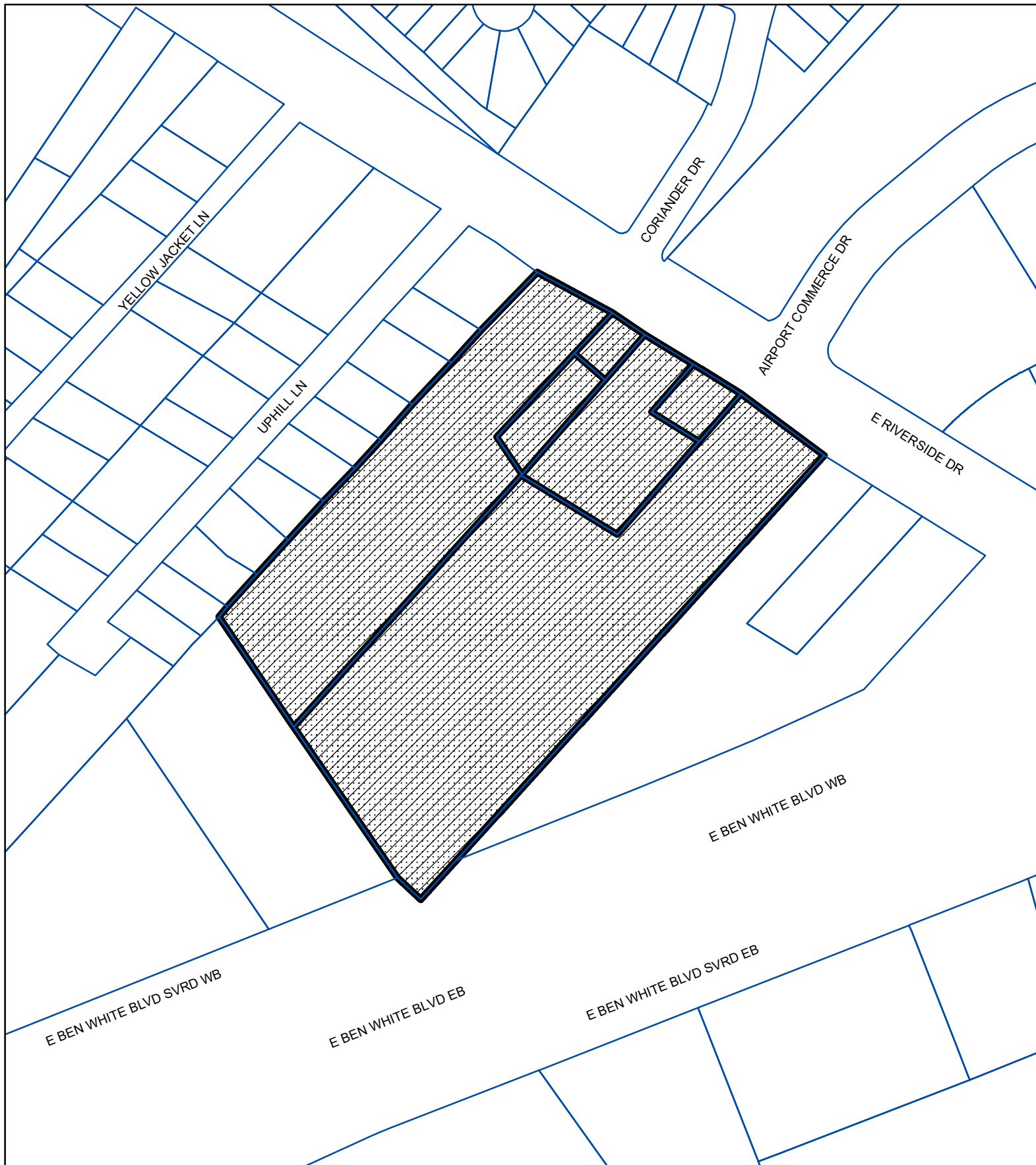
Date: 6/17/2019

Total Square Footage of Buffer: 458227.8355

Percentage of Square Footage Owned by Petitioners Within Buffer: 100.00%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0312180113	7401 E RIVERSIDE DR 78741	7307-7403 E RIVERSIDE LLC	8708.83		1.90%
0312180110	7311 E RIVERSIDE DR 78741	7307-7403 E RIVERSIDE LLC	12646.11		2.76%
0312180111	7311 E RIVERSIDE DR 78741	7307-7403 E RIVERSIDE LLC	5707.04		1.25%
0312180109	7307 13 E RIVERSIDE DR	ANGELES JOSE TRLR 13	140417.79		30.64%
0312180112	7401 8 E RIVERSIDE DR 78741	GUTIERREZ PEDRO TRLR 8	43220.34		9.43%
0312180114	7403 9 E RIVERSIDE DR 78741	JARAMILLO-GUTIERREZ JUANA TRLR 9	247527.75		54.02%
Total			458227.87		100.00%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2019-0007

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'