

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0063 – Patton Avenue

Z.A.P. DATE: July 7, 2009

ADDRESS: 822 and 824 Patton Avenue

OWNERS & APPLICANTS: James P. and Paula Sullivan

ZONING FROM: MF-2; MF-3

TO: CS-1

AREA: 0.338 acres
(14,723.28 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial (GR-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 7, 2009: *APPROVED CS-1-CO DISTRICT ZONING, WITH THE CONDITIONAL OVERLAY PROHIBITING ON-SITE CONSUMPTION (COCKTAIL LOUNGE) AND LIMITING DEVELOPMENT TO LESS THAN 2,000 VEHICLE TRIPS PER DAY.*

[K. JACKSON; T. RABAGO – 2ND] (5-1) C. HAMMOND – NAY; J. GOHIL – ABSENT

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

Residents on Patton Lane, Jet Lane and Bastrop Highway have expressed their support for CS-1 district zoning. The President of the Montopolis Neighborhood Association has submitted a comment response form indicating opposition to the requested CS-1 zoning. All correspondence is attached at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a four-plex and parking area on two lots, and is zoned multifamily residence low density (MF-2) district and multifamily residence medium density (MF-3) district. The Texas Department of Transportation (TXDoT) has acquired a portion of one of the lots for the purposes of expanding the Bastrop Highway/ U.S. Highway 183 right-of-way, and the property is situated at its intersection with Patton Avenue, a local street. There are single family residences to the north (SF-3), two duplexes and single family residences to the east (SF-3), and a City of Austin wastewater odor control facility and equipment rental business to the west (IP-CO; P). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Aerial View with 100-year Floodplain).

The City has targeted properties on Patton Avenue and Jet Lane, including the rezoning area for acquisition under the ABIA Noise Mitigation Program, and several of the properties on these streets have been or will be purchased by the program. Please refer to Exhibit B. A portion of the property is also within the 100-year flood plain of Carson Creek as are many of the other lots on Patton Avenue, as shown in Exhibit A-2. The Applicant has requested commercial liquor sales (CS-1) district zoning in order to occupy the building with a commercial use, which may include a liquor store. The Applicant has also provided a schematic of a future TXDOT improvement project to extend Patton Avenue south of U.S. Highway 183, although there is no project funding in place at this time. Please refer to Exhibit C.

Staff is concerned that CS-1 zoning is incompatible with the adjacent existing single family residences, and also that the liquor sales use is already provided at two different sites on U.S. Highway 183, between Dalton and Thompson Lanes. Therefore, Staff recommends the community commercial – conditional overlay (GR-CO) zoning district, which provides the opportunity for the existing structure to be converted to a commercial use, while recognizing that it is adjacent to single family residences and driveway access is taken to a local street.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-2; MF-3	Four-plex
<i>North</i>	SF-2	Single family residences
<i>South</i>	N/A	Northbound lanes of Bastrop Highway
<i>East</i>	SF-2	Two duplexes; Single family residences
<i>West</i>	IP-CO; P; CS-CO	Equipment rental company; City of Austin Pump station

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

NEIGHBORHOOD ORGANIZATIONS:

189 – Southeast Austin Neighborhood Alliance
 299 – Crossing Gardenhome Owners Association
 300 – Terrell Lane Interceptor Association
 477 – El Concilio, Coalition of Mexican American Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 634 – Montopolis Area Neighborhood Alliance
 743 – Southeast Austin Trails & Greenbelt Alliance
 742 – Austin Independent School District 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin
 1037 – Homeless Neighborhood Organization 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation 1126 – Montopolis Neighborhood Association
 1188 – Austin Street Futbol Collaborative

SCHOOLS:

Allison Elementary School

Martin Junior High School

Johnston High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0183 - U.S. 183 / Govalle Tunnel Lockheed Shaft Relocation Project – 829 Bastrop Highway NB	I-SF-2; IP-CO to P	To Grant P	Approved P as Commission recommended (11-29-07).
C14-02-0174 – Centex Business Consultants (The Landing Strip) – 745 Bastrop Highway	I-RR to LI for Tract 1; CS-1 for Tract 2	To Grant IP-CO for both tracts with CO for 2,000 trip limit	Approved LI-CO for Tract 1; CS-1-CO for Tract 2 with the CO across both tracts limited to 2,000 trips (11-20-03).
C14-02-0165 – Capital City Construction Company – 701 Bastrop Highway	I-RR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips (7-31-03).
C14-02-0122 – Anton Equipment – 829 Bastrop Highway	I-RR to IP	To Grant IP-CO with The Conditional Overlay is for a 50 foot wide setback adjacent to SF-3 zoned property, prohibit access to Lourie and Earl Streets and a 2,000 trip limitation.	Approved IP-CO with the CO for a 50 foot wide setback adjacent to SF-3 zoned property, prohibit access to Lourie and Earl Streets and a 2,000 trip limitation (7-31-03).

RELATED CASES:

The rezoning area was annexed on September 6, 2001. The property is platted as Lot B and a portion of Lot A of the Resubdivision of Lot 1, Block 1, Bergstrom Downs, No. 1, recorded in April 1972. Please refer to Exhibit B. There are no related site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
US 183 Service Road Northbound	362 feet	Varies	Highway	No	No	No
Patton Avenue	50 feet	25 feet	Local	No	No	No

CITY COUNCIL DATE: August 6, 2009**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719

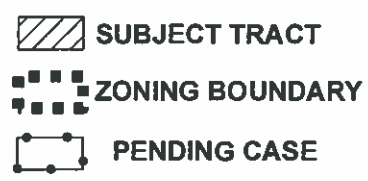


EXHIBIT A

ZONING CASE#: C14-2009-0063
ADDRESS: 822 & 824 PATTON AVE
SUBJECT AREA: 0.338 ACRES
GRID: M19
MANAGER: W. RHOADES

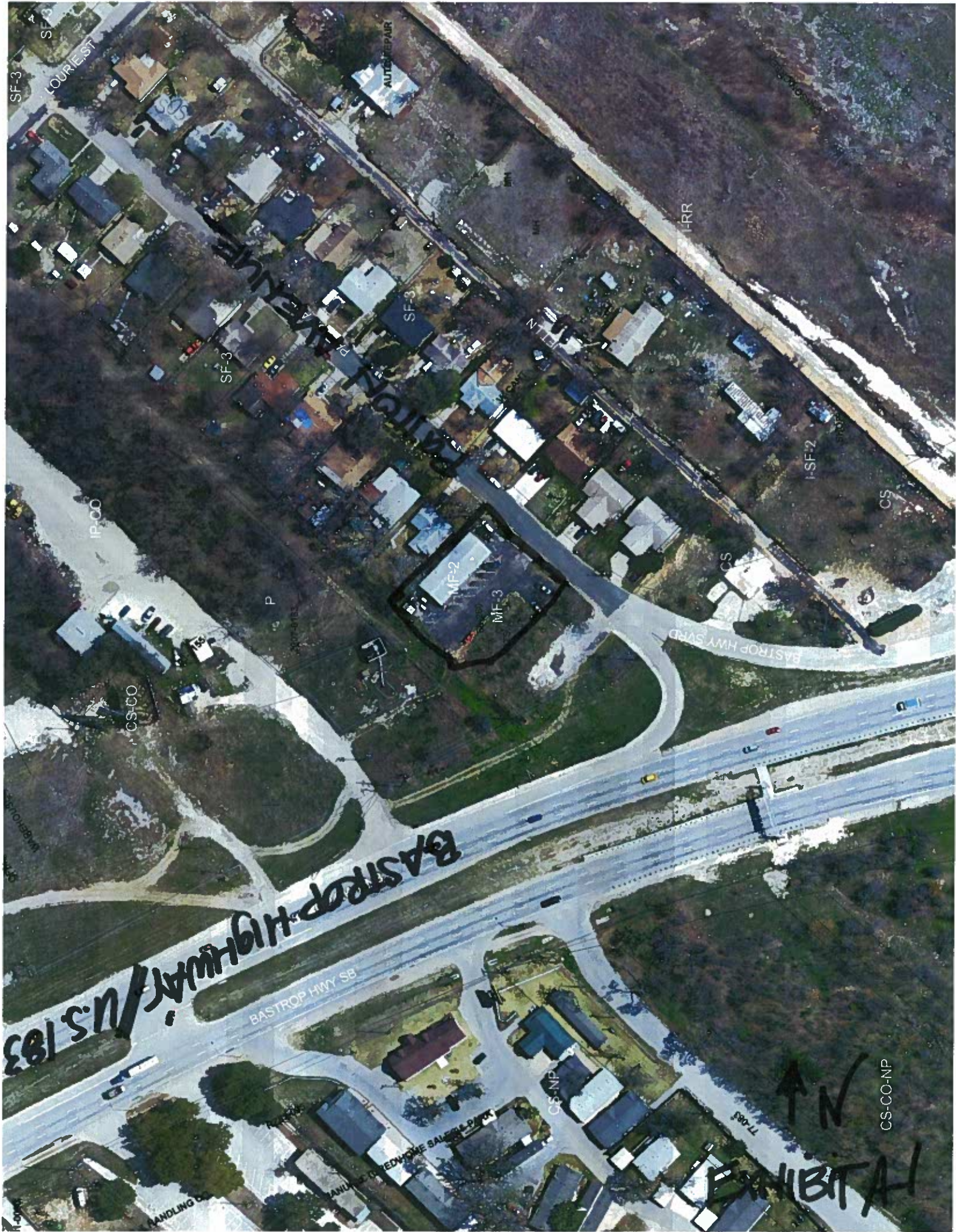
This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



N



1" = 400'





SANTIAGO

RESUBDIVISION OF LOT 1, BLK. 2
BERGSTROM DOWNS NO. 1

Subject
Corner

PROPOSED
REZONING
AREA

ON OF LOT 1, BLK. 1
COM DOWNS NO. 1

LOT C
PROPOSED R.O.W.

200.60' LT.
STA. 931+04.

LOT F

S13°04'10"W 26.66'
S42°39'33"W 30.35'
S16°59'21"E 59.65'
S42°39'33"W 54.80'

S69°27'44"E 65.40'
S42°49'57"W 13.08'
S16°59'21"E 97.51'
S42°49'57"W 182.25' LT.
STA. 928+81.21

LOT A
S43°48'39"W 62.33'

US 183 Service Rd.

SEE DETAIL
THIS AREA

N14°28'04"E
ARC=114.87'
R=452.68'
LC=114.57'

115.50' LT
STA. 931+59.56

267.88'

TING R.O.W.

Culvert

5'3" BOX CULVERT

STA. 930+05.22

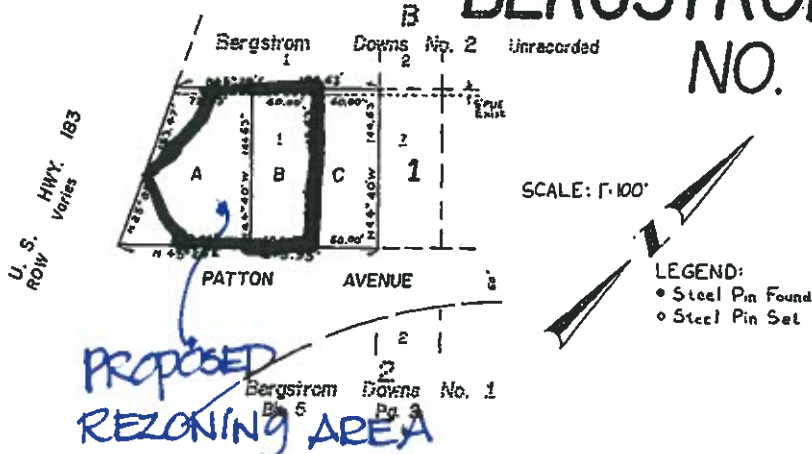
S11°34'7"E
ARC=334.36'
R=2802.93'

EXHIBIT C
FUTURE TxDOT IMPROVEMAN

A LINE

-2-

RESUBDIVISION OF LOT 1, BLOCK 1, BERGSTROM DOWNS, NO. 1



STATE OF TEXAS

COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS: That I, Ralph C. Fullerton, Owner of Lot No. One (1), Block One (1), Bergstrom Downs, No. 1 according to the map or plat of said subdivision recorded in Volume 5, Page 2 of the Plat Records of Travis County, Texas, Save and Except therefrom, however: That part of Lot One (1) described as First Tract in deed dated August 16, 1963, from the City of Austin, State of Texas recorded in Volume 2642, Page 49 of the Deed Records of Travis County, Texas

do hereby resubdivide said tract in accordance with the attached plat entitled RESUBDIVISION OF LOT 1, BLOCK 1, BERGSTROM DOWNS, NO. 1 and do hereby dedicate to the public the streets and easements hereon. WITNESS my hand this the 7th day of April A.D., 1972.

Ralph C. Fullerton
RALPH C. FULLERTON

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Ralph C. Fullerton, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed same for the purposes and consideration therein expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 7th day of April A.D., 1972.

E. Frank Wadley
NOTARY PUBLIC TRAVIS COUNTY, TEXAS

APPROVED FOR ACCEPTANCE

On the 25 day of April A.D., 1972.

Richard R. Lillie
RICHARD R. LILLIE, DIRECTOR
DEPARTMENT OF PLANNING

ACCEPTED AND AUTHORIZED FOR RECORD

By the Planning Commission of the City of Austin, Texas on this the 25 day of April A.D., 1972.

Jean Allen Mather
SECRETARY

Walter D. Chamberlain
CHAIRMAN, vic.

FILED FOR RECORD
AT 3:00 O'CLOCK P. M. ON THE 26 DAY OF April A.D., 1972.
MRS. DORIS SHROPSHIRE, COUNTY CLERK, TRAVIS COUNTY, TEXAS.

Frederick Wacker
DEPUTY

STATE OF TEXAS
COUNTY OF TRAVIS:

I, Mrs. Doris Shropshire, Clerk of the County Court within and for the State and County aforesaid do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 26 day of April A.D., 1972 at 3:00 O'Clock P. M. and duly recorded on the 26 day of April A.D., 1972 at 3:04 O'Clock P. M. in Book 59 at Page 11 of the Plat Records of Travis County, Texas.
WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS ON THE DATE LAST WRITTEN ABOVE.
MRS. DORIS SHROPSHIRE, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS.

Frederick Wacker
DEPUTY

I HEREBY CERTIFY THAT THE AUSTIN CITY CODE CHAPTER 23.27 OF 1954 HAS BEEN COMPLIED WITH.

S. A. Garza
S. A. GARZA
REGISTERED PROFESSIONAL ENGINEER

EXHIBIT D
RECORDED PLAT
C85-72-106

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial (GR-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Applicant's request: The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

Staff recommendation: The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff is concerned that CS-1 zoning is incompatible with the adjacent existing single family residences, and also that the liquor sales use is already provided at two different sites on U.S. Highway 183, between Dalton and Thompson Lanes. Therefore, Staff recommends the community commercial – conditional overlay (GR-CO) zoning district, which provides the opportunity for the existing structure to be converted to a commercial use, while recognizing that it is adjacent to single family residences and driveway access is taken to a local street.

EXISTING CONDITIONS**Site Characteristics**

The subject property consists of a four-plex and parking area. The site is relatively flat and includes areas of 100-year floodplain.

Impervious Cover

The maximum impervious cover allowed by the CS-1 or the GR zoning district would be 80% based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson 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. 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 Net Site Area</i>	<i>% 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%

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

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. The water and wastewater utility plan must be reviewed and approved by the

Austin Water Utility for compliance with City criteria. 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.

Site Plan and Compatibility Standards

Please be aware that the specific request to be rezoned to CS-1 allows for specific uses that may not be compatible for this particular site. If the owner of the property wishes to have a future use of a Cocktail Lounge per §25-2-4(B)(15), please be aware of compliance with Land Development Code sections §25-2-808 and §25-5-146.

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 site is subject to compatibility standards. Along the eastern property line, the following standards apply:

- No structure may be built within 16.5 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking is allowed within 16 feet of the property line; no driveways are allowed within 11 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

This property is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

6/26/08
To whom it may Concern,
I Support Mr. Sullivan

Requests to remove 822 + 824 Patton Ave.

From Multi-family to CS-1.

Thank you for your help with
this matter

Printed Name
Chad Whorton

Signature
Chad Whorton

Address
825^A Patton Ave

Date
6-26-

Petition to Change Zoning at 822 & 824 Patton Ave.

Petition summary and background	Zoning applications have been made for 822 & 824 Patton Ave. to change from SF-2, SF-3, to CS-1.	
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to support the zoning changes for Mr. Sullivan's Properties at 822 & 824 Patton Ave.	

Printed Name	Signature	Address	Comment	Date
Rodney Keras	<i>[Signature]</i>	823 Patton Ave	I support CS-1 zoning	6/24/09
Aracelis Gonzalez	<i>[Signature]</i>	815 Patton Ave	I support CS-1 zoning	6/24/09
Travis White	<i>[Signature]</i>	823 Patton Ave	I support CS-1 zoning	6/24/09
James Gordon	<i>[Signature]</i>	823 Patton Ave	I support CS-1 zoning	6/24/09
Tommy Creech	<i>[Signature]</i>	735 Patton Ave	I support CS-1	6/24/09
Rick Kirk	<i>[Signature]</i>	824 Patton Ave	I support CS-1	6/24/09
Joe M. Miller	<i>[Signature]</i>	808 Patton Ave	I support CS-1	6/24/09
Leonida Hernandez	<i>[Signature]</i>	824 Patton Ave	I support CS-1	6/24/09
Manuel I. Bana	<i>[Signature]</i>	806 Patton Ave	CS-1	6-24-09
Harold R. Revere	<i>[Signature]</i>	805 Patton Ave	I support CS-1 zoning	6-24-09
Elaine Burns	<i>[Signature]</i>	818 Patton Ave	I support CS-1 zoning	6-24-09
Berta Gonzalez	<i>[Signature]</i>	915 Patton Hwy	I do not live there	6-25-09

[illegible]

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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2009-0063

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 7, 2009, Zoning and Platting Commission
August 6, 2009, City Council

Bill Thomas, Sr.
Your Name (please print)

☒ I am in favor
☐ I object

810 Bastrop Hwy #10 Austin, TX 78741
Your address(es) affected by this application

B Thomas Sr. 7-6-9
Signature Date

Daytime Telephone: 512-809-3993

Comments: I have no objections to
a liquor store at that location.

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

City of Austin
Neighborhood Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 7, 2009, Zoning and Platting Commission

August 6, 2009, City Council

CHEWROD E. VAN HAN

Your Name (please print)

810 BASTROP HWY, PALM OAKS #32

Your address(es) affected by this application

Chetwood E. Van Han

Signature

29 Jan 09

Date

Daytime Telephone: 512-992-0922

Comments:

We have such a facility in our neighborhood already and this one is unnecessary.

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

City of Austin

Neighborhood Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0063

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 7, 2009, Zoning and Planning Commission
August 6, 2009, City Council

Delwin Goss President

Your Name (please print)

Montopolis

Neighborhood Association

Your address(es) affected by this application

2202 22nd St

Signature

Date

7-20-09

Daytime Telephone: 512-389-2133/512-507-7615

Comments:

Our neighborhood does not
want this change
approved. We do not
want to see Hwy 183
become the "Vile Hwy"
of Austin.

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

City of Austin

Neighborhood Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object