SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2009-0063 – Patton Avenue

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 822 and 824 Patton Avenue (Colorado River Watershed) from multifamily residence low density (MF-2) district zoning and multifamily residence medium density (MF-3) district zoning to commercial liquor sales – conditional overlay (CS-1-CO) combining district zoning. The Conditional Overlay recommended by the Zoning and Platting Commission prohibited cocktail lounge use and limited the property to 2,000 daily vehicle trips.

DEPARTMENT COMMENTS:

On First Reading, the Staff recommendation of GR-CO district zoning with the Conditional Overlay for a 2,000 daily vehicle trip limitation was approved. The public hearing remains open and the Applicant would like to address the Council.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNERS & APPLICANTS: James P. and Paula Sullivan.

<u>DATE OF FIRST READING</u>: August 6, 2009, approved GR-CO district zoning, on First Reading (7-0).

CITY COUNCIL HEARING DATE: August 27, 2009

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades e-mail: wendy.rhoades@ci.austin.tx.us

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
Site	MF-2; MF-3	Four-plex
North	SF-2	Single family residences
South	N/A	Northbound lanes of Bastrop Highway
East	SF-2	Two duplexes; Single family residences
West	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 -	I-SF-2; IP-CO to	To Grant P	Approved P as
U.S. 183 / Govalle	P		Commission
Tunnel Lockheed			recommended (11-29-
Shaft Relocation			07).
Project – 829			
Bastrop Highway NB			
C14-02-0174 -	I-RR to LI for	To Grant IP-CO for	Approved LI-CO for
Centex Business	Tract 1; CS-1 for	both tracts with CO for	Tract 1; CS-1-CO for
Consultants (The	Tract 2	2,000 trip limit	Tract 2 with the CO
Landing Strip) -		_	across both tracts
745 Bastrop			limited to 2,000 trips
Highway			(11-20-03).
C14-02-0165 –	I-RR to LI	To Grant LI-CO	Approved LI-CO with
Capital City			CO for 2,000 trips (7-
Construction			31-03).
Company – 701			
Bastrop Highway			
C14-02-0122 –	I-RR to IP	To Grant IP-CO with	Approved IP-CO with
Anton Equipment –		The Conditional	the CO for a 50 foot
829 Bastrop		Overlay is for a 50 foot	wide setback adjacent
Highway		wide setback adjacent	to SF-3 zoned
	•	to SF-3 zoned property,	property, prohibit
		prohibit access to	access to Lourie and
		Lourie and Earl Streets	Earl Streets and a
		and a 2,000 trip	2,000 trip limitation
		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: Approved the Staff recommendation of GR-CO district zoning on First Reading (7-0).

August 27, 2009

ORDINANCE READINGS: 1st August 6, 2009

 2^{nd}

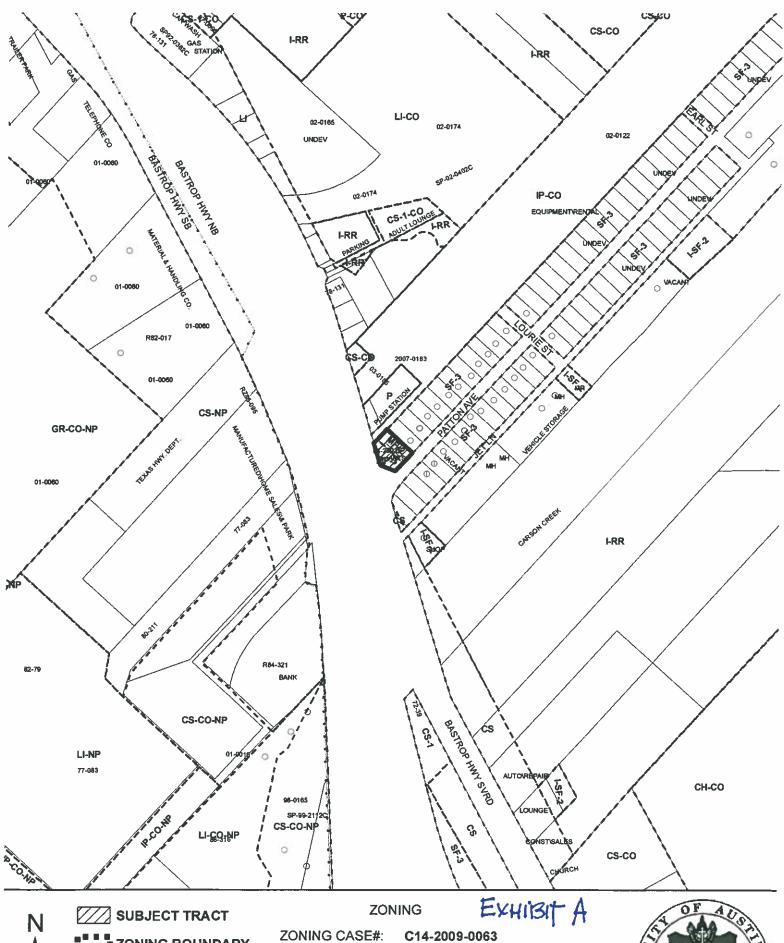
 3^{rd}

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades

e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719





1" = 400"

ZONING BOUNDARY



OPERATOR: S. MEEKS

C14-2009-0063

ADDRESS: 822 & 824 PATTON AVE

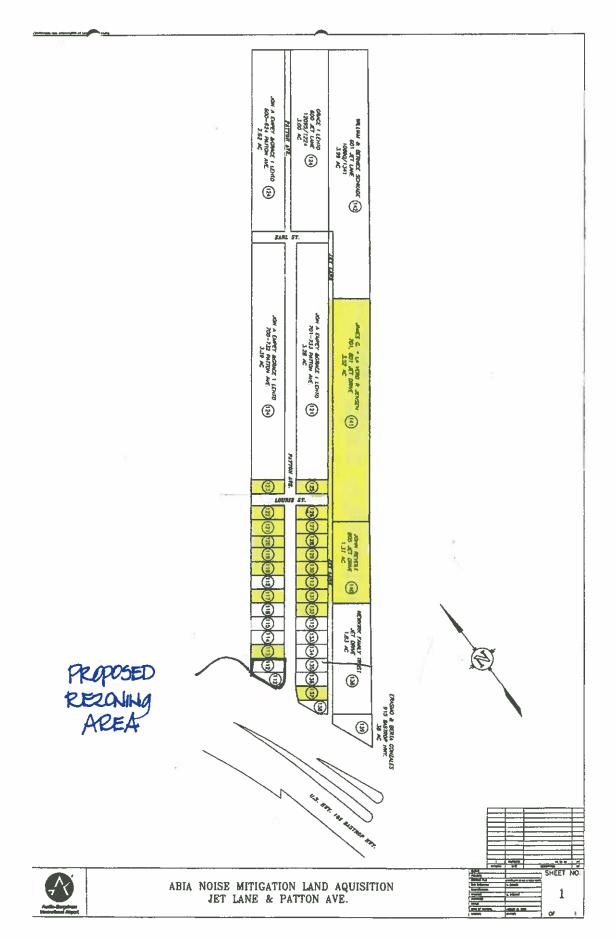
SUBJECT AREA: 0.338 ACRES

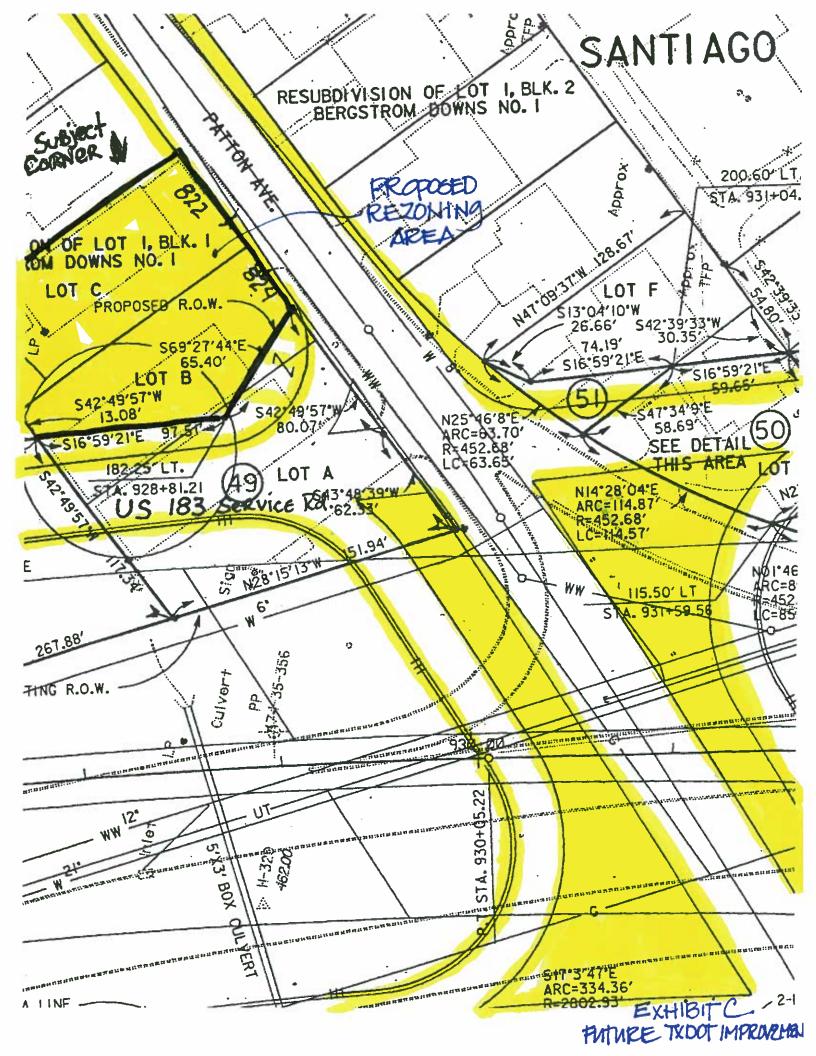
GRID: M19 MANAGER: W. RHOADES











TRAVIS COUNTY PLAT VOLUME 59 PAGE 11 LOT 1, BLOCK 1, BERGSTROM DOWNS. **Berastrom** Downs No. 2 Unrecorded 183 1 8 SCALE: [100' LEGEND: PATTON **AVENUE** Steel Pin Found O Steel Pin Set 1 2

STATE OF TEXAS COUNTY OF TRAVIS: KNOW ALL MEN BY THESE FRESENTS: That I, Ralph C. Fullerton, Owner of Lot No. Ona (1), Block One (1), Bergstram 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, Taxas, Sava and Except therefrom, however: That part of Lot Los (1) described as First Fract in deed darod August 16, 1963, from the City of Austin, Stota of Texas recorded in Volume 2642, Page 49 of the Deed Records of Travis County, Texas

do hareby resubdivide said tract in accordance

STATE OF TEXAS COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Ralph C. Fullercon, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he exceeded same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE This day of Open A.D., 1972.

RICHARD R. LILLIE, DIRECTOR DEPARTMENT OF PLANNING

APPROVED FOR ACCEPTANCE On the 25 day of April _A.D., 1972.

ergstrom Downs No. 1

ACCEPTED AND AUTHORIZED FOR RECORD By the Planning Commission of the City of Austin, Texas on this the 25 day of April

EHCRETARY
WILED FOR RECORD
AT 3.00 0'C VILED FOR RECORD

AT 3.00 O'CLOCK P. M. ON THE 26 DAY OF ONES, DORIS SHROPSHIRE, COUNTY COURT, TRAVIS COUNTY, TEXAS.

STATE OF TEXAS COUNTY OF TRAVIS:

I, Mrs. Doris Shropshire, Clerk of the County Court within and for the State and County aforesaid do heroby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the least day of local A.D., 1972 or 3.00 o'Clock P. M. and duly recorded on the local day of local A.D., 1972 or 3.00 o'Clock P. M. and duly recorded on the local day of local P. N. in Book of at Page // of the Plet 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, CDUNTY COURT, TRAVIS COUNTY, TEXAS.

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

S. A. GARZA REGISTERED PROFESSIONAL TENEER

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:

Development Classification	% of Net Site Area	% with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
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.

To Johose it may Concerns
Jupport MR, Sullevins requests to regore 872 +824 Katton Ave. from Multitanily to C5-1. Thank yere for your help with

Printed NAME Signature Appress
Chad Whorton Chad Whodon 825 patton are

Petition to Change Zoning at 822 & 824 Patton Ave.

Petition surrmany and	Zoning applications have been made for 822 & 824 Patton Ave, to change from SF-2, SF-3, to CS-1.
Action netitioned for	We, the understaned, 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
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BESTA GONZALE	Line Senile	Length 915 Lostron HWY	+ do not live thore	6-52-9

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Signature	Leman Mal Aul	lai antal Menden m. minds	13	Jun June	PXI RHON		Andreas de la companya del la companya de la compan						
Printed Name	Manuel Hernen	Margartal	Chias Nalto	Jim my/zeige	Olinea Allinsten								

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

VI am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your 7-6-9 □ I object Public Hearing: July 7, 2009, Zoning and Platting Commission 810 BASTROP HOW #10 Chustin 2 512-809-3993 If you use this form to comment, it may be returned to: August 6, 2009, City Council Contact: Wendy Rhoades, 512-974-7719 Neighborhood Planning & Zoning Department Your address(es) affected by this application Your Name (please print) Them Case Number: C14-2009-0063 Signature Austin, TX 78767-8810 isted on the notice. Daytime Telephone: Wendy Rhoades City of Austin P. O. Box 1088 Comments:

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512-507-7615 7-20-09 I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your X I object o Clatrion Public Hearing: July 7, 2009, Zoning and Platting Commission President 100ch NOC August 6, 2009, City Council Montopophom Daytime Telephone: 512 - 389-2133, Contact: Wendy Rhoades, 512-974-7719 Your address(es) affected by this application Neighborhood Case Number: C14-2009-0063 Signature 3000C 1411 (2015 Your Name (please print) listed on the notice. Comments: Our

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