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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0144 – Govalle Tunnel **Z.A.P. DATE:** December 6, 2011
Centralized Odor Control Facility

ADDRESS: 801 – 821 Patton Avenue

OWNER: City of Austin – Public Works Department **AGENT:** Parsons Corporation
(Jonathan Thompson) (Monica Suarez)

ZONING FROM: SF-3 **TO:** P **AREA:** 2.1208 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant public (P) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 6, 2011:

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of 11 undeveloped, platted lots along Patton Avenue that are zoned family residence (SF-3) district. The lots were previously developed with single family residences, but were purchased by the City in 2009 as part of the airport noise mitigation program, and are in the process of being transferred to the Austin Water Utility. The majority of residences that were located on Patton Avenue have been cleared as part of the airport noise mitigation program, and only three single family residences and one duplex remain. There is a City pump station and an equipment rental business adjacent to the west (P; IP-CO). Please refer to Exhibits A and A-1.

The Austin Water Utility has requested public (P) district zoning in order to accommodate an odor control facility that will reduce wastewater nuisance odors from the Govalle Tunnel. The overall facility will consist of a group of biofilters, ventilation fans, piping, drainage, and instrumentation, and will be fenced. This portion of the facility will only be graded. Access to the facility will be taken from Patton Avenue. A conceptual site plan of the facility is provided in Exhibit B.

Staff recommends P zoning, given: 1) the wastewater odor control facility is considered a civic use, and will maintain and enhance City wastewater service by utilizing more up-to-date technology, and 2) it is City Council's general policy that all City owned or leased land be zoned public (P) district.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Undeveloped
North	SF-3	Two single family residences; Undeveloped
South	SF-3	One duplex; Undeveloped
East	SF-3	A few manufactured homes and single family residences; Undeveloped
West	MF-3; MF-2; SF-3; P	One single family residence; City odor control facility

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 189 – Southeast Austin Neighborhood Alliance
- 299 – The Crossing Gardenhome Owners Association
- 477 – El Concilio Coalition of Mexican American Neigh. Association
- 511 – Austin Neighborhoods Council 634 – Montopolis Area Neighborhood 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 1145 – Carson Ridge Neighborhood Association
- 1126 – Montopolis Neighborhood Association
- 1195 – Imperial Valley Neighborhood Association
- 1200 – Super Duper Neighborhood Objectors and Appealers Organization
- 1224 – Austin Monorail Project
- 1227 – Montopolis Neighborhood Plan Contact Team (MNPCT)
- 1236 – The Real Estate Council of Austin, Inc. 1228 – Sierra Club, Austin Regional Group
- 1255 – Pleasant Valley 1258 – Del Valle Community Coalition
- 1272 – Montopolis Neighborhood Plan – COA Liaison
- 1321 – Montopolis Tributary Trail Association
- 1339 – Montopolis Neighborhood Association 2008 1340 – Austin Heritage Tree Foundation

SCHOOLS:

Allison Elementary School Martin Junior High School Eastside Memorial Green Tech HS

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0145 – Govalle Tunnel	SF-3 to P	Scheduled for 12-6-11	Scheduled for 1-12-12

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Centralized Odor Control Facility – 818-826 Patton Avenue			
C14-2011-0064 – Govalle Tunnel Centralized Odor Control Facility – 800-814 Patton Avenue	SF-3 to P	To Grant	Approved (8-18-11).
C14-2009-0063 – Patton Avenue – 822 and 824 Patton Avenue	MF-2 to CS-1	To Grant CS-1-CO with CO prohibiting cocktail lounge use and 2,000 trips per day	Approved Staff recommendation of GR-CO with CO for 2,000 trips on First Reading; Case Expired
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).
C14-02-0122 – 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 Lots 2 – 12, Block 2, Bergstrom Downs No. 1. There are no related site plan cases on the subject property.

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1/4**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Patton Avenue	50 feet	28 feet	Local	Not Available
Jet Lane	50 feet	Varies	Local	Not Available
Lourie Street	50 feet	28 feet	Local	Not Available

There are no existing sidewalks along Patton Avenue, Jet Lane, or Lourie Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Patton Avenue, Jet Lane, or Lourie Street.

Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: January 12, 2012

ACTION:

ORDINANCE READINGS: 1st

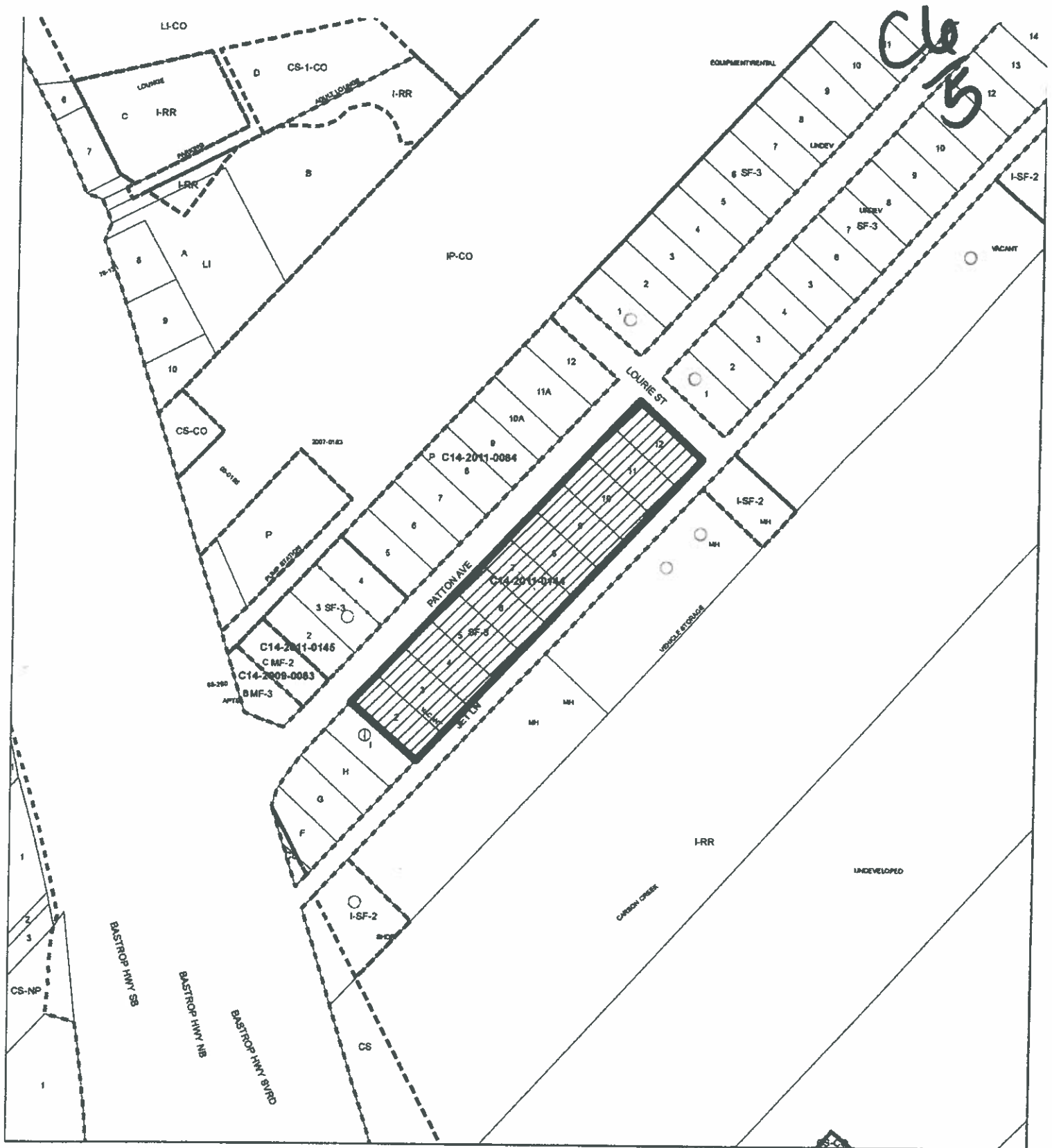
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING *Exhibit A*

ZONING CASE#: C14-2011-0144

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.





CS-1-CO

ADULT

HOUSE

010

10A

MF-2-CO

MF-3

BASTROP-Hwy 150

BASTROP HWY 51RD

BASTROP HWY 51RD

UNRECORDED

EXHIBIT A



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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant public (P) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

P, Public district zoning is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities. This district is intended for properties, used, reserved, or intended to be used for a civic or public institutional purpose or for major public facilities. The proposed rezoning of the property to accommodate the odor control facility is consistent with the purpose statement of the district sought.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends P zoning, given: 1) the wastewater odor control facility is considered a civic use, and will maintain and enhance City wastewater service by utilizing more up-to-date technology, and 2) it is City Council's general policy that all City owned or leased land be zoned public (P) district.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped and relatively flat.

Impervious Cover

The maximum impervious cover allowed by the P zoning district is established by a conditional use site plan.

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%

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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.

The traffic impact analysis for this site was waived because this is a City of Austin initiated project.

Water and Wastewater

There are no Water and Wastewater Review comments for this rezoning case.

Site Plan and Compatibility Standards

Construction on any site over 1 acre in P-public zoning, requires approval of a conditional use permit from Land Use Commission [LDC 25-2-625(D)(2)].

Refer to LDC 25-2-624 – Public District Uses for permitted uses under P zoning for site plan submittals. Additional comments will be forthcoming upon submittal of site plan application.

Compliance with Subchapter E is required. A 7-foot planting zone and 5-foot clear zone IS REQUIRED along Patton and Lourie streets.

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Any alternative equivalent compliance must first go to the Design Commission before it is approved.

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**TO: CITY OF AUSTIN
Planning and Development Review Department**

**FROM: Eric Dawson, P.E. *ED*
Parsons**

DATE: October 25, 2011

**RE: Govalle Tunnel Centralized Odor Control Project – Zoning Change Request
Application Packet**

Please accept this packet as our request to rezone the properties described therein. This rezoning is needed to accommodate an odor control facility that will reduce wastewater nuisance odors from the Govalle Wastewater Tunnel. The facility will be owned and operated by the Austin Water Utility.

The facility will consist of a group of biofilters, ventilation fans, piping, drainage, and instrumentation. The biofilters and equipment will be located on a 1.5938 acre piece of land previously rezoned (City Ordinance 20110818-101). This rezoning request is for a 2.1208 acre tract of land, which is comprised of eleven lots with addresses 801 to 821 Patton Avenue. The additional land is necessary to accommodate compensatory floodplain excavation for the odor control facility. The eleven lots were purchased by the City of Austin in 2009 as part of the airport noise mitigation program and are currently in the process of being transferred to the Austin water Utility. In order to initiate the permitting process the combined 2.1208 acre property must first be rezoned. The entire property is zoned SF-3. We hereby request "P", Public, zoning for the combined City property.

The Austin water Utility is hopeful that this request will be approved rapidly and intends to provide support to you throughout the process.

Please contact me if you have any questions regarding this rezoning request or if we can provide you with any further information that would help expedite the schedule.

Attachments

- Rezoning Application Packet

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: C14-2011-0144

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: December 6, 2011, Zoning and Platting Commission
January 12, 2012, City Council

James G Jensen
Your Name (please print)

I am in favor
 I object

3.12 Acres 801 thru 701 Jett Lane
Your address(es) affected by this application

James G Jensen 11-23-11
Signature Date

Daytime Telephone: 512-567-4614 Cell

Comments: The area noted on Patton Ave was deemed unfit for human habitation under the Bergstrom Noise Mitigation Program and sought out Federal allocated monies. I have filed a written complaint of criminal activity and collusion with Austin Police Department and am preparing a complaint with US FBI and Justice Department.

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

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

SEE MY ATTACKED LETTER

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YOUR ZONING MAP IS INACCURATE / OUTDATED

CLB

CITY OF AUSTIN
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
WENDY RHODES
P.O. BOX 1088
AUSTIN TX 78767-8810

NOV 23, 2011

ATTACHMENT COMMENTS TO Case # C14-2011-0144

OBJECTIONS CONTINUED

FEDERAL FUNDS from the FAA conscripted from the Airlines Utilizing Bergstrom Municipal Airport. Were MISUSED BY THE AUSTIN REAL ESTATE DIVISION.

Mr. & Mrs Rodney Krawl right next to your shaded area DID NOT SELL as they and the 4 Houses Next to Them in your shaded area WERE NOT WITHIN THE HAZARDOUS NOISE CONTOUR.

THOSE 4 PROPERTIES WERE BOUGHT WITH FAA FUNDS AND NOT IN THE ALLOCATED AREA. This is a Tort in any Court Of Law ESPECIALLY THE MIS-USE OF FEDERAL FUNDS. In April 2011 I paid a Retainer to Austin Attorney Joyce Smith to start action against AUSTIN CITY and specific members of the MITIGATION BUY OUT INDIVIDUALS and THE CITY REAL ESTATE DEPARTMENT Director and Aides, PLUS one City Councilman cohort from the Fire Department.. (I allege collusion and insider trader action).

As a COURTESY I am making the first context of my suit as Filed with The Austin Police Department. The Texas Attorney General's Office suggested the FBI Office in San Antonio and the US Department of Justice to ferrit out why the FAA in Ft Worth failed in its obligation to correctly monitor use of funds in excess of \$10,000 and the required annual audit of these funds at their level and the city level. I sent letters to each entity which were ignored (That is how Austin City had over a million dollars embezzeled in a Child Care/School Situation).

The City must deal with Mis Use of Appropriated Funds, The Planning Commission's Ineptness in Planning for the Head Waters of Carson Creek Creating a Man Made Flood Plain by Zoning and Permitting in the Montopolis Area. For all my Jet Lane Properties and again Mis Use of FEMA Monies in Procurement of the Savicki House on Harrison Lane which was at a Higher Elevation of my Residence on Hyman Lane.

I want Justice....The City Council had to revert from open meeting to Closed Session

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when I sent letters to each Council Member concerning the purchase of the Properties not in the NOISE CONTOURS. This is a matter of record as City Council Open Meetings are Taped and on the Internet.

GROSS DISCRIMINATION AGAINST THE ELDERLY (I AM 75+ MY WIFE 71+) as the City Lackey's passed by our Jet Lane Property BOTH NOISE MITIGATION and FEDERAL FLOOD PLAIN BUYOUT making an INSIDIOUS RIDICULOUS OFFER TO MRS. RUTH REVILLE ON HER 800 BLOCK PROPERTY Large Nice Residence, Very Large Vehicle Maintenance Shop and Her defunct Ceramics Shop all GRANDFATHERED IN THE DEL VALLE ANNEXATION FIASCO WHERE THE city has spent Millions on Water Lines Down Jet Lane and Sewer Lines Down the Backs of our Jet Lane Properties. The exact amounts will come out after I am forced to file my Federal Court Suit as a Lot of Discovery and Interrogatory Action will take place.

The map attached to ZONING CASE# C14-2011-0144 is EXTREMELY INCORRECT and I am sending you an annotated copy of your map. The Large House at 701 Jet Lane is listed as Vacant Property Because Neither a COUNTY ASSESSOR or city apprasier has gotten off their rear ends and Driven Down Jet Lane in 20+ years. The stubs for a 2nd Property are not shown. Aerial Photographs obscure sighting of the 701 Jet Lane House and Part of my 801 Jet Lane Properties.




The Map does not show the Carson Creek Flood Plains.

I intend to sit First Chair in any and all suits that can be filed against Austin City and individual employees for mis use and malfeasance of their office and duties therein. Attorney Joyce Smith will sit Second Chair and Our Son and Heir to our Estate Michael Jensen Texas Attorney at Law (Presently CFO and Director of Human Resources for Texas Parks and Wilflife) Invited to sit as Consulting Attorney if He has time.

Mr. Jonathan Thompson I think you and one specific City Councilman need to have a face to face discussion prior to the Adveserial Fire Works Starting. It will get down and Dirty before it is all over.

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

ZONING
ZONING CASE#: C14-2011-0144

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Austin City Police Department
Criminal Investigations Division
PO Box 689001
Austin Texas 78767

Investigations Division:

Nov 21, 2011

THIS IS A FORMAL COMPLAINT and request for Investigation of Austin City Officials and the Real Estate Division of Austin City.

MY ALLEGATION IS THE MIS USE AND EXPENDITURE OF THOUSANDS OF DOLLARS ALLOCATED AND ENTRUSTED TO THE CITY OF AUSTIN FOR SPECIFIC UTILIZATION.

This allegation involves well over \$30,000,000 entrusted to the City for the NOISE MITIGATION PROGRAM intended for relief of Property Owners within the Noise Contours of the Runways. I allege thousands of dollars of this money was spent on properties on Patton Avenue not inside the Hazardous Noise Contours. A very large amount was spent on INFLATED SALARIES. SALES EXPENSSES, APPRAISALS, ludicrous REIMBURSED MOVING EXPENSES.

Discrimination and Threats were made by the Sales Representatives to the Owners of the Properties Directly under the Active Runways (Aircraft pass over at 300 to 500 feet above the Dwellings) Tenants were Harassed and Promised large moving packages which never materialized. **NOT ONE PROPERTY WAS PURCHASED in the Highest Noise Area.** I was told they paid an appraiser \$5,000 for an Appraisal which I as owner of 3.1 Acres with 3 units on Jet Lane NEVER WAS SHOWN. Yet one of the City Councilmens pals whom he worked with at the Fire Department sold for nearly 1/2 million dollars

THE NEXT TRAVESTY DEALS WITH FEMA FEDERAL FLOOD MONIES.

For nearly 30 years after my arrival and purchase of 1306 Hyman Lane 1 City Block from Carson Creek Travis County Cleaned and Maintained the Creek from US183 South to the River. Incompetent, Austin City Planning Division and Planning Boards Sanctioned Development on the Head Waters of Carson Creek. **New Hotels, Warehouses, and Homes were built without regards as to where the Drainage must go as Cement and Blacktop do not adsorb water.**

Austin City finally saw the plight of those who lived along Carson Creek thus they **DID A DEL VALLE ANNEXATION** removing the Carson Creek Maintenance from the County to City Control. **Since then there have been 3 floods of Jet Lane (Never One Before) and ABSOLUTELY NO CREEK MAINTENANCE ON CARSON CREEK FROM US183**

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to DALTON LANE.

Austin City goes to FEMA who send theirs Dumbest most gullible representative here to be wined and dined and coerced into accepting a Pseudo Flood Plain. I sold FEMA Insurance in the 80's and 90's thus having first hand knowledge.

For nearly 3 years numerous meetings were held concerning Carson Creek and the Newly Established MAN MADE FLOOD PLAIN (JUST LIKE ONION CREEK). Walls were to be erected or properties Bought Out by FEMA.

Then Austin-Bergstrom Airport came into being.....THEN IT WAS DISCOVERED THAT NOISE LEVELS UNDER THE TRAFFIC PATTERNS WERE TOO LOUD for Humans to Endure (Kinda like 6th street).

The FAA shook the Airlines down for \$30,000,000+ to IMPLEMENT A NOISE MITIGATION STUDY previously mentioned.

2008 Austin City again coerced FEMA and City Tax Payers via Bond Election into providing Monies to HELP THE POOR SOULS along Carson Creek Move. (I live on the Block of Hyman Lane/Harrison Lane ONE Block from CARSON CREEK)

13 Dwellings-Properties were Purchased with FEMA Monies. 12 of the Properties were in the 25 year flood plain AND since my arrival in November 1968 only 2 Houses Next to the creek had ever had any flood waters in the Houses.

The Savicki House/Property which abuted my Home/Property sat Higher than my House and was bought out by use of FEMA funds even though it did not meet FEMA Standards. Once again Politics prevailed.

The City Establiished a FAST TRACK to the Whittlesy Dirt/Compost Enterprise on Dalton Lane. Each day numerous trucks and trailers come down Hyman Lane at excessive rates of speed (NO speed bumps like on Lightsey in South Austin). The Riff Raff Hauling the Trash to Whittlsey come back through the Neighborhood Scounting out just whom to Burglarize Next. A week ago we had 6 cars Burglarized and a Chop Saw stolen from my patio. Two months ago Two Cars Burglarized....Tail Gate Stolen of our 85 year old Neighbors Pickup.

Every person living on Hyman Lane is over 70 years old except for one Vasquez Family. 4 Widows including Mrs. Vasquez (Mother of 2 Austin Police Officers) live in this extremely poorly protected area. I have had TWO (2) Outside Air Conditioning Units and all the Copper Wire stolen from Jet Lane. (November 2010 it was 701 Jet Lane

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The day after we reported to Austin Electric the tenant we evicted had bypassed the meter. Now 3 weeks ago 801B Jet Lane same thing Air Conditioner Condensing Unit and Copper Wire one day after having Austin Electric at our Premises.

Sounds like Austin Electric and some Perp Buddies are doing just fine.....I asked 2 Detectives to see if this was not a pattern. I Even have the perp who got the Chop Saw from my Patio on Infra Red Camera as he picks it up and walks off.

I would appreciate a reply to my letter.

JAMES G. JENSEN, Resident and Income Tax Preparer
1306 Hyman Lane
Austin Tx 78742
Tel 512-385-4614 Fax 512-385-4605 Cell 512-567-4614 Email jgjia@sisna.com

Copy Sent to FBI Investigations San Antonio Office