

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0145 – Govalle Tunnel **Z.A.P. DATE:** December 6, 2011
Centralized Odor Control Facility

ADDRESS: 818 – 826 Patton Avenue

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

ZONING FROM: SF-3; MF-2; MF-3 **TO:** P **AREA:** 0.7367 acres
(32,090.65 square feet)

SUMMARY STAFF RECOMMENDATION:

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

ZONING & PLATTING COMMISSION RECOMMENDATION:

December 6, 2011: *APPROVED P DISTRICT ZONING; BY CONSENT*
[P. SEEGER; G. ROJAS – 2ND] (7-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of two lots and three platted lots along Patton Avenue that are zoned multi-family residence – low density (MF-2), multi-family residence – medium density (MF-3) and family residence (SF-3) districts. The lots were previously developed with a four apartment units and two 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 will remain undeveloped. 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 |
|--------------|------------------|--|
| <i>Site</i> | MF-3; MF-2; SF-3 | Undeveloped |
| <i>North</i> | SF-3 | One single family residence; Undeveloped |
| <i>South</i> | N/A | Bastrop Highway frontage road |
| <i>East</i> | SF-3 | One duplex; Undeveloped |
| <i>West</i> | IP-CO; P | Equipment rental company; 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 |
|--|--|--|--|
| C14-2011-0144 – Govalle Tunnel Centralized Odor Control Facility – 801-821 Patton Avenue | SF-3 to P | To Grant | Scheduled for 1-12-12 |
| 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 a 14,645 square foot area of Lots A and B, and Lot C, Block 1, a Resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1, and Lots 2 and 3, Block 1, Bergstrom Downs No. 1. There are no related site plan cases on the subject property.

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

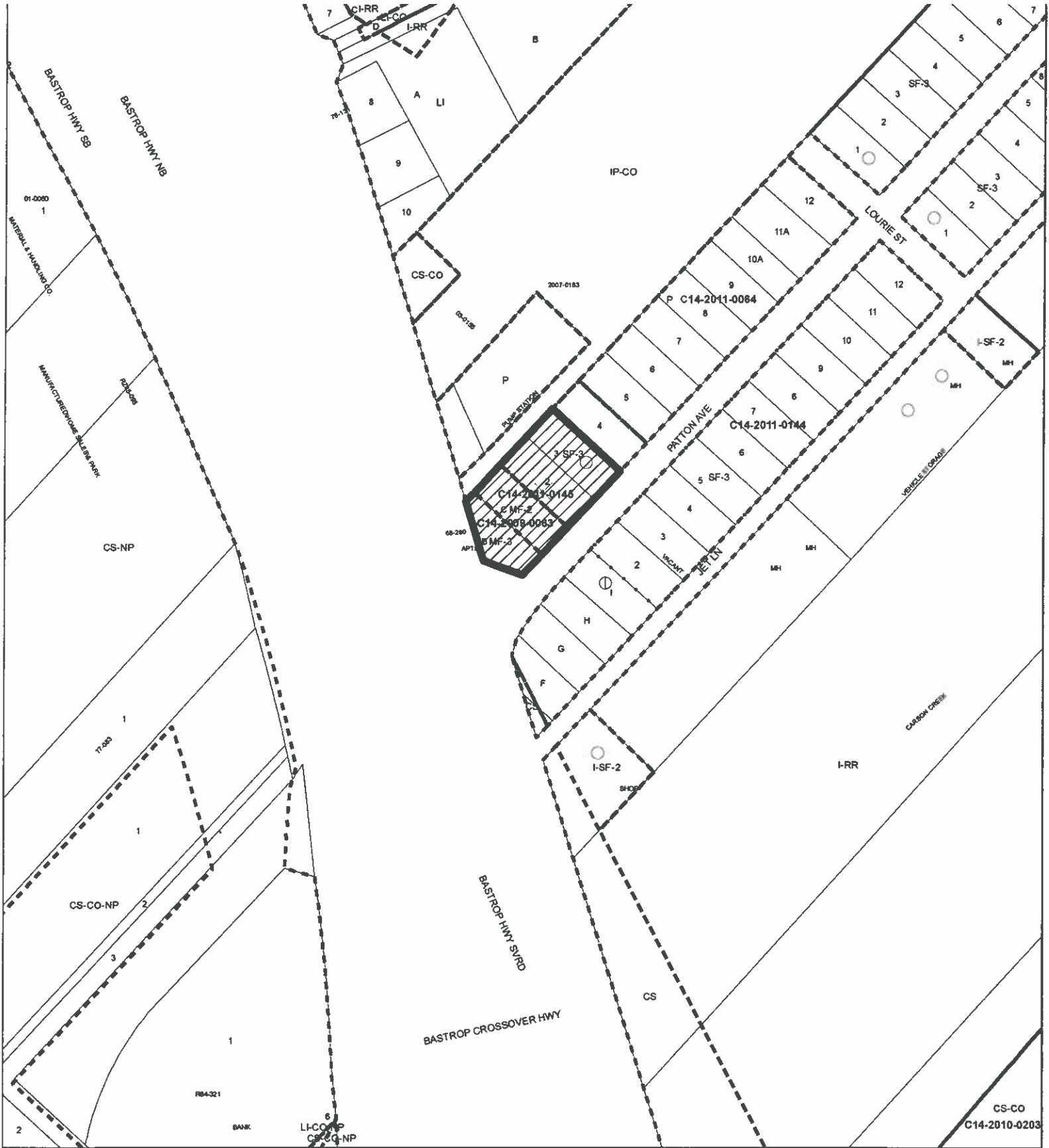
ACTION:




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
ZONING CASE#: C14-2011-0145

Exhibit A



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.



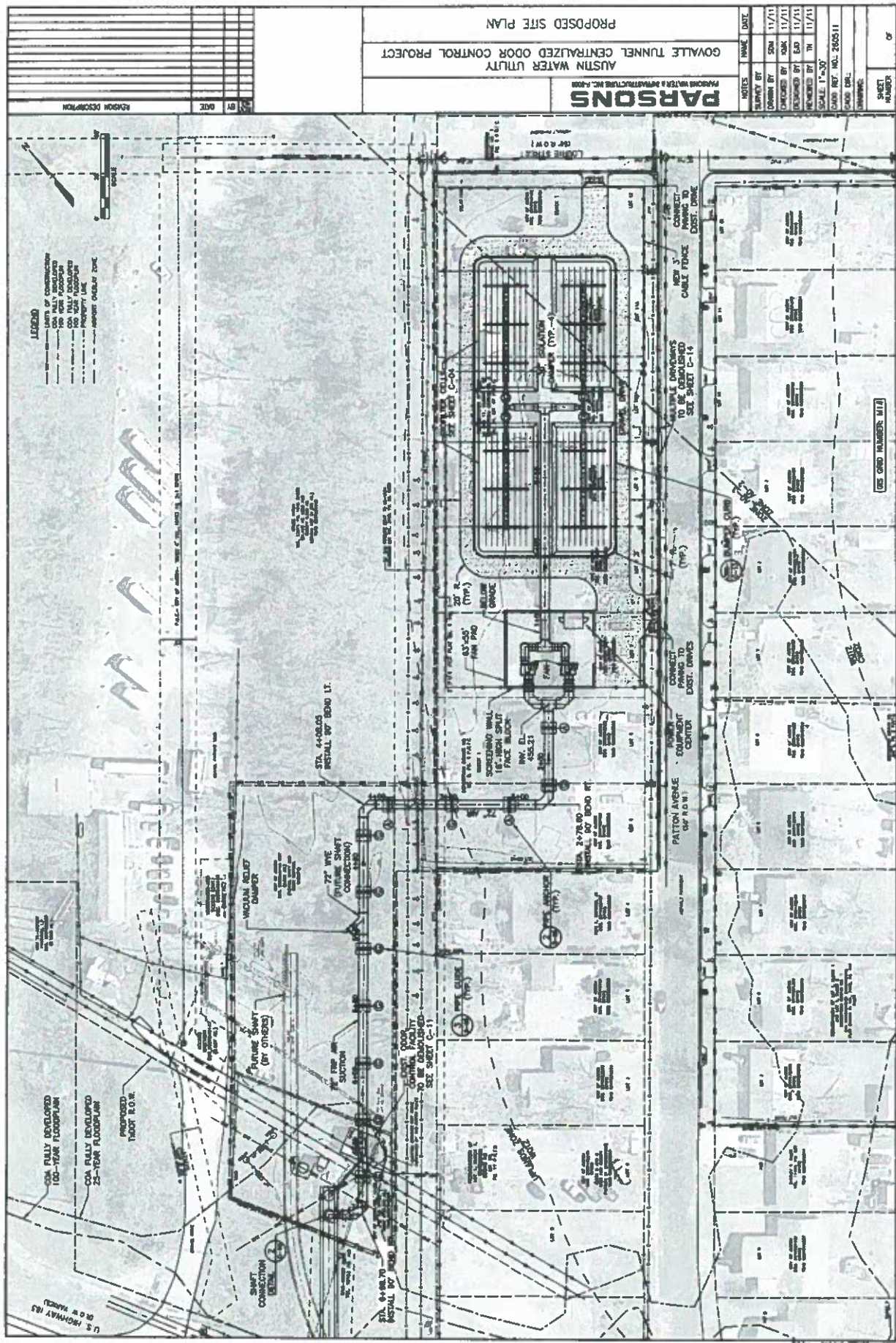


EXHIBIT B
CONCEPTUAL SITE PLAN

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% |

| | | |
|-------------|-----|-----|
| 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.

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

TO: CITY OF AUSTIN
Planning and Development Review Department

FROM: Eric Dawson, P.E. 
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 0.7367 acre tract of land, which is comprised of four lots with addresses 818 to 824 Patton Avenue. The additional land is necessary to accommodate compensatory floodplain excavation for the odor control facility. The four lots were purchased by the City of Austin in 2009 and 2010 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 0.7367 acre property must first be rezoned. Two of the lots are zoned SF-3, one is zoned MF-3, and one is zoned MF-2. 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

Rhoades, Wendy

From: hrreve18@juno.com
Sent: Wednesday, November 30, 2011 3:05 PM
To: Rhoades, Wendy
Subject: C14-2011-0144 c14-2011-0145

I am located at 805 Jet Lane and I am opposed to the rezoning of 801-821 Patton Avenue in addition to 818-826 Patton Avenue Not that it does me any good. The city of Austin has been historic for screwing the taxpayers.

When I look at the papers you have sent is this like the third or fourth time at least? I questioned the drawing of the lots. It appears that you have my property as MH. Since there are three other MH on the diagram it might mean Mobile Home? If so you are so wrong on my property. My house was built from the ground up it is not a mobile home, it has never been a mobile home, and God willing it will never be a mobile home.

Ruth Reveile

Don't wait for the storm to pass,
Dance in the rain.

MEMORANDUM

To: Jonathan Thompson
City of Austin Public Works Department

From: Melinda Ruby
ABIA Noise Mitigation Program

Date: December 2, 2011

RE: Summary of ABIA Noise Mitigation Program

The Austin-Bergstrom International Airport Noise Mitigation Program is an approved acquisition program designed to purchase residences and relocate occupants out of the noise contours in order to make land uses compatible with the airport. It is funded 80% through grants from the Federal Aviation Administration (FAA). All acquisitions and relocations are conducted in adherence to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), and applicable FAA regulations.

The Program is designed to mitigate residences that lie within the 65 DNL Noise Contour. The contour cuts through the middle of the Patton Avenue and Jet Lane neighborhood, and lots on both ends of the neighborhood fall outside the contour. FAA Order 5100.38c, Airports Improvement Program Handbook, states:

Projects within DNL 65 db may be expanded beyond the DNL 65 db contour to include a reasonable additional number of otherwise ineligible parcels contiguous to the project area, if necessary to achieve equity in the neighborhood.

ABIA recommended all lots in the Patton neighborhood be included in the Program in order to achieve equity in the neighborhood. The FAA approved this recommendation. All owners were contacted regarding the purchase of their properties. Twenty-five owners decided to sell their properties to the City, and eight owners decided not to sell their properties to the City.

In order to use federal funds to acquire the properties in the Program, the FAA requires that unneeded noise land be sold for a compatible use such as agricultural, commercial and/or industrial. FAA Grant Assurance 31 requires that an airport owner dispose of unneeded noise land at fair market value. The proceeds are retained by the Department of Aviation for future use in the Noise Mitigation Program in accordance with current federal regulations. In order to comply with these regulations, Austin Water Utility will purchase certain lots in the Patton neighborhood from the Noise Mitigation Program at fair market value as determined by an independent appraisal.