

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0166 (Georgian Drive Quality Foundation) DISTRICT: 4

ADDRESS: 8226-8240 Georgian Drive

ZONING FROM: LR-NP

TO: ~~CS-NP~~ CS-MU-CO-NP*

*In the Applicant's Request Letter, the agents have stated that they offering to prohibit the following incompatible commercial uses on the property through a proposed conditional overlay (CO): Automotive Rental, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Service Station, Vehicle Storage, Custom Manufacturing and Limited Warehousing & Distribution.

SITE AREA: 0.75 acres

PROPERTY OWNER: Georgian Drive Quality Foundation (Simon A. Wallace)

AGENT: Thrower Design, LLC (A. Ron Thrower)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Combining District, zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 13, 2023: Postponed to July 25, 2024 at the staff and applicant's request by consent (11-0, C. Hempel-absent); A. Woods-1st, A. Azhar-2nd.

July 25, 2023: Approved applicant's request for CS-MU-CO-NP zoning, with an additional condition to make Construction Sales and Services a conditional use on the property (8-2, A. Azhar and A. Woods-No, J. Mushtaler-absent); G. Cox-1st, C. Hempel-2nd.

CITY COUNCIL ACTION:

September 14, 2023

ORDINANCE NUMBER:

ISSUES:

There are currently active Code violations on the property (*please see Notice of Violations – Exhibit D*).

CASE MANAGER COMMENTS:

The property in question is 0.75 acre area composed of four lots that front onto Georgian Drive. These lots are currently being utilized for a Construction Sales and Services use. The property to the north is zoned MF-3-NP and is developed with a multifamily use (Pathways at Georgian Manor Apartments). To the south, there are automotive uses (Capital Inspections and Glass Repair and Heritage Automotive) and a food sales/convenience store (Sunrise Mini-Mart) that are zoned LR-NP. To the east, across Georgian Drive, there is a single-family residential neighborhood. To the west, there are office/warehouse uses zoned CS-CO-NP that front onto W. Powell Lane

The applicant is requesting CS-MU-CO-NP zoning to bring the existing illegal use on the property into conformance with use regulations in the Land Development Code. In the Fall of 2021, the current owner purchased these lots for his foundation repair business, which is classified as a Construction Sales & Service use by the City of Austin. The previous landowner had an air conditioning repair business at this location. The Construction Sales and Services use is first permitted in the CS, General Commercial District.

The staff recommends LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining District, zoning at this location. The property meets the intent of the LR district as it will provide limited commercial, and office uses to serve the residents of the surrounding residential neighborhood. The zoning staff supports the addition of the 'MU' combining district to the existing zoning as this property is adjacent to residential uses/zoning to the north and east. There is an associated neighborhood plan amendment (NPA) case for this property, case NPA-2022-0026.01. The applicant is requesting to amend the future land use map (FLUM) from Neighborhood Commercial to Mixed Use for these lots in the Georgian Acres portion of the North Lamar Neighborhood Plan. LR-MU-NP zoning will be consistent with the long-range planning staff's recommendation on the associated NPA case from the Neighborhood Commercial to the Mixed Use designation.

The zoning staff understands that the applicant is requesting a rezoning from LR-NP to CS-MU-CO-NP to bring an existing illegal Construction Sales and Services use into compliance. However, this property was downzoned from GR to LR-NP during the North Lamar Neighborhood Plan process because it takes access to Georgian Drive a Level 2/Collector roadway. It does not meet the intent of the CS district as it is not located on or at the intersection of major roadways. The property is within a residential neighborhood adjacent to MF-3-NP zoning to the north, SF-3-NP zoning to the east and LR-NP zoning along the western side of Georgian Drive. The CS-CO-NP zoning to the west takes access to W. Powell Lane, a Level 3/Minor Arterial roadway. The staff's recommendation of LR-MU-NP zoning will permit low intensity office, commercial and civic uses that will provide services to the surrounding residential areas.

The applicant does not agree with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *The proposed zoning should promote consistency and orderly planning.*

The staff's recommendation of LR-MU-NP zoning is consistent with the surrounding zoning patterns as the property is located within a residential neighborhood adjacent to MF-3-NP zoning to the north, SF-3-NP zoning to the east and LR-NP zoning along the western side of Georgian Drive.

3. *Zoning should allow for reasonable use of the property.*

LR-MU-NP zoning will permit low intensity office, commercial and civic uses along Georgian Drive a Level 2/Local Collector street that will provide services to the surrounding residential areas to the north and east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-NP	Construction Sales and Services, Cell Tower
<i>North</i>	MF-3-NP	Multifamily/Apartments (Pathways at Georgian Manor Apartments)
<i>South</i>	LR-NP	Automotive Inspections (Capital Inspections and Glass Repair), Automotive Sales (Heritage Automotive), Food Sales/Convenience Store (Sunrise Mini-Mart), Restaurant (Nonos Tacos)
<i>East</i>	SF-3-NP	Single Family Residences
<i>West</i>	CS-CO-NP	Office/Warehouse

NEIGHBORHOOD PLANNING AREA: North Lamar Combined Neighborhood Plan
(Georgian Acres)

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.

Brown Elementary

Webb Middle School

Lanier High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Mayan Collective

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Georgian Acres Neighborhood Association

Go Austin Vamos Austin-North

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

North Growth Corridor Alliance

North Lamar/Georgian Acres Neighborhood Team

SELTEXAS

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0012 (Phan Mobile Home Park)	CS-MU-V-CO-NP to MH-NP	5/28/19: Approved staff's recommendation of MH-NP zoning by consent (12-0, K. McGraw-absent); J. Shieh-1 st , P. Howard-2 nd .	6/20/19: Approved MH-NP zoning by consent on all 3 readings (11-0); L. Pool-1 st , N. Harper-Madison-2 nd .
C14-2018-0024 (Powell Lane Apartments: 411 & 601 East Powell Lane and 410, 500, 502, 504, 508, and 606 East Wonsley Drive)	LO-MU-NP, LR-MU-NP to MF-4-NP	8/14/18: Approved the staff's recommendation of MF-4-NP zoning, with NTA conditions, for the property at 502 E. Wonsley Drive by consent (9-0, K. McGraw and T. Shaw-absent); C. Kenny-1 st , P. Seeger-2 nd .	9/30/18: Approved MF-4-NP zoning, with conditions, on 1 st reading only, leaving the public hearing open and requesting 2 nd /3 rd readings of the case on the September 20, 2018 City Council agenda (10-0, E. Troxclair-off the dais); G. Casar-1 st , A. Alter-2 nd . 9/20/18: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180920-090 for

			multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning was approved on Council Member Casar's motion, Council Member Renteria's second on an 8-1 vote. Council Member Houston voted nay. Council Member Garza was off the dais. Council Member Alter was absent.
C14-2017-0089 (Georgian Acres Neighborhood Park)	CS-CO-NP to P-NP	9/12/17: Approved the staff's recommendation of P-NP zoning by consent (13-0); P. Seeger-1 st , J. Shieh-2 nd .	10/19/17: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171019-045 for public-neighborhood plan (P-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
C14-2015-0059 (8130 North Lamar)	CS-NP to CS-MU-NP	7/14/15: Approved staff recommendation of CS-MU-NP zoning on consent (12-0); J. Stevens-1 st , J. Schissler-2 nd .	8/13/15: Approved CS-MU-NP zoning on 1 st reading (11-0); L. Pool-1 st , D. Zimmerman-2 nd . 10/15/15: Approved general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning on 2 nd /3 rd readings (10-0, A. Kitchen-off dais); S. Gallo-1 st , P. Renteria-2 nd .
C14-2010-0049 (Georgian Acres Neighborhood Planning Area Rezoning)	To create a Neighborhood Plan Combining District (NPCD) covering the entire 669.83 acre plan area. Under the proposed Georgian Acres NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious	5/11/10: Approved the proposed re-zonings for the Georgian Acres NPCD as recommended by the staff, except for following tracts: 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 115, 118, 119, 134, 136, and 137 (8-0, J. Reddy-absent); D. Chimenti-1 st , M. Dealey-2 nd . Approved the staff's recommendation to rezone to Vertical Mixed-Use "V" and to remove the dimensional standards identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use designation of Mixed Use for the following tracts:	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the Georgian Acres Neighborhood Plan Combining District (NP), except for tracts 134 and 135B (as shown below), and including the following motions was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. The motion to amend the

	Cover Restrictions,”“Garage Placement” and “Front Porch Setback”	<p>101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 115, 118, and 119; Vote: (8-0, J. Reddy-absent); D. Chimenti-1st, M. Dealey-2nd.</p> <p>Approved the staff’s recommendation to rezone to Vertical Mixed-Use “V” and to remove the dimensional standards identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use designation of Neighborhood Mixed Use for the following tracts: 106, 136 and 137; Vote: (8-0, J. Reddy-absent); D. Chimenti-1st, M. Dealey-2nd.</p> <p>Approved the staff’s recommendation for the Impervious Cover & Parking Placement Restrictions, Front Porch Setback and Garage Placement design tools for the Georgian Acres Planning Area; Vote: (8-0, J. Reddy-absent); D. Anderson-1st, K. Tovo-2nd.</p> <p>Approved the staff’s recommendation of SF-3-NP zoning for Tract 134 (602, 604, and 606 Middle Lane); Vote: (8-0, J. Reddy-absent); S. Kirk-1st, D. Chimenti-2nd.</p>	<p>ordinance per staff’s recommendation to change the future land use for Tract 134 to office and include limited office-conditional overlay-neighborhood plan (LO-CO-NP) zoning with the following conditions and conditional uses was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote. The conditions were to restrict building height to 18 feet. The conditional uses are: medical offices less than 5,000 square feet and medical offices greater than 5,000 square feet.</p> <p>The motion to amend the ordinance to change the land use designation for Tract 135B on the future land use map (FLUM) to commercial and include general community commercial-conditional overlay-neighborhood plan (GR-CO-NP) zoning with hotel/motel as a conditional use was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.</p>
C14-2009-0140 (Najib’s 214 E. Anderson Lane)	GR to CS-1	1/12/10: Approved staff’s recommendation of CS-1-CO, with a CO for a 2000 vtpd limit, on consent (7-0, D. Anderson, J. Reddy- absent); C. Small-1 st , M. Dealey-2 nd .	2/11/10: Approved CS-1-CO zoning on consent on Council on all 3 readings (6-0, Cole-off dais); Spelman-1 st , Morrison-2 nd
C14-02-0177 (Powell Lane Zoning 2: 700 W. Powell Lane)	CS-CO to CS	11/19/02: Approved staff rec of CS-CO by consent (7-0)	12/12/02: Approved CS-CO, with a 2,000 vehicle trip limit and prohibiting Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Convenience Storage, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, Custom Manufacturing (7-0) on all readings

C14-02-0176 (Powell Lane Zoning: 6161 W. Powell Lane)	CS-CO to CS	11/19/02: Approved staff rec of CS-CO by consent (7-0)	12/12/02: Approved CS-CO, with a 2,000 vehicle trip limit and prohibiting Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Convenience Storage, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, Custom Manufacturing (7-0) on all readings
C14-02-0049 (618 Powell Lane)	SF-3 to CS	4/30/02: Approved staff rec. of CS-CO by consent (6-0)	6/27/02: Approved CS-CO, with a 2,000 vehicle trip limit and prohibiting Agricultural Sales and Services, Art and Craft Studio (General), Building Maintenance Services, Campground, Convenience Storage, Kennels, Laundry Services, Monument Retail Sales, Plant Nursery, Custom Manufacturing, Limited Warehousing and Distribution (7- 0); all 3 readings
C14-01-0012	SF-3 to CS	3/27/01: Approved staff's rec. of CS-CO, the conditional overlay will limit the site to less than 2,000 vehicle trips per day (9-0)	4/26/01: Approved CS-CO zoning with conditions (7-0); all 3 readings

RELATED CASES: C14-2010-0049 (North Lamar Combining Neighborhood Plan Rezoning)
 NPA-2022-0026.01 (Neighborhood Plan Amendment)
 C14-85-250 Previous Zoning Case
 C8S-73-190 (Subdivision Case)
 SP-2017-0387C (Site Plan Case)

EXISTING STREET CHARACTERISTICS:

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within $\frac{1}{4}$ mile)
Georgian Drive	Level 2	84 feet	59 feet	42 feet	Yes	Two- way	Yes

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on-site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2023, new commercial uses are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

A site plan would be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

Any future residential development permitted under the MU combining district will be subject to the multifamily density provisions in Subchapter E 4.2.1.D.6.c.

Compatibility Standards

Any new development on this site would be subject to compatibility height standards due to the presence of SF-3-NP zoned property within 540 feet to the N, S and E. The following standards apply:

- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-3-NP, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-3-NP.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-3-NP, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-3-NP.
- Additional design regulations will be enforced at the time a site plan is submitted.

Neighborhood Planning Area

This site is located in the Georgian Acres Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Transportation**ROW**

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Georgian Drive. It is recommended that 42 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

TIA

A transportation assessment/traffic Impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

Austin Water Utility

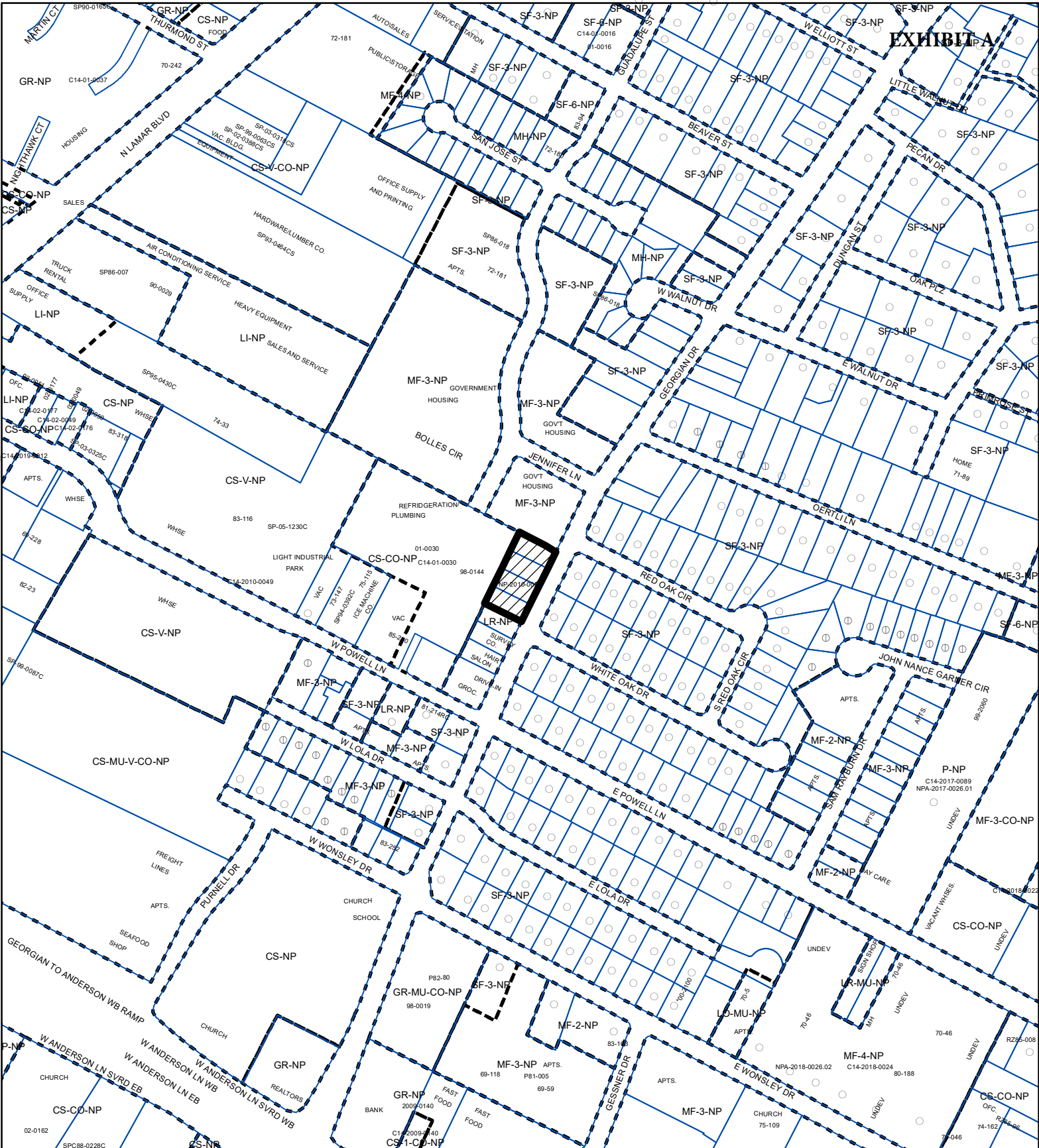
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities and an On-Site Sewage Facility previously permitted.

Depending on future development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Notice of Violations
- E. Comments Received



ZONING

ZONING CASE#: C14-2022-0166

SUBJECT TRACT

PENDING CASE

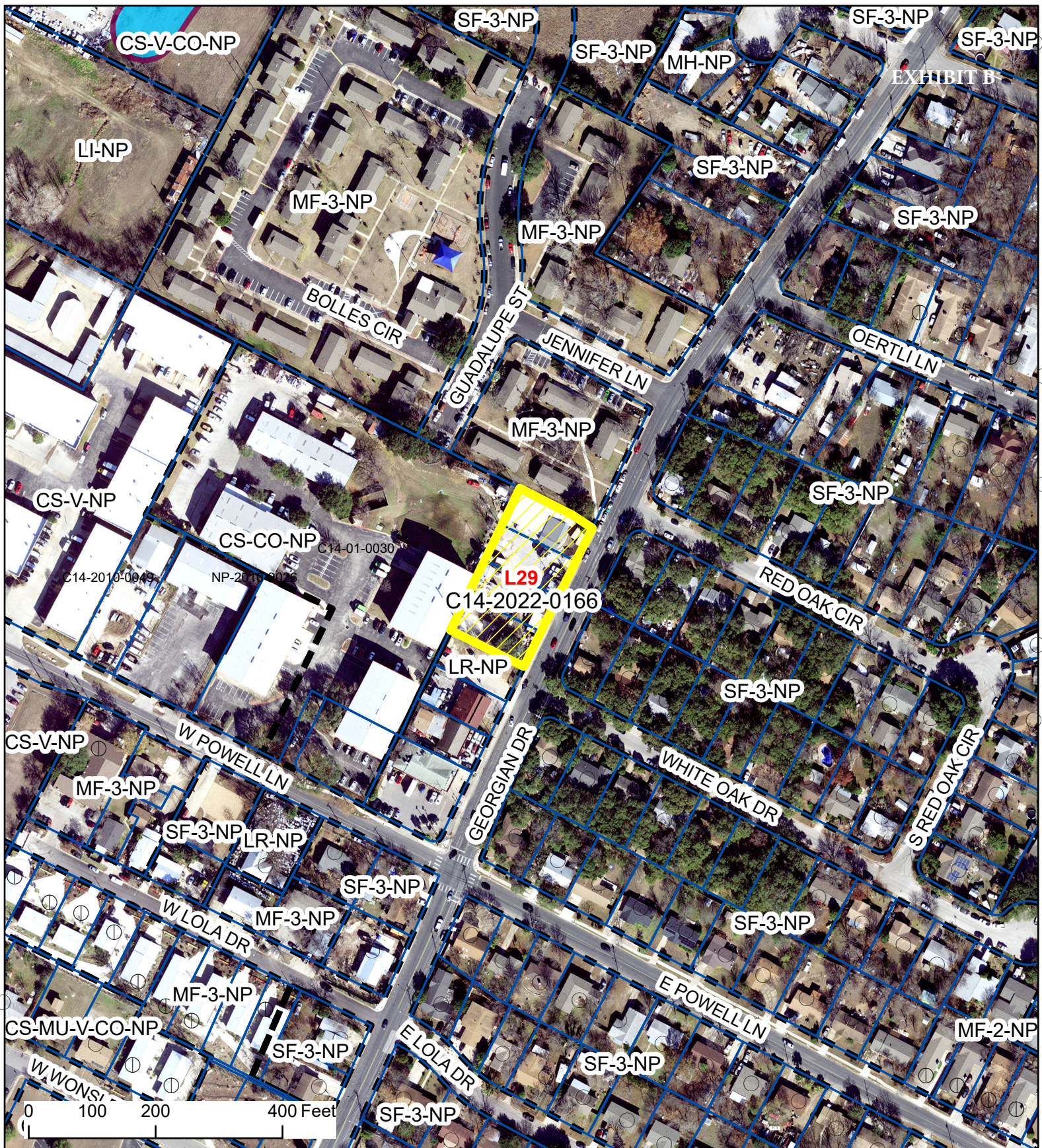
ZONING BOUNDARY

1" = 400'

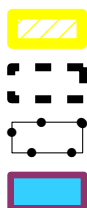
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 11/30/2022



Georgian Drive Quality Foundation



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2022-0166
 LOCATION: 8226-8240 Georgian Drive
 SUBJECT AREA: 0.75 Acres
 GRID: L29
 MANAGER: Sherri Sirwaitis



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Created: 12/13/2022



November 11, 2022

Ms. Rosie Trulove
Housing & Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning of 8226-8240 Georgian Drive, Austin TX 78753

Dear Ms. Trulove:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed rezoning application package.

The subject area is comprised of 4 legally platted lots located in Georgian Acres of the North Lamar Combined Neighborhood Planning Area. The Future Land Use Map prescribes Neighborhood Commercial for the 4 lots. Once zoned GR, the lots were downzoned during the neighborhood planning process to LR-NP.

The lots have been occupied by a construction sales and service use since at least 1993 and possibly longer, causing for non-compliance with zoning code. There is an associated Neighborhood Plan Amendment under review to amend the FLUM from *Neighborhood Commercial* to *Mixed Use* as per case #NPA-2022-0026.01. This rezoning application is made to request a change in zoning from LR-NP to CS-MU-CO-NP, which is in alignment with the FLUM amendment currently in process. The rezoning application is made for purposes of bringing the construction sales and service use into compliance. The Mixed-Use (-MU) overlay is requested to create opportunity for residential uses in the future.

The general area has long established warehouse buildings with various commercial and industrial uses that have remained for several years/decades. The Construction Sales & Service use has existed for several years and not to detriment or complaint of the local neighbors. Therefore, we respectfully request that the use be allowed to continue and to become legal and

P.O. BOX 41957, AUSTIN, TEXAS 78704

compliant through this rezoning request. The landowner is offering a conditional overlay with the rezoning that would parse out commercial uses that would be incompatible with near-by properties, with exception of construction sales and service use.

The following uses are offered to be prohibited:

- Automotive Rental
- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Bail Bond Services
- Service Station
- Vehicle Storage
- Custom Manufacturing
- Limited Warehousing & Distribution

Please contact our office or me directly should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, flowing script.

Victoria Haase

cc: Maureen Meredith, Housing & Planning Department (*via electronic delivery*)

cc: Sherri Sirwaitis, Housing & Planning Department (*via electronic delivery*)



City of Austin

P.O. Box 1088, Austin, TX, 78767

AUSTIN **CODE** DEPARTMENT

NOTICE OF VIOLATION

Case Number: CV-2021-093090

via Certified Mail # 7020 2450 0001 3632 0063

June 17, 2021

POWELL LANE PLAZA PARTNERSHIP
PMB 368 5114 BALCONES WOODS DR STE 307
AUSTIN, TX 78759 5212

RE: 8226 GEORGIAN DR AUSTIN TX 78753
Locally known as 8226 GEORGIAN DR AUSTIN TX 78753
Legally described as LOT 4 *RESUB NO 1 HOAGLAND ADDN
Zoned as LR-NP
Parcel Number 0235140120

Dear POWELL LANE PLAZA PARTNERSHIP:

The City of Austin Code Department investigated the property described above. Austin City Code violations were found that require your immediate attention. A description of the violation(s) and compliance timeframe(s) are provided in the attached violation report.

After receipt of this Notice, and until compliance is attained, the Austin City Code prohibits the sale, lease, or transfer of this property unless:

- You provide the buyer, lessee, or other transferee a copy of this Notice of Violation; and
- You provide the name and address of the buyer, lessee, or other transferee to the Code Official.

For additional information, I can be reached at 512-803-0283 or eric.finn@austintexas.gov. Please reference **case number** CV-2021-093090. Hours of operation are: Monday – Friday, 7:30 a.m. - 4:00 p.m. If I am unavailable, contact the Code Connect line at (512) 974-CODE (2633) or codeconnect@austintexas.gov.

Para obtener más información, llame al 512-803-0283 o enviar un correo electrónico a eric.finn@austintexas.gov. Por favor, consulte **caso número** CV-2021-093090. El horario de atención es: lunes a viernes, 7:30 a.m. - 4:00 p.m. Si no estoy disponible, comuníquese con Code Connect marcando al (512) 974-CODE (2633) o por correo electrónico codeconnect@austintexas.gov.

Sincerely,

Eric Finn, Austin Code Officer
City of Austin Code Department



FOR CODE QUESTIONS, CONTACT:
512.974.CODE (2633)
CODECONNECT@AUSTINTEXAS.GOV
MONDAY - FRIDAY 8:00 AM - 4:00 PM



VIOLATION REPORT

Date of Notice: June 17, 2021

Code Officer: Eric Finn

Case Number: CV-2021-093090

Property Address: 8226 GEORGIAN DR AUSTIN TX 78753
Locally known as 8226 GEORGIAN DR AUSTIN TX 78753
Zoned as LR-NP

The items listed below are violations of the Austin City Code, and require your immediate attention. If the violations are not brought into compliance within the timeframes listed in this report, enforcement action may be taken. Timeframes start from the Date of Notice.

*Due to the ongoing Declaration of Local Disaster, the Austin Code Department understands that additional time may be required to comply with this notice. **If additional time is required, please contact your Code Officer to request an extension.** Extensions will be considered after evaluating the severity and frequency of the violation, available resources to correct the violation, and the impact of the continued violation on the public health and safety.*

Violation Type: **PROPERTY ABATEMENT**

Austin City Code Section: Duty to Maintain Property In Sanitary Condition (§10-5-21)

Description of Violation: I observed litter and trash with two shopping carts at the sidewalk of this property.

An owner, tenant, resident or person in charge of any property within the City of Austin must maintain said property free of grass and weeds over 12 inches tall, brush, garbage, rubbish, trash, debris, standing water or other objectionable, unsightly or unsanitary matter.

Date Observed: 06/17/2021

Timeframe to Comply: 7 Day(s)

Recommended Resolution: Please pick up, remove, and properly dispose of all litter and trash at the sidewalk of this property.

Notes: Failure to correct this condition by the above deadline may result in City action to clean the property at your expense. **Should another violation occur within one year of the date of this notice, the City may take action to clean the property without further notice to you and at your expense.**

Appeal: An owner may appeal a notice of violation issued under this article by filing a written statement with the director of the designated department not later than the seventh day after the notice is given. An owner may only appeal on the following grounds:

- (1) The notice was not properly served; or
- (2) A violation did not exist on the property on the date the notice was issued.

An appeal may be delivered in person to the Austin Code Department located at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741 or mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

IMPORTANT INFORMATION

Failure to Correct

If the violations are not brought into compliance within the timeframes listed in the violation report, enforcement action may include:

- Criminal charges in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.
- Civil penalties in an Administrative Hearing subjecting you to fines of up to \$1,000 per violation, per day, along with additional fees.
- Suspension or cancellation of existing site plan, permit or certificate of occupancy. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.
- Civil injunctions or penalties in State court.
- For dangerous or substandard buildings, the City of Austin may also take action with the Building and Standards Commission (BSC) to order the vacation, relocation of occupants, securing, repair, removal or demolition of a building, and civil penalties.

Ownership Information

According to the records of the County, you own the property described in this notice. If this property has other owners, please provide me with this information. If you no longer own this property, you must execute an affidavit form provided by our office. This form should state that you no longer own the property, the name of the new owner, and their last known address. The affidavit must be delivered in person or by certified mail, with return receipt requested, to the Austin Code Department office no later than 20 days after you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice.

An affidavit form is available at www.austintexas.gov/code-resources, or at the office at 5202 E. Ben White Blvd. Unit 5, Suite 550, Austin, TX 78741. The completed affidavit should be mailed to: **City of Austin Code Department, P.O. Box 1088, Austin, Texas 78767.**

Complaints

You may file a written complaint or commendation regarding an Austin Code Department Officer no later than 3 days after you receive this notice. Please reference your case number. The complaint or commendation should be mailed to: **City of Austin Code Department, ATTN: Code Official, P.O. Box 1088, Austin, Texas 78767.**

Community Resources

Austin Code Department aims to bring our communities to a safe standard for Austin residents and visitors. This list of community resources is available to help Austin residents resolve potential hazards.

General Information

- **Austin 311** · A single point of contact for every City department 24 hours a day, 7 days a week. Dial: 311 or visit austintexas.gov/department/311
- **Texas 2-1-1** · Free information from state and local health and human services programs, 24 hours a day 7 days a week. Dial: 211, or 877-541-7905 or visit www.211texas.org.
- **Travis County Resources** · Direct services or through non-profit sectors that address community, family support services, weatherization and home repair. Phone numbers by zip (78701) 512-854-4120, (78653) 512-854-1520, (78704) 512-854-1550, (78645) 512-854-9130, (78735) 512-854-1500, (78660) 512-854-2130 or 512-854-1530 or visit www.traviscountytexas.gov/health-human-services/divisions/family-support-services.
- **United Way / Connect ATX** · Free or reduced cost services like medical care, food, job training and more www.unitedwayaustin.org/connectatx.

Housing

- **Neighborhood Housing & Community Development (NHCD)** · (*Austin*) Provides housing and community development services to eligible residents. Dial: 512-974-3100 or visit austintexas.gov/department/housing
- **Development Services Department (DSD)** · (*Austin*) Collects and reviews zoning fees & expired permits, building inspections form requests. Dial: 512-978-4000 or visit austintexas.gov/department/development-assistance-center
- **Building and Strengthening Tenant Action (BASTA)** · Helps renters work with their neighbors to improve conditions in their homes by providing one-on-one guidance and group training in outreach methods, facilitation techniques, negotiation strategy, campaign planning, and property research. Dial: 512-522-9984 or visit www.bastaustin.org
- **Austin Tenants Council** · Protects tenant's rights and educates the community on fair housing to advocate for safe, decent and affordable housing for all. Dial: 512-474-6000 or visit www.housing-rights.org
- **Austin Area Urban League** · Provides home repairs, advocacy, financial empowerment and workforce and career development. Dial: 512-478-7176 or visit <http://aaul.org>.

Health and safety

- **Austin Public Health's (APH)** • Assists with Graffiti removal, rodent control, swimming pool/spa inspections, health screening and free social services. Neighborhood centers provide basic needs (food pantry), seasonal program services (Christmas Bureau application) and crisis intervention. Dial: 512-972-5000 or visit: austintexas.gov/department/health.
- **Texas Department of Family and Protective Services (DFPS)** • Provides investigative services for abuse, neglect or financial exploitation for persons aged 65 or older or if age 18-65, with mental, physical or developmental disabilities. Visit www.dfps.state.tx.us.
- **Easter Seals Central Texas** • Supports those with disabilities, supplies summer camps and employment opportunities. Offer a community for women with disabilities and adult day care services as well as in-home care, therapy and mental health programs. Dial: 512-615-6820 or visit www.easterseals.com/centraltx
- **Meals on Wheels Central Texas** • Provides resources including home care, veteran services, home repair, treatment for depression and quality meals. Dial: 512-476-6325 or visit www.mealsonwheelscentraltexas.org.
- **Texas Department on Aging and Disability Services (DADS)** • Offers community partner, faith and community-based programs that support the needs of aging adults. Dial: 1-855-937-2372 or www.dads.state.tx.us
- **Texas Health and Human Rights Services department** • Provides advice and advocacy for those experiencing discrimination or abuse in nursing homes, assisted living facilities, home health or hospice settings. Dial: 1-800-458-9858 or visit www.dads.state.tx.us/services/crs.

Legal assistance

- **Texas RioGrande Legal Aid (TRLA)** • Free civil legal services for residents and represents migrant or seasonal workers. Operates public defender programs that represent low-income and indigent people in areas including family, employment, foreclosure, bankruptcy, subsidized housing, farmworker, civil rights, and environmental law. Dial: 1-888-988-9996 or visit www.tria.org/office/austin.

For more information about the Austin Code Department, check out our websites:

www.austintexas.gov/code | <http://austincodeit.github.io/open.html>

Recursos Comunitarios

El Departamento de Códigos de Austin tiene como objetivo llevar a nuestras comunidades un estándar seguro para los que viven y visitan Austin. Esta lista de recursos comunitarios está disponible para resolver posibles peligros.

Información General

- **Austin 311** · Un punto de contacto para cada departamento de la ciudad disponible 24 horas del día, 7 días de la semana. Marque 311 o visite austintexas.gov/department/311
- **Texas 2-1-1** · Información fácil de encontrar programas estatales y locales de salud y servicios humanos. Los servicios son gratuitos y anónimos, incluyendo una línea directa de servicio social las 24 horas del día los 7 días de la semana. Marque: 211, o 877-541-7905 o visite www.211texas.org.
- **Recursos del Condado de Travis** · Proporciona servicios directos o a través de sectores sin fines de lucro de apoyo familiar, climatización y reparación de viviendas. Números de teléfono por código postal **(78701)** 512-854-4120, **(78653)** 512-854-1520, **(78704)** 512-854-1550, **(78645)** 512-854-9130, **(78735)** 512-854-1500, **(78660)** 512-854-2130 o 512-854-1530 o visite www.traviscountytx.gov/health-human-services/divisions/family-support-services.
- **United Way / Connect ATX** · Servicios gratuitos o de costo reducido como atención médica, alimentos, capacitación laboral y más www.unitedwayaustin.org/connectatx.

Vivienda

- **Departamento de Vivienda Comunitaria y Desarrollo Comunitario (NHCD)** · (Austin) provee servicios de vivienda y desarrollo comunitario a personas elegibles. Marque: 512-974-3100 o visite austintexas.gov/department/housing
- **Departamento de Servicios de Desarrollo (DSD)** · (Austin) Cobra y revisa tarifas de zonificación y permisos vencidos, inspecciones de edificios y solicitudes. Marque: 512-978-4000 o visite austintexas.gov/department/development-assistance-center
- **BASTA - Organizando inquilinos de Austin para hogares saludables y asequibles** · Ayuda a inquilinos a trabajar con sus vecinos para mejorar las condiciones en sus hogares proporcionando orientación personal y capacitación grupal en métodos de extensión, técnicas de facilitación, estrategia de negociación, planificación de campañas e investigación de propiedades. Marque: 512-522-9984 o visite www.bastaaustin.org
- **El Consejo de Inquilinos de Austin (ATC)** · Protege los derechos de inquilinos y educa a la comunidad sobre la vivienda justa para abogar por una vivienda segura, decente y asequible para todos. Marque: 512-474-6000 o visite www.housing-rights.org
- **La Liga Urbana de Área de Austin (AAUL)** – Proporciona reparaciones en el hogar, promoción, empoderamiento financiero y desarrollo de la fuerza de trabajo y Carrera. Marque al 512-478-7176 o visite <http://aaul.org>.

Salud y Protección

- **Departamento de Salud Pública (APH)** • Ayuda con la eliminación de grafiti, control de roedores, inspecciones de piscina/spa, exámenes de salud y servicios sociales gratuitos. Los centros comunitarios proporcionan necesidades básicas (despensa de alimentos), servicios de programa estacionales (aplicación de la Oficina de Navidad) servicios sociales como intervención de crisis. marque: 512-972-5000 o visite: austintexas.gov/department/health.
- **El Departamento de Servicios para la Familia y de Protección (DFPS)** • Servicios de investigación por abuso, negligencia o explotación financiera de personas de 65 años o más o si tienen entre 18 y 65 años, con discapacidades mentales, físicas o del desarrollo. Visite www.dfps.state.tx.us.
- **Easter Seals del Centro de Texas** • Apoyo para personas con discapacidades, ofrece campamentos de verano y oportunidades de empleo. Ofrecer una comunidad para mujeres con discapacidades y servicios de guardería para adultos y programas de atención en el hogar, terapia y salud mental. Marque: 512-615-6820 o visite www.easterseals.com/centraltx
- **Meals on Wheels del Centro de Texas** • Proporciona recursos que incluyen atención domiciliaria, servicios para veteranos, reparación del hogar, tratamiento para depresión y comida. Marque: 512-476-6325 o visite www.mealsonwheelscentraltexas.org.
- **Departamento de Servicios para Adultos Mayores y Personas con Discapacidades (DADS)** • Ofrece a un socio comunitario, programas basados en la comunidad y basados en la comunidad que apoyan las necesidades de los adultos mayores. Marque: 1-855-937-2372 o www.dads.state.tx.us
- **Departamento de Servicios de Salud y Derechos Humanos de Texas (DADS)** • Proporciona asesoramiento y defensa para aquellos que sufren discriminación o abuso en hogares de ancianos, centros de vida asistida, salud en el hogar o entornos de hospicio. Marque: 1-800-458-9858 o visite www.dads.state.tx.us/services/crs.

Asistencia Legal

- **Texas RioGrande Legal Aid (TRLA)** • Proporciona servicios legales civiles gratuitos a los residentes y representa a los trabajadores migrantes o estacionales. Opera programas de defensa pública que representan a personas indigentes y de bajos ingresos en áreas como la familia, el empleo, la ejecución hipotecaria, la quiebra, la vivienda subvencionada, el trabajador agrícola, los derechos civiles y la ley ambiental. Marque: 1-888-988-9996 o visite www.tria.org/office/austin.

Para obtener más información sobre el Departamento de Código de Austin, consulte nuestros sitios web:
www.austintexas.gov/code | <http://austincodeit.github.io/open.html>



City of Austin
Austin Code Department
Summary of Complaint CC-2016-155273

COMPLAINT INFORMATION

Case Status: Active

Address: 8240 GEORGIAN DR AUSTIN TX 78753

Legal Description: LOT 1-3 HOAGLAND ADDN RESUB NO 1

Property Owner(s): WALLACE SIMON - Owner - 1194 CHESTNUT AVE
AUSTIN, TX 78702-2235

Complaint Date: December 23, 2016

Complaint: It is zoned LR-NP and the building is not up to code- There was not a permit to put the building on the land. Is it hooked up to sewer or Septic? If so did they get a permit for Septic? Looks like its a commercial use which should be prohibited in an LR Zoning. Looks like they have covered the majority of the site with asphalt and/or possible concrete in violation of cover requirements. There are many of problems with this property. Property is also not ADA Compliant.

INSPECTION INFORMATION

Investigator Assignment(s)

James Paxton assigned on December 23, 2016

Transferred to Alejandro Torres on April 22, 2022

Case Log

ATTEMPT DATE	STAFF NAME	SYSTEM	ACTION TAKEN
ATTEMPT COMMENT		INSERT DATE	
12/30/2016	Dennis Vaughn	01/03/2017	Inspection Performed
I conducted an inspection at this location this afternoon. The business did not appear to be open at the time. I will research the address in the database to see if the property is in compliance. Photos taken and placed in Documents.			
01/03/2017	Dennis Vaughn	08/24/2018	CV Violation(s) Found/Inspection Performed
I researched the Amanda database this morning and I could not find a Certificate of Occupancy for the mechanical heat and A/C business. I will send all interested parties a Notice of Violation.			
01/04/2017	Dennis Vaughn	01/04/2017	Send CV Notice
Notice to property owner.			
01/04/2017	Dennis Vaughn	01/04/2017	Send CV Notice
Notice to registered agent.			
01/10/2017	Dennis Vaughn	07/17/2018	Contact Performed

I spoke with Owner Joe Petrocelli (512-784-3414) this afternoon about the C of O and I told him to go to 505 Barton Springs Rd, the Development Center and speak to Chris Johnson about the violation.

09/20/2017 Troy Collins 09/20/2017 Follow-up Inspection

An inspection was done and found there hasn't been any changes to the property. I contacted the business owner Joe who provided me with emails for the site plan. I stated to Joe this needs to be submitted to the City of Austin for review.

07/17/2018 Phillip Bossley 07/17/2018 Follow-up Inspection

Inspection performed on 7 16 2018 by Inspector Phillip Bossley. I spoke to the office manager Beckie Kipp 512 836 1414 about the Site Plan and the issues not being moved forward with the Development Services Department is continuing to cause the Notice of Violation to not be resolved. She stated that the owner Joe Petrocelli and their partner had tried to move forward but they needed an extension to resolve the issues. Beckie Kipp sent an email to Joe Petrocelli and myself stating that they need time and that Joe Petrocelli is moving forward. The property is in process of being sold and I mentioned to Beckie Kipp that the current violations will have a bearing on the property being sold to the new owners. The email is in the Attachment Folder.

07/17/2018 Phillip Bossley 08/08/2018 Extension Requested

Inspection performed on 7 16 2018 by Inspector Phillip Bossley. Email received asking for an extension. Email is in the Attachment Folder.
Extension granted.

08/20/2018 Phillip Bossley 08/20/2018 Follow-up Inspection

Inspection performed on 8 20 2018 by Inspector Phillip Bossley. I researched the AMANDA Folder and there appeared to be no new entries reflecting the Certificate of Occupancy CO or Site Plan SP for the property. I spoke to owner Joe Petrocelli 512 784 3414 about the issues and the CO and SP were still not available. He stated that the engineers were working on getting the permits, CO, and SP. I mentioned that nothing was showing that the engineers had done anything to move the case forward into compliance. He stated that he would contact the engineers and he would send me an updated email and timeline.

08/20/2018 Phillip Bossley 08/20/2018 Information Update

Email reply to Joseph Petrocelli and the engineer today is in the Attachment Folder.

08/24/2018 Phillip Bossley 08/24/2018 Information Update

Refer to 2017 123399 shows that the engineering company initial submittal for Powell Lane Plaza at 8238 Georgian Drive referring to SP 2017 0387C has been working on this Site Plan Certificate of Occupancy issues since September 29, 2017. This is the Site Plan process for 8240 Georgian Drive that is being processed by Development Services Department.

08/24/2018 Phillip Bossley 08/24/2018 Information Update

Email from the engineering company with the Development Services Department DSD comments is in the Attachment Folder. The DSD comments show that the Powell Lane Plaza 8238 Georgian Drive also known on this case as 8240 Georgian Drive has been actively in DSD Site Plan processing since September 29, 2017.

08/30/2018 Phillip Bossley 08/30/2018 Extension Requested

The engineering the company sent another email showing the Development Services Department review dates to be currently October 10, 2018. I spoke with John Hale and my supervisor and the extension is approved. The email is in the Attachment Folder.

12/10/2018 Phillip Bossley 12/10/2018 Follow-up Inspection

Inspection performed on 12 10 2018 by Inspector Phillip Bossley. I spoke to the Office Manager Beckie Kipp 512 836 1414 about the Development Services Department DSD response back from Clarissa Davis and how the Site Plan And Certificate of Occupancy are getting close to being finished according to DSD. The DSD Report and email response is in the Attachment Folder. Ms. Kipp stated that she was going to get with Mr. Joe Petrocelli 512 784 3414 and send an email showing so feedback from the engineers and contractors that were hired by Mr. Petrocelli. Photos are in the Document Folder.

01/10/2019 Phillip Bossley 01/10/2019 Follow-up Inspection

Inspection performed on 1 10 2019 by Inspector Phillip Bossley. The Development Services Department Folder information is still showing this case is under review with the City of Austin Legal Dept. because of the easements and site plan variations as well as the need for the building permits. The property does not appear to have any changes made to it. Photos are in the Document Folder.

01/17/2019 Phillip Bossley 01/17/2019 Follow-up Inspection

Inspection performed on 1 17 2019 by Inspector Phillip Bossley. I met with the owner Joe Prrocelli 512 784 3414 and Beckie Kipp 512 936 1414 about the engineers and the City of Austin Legal status updates. Mr. Petrocelli stated that he thought the engineers were sending me the information and I let him know that I had not been updated in approximately a month. Mr. Petrocelli stated he would send me the emails with the updates. He showed me an email he had just received from the Title company and he sent that to me while in the office speaking to him and Ms. Kipp. Mr. Pertocelli stated that it appears that they shoyld be completed by the first of April. Update emails will be added to the Attachment Folder. Photos are in the Document Folder.

02/11/2019 Phillip Bossley 02/11/2019 Follow-up Inspection

Inspection performed on 2 11 2019 by Inspector Phillip Bossley. Property appears to be no changes. Photos are in the Document Folder.

02/12/2019 Phillip Bossley 02/12/2019 Information Update

Site Plan pending legal. The folder photo is in the Attachment Folder showing Waiting on Legal.

03/07/2019 Phillip Bossley 03/07/2019 Follow-up Inspection

Inspection performed on 3 7 2019 by Inspector Phillip Bossley. Received an email 3 6 2019 from the Southwest Engineers working on the Site Plan and provided the updates that the owners are paying fees and the documents are back to the legal Dept. The email received and the reply back on 3 7 2019 are in the attachment Folder. The property appears to be the same and has not changed in the way it looks or layout. Photos are in the Document Folder.

03/21/2019 Phillip Bossley 03/21/2019 Follow-up Inspection

Inspection performed on 3 21 2019 by Inspector Phillip Bossley. The Site Plan is still pending Waiting on Legal review per the computer Development Services Dept. folder. Photos are in the Document Folder.

03/28/2019	Matthew Noriega	03/28/2019	Supervisor Review
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monthly case review

04/04/2019	Phillip Bossley	04/04/2019	Follow-up Inspection
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Inspection performed on 4 4 2019 by Inspector Phillip Bossley. The Site Plan is still pending the City of Austin Legal Department statement in the Development Services Dept. SP review Waiting on Legal. The property appears to have no changes to it and the photos are in the Document Folder.

04/25/2019	Phillip Bossley	04/25/2019	Follow-up Inspection
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Inspection performed on 4 25 2019 by Inspector Phillip Bossley. The Site Plan is still pending Waiting on Legal. The document is in the Attachment Folder showing that the site plan is waiting on legal. The property appears to be the same and no changes other than some cleaning and relocating items inside of the property. Photos are in the Document Folder.

05/15/2019	William Evans	05/15/2019	Follow-up Inspection
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Inspection performed and there have been no changes to the property. The Site Plan is still in review. Photos are in the Document Folder.

06/07/2019	William Evans	06/07/2019	Follow-up Inspection
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Site Plan is still pending in DSD.

06/17/2019	William Evans	06/17/2019	Follow-up Inspection
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Still Pending DSD

06/26/2019	William Evans	06/26/2019	Follow-up Inspection
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Site Plan Still Pending

07/11/2019	William Evans	07/11/2019	Follow-up Inspection
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Still pending.

07/24/2019	William Evans	07/24/2019	Follow-up Inspection
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Still Pending

08/01/2019	William Evans	08/01/2019	Contact Performed
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I emailed owner Joe Petrocelli seeking an update.

08/05/2019	William Evans	08/05/2019	Send CV Notice
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Owner Notice

08/06/2019	William Evans	08/06/2019	Follow-up Inspection
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There has been no response from Joe Petrocelli asking for an update. The property is still in operation as a HVAC yard for this company. Photos are in the Document Folder.

08/06/2019 William Evans 08/06/2019 Posted

Notice of Violation Posted on the property. Photos are in the Document Folder.

08/14/2019 William Evans 08/14/2019 Follow-up Inspection

Still nothing in Amanda and there is still activity at the site.

08/14/2019 William Evans 08/14/2019 Extension Requested

received an email from Owner Joe Petrocelli requesting a 30 day extension. This was granted until October 5th, 2019. Email is in the attachments folder.

09/13/2019 William Evans 09/13/2019 Follow-up Inspection

There has been no further movement in Amanda about the site plan or any issues. Photos are in the Document folder.

09/20/2019 William Evans 09/20/2019 Follow-up Inspection

There is nothing additional in Amanda about the site plan or the permitting necessary. There is now an environmental complaint opened at this address. I will contact the assigned Inspector and ascertain what is happening with this. Photos are in the document folder.

10/07/2019 William Evans 10/07/2019 Follow-up Inspection

The area is exactly the same. I received an email from Owner Joe Petrocelli that was forwarded from his engineer stating he has verified some areas on the property and would be submitting the new site plan info to DSD. Photos are in the document folder. Plan review is still pending in Amanda.

10/22/2019 William Evans 10/22/2019 Follow-up Inspection

There has been no change to the property and there is no activity in Amanda. Photos are in the document folder.

10/22/2019 William Evans 10/22/2019 LC Review

Beginning Municipal Court process

11/15/2019 William Evans 11/15/2019 Follow-up Inspection

The business continues to operate without an approved site plan. Photos are in the document folder.

12/16/2019 William Evans 12/16/2019 Follow-up Inspection

the business is still in operation without a proper CO. Photos are in the document folder. There is no new activity in Amanda.

01/14/2020 William Evans 01/14/2020 Follow-up Inspection

There is no new activity in Amanda to resolve the issues, and the business continues to operate. Photos are in

the document folder.

01/16/2020 James Jardine 01/16/2020 Information Update

Completed Muni Ct Folder Prep and Turn in for the owning inspector.

02/13/2020 William Evans 02/13/2020 Follow-up Inspection

There has been no activity in Amanda and the business continues to operate. Photos are in the document folder.

02/18/2020 James Jardine 02/18/2020 Information Update

Approved by Supvsr K. Marshall. Delivered to CRED.

03/12/2020 Sonja Prevo 03/12/2020 Initial Proceeding(s) Completed

Filed affidavit with Austin Municipal Court regarding no certificate of occupancy permit. The Defendant is Powell Lane Plaza Partnership.

04/21/2020 William Evans 04/21/2020 Information Update

There have been no changes to the plan review and no permits issued.

05/19/2020 William Evans 05/19/2020 Information Update

Due to shifting priorities in response to the COVID-19 outbreak, deadlines for compliance have been suspended.

05/23/2020 Sandy Van Cleave 05/23/2020 Follow-up Inspection

On May 23, 2020, I conducted a follow-up inspection. A check in Amanda did not show a Certificate of Occupancy for the property. The business is still active on the property. Photos attached.

06/16/2020 William Evans 06/16/2020 Follow-up Inspection

the business continues to operate and there has been no resolution to the issues. The municipal court case is pending. Photos are in document folder.

08/05/2020 William Evans 08/05/2020 Information Update

MC Case still pending.

08/11/2020 William Evans 08/11/2020 Follow-up Inspection

The business is still operating and there is nothing in Amanda to correct the issues. Photo in the document folder.

09/08/2020 William Evans 09/08/2020 Follow-up Inspection

Follow up inspection reveals there have been no changes to the property and there is no activity in Amanda to resolve the issues. Photo in the document folder.

09/30/2020 William Evans 09/30/2020 Follow-up Inspection

All things are as they have been, business is operating and there are no attempts to correct the issues. Photos are in the document folder.

10/26/2020 William Evans 10/26/2020 Follow-up Inspection

All things are as they have been. Business is operating and there are no attempts to correct the issues. Photos are in the document folder.

11/23/2020 William Evans 11/23/2020 Follow-up Inspection

All things are as they have been. Business is operating and there are no attempts to correct the issues. Photos are in the document folder.

MC Case pending.

12/17/2020 William Evans 12/17/2020 Follow-up Inspection

Nothing has changed. The business operates and there are no new Amanda entries. MC Case continues.

01/12/2021 William Evans 01/12/2021 Follow-up Inspection

All things are as they have been. Photos are in the document folder.

02/03/2021 William Evans 02/03/2021 Follow-up Inspection

All things are as they have been. Photos are in the document folder.

03/04/2021 William Evans 03/04/2021 Follow-up Inspection

All things are as they have been. Photos are in the document folder. Awaiting MC case.

03/31/2021 William Evans 03/31/2021 Follow-up Inspection

All things are as they have been. Photos are in the document folder. Awaiting MC case.

04/27/2021 William Evans 04/27/2021 Follow-up Inspection

Everything is the same as the last inspection. No activity in Amanda. Photos are in the document folder.

05/25/2021 William Evans 05/25/2021 Follow-up Inspection

Everything is the same as the last inspection. No activity in Amanda. Photos are in the document folder.

06/25/2021 William Evans 06/25/2021 Follow-up Inspection

Everything is the same as the last inspection. No activity in Amanda. Photos are in the document folder.

07/20/2021 William Evans 07/21/2021 Follow-up Inspection

All things are as they were at last inspection. No changes to the site. There are no additional submissions to correct the issues. Photos are in the document folder.

MC Case pending.

08/18/2021 William Evans 08/18/2021 Follow-up Inspection

All things are as they were at last inspection. No changes to the site. There are no additional submissions to correct the issues. Photos are in the document folder.

MC Case pending.

09/09/2021 Sonja Prevo 09/09/2021 Information Update

At the docket on 9.8.21 this case was reset for 90 days. Cause no. 8822720.

09/13/2021 William Evans 09/13/2021 Follow-up Inspection

All things are as they were at last inspection. No changes to the site. There are no additional submissions to correct the issues. Photos are in the document folder.

MC Case pending.

10/15/2021 William Evans 10/15/2021 Follow-up Inspection

Follow up inspection reveals the site is as it has been. Photos are in the document folder.

MC Case was reset for 90 days on September 21, 2021.

11/09/2021 William Evans 11/09/2021 Follow-up Inspection

Follow up inspection reveals the site is as it has been. Photos are in the document folder.

MC Case was reset for 90 days on September 21, 2021.

11/09/2021 William Evans 11/09/2021 Information Update

This matter was finally heard at MC and was given a 90 day deferral on September 21, 2021.

12/03/2021 Lauren Taggart 12/03/2021 Follow-up Inspection

On 12-3-2021 I conducted a follow up to this location where I observed a gate open and the business operating. There appeared to be no change to the property or the buildings. Digital photos were taken.

02/23/2022 Eric Finn 02/23/2022 Follow-up Inspection

On 02-22-2022, I conducted a follow up inspection. I observed that a gate was open and a business operating. There appeared to be no change to the property or the buildings.

According to the Amanda database, SP-2017-0387C (Site Plan) dated 09-29-2017 for proposing to permit the existing office building and storage building as well as constructing associated parking and installation of water and wastewater service was issued/approved 05-01-2019 expires 05-01-2022.

Photos attached.

03/28/2022 Eric Finn 03/28/2022 Follow-up Inspection

On 03-28-2022, I conducted a follow up inspection. I observed that a gate was open and a business operating. The building structure at this property remains in the same conditions at the previous inspection. I left my business card with a worker on site.

Photos attached.

03/31/2022 Eric Finn 03/31/2022 Contact Performed

On 03-28-2022, I received a call from Simon Wallace, 512-686-3319, the new owner of the business operating at this address. I notified Simon of this open case concerning no Certificate of Occupancy for the business at this property.

03/31/2022 Eric Finn 03/31/2022 Contact Performed

On 03-31-2022, I called Simon Wallace. Mr. Wallace confirmed that the name of the business at this address is Quality Foundation Repair. Also, I informed Simon that a new NOV notice will be created for the new property owner.

Also, I sent a test email to Simon Wallace. Email attached.

03/31/2022 Eric Finn 03/31/2022 Send CV Notice

05/11/2022 Alejandro Torres 05/11/2022 Contact Performed

On 5/11/22 I was contacted via email from Victoria Haase in regarding her firm has been hired to assist in securing permit for the property. Haase is attempting to set up a meeting to regarding the NOV and gathering additional information for the property. I will brief my supervisor on the case and its status.

05/12/2022 Marlayna Wright 05/12/2022 Information Update

The latest update from municipal court is this case was reset and re-scheduled for an environmental docket for Wednesday, June 22, 2022.

05/16/2022 Moses Rodriguez 05/16/2022 Follow-up Inspection

This property has a site plan in review SP 2022-049298. Will wait for more updates on this property.

05/23/2022 Alejandro Torres 05/23/2022 Contact Performed

Contact performed I made contact with Victoria Haase. Haase advised Nieghborhood plan admendment was filed 2/28/22. Throwerdesign is actively working to have the property come into compliance and is in contact with Development services. Follow up will take place at a later date. I will continue to monitor the case.

06/14/2022 Alejandro Torres 06/14/2022 Information Update

Property and time frame for hearing on the property appears to be extended. As cases are limited to be heard. 6 month window may be the earliest to have the case heard by zoning commission.

06/22/2022 Alejandro Torres 06/22/2022 Information Update

SP-2017-0387C is awaiting an update by DSD to grant an extension and re-review on the site plan as of 4/8/22

07/07/2022 Alejandro Torres 07/07/2022 Information Update

Case will be updated for new owner named in the violation for legal purpose. Per City Attorney Adam Lichtenberger

08/08/2022	Alejandro Torres	08/08/2022	Information Update
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Case continues to be monitored. As hearing remains in the future for zoning change related to this property.

08/17/2022	Alejandro Torres	08/17/2022	Follow-up Inspection
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Property remains in same condition no change. Hearing for zoning change remains for future date.

09/20/2022	Alejandro Torres	09/20/2022	Follow-up Inspection
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Future date pending for property hearing. Property remains unchanged

09/28/2022	Alejandro Torres	09/28/2022	Information Update
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On 9/23/22 email from Throwerdesign for rezoning hearing is to take place October 4 2022. Conclusion of meeting should give time table for future actions for the property and the approval process.

10/12/2022	Alejandro Torres	10/12/2022	Information Update
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V.Haase advised COA failed to get notice out for Oct 5th meeting. Nov 7th meeting will take place. At the conclusion of this meeting they hope to have a hearing before Planning commission in Dec or Jan. Case will continue to be monitored

10/19/2022	Alejandro Torres	10/19/2022	Follow-up Inspection
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10/19/22 30 day Follow up inspection for property. As in previous emails for case. Property is pending a hearing for final determination on status of property. Case will continued to be monitored..

11/08/2022	Sonja Prevo	11/08/2022	Information Update
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At the docket on 11.2.22 the defendant failed to appear; pre trial recommendation. Case no. 8805582.

11/23/2022	Alejandro Torres	11/23/2022	Follow-up Inspection
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30 day inspection property remains on track for Zoning Hearing. Property remains in the same condition as previous inspections.

12/05/2022	Alejandro Torres	12/05/2022	Information Update
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SP-2017-0387C(XT) Site Plan submitted awaiting update for location.

12/05/2022	Alejandro Torres	12/05/2022	Information Update
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Email added to case attachments. Owner continues with process for rezoning of property. 6-8 week time frame as process continues. Thrower Design staff member advised time frame is extended as the neighborhood plan amendment application is still in review. The hope is case will be heard in Feb/2023.

01/10/2023	Alejandro Torres	01/10/2023	Follow-up Inspection
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1/10/23 Case continue to be monitored for zoning change for the property.

Photos added

01/25/2023	Sonja Prevo	01/25/2023	Information Update
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At the ENAD today the defendant failed to appear; the court will be sending additional notice to the registered agent to appear for docket. Case # 8822720.

01/25/2023 Merlinda Coleman 01/25/2023 Information Update

At the ENAD today the defendant failed to appear; the court will be sending additional notice to the registered agent to appear for docket. Case # 8822720. The case is reset for March 8, 2023, for 11:00 am Courtroom 4.

01/26/2023 Erica Thompson 01/26/2023 Information Update

At the Municipal court hearing on 1/25/23, the defendant failed to appear; the case is reset for March 8, 2023, for 11:00 am Courtroom 4.

02/08/2023 Alejandro Torres 02/08/2023 Follow-up Inspection

2/8/23 Follow up inspection was performed. Property remains in same condition as previous inspection. Municipal court case has been rescheduled for 3/8/23 as owner did not appear for court date.

Photos added

03/09/2023 Sonja Prevo 03/09/2023 Closed due to Judicial / Admin Action

At the ENAD on 3/8/23 this case was dis-missed due to the defendant no longer being the owner of this property. The new owner is a Simon Wallace. Case no. 8822720.

03/14/2023 Alejandro Torres 03/14/2023 Follow-up Inspection

Property remains in same condition. SP-2017-0387C(XT) site plan is in review per Amanda. Request has also been requested by property regarding the zoning process which remains ongoing.

04/14/2023 Alejandro Torres 04/14/2023 Follow-up Inspection

Property remains in the same condition.

2022 049298 000 00 SP Site Plan awaiting update regarding extension to site plan from DSD.

05/17/2023 Alejandro Torres 05/17/2023 Follow-up Inspection

30 day inspection property approved site plan extension was granted. Property remains in same condition. Case will continue to be monitored.

ADDRESSING REVIEW: 8238 GEORGIAN DR - CW - 10/9/2017

ADDRESSING RE-REVIEW: 8240 GEORGIAN DR - CW - 9/12/2018

This Application was granted an Extension to the Approved Site Plan. Case Number SP-2017-0387C(XT)

06/22/2023 Alejandro Torres 06/22/2023 Follow-up Inspection

30 day inspection. Property remains in same condition. As property continues process for zoning update for the location.

VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Certificate of Occupancy Required (§25-1-361)

Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for current use.

Date Observed: 03/31/2022 Status: Not Cleared

Austin City Code Section: Site Plans Required (§25-5-1)

Violation: A person may not change the use of the property prior to obtaining an approved and released site plan/site plan exemption.

Date Observed: 05/16/2022 Status: Not Cleared

Property Abatement

NOTICES

Notice of Violation sent to OWNER - POWELL LANE PLAZA PARTNERSHIP (Previous Owner)

Mail sent certified 7015 0640 0006 6628 3024 on January 4, 2017

Mail sent regular on January 4, 2017

Notice of Violation sent to REGISTERED AGENT - Joseph Petrocelli (Registered Agent)

Mail sent certified 7015 0640 0006 6628 3031 on January 4, 2017

Mail sent regular on January 4, 2017

Received / signed by 01-19-17 cannot read on January 19, 2017

Notice of Violation sent to OWNER - POWELL LANE PLAZA PARTNERSHIP (Previous Owner)

Mail sent certified #7017 0190 0000 3852 5101 on August 5, 2019

Mail sent regular on August 5, 2019

Notice of Violation sent to OWNER - WALLACE SIMON (Owner)

Mail sent regular on March 31, 2022

Mail sent certified 7017 0190 0000 3850 0467 on March 31, 2022

Received / signed by 04-06-22 Simon on April 20, 2022

From: [Abdul Patel](#)
To: [Sirwaitis, Sherri](#)
Subject: Case : C14-2022-0166
Date: Monday, August 28, 2023 3:23:46 PM

External Email - Exercise Caution

Hi Sherri,

I won't object to the rezoning, if they promised in writing that they will not use the space for a convenience store business because it will affect my business.

My business is Sunrise Mini Mart (102 W Powell Ln, Austin, TX 78753).

Thank you

Abdul K Patel

512-441-7515

512-825-7764

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From: [Baker Galloway](#)
To: [Sirwaitis, Sherri](#)
Subject: Oppose Rezoning Case # C14-2022-0166
Date: Monday, August 28, 2023 1:26:02 PM

External Email - Exercise Caution

Hello, I live very close to this property that is proposed to be rezoned as of September 14th. It's a rough neighborhood that I don't feel safe letting my kids wander the streets. Making the neighborhood more commercial/industrial is only going to further cement the corridor of Georgian Drive as pedestrian-hazardous. The property should stay LR - Neighborhood Commercial. Please oppose this rezoning application.

—

Baker Galloway
[Galloway Studio](#) | +1 (512) 585 - 0452

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