

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0086

Austin Humane Society Rezoning

P.C. DATE: October 24, 2017

DISTRICT: 1

ADDRESS: 7600, 7602, 7604, 7608, 7610, 7614, and 7616 Bennett Avenue

TOTAL AREA: 0.4807 acres (20,938 s.f.)

WATERSHED: Buttermilk Branch Creek

OWNER: Humane Society of Austin & Travis County (Frances Jonon)

AGENT: Garrett-Ihnen Civil Engineers (Mike Wilson)

FROM: SF-3-NP

TO: CS-MU-NP

NEIGHBORHOOD PLAN AREA: St. John / Coronado Hills Combined

DESIRED DEVELOPMENT ZONE: Yes

TIA: N/A

SUMMARY STAFF RECOMMENDATION:

Staff does not support the request of general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff supports an alternate recommendation of neighborhood commercial services-mixed use-neighborhood plan (LR-MU-NP) combining district zoning.

ISSUES:

The area to be rezoned is a portion of lots that currently include recreational uses and open space that serve the religious assembly land use that has occupied the property to west for many years. The lots are zoned SF-3-NP, which permits religious assembly use and accessory uses. The Humane Society has purchased the property to the west, as well as the entirety of these lots. The existing religious assembly use will move to a new location.

The rezoning request is intended to allow the Humane Society to incorporate the rezoning area into their proposed campus to the west, as the religious assembly use did. The remainders of the residential lots will remain SF-3-NP; the rezoning area does not border and does not access Bennett Avenue. Access to the rezoning area will be provided through the campus to the west.

PLANNING COMMISSION RECOMMENDATION:

December 12, 2017: *TO GRANT LR-MU-NP AS RECOMMENDED BY STAFF, ON CONSENT. (12-0) [J. Shieh- 1st; P. Seeger- 2nd; A. De Hoyos Hart Absent]*

October 24, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO DECEMBER 12, 2017, ON CONSENT. (12-0) [P. Seeger- 1st; N. Zaragosa- 2nd; G. Anderson- Absent]*

DEPARTMENT COMMENTS:

Existing Conditions. The area to be rezoned is the western portion of several lots that are located along the western side of Bennett Avenue, immediately south of US 183. The lots are zoned SF-3-NP and are undeveloped, except for a playground area that serves the church that currently occupies the property to the west. The lots are fenced on all sides except the western boundary. Across Bennett Street to the east are single family residences

zoned SF-3-NP. Immediately south of the rezoning tract is City of Austin property (zoned P-NP) that includes an unconstructed right-of-way (ROW) and a branch of Buttermilk Branch Creek. The City property continues to the east across Bennett Avenue through the residential (SF-3-NP) neighborhood. Immediately west of the rezoning tract is property zoned CS-MU-NP that is currently occupied by religious assembly use. Immediately north of the property is the eastbound frontage road of US 183. *Please refer to Exhibits A and B (Zoning Map and Aerial View).*

The rezoning tract does not have access to any of the nearby roadways. The rezoning tract cannot access the frontage road because of grade changes and other factors, and cannot access the unconstructed Wheatley Avenue ROW. Although the lots have frontage on Bennett Avenue, commercial land uses cannot take access through residentially zoned property. Therefore, if LR-MU-NP is granted, the rezoning tract will be required by City Code to take access through the CS-MU-NP zoned tract to the west as it does now. The previous owner did not need commercial zoning on the subject tract because religious assembly land use is permitted in all zoning categories. The remainder of the lots, which will remain SF-3-NP, will still be available for single family or duplex residential development, which will be oriented toward Bennett Avenue and integrated into the residential neighborhood to the east. *Please refer to Exhibit C (Survey Map).*

The properties are part of the St. John / Coronado Hills Combined Neighborhood Plan area, and were rezoned to add the -NP designation in 2011. No changes to base zoning categories were made in this area. Staff has received correspondence related to the proposed rezoning. *Please refer to Exhibit D (Correspondence).*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Playground, Undeveloped
<i>North</i>	N/A	US 183 Eastbound frontage road
<i>South</i>	P-NP, SF-3-NP	Unconstructed ROW, Creek, Single family residential
<i>East</i>	SF-3-NP	Undeveloped, Single family residential
<i>West</i>	CS-MU-NP	Religious Assembly

CASE HISTORIES:

NUMBER	REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION	CITY COUNCIL
C14-2011-0115 St. John NP rezoning	(City initiated) Add -NP designation	Add -NP designation	01/24/2012: To grant rezoning as rec. by NPCT w/ the following conditions: Apvd. as recommended by Staff, except for Tr. 53, 54, 57, 58, 60 which were discussed separately. For 53: apvd. LR-NP. For 54: apvd. CS-1-NP; For 57 & 58: apvd. GR-MU-CO-NP; For 60: apvd. GR-MU-NP. Action on this item includes rec. adoption of the St. John NPCD of the following: Small Lot Amnesty, Cottage Lot, Urban Home, Secondary Apartment, Corner Store, Affordable Housing special use options for the entire St. John NPCD; Residential Infill on Tracts R, S, T, U, and V; Neighborhood Urban Center on Tracts A through Q; Action on this item also includes rec. adoption for the entire NPCD of the following design tools: Front Porch Setback, as well as Restricted Mobile Food Vending Regulations	03/03/2012: To close the public hearing and adopt the 1st reading of the ordinance for the St. John NPCD, as rec. by PC, (7-0). 04/26/2012: Ord. No. 20120426-101 for the St. John NPCD, as rec. by PC, (7-0).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US 183 (Anderson Lane)	365 ft.	38 ft.	Highway	Yes	Yes, shared lane	No
Wheatley Avenue	50 ft.	N/A	Local	N/A	No	No

SCHOOLS:

Pickle Elementary School

Webb Middle School

Reagan High School

NEIGHBORHOOD ORGANIZATIONS:

Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Claim Your Destiny Foundation
 Austin Heritage Tree Foundation
 Austin Neighborhoods Council
 Heritage Hills/Windsor Hills Neighborhood Plan Contact Team
 North Growth Corridor Alliance
 St. John Neighborhood Association
 Sierra Club, Austin Regional Group
 Austin Innerscity Alliance
 AISD
 SELTexas

CITY COUNCIL DATE & ACTION:

February 1, 2018:

December 14, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO FEBRUARY 1, 2018, ON CONSENT. (11-0) [D. Garza- 1st; E. Troxclair- 2nd]*

November 9, 2017: *TO GRANT POSTPONEMENT AS REQUESTED BY STAFF TO DECEMBER 14, 2017, ON CONSENT. (11-0) [A. Alter- 1st; O. Houston- 2nd]*

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

Staff does not support the request of general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff supports an alternate recommendation of neighborhood commercial services-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. LR zoning will allow the Humane Society to integrate the zoning area into their campus to the west in a manner similar to the current religious assembly land use. Since only a portion of the lots owned by the Humane Society are proposed for rezoning, the request would maintain SF-3-NP zoning along Bennett Avenue, continuing to allow future residential development on the west side of the street. Additionally, LR-MU-NP zoning provides a less drastic transition than the current CS-MU-NP to SF-3-NP.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

Currently, the CS-MU-NP property occupied by the religious assembly land use is immediately adjacent to SF-3-NP property. The proposed rezoning would preserve single family lots on the west side of Bennett Avenue, but with a transition from CS-MU-NP to LR-MU-NP to SF-3-NP. This rezoning would limit the possibility of intense commercial uses immediately adjacent to residences.

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

City planning and zoning standards encourage stepping-down from high intensity zoning areas to moderate intensity zoning areas, instead of directly to low intensity zoned areas.

Site Plan:

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards. Along the south and east property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

SP 5. Additional design regulations will be enforced at the time a site plan is submitted.

SP 6. FYI – This site is located within the St. John Neighborhood Plan and the St. John / Coronado Hills Combined Neighborhood Planning Area. Additional comments may be generated during the site plan review process.

Transportation:

- TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
- TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR3. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.
- TR4. Joint use access to US 183 (Anderson Lane) with the adjacent site to the west shall be required at the time of the Subdivision and Site Plan application. Access to Anderson Lane from the proposed zoning tract is prohibited.
- TR5. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, an urban trail is recommended for US 183 (Anderson Lane).
- TR6. Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US 183 (Anderson Lane)	365 ft.	38 ft.	Highway	Yes	Yes, shared lane	No
Wheatley Avenue	50 ft.	N/A	Local	N/A	No	No

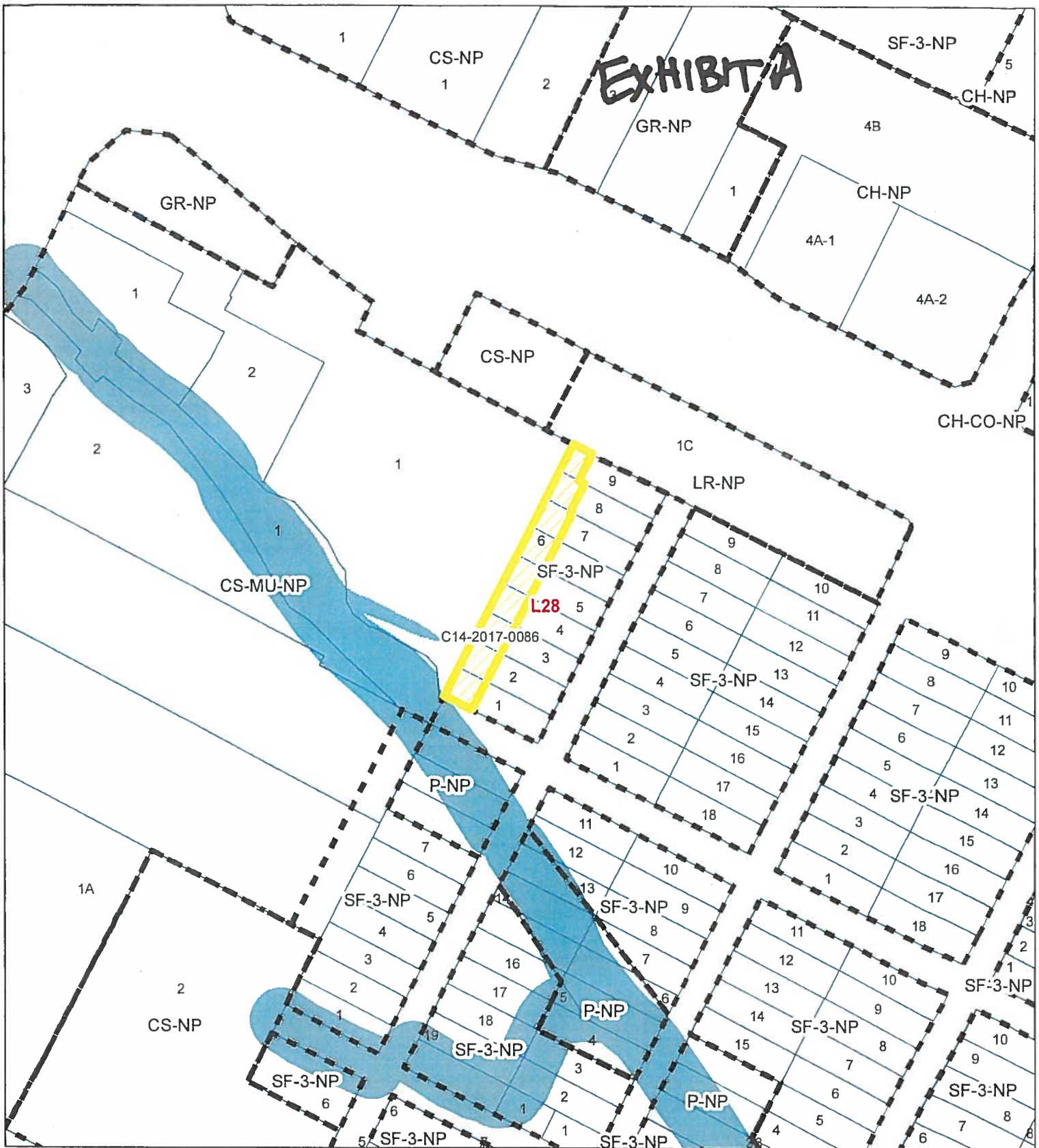
Environmental:

- The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Buttermilk Branch 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 a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.
- Trees may be impacted with any 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.





6. 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

Water/Wastewater:

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER

Austin Humane Society Rezoning

ZONING CASE#: C14-2017-0086

LOCATION: 7600, 7602, 7604, 7608, 7610, 7614,
AND 7616 BENNETT AVE.

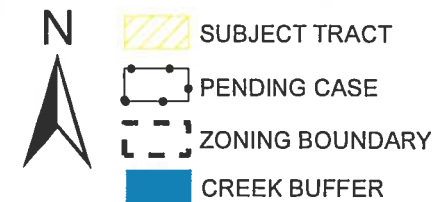
SUBJECT AREA: .48 ACRES

GRID: L28

MANAGER: HEATHER CHAFFIN

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





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EXHIBIT C

Frances Jonon
President & CEO, Austin Humane Society
124 W. Anderson Lane
Austin, TX 78727

October 10, 2017

Heather Chaffin
Senior Planner, City of Austin
505 Barton Springs Road
Austin, TX 78704

RE: Zoning Case number C14-2017-0086; Austin Humane Society
7625 N. Interstate 35

Dear Ms. Chaffin:

The Austin Humane Society appreciates the City of Austin's consideration of our rezoning request for a small portion of the property. We are excited that this location will become the new home for the Austin Humane Society and we look forward to continuing to work with and support the City of Austin on its projects related to the protection and caring for the pets in our community.

In this new home, all animals under our care will be housed indoors. We will allow dogs outside only with staff and volunteer supervision during business hours: 8 am – 7 pm Monday – Thursday, and 8 am – 5 pm Sunday.

Please contact me if you have any questions.

Sincerely,

Frances Jonon
President & CEO, Austin Humane Society

124 W. Anderson Lane Austin, Texas 78752

P (512) 646 PETS F (512) 837 9132

austinhumanesociety.org

Unleash hope.

To: Planning Commission and City Council members
Re: NPA-2017-0029.01_Austin Humane Society
Date: December 3rd, 2017

On September 12th, 2017, the St John Neighborhood Plan Contact team held a meeting in accordance with our bylaws to discuss the applicant's proposal to change the zoning on the property from SF-3-NP (Family Residence District-Neighborhood Plan) to CS-MU-NP (General Commercial). During this meeting, we discussed feedback we received from surrounding neighbors at the community meeting on September 6th, 2017.

In general, there is optimism within the community that the presence of the Austin Humane Society will help alleviate problems with stray and nuisance animals in the surrounding area. However, there were concerns that the proposed "General Commercial" mixed use zoning would provide too much leeway for increasing commercial activity beyond the scope of a dog walking area and discourage the construction of additional single family homes on the lots.

The **St. John NPCT recommends the Limited Retail** land use category for this portion of Bennett Ave. We believe the Austin Humane Society qualifies as a "community oriented business" encouraged within the St John / Coronado Hills Combined Neighborhood Plan. The Limited Retail category allows the Humane Society to meet their zoning requirements for a dog walking area, while limiting the scope of future commercial activity in the area. The Austin Humane Society has also assured us that the remaining residential portion of land will be sold to developers of single family homes as part of their fundraising goals. As a result, **we support a rezoning from SF-3-NP to LR-MU-NP** for these properties.

Akeem McLennon, St John Contact Team Chair
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404-290-4997