

# CASE NO: Z2003036

## Staff and Zoning Commission Recommendation - City Council

Continued from March 18th, 2003

Continued from April 1st, 2003

**Date:** May 08, 2003

**Zoning Commission Meeting Date:** April 15, 2003

**Council District:** 4

**Ferguson Map:** 612 F6

**Appeal:** No

**Applicant:** Owner

Earl & Brown, P.C.

RR Group, Ltd.; Contact: Israel Fogiel, President

**Zoning Request:** From "MF-33" Residential Multi-Family District, "C-3 R" Commercial Restrictive Alcoholic Sales District, and "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on the southern 46.04 acres, AND from "R-6" Residential Single-Family District to "C-2" Commercial District on the northern 12.06 acres; per exhibit map

79.335 acres out of NCB 18159

**Property Location:** On the south side of Marbach Road between Hunt Lane and South Ellison Drive

**Proposal:** To develop a single-family residential subdivision with commercial frontage along Marbach Road

**Neighborhood Association:** Adams Hill Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A Level Two Traffic Impact Analysis was provided for the subject property.

### Staff Recommendation:

Approval.

The large, vacant subject tracts lie on the south side of Marbach Road, west of Hunt Lane near the western city limits. Commercial zoning and uses are situated on the north side of this segment of Marbach Road; residential uses lie to the northwest. The proposed residential zoning, which includes downzonings of an "MF-33" zoned tract and a portion of a "C-3 R" zoned tract to "R-5", would provide an appropriately tiered residential density for the area. The proposed "C-2" would be appropriately situated across the street from existing comparable commercial zoning.

### Zoning Commission Recommendation:

Approval

#### VOTE

**FOR** 9

**AGAINST** 2

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Chris Looney 207-5889

**Z2003036**

**ZONING CASE NO. Z2003036** March 18, 2003

Applicant: Earl & Brown, P. C.

Zoning Request: "MF-33" Residential Multi-Family District, "C-3R" Commercial Restrictive Alcoholic Sales District and "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on the southern 46.04 acres and from "R-6" Residential Single-Family District on the northern 12.06 acres.

Ken Brown, 111 Soledad, representing the owner, stated he would like to request a two-week continuance. He further stated he has met with on neighborhood association however he would like to meet with the other neighborhood association to discuss the proposed development. He stated they are eliminating high-density multi-family. He feels this is an appropriate land plan for this area.

**OPPOSE**

Nancy Engleberg, 10486 Pine Glade, President of the Heritage Neighborhood Association, stated she would like to request a two-week continuance to meet with the representatives of this development.

Staff stated there were 36 notices mailed out to the surrounding property owners, 1 returned in opposition and 3 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner McAden to recommend a continuance until April 1, 2003.

1. Property is located on 79.335 acres out of NCB 18159 at Southside Marbach Road between Hunt Lane and South Ellison Drive.
2. There were 36 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES:** Martinez, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell, Mehringer

**NAYS:** None

**THE MOTION CARRIED.**

**ZONING CASE NO. Z2003036** April 1, 2003

Applicant: Earl & Brown, P. C.

Zoning Request: "MF-33" Residential Multi-Family District, "C-3R" Commercial Restrictive Alcoholic Sales District and "R-6" Residential Single-Family District to "R-5" Residential Single Family District on the southern 46.04 acres, and from "R-6" Residential Single Family District to "C-2" Commercial District on the northern 12.06 acres.

Ken Brown, 111 Soledad, representing the owner, stated they are proposing approximately the first 200 feet along Marbach be zoned "C-2" and the remainder to be zoned "R-5". Their intent is to develop a 268-lot single-family residential subdivision with commercial frontage along Marbach Road. He further stated they would have open space, 3½ acre park and mandatory neighborhood association. He feels this site is appropriate for the proposed development.

### OPPOSE

Nancy Engleberg, 10486 Point Glade, President of the Heritage Neighborhood, stated they have met with Mr. Brown to discuss this development. She stated they do not support this request. "R-6" zoning surrounds the property and she feels this down zoning would affect their property values.

Lee Buettner, 10334 Old Farm Road, stated they do not support this request. She feels this would be detrimental to their property values. She also expressed concerns on the square footage of the proposed homes. She further stated this development would invite more traffic into the neighborhood.

Bob Graham, 9618 Caney Creek, stated he is in opposition of this request. He stated they are concerned with the type of housing that will be developed in the area. He stated he would like to request a continuance until their next neighborhood meeting to have more time to discuss this development with the residents.

### REBUTTAL

Ken Brown, 111 Soledad, stated they are lowering the density of this project. He further stated a traffic impact analysis has been submitted and was reviewed by staff. He stated he has met with the school district representatives who are in support of this request. He stated he feels this area is suitable for this type of development.

Staff stated there were 36 notices mailed out to the surrounding property owners, 3 returned in opposition and 3 returned in favor and no response from Adams Hill Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

### COMMISSION ACTION

The motion was made by Commissioner Avila and seconded by Commissioner Kissling to recommend a continuance until April 15, 2003.

1. Property is located on 79.335 acres out of NCB 18159 at Marbach Road between Hunt Lane and South Ellison Drive.
2. There were 36 notices mailed, 3 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Kissling, McGowan, Hophan, Sherrill, McAden, Avila, Morell, Mehringer**

**NAYS: None**

**THE MOTION CARRIED.**

**ZONING CASE NO. Z2003036** April 15, 2003

Applicant: Earl & Brown, P. C.

Zoning Request: "MF-33" Residential Multi-Family District, "C-3R" Commercial Restrictive Alcoholic Sales District and "R-6" Residential Single-Family District to "R-5" Residential Single Family District on the southern 46.04 acres and from "R-6" Residential Single Family District to "C-2" Commercial District on the northern 12.06 acres.

Ken Brown, 111 Soledad, representing the owner, stated they are requesting this change in zoning to allow single-family residential development on the subject property. He stated he feels this down zoning would be good for the community. They would be providing a park in the middle of the subdivision. He further stated he has met with the representatives from Adam Hills Neighborhood Association to discuss this development and they are in support of this request.

**OPPOSE**

Nancy Engleberg, 10486 Pine Glade, President of Heritage Neighborhood Association, stated she does not support this zoning change. She expressed concerns on how this down zoning may affect the neighborhood. She stated she attended the Adams Hill Neighborhood meeting. She also expressed concerns with the increase in traffic flow in this area and the overcrowding in schools.

Mary Lee Buettner, 10334 Old Farm Road, stated she does not support this zoning request. She expressed concerns on how this would affect their property values. She stated this down zoning would be detrimental to their neighborhood.

Mary Katherine Luna, 407 Bertettie Drive, stated she is also in opposition of this request. She expressed concerns on the impact on Hunt Lane. She stated this area is very congested and feels this development would increase the volume of traffic. She also expressed concerns with the overcrowding of the schools.

Bob Graham, 9618 Caney Creek, stated he is for new development however he is concerned with the square footage of these homes. He feels this new development is not compatible with the existing homes.

**REBUTTAL**

Ken Brown, 111 Soledad, stated he has been in contact with the school district representatives and has submitted the plans and they are in support of this request.

Staff stated there were 36 notices mailed out to the surrounding property owners, 3 returned in opposition and 3 returned in favor and no response from Adams Hill Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner Cardenas-Gamez to recommend approval.

**Z2003036**

1. Property is located on 79.335 acres out of NCB 18159 at Marbach Road between Hunt Lane and South Ellison Drive.
2. There were 36 notices mailed, 3 returned in opposition and 3 in favor.
3. Staff recommends approval.

**AYES: Martinez, Grau, Cardenas-Gamez, Hophan, Sherrill, McAden, Avila, Morell, Mehringer**

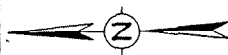
**NAYS: Kissling, McGowan**

**THE MOTION CARRIED**

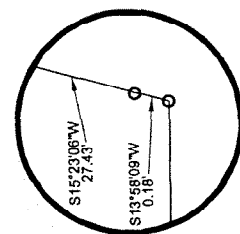
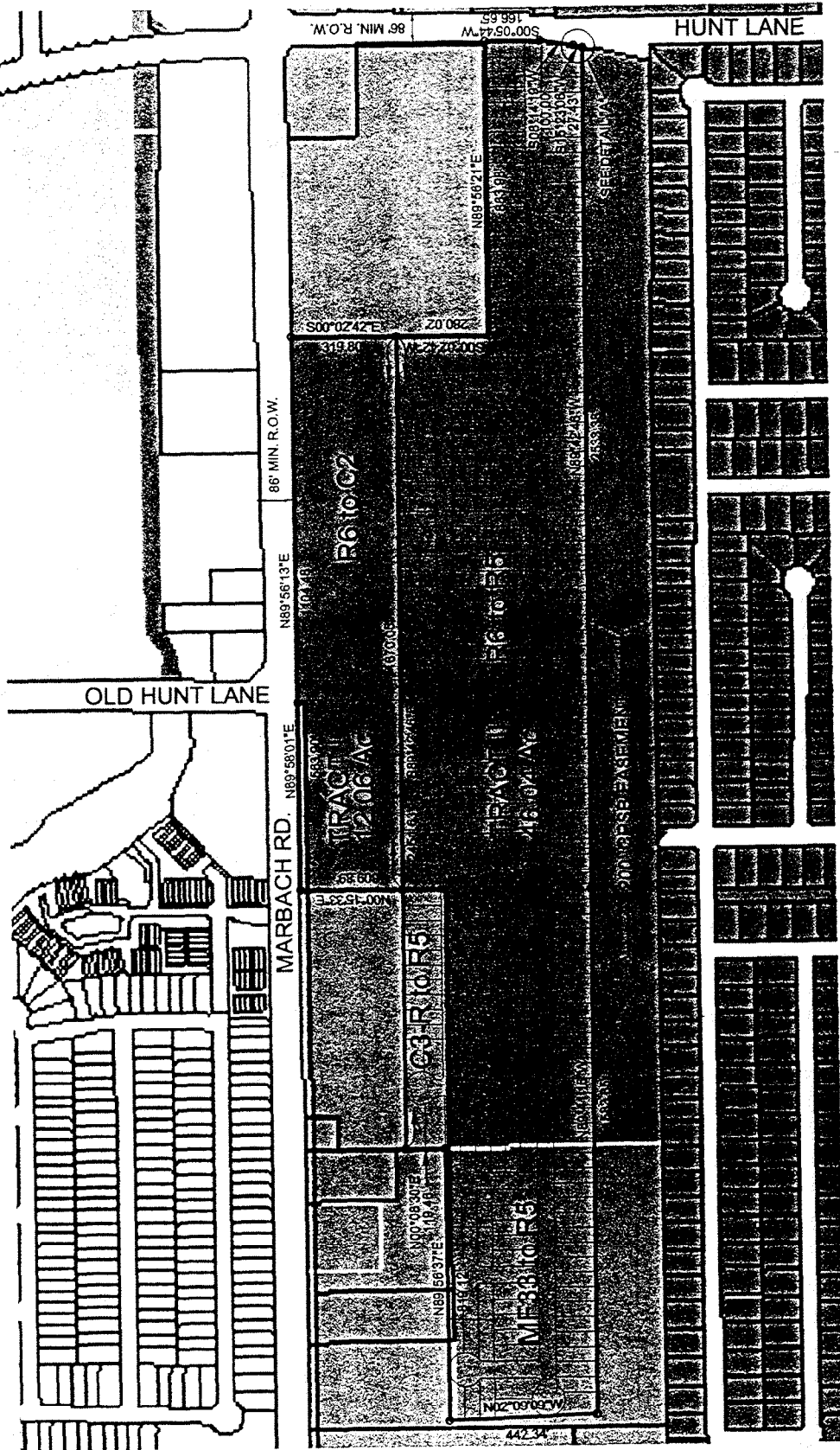
**RESULTS OF NOTICES FOR COUNCIL HEARING**

To be provided at Council hearing

720030036



SCALE: 1" = 500'



DETAIL "A"