



ZONING CASE: Z2003-225

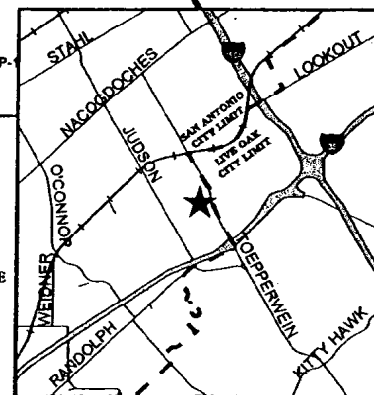
City Council District NO. 10
 Requested Zoning Change
 From: "I-1, C-3" To "R-4, R-5"
 Date: January 8, 2004
 Scale: 1" = 300'

 Subject Property
 200' Notification

T-0
 p.553
 D-1



C:\DEC_2_2003



CASE NO: Z2003225

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Continuance from December 2, 2003

Date: January 08, 2004

Zoning Commission Meeting Date: December 16, 2003

Council District: 10

Ferguson Map: 553 E1

Appeal: No

Applicant:

Owner:

DFGG of Texas, LTD

DFGG of Texas, LTD

Zoning Request: From "I-1" General Industrial District and "C-3" General Commercial District to "R-4" (6.375 acres) Residential Single-Family District and "R-5" (32.605 acres) Residential Single-Family District

38.98 acres out of NCB 14049

Property Location: Southwest side of Toepperwein Road approximately 2803 feet north of IH 35

Proposal: To develop a Single-Family Residential Subdivision

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval. The segment of Toepperwein Road between IH 35 and the subject property has an excess of "I-1" and "C-3" zoning. Down-zoning along Toepperwein Road may improve the marketability of property in this vicinity. The subject property has "R-5" and "MH" zoning to the west. The industrial development to the north only affects a small portion of the subject property.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Fred Kaiser 207-7942

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

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ZONING CASE NO. Z2003225 – December 2, 2003

Applicant: DFGG of Texas, LTD.

Zoning Request: "I-1" General Industrial District and "C-3" General Commercial District to "R-4" Residential Single Family District.

Andy Guerrero, 3134 Renker, representing the owner, stated they would like to amend their request to "R-5". He stated they are proposing to develop a single-family subdivision of 219 lots on the subject property.

OPPOSE

James McDee, 5411 Galacino, stated he is concerned with the drainage problems in this area. He is concerned that there would be an excessive amount of run off to his property, which would make it difficult to develop on his property. He would like to request the run off be directed away from his property and also an increase on the setbacks.

REBUTTAL

Andy Guerrero, 3134 Renker, stated as part of the development, he has been working with city staff to relief the drainage issue of this project, which he feels has already been addressed. He stated they are willing to provide 5 feet of existing "C-3" property abutting his property and they would also provide an 8-foot fence.

Staff stated there were 21 notices mailed out to the surrounding property owners, 7 returned in opposition and 4 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 Grau and seconded by Commissioner McAden to recommend this case be tabled to discuss with staff.

A VERBAL VOTE WAS TAKEN

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, McAden,
Avila Peel

NAYS: None

CASE TO BE HEARD AFTER DISCUSSION WITH STAFF.

Z2003225

ZONING CASE NO. Z2003225 – December 2, 2003

Applicant: DFGG of Texas, Ltd.

Zoning Request: "I-1" General Industrial District and "C-3" General Commercial District to "R-4" Residential Single Family District.

Andy Guerrero, 3134 Renker, representing the owner, stated he would like to request a continuance until December 16, 2003 to have more time to discuss this case with staff.

Staff stated there were 21 notices mailed out to the surrounding property owners, 7 returned in opposition and 4 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 Grau and seconded by Commissioner Avila to recommend a continuance until December 16, 2003.

1. Property is located on 39.77 acres out of NCB 14049 at Southwest side of Toepperwein Road approximately 2803 feet north of IH 35.
2. There were 21 notices mailed, 7 returned in opposition and 4 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, McAden, Avila, Peel

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2003225 – December 16, 2003

Applicant: DFGG of Texas, Ltd.

Zoning Request: "I-1" General Industrial District and "C-3" General Commercial District to "R-4" Residential Single Family District.

Z2003225

Andy Guerrero, 3134 Renker, representing the applicant, stated they are proposing to develop a single-family subdivision on the subject property. He stated they have met with staff to discuss this development and have agreed to a 20-foot drainage interceptor right of way and they would like to amend their request to "R-4" on 6.375 acres of the property and "R-5" on the remaining 32.605 acres. He stated he feels this would relief Mr. McNew's concerns.

OPPOSE

James McNew, 5411 Galacino, stated he is concern on how this may affect his setbacks. He also expressed concerns with who would maintain the right of way.

Staff stated there were 21 notices mailed out to the surrounding property owners, 7 returned in opposition and 5 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 Grau and seconded by Commissioner McAden to recommend approval of "R-5" on the south 32.605 acres and "R-4" on the north 6.05 acres.

1. Property generally located on 39.77 acres out of NCB 14049 at Toepperwein Road approximately 2803 feet north of IH 35.
2. There were 21 notices mailed, 7 returned in opposition and 5 in favor.
3. Staff recommends approval.

AYES: Martinez, Grau, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel
NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.