

CASE NO: Z20266

Staff and Zoning Commission Recommendation - City Council

Zoning Commission postponement from November 21, 2000 and an applicant postponement from May 4, 2004 and a Zoning Commission Continuance from May 18, 2004

Date: August 12, 2004

Zoning Commission Meeting Date: June 15, 2004

Council District: 7

Ferguson Map: 548 B4

Appeal: No

Applicant: Owner:

Roy Horn, III LB Horn Jr.

Zoning Request: From O-2 Office District to C-2 Commercial District

Lots 3 and 4, Block S, NCB 14667

Property Location: 6300 Block of Babcock Road

Proposal: For retail use

Neighborhood Association: Country View and Country View Village Homeowners Association

Neighborhood Plan: Huebner/Leon Creek Community Plan

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Consistent. The land use component of the Huebner/Leon Creek Community Plan calls for this area to be developed as Community Commercial. C-2 is one of several zoning districts that the Zoning Commission may find to be consistent with the description for Community Commercial. Community Commercial provides for offices, professional services and retail uses that are accessible to bicyclists and pedestrians. Community Commercial should be located at the nodes on arterials at major intersections or where an existing commercial area has been established. Examples of Community Commercial uses include cafes, offices, restaurants, beauty parlors, neighborhood groceries or markets, shoe repair shops and medical clinics. (see page 25 of the Community Plan). To be fully consistent with the plan, the design of the site should include limited front parking, buffer landscaping and controls on lighting and signage.

Approval. Babcock Road is a major thoroughfare. A daycare exists immediately south of the subject property with a mini-storage and auto repair facility to the north across Horn Road. The subject property's lot is adjacent to a gated single-family neighborhood to the west. The requested zoning district accommodates commercial and retail uses that are more intensive in character than NC and C-1 uses, and which generate a greater volume of vehicular traffic and/or truck traffic. Considering the location of the subject property, C-2 uses would be appropriate at this location.

Zoning Commission Recommendation:

Approval

VOTE

FOR 6

AGAINST 4

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Pedro Vega 207-7980

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Zoning Case Z20266 was postponed on November 11, 2000 as per the applicant's request.

Zoning Case Z20266 was postponed on May 4, 2004 as per the applicant's request.

ZONING CASE NO. Z20266 – May 18, 2004

Applicant: Roy Horn, III

Zoning Request: "O-2" Office District to "C-2" Commercial District.

Roy Horn, applicant, stated he would like to request a continuance on this case to have more time to further discuss his proposal with the surrounding property owners. He stated they have already agreed to change most of the "C-2" to "C-2NA" with the remaining 1/3 to "C-2". He further stated they are still working on the buffers to Pembroke Village.

OPPOSE

Robert McCabe, 4 Pembroke, President of the Pembroke Neighborhood Association, representing the neighborhood association, stated they are in opposition of this request. They are an established Neighborhood Association that has been in the community for seven years. He further stated he has collected a petition with 43 signatures from the surrounding property owners expressing their opposition. He stated the Huebner/Leon Creek Community Plan states the purpose is to preserve the character and quality of life of the Huebner/Leon Creeks Community. He stated their goal is to develop new commercial and residential development that is respectful to primarily residential character of the area. He feel "C-2" uses would not preserve the character and quality of life of the residents of the Pembroke Village and feels he "O-2" buffer would is an inappropriate buffer for the residential properties. He expressed concerns with the increase in traffic and feels granting this request would ruin the character of the residential neighborhood. He further stated there has been no contact between the residents and Mr. Horn and feels there is any room for compromise.

David Sheets, 16 Pembroke Lane, expressed the same concerns as Mr. McCabe has stated. He stated they are not in opposition of the property being developed as "O-2". He stated they feel "C-2" would bring developments that would be inappropriate for this area.

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Stuart Foote, 9927 Abe Lincoln, stated there has been an attempt to change the zoning on this property in 1995. The zoning case was Z95278 and their request was from "O-1" to "B-2". It approved by Zoning Commission and denied by City Council. He stated they did not support the zoning request in 1995 and they are still in opposition of this request. He further stated Country View Neighborhood Association was not notified of this request. He feels this area should retain its "O-2" designation.

Tracy Davila, 28 Pembroke Lane, stated he also is in opposition of this request. He feels this would have a negative impact on the neighborhood. He expressed concerns with the noise and waste pollution as well as the increase in traffic.

Ernest Bruno, 22 Pembroke Lane, Board of Directors of Pembroke Village Neighborhood Association, stated he would like to express the same concerns as Mr. McCabe and Mr. Sheets. He further stated he purchased his home with the understanding that the subject property remain "O-2". He stated this request would definitely affect the environmental area, the safety and security of the neighborhood and cause a considerable amount of noise, traffic and other disruptions that comes along with a business.

Victor Larrumbide, 13 Pembroke Court, stated he would like this request be this case be denied. He stated they are concerned with how this change may devalue their residential properties.

Fred Johnson, 5 Pembroke Lane, stated they have practiced this zoning change three times already and all three requests has been denied. He further stated he would like to express the same concerns as Mr. McCabe.

REBUTTAL

Roy Horn, applicant, stated he has already made changes to accommodate the citizens concerns however he would like more time to meet with them and introduce the proposal with the new changes.

Staff stated there were 35 notices mailed out to the surrounding property owners, 9 returned in opposition and 0 returned in favor and no response from Country View and Country View Village Homeowners 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 Sherrill and seconded by Commissioner Grau to recommend a continuance until June 15, 2004.

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1. Property is located on Lots 3 and 4, Block S, NCB 14667 at 6300 Block of Babcock Road.
2. There were 35 notices mailed, 9 returned in opposition and 0 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z20266 – June 15, 2004

Applicant: Roy Horn, III

Zoning Request: "O-2" Office District to "C-2" Commercial District.

Roy Horn, 972 Tower View, applicant, stated he is requesting this change in zoning to allow for retail use. They are proposing to develop a Dollar Store on the subject property. He stated they have met with the members from Pembroke Village Neighborhood Association to present their proposal and have agreed to provide the following: zoning buffers, space buffers and landscape buffers however no agreed has been made. He further stated their intent is consistent with the neighborhood plan.

OPPOSE

Ernest Bruno, 22 Pembroke, stated he has met with Councilman Castro's and Mr. Horn on June 9, 2004 to further discuss their proposal. He stated Mr. Horn offered several compromises that they feel are inappropriate. He further stated the land that Mr. Horn offered as a 30-foot buffer consists of brush and weeds.

REBUTTAL

Roy Horn, 972 Tower View, applicant, stated when presenting his proposal to the surrounding property owners he offered alternation in this zoning plan. He asked for comments and/or suggestion to better serve the community. He further stated the subject property is surrounded by commercial uses and feels this development is appropriate for this area.

Staff stated there were 35 notices mailed out to the surrounding property owners, 13 returned in opposition and 2 returned in favor and Pembroke Village and Country View Village Neighborhood Association is in opposition.

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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.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Dixon to find consistency of the neighborhood plan.

A unanimous vote was taken.

THE MOTION CARRIED

RECOMMENDATION ON ZONING CASE REQUEST

COMMISSION ACTION

The motion was made by Commissioner Sherrill and seconded by Commissioner Dutmer to recommend denial.

AYES: Kissling, Dixon, Sherrill, Avila, Stribling

NAYS: Martinez, Cardenas-Gamez, Dutmer, McAden, Peel

THE MOTION FAILED

COMMISSION ACTION

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

1. Property is located on Lots 3 and 4, Block S, NCB 14667 at 6300 Block of Babcock Road.
2. There were 35 notices mailed, 13 returned in opposition and 2 in favor.
3. Staff recommends approval.

AYES: Martinez, Cardenas-Gamez, Dixon, McAden, Stribling, Peel

NAYS: Kissling, Dutmer, Sherrill, Avila,

THE MOTION CARRIED

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RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.