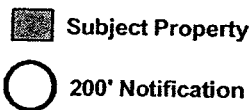


## ZONING CASE: Z2004-194

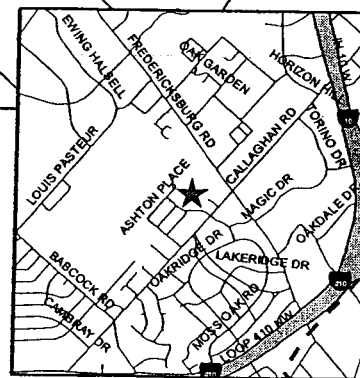
City Council District NO. 8  
 Requested Zoning Change  
 From: "MF-33" To "RM-6 S"  
 Date: October 14, 2004  
 Scale: 1" = 200'



B-2  
 p.581



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 (A.Z.)



# CASE NO: Z2004194 S

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from September 7, 2004 and September 21, 2004

Date: October 14, 2004

Zoning Commission Meeting Date: September 21, 2004

Council District: 8

Ferguson Map: 581 B2

Appeal: No

Applicant: Owner

Brown, P. C. The Children's Shelter Foundation

Zoning Request: From MF-33 Multi Family District to RM-6 S Residential Mixed District with a Specific Use Authorization for a child care institution

Block 25, NCB 11620

Property Location: 4040 High Ridge Circle

North of the homes on the north side of Midvale between Ashton Place and Callaghan Road

Proposal: To develop a child care institution

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

### Staff Recommendation:

Approval. The requested zoning is compatible with the surrounding zoning and uses. A child care institution is licensed by the Texas Department of Human Services and provides care for more than twelve (12) children for twenty-four (24) hours a day. This use is similar to the previous assisted living facility. The proposed change is a significant decrease in residential density and provides adequate transition between the single family uses to the south and the multi-family zoning to the north.

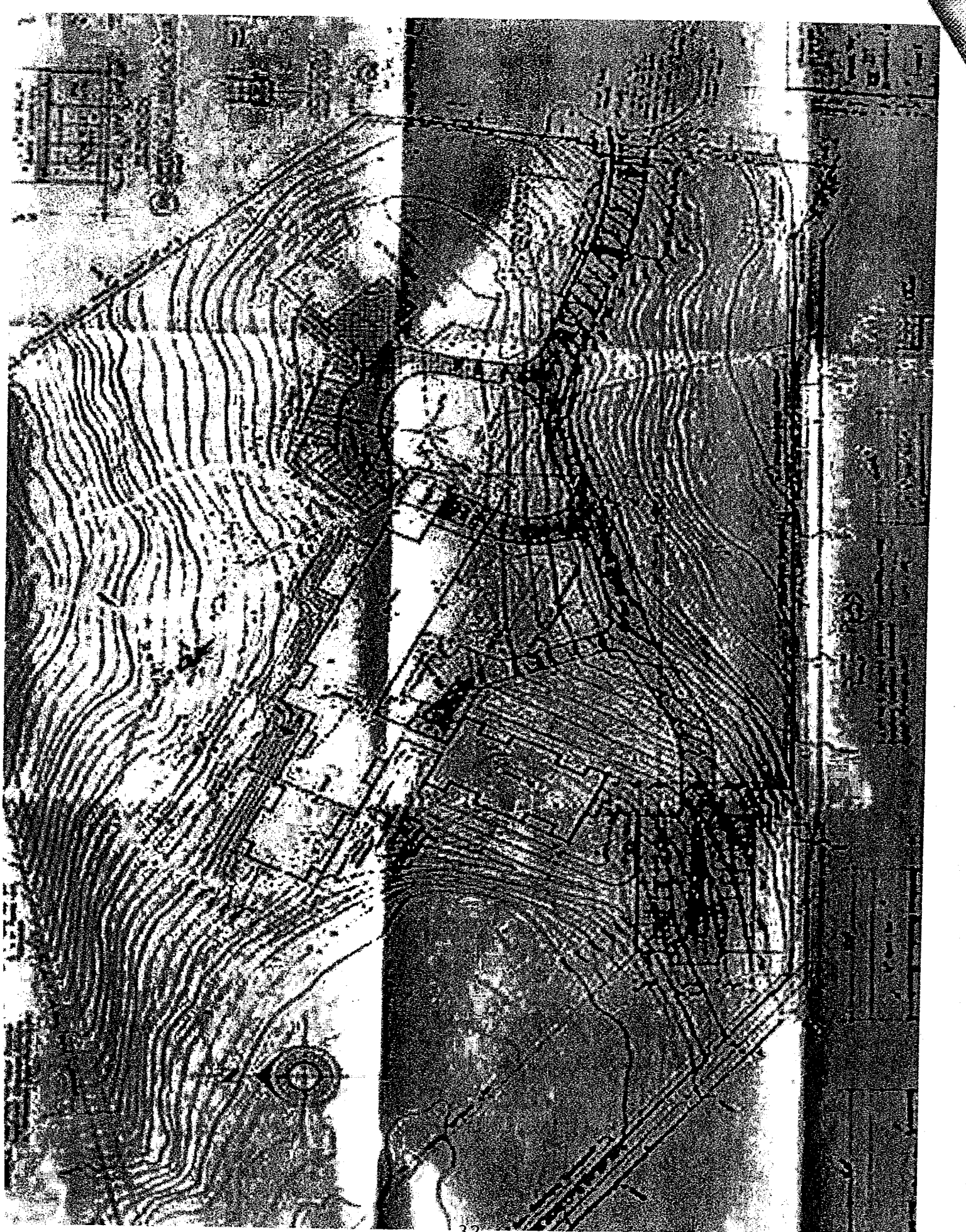
### Zoning Commission Recommendation

Approval

CASE MANAGER : Richard Ramirez 207-5018

### VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0



**Z2004194 S**

**ZONING CASE NO. Z2004194 S – September 7, 2004**

Applicant: Brown, P. C.

Zoning Request: "MF-33" Multi Family District to "RM-6" S Residential Mixed District with a Specific Use Authorization for a child care institution.

Ken Brown, 112 E. Pecan, representing the owner, stated this 6 acres tract was owned by KCI and was deeded to The Children's Shelter Foundation. The existing structure was a Ronald McDonald house for ill children and their families. He stated their intent is to develop a childcare institution that would house approximately 36 children. He stated representatives from the Children's Shelter walked the neighborhood to visit with the surrounding property owners within 200 feet to inform them of the proposed zoning change.

Donna Delfree, Children's Shelter Foundation, stated their mission of the program is to stabilize and then reunify the children into a family home setting, with their biological families or a community based foster care. She stated they acquired this property from KCI (Kinetic Concepts Incorporated) in the early part of this year. The Children's Shelter Foundation is a nationally accredited nonprofit agency founded in 1901. As the oldest and largest emergency shelter for young children in Texas, the Children's Shelter has a long history of providing care to children in crisis. She stated their programs include foster care, adoption, teen pregnancy prevention program and abuse prevention initiatives. Their focus has always been young children under the age of 12. She stated these children are distressed or experiencing emotional problems that make it difficult or impossible for them to heal while in foster home settings. The center would be a short-term care facility for abused and neglected children in the custody of the Department of Family and Protective Services. The anticipated length of stay for a child would be 90 to 120 days. The children that would be housed in the center would be boys and girls, ages 5 through 12. No child would be medically incapacitated or mechanically restrained and children will always be under the supervision of direct care providers. She stated they intend to remodel the existing structure but do not intend to build any other buildings on the ground. She further stated it is their desire to integrate this center into the neighborhood with a minimum impact on the community.

Ken Brown, 112 E. Pecan, representing the owner, stated this property is currently zoned "MF-33" and feels what they are proposing would be better for the neighborhood giving the commercial multi family on one side and single family on the other side.

**OPPOSE**

David Ayon, 4007 Midvale, stated he is concerned how this facility may have a negative effect on the children in the neighborhood. He further stated the surrounding residents received little information on the proposed childcare institute. He is concerned that should the Children's Shelter leave the neighborhood the zoning change would remain "RM-6" and may encourage another facility to move into the neighborhood.

Joe Mendoza, 4002 Midvale, stated he is concerned for the safety and well being of the children and families in the neighborhood. He stated he has not been in contact with the representatives from the Children's Shelter.

Quon Lew, 4015 Midvale, stated he has lived in the neighborhood for over 30 years and there was a 75-foot buffer zone in the 6.79 acres.

**Ken Brown stated they do have a 75-foot building setback line however they would not expand the facility.**

Mary Alice Ayon, 4007 Midvale, stated she would like clarification on the type of children shelter that is being proposed. She stated what type of children would be housed at the facility and the types of treatments that would be offered to the children.

Jesse Pacheco, 4019 Midvale, stated the subject property abuts his backyard. He stated he is concerned with the type of buffer that would be provided. He expressed concerns with the children accidentally wandering off the children's shelter's property.

W. H. Wood, 7330 Ashton, stated there is no buffer between the subject property and the adjacent property owners. He stated they have put up a fence to serve as a buffer. He also stated he would like more information on the types of children that would be housed at the facility.

## **REBUTTAL**

Ken Brown, 112 E. Pecan, representing the owner, stated he would support a continuance to meet with the surrounding property owners to address their concerns.

Staff stated there were 38 notices mailed out to the surrounding property owners, 10 returned in opposition and 1 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 Stribling and seconded by Commissioner McAden to recommend a continuance until September 21, 2004.

1. Property is located on Block 25, NCB 11620 at 4040 High Ridge Circle.
2. There were 38 notices mailed, 10 returned in opposition and 1 in favor.
3. Staff recommends approval.

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

**NAYS: None**

**Z2004194 S**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2004194 S** – September 21, 2004

Applicant: Brown, P. C.

Zoning Request: "MF-33" Multi Family District to "RM-6" S Residential Mixed District  
with Specific Use Authorization for a child care institution.

Ken Brown, 112 E. Pecan representing the owner, stated this case was continued from September 7, 2004 meeting. He stated after meeting with the surrounding property owners and neighborhood association to address their concerns they are now in support.

Staff stated there were 38 notices mailed out to the surrounding property owners, 10 returned in opposition and 1 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 Stribling and seconded by Commissioner Grau to recommend approval.

1. Property is located on Block 25, NCB 11620 at 4040 High Ridge Circle.
2. There were 38 notices mailed, 10 returned in opposition and 1 in favor.
3. Staff recommends approval.

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

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.