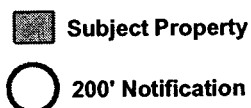


ZONING CASE: Z2004-226

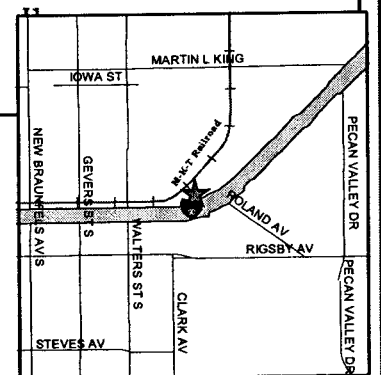
City Council District NO. 2
 Requested Zoning Change
 From: C-3 To MF-33
 Date: December 9, 2004
 Scale: 1" = 200'



E-8
 p.617



C:\Oct_5_2004
 (A.Z.)



CASE NO: Z2004226

Staff and Zoning Commission Recommendation - City Council

Date: December 09, 2004

Zoning Commission Meeting Date: November 02, 2004

Council District: 2

Ferguson Map: 617 E8

Appeal: No

Applicant:

Heather Drake

Owner:

J. H. Uptmore & Associates, Inc.

Zoning Request: From C-3 Commercial District to MF-33 Multi-Family District

Lot 1, Block 1, NCB 14057

Property Location: Northwest of Highway 90 between Westfall Avenue and Roland Avenue

Proposal: To construct a multi-family apartment complex

Neighborhood Association: Sunny Slope Neighborhood Association and Highland Park Neighborhood Association

Neighborhood Plan: Arena District/Eastside Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Consistent.

There is no land use designation for this property within the Arena District/Eastside Plan, therefore any zoning would be consistent at this site.

Denial.

The subject property is currently vacant. The subject property is located on Roland Avenue (a primary arterial) and Highway 90 with the MKT Railroad to the northwest. Vacant properties zoned for I-1 General Industrial use are located along Roland Avenue, northeast of the subject property. Vacant properties zoned for RM-4 Mixed Residential are located on the western portion of the property. The subject property is limited in access points due to the close proximity to the railroad and the highway. An access point from Roland Avenue would be appropriate, however, access to Highway 90 could present potential traffic and safety issues. There is not access to the VIA Metropolitan Transit System in close proximity to the subject property. C-3 Commercial uses would be more appropriate for this site due to the close proximity of the railroad and highway.

Zoning Commission Recommendation:

Approval

VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Robin Stover 207-7945

Z2004226

ZONING CASE NO. Z2004226 – November 2, 2004

Applicant: Heather Drake

Zoning Request: "C-3" Commercial District to "MF-33" Multi-Family District.

Debra Guerrero, 3915 Skylark, representing the owner, stated they are requesting this change in zoning to allow development of a multi-family gated apartment complex with amenities. She stated they purposing to develop approximately 166 units. She further stated they have been in contact with the neighborhood association who is in support of this request. She stated this area is in need of redevelopment and feels this would have a positive impact on the community.

Jeff Tundra, 1294 Country Parkway, stated Roland Avenue north of IH 10 is not on the major thoroughfare plan. It is platted as an 86-foot right-of-way. The subject property currently has 480 feet of frontage along Roland Avenue and according to the Unified Development Code that would allow to access points along Roland Avenue. He stated they have also been in contact with Highway Department about access to the frontage road along IH 10 and at this time they have indicated that access generally would not be permitted however there may be some potential to allow an exit only for an apartment use. The subject property does have over 1000 feet of frontage along IH 10. Staff has indicated that it would be more appropriate to retain the C-3 zoning designation however this would be inconsistent with the access restrictions on site.

Dan Markson, 317 Lexington, stated he would agree to erect a 8 foot privacy fence between the railroad and the propose subdivision along with a greenbelt along with the fence to attenuate the noises generated by the railroad.

Staff stated there were 12 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Sunny Slope and Highland Park 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.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

Z2004226

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Kissling to recommend approval and recommends the following condition: To erect a 8 foot privacy fence between the railroad and the propose subdivision along with a greenbelt along with the fence to attenuate the noises generated by the railroad.

John Jacks, Acting Planning Manager, stated Zoning Commission could not put a condition to erect a fence in the zoning case however City Council could allow the applicant to go as high as 8 feet.

Debra Guerrero, representing the owner, stated she would prepare a letter addressed to the Councilman suggesting the 8-foot privacy fence recommendation be part of City Councils action.

1. Property is located on Lot 1, Block 1, NCB 14057 at Northwest of Highway 90 between Westfall Avenue and Roland Avenue.
2. There were 12 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.