

CASE NO: Z2004228 C

Staff and Zoning Commission Recommendation - City Council

Date: November 18, 2004

Zoning Commission Meeting Date: October 19, 2004

Council District: 10

Ferguson Map: 518 C8

Appeal: No

Applicant:

Nader Shahsavary (Happyland Daycare)

Owner:

Nader Shahsavary

Zoning Request: From R-6 Residential Single-Family District to R-6 C Residential Single-Family District with Conditional Use for a Daycare Center

2.596 acre tract of land out of NCB 15837

Property Location: 4168 Stahl Road

Southeast side of Stahl Road between Fairway Hill and Bell Drive

Proposal: For a children's daycare

Neighborhood Association: Northern Hills Home Owners Association

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Approval. A registered family home exists on the subject property (Happyland Daycare). The subject property is located on Stahl Road, a major thoroughfare and adjacent to R-6 Residential Single-Family District to the southwest, R-5 Residential Single-Family District to the northeast, RM-4 Residential Mixed District to the southeast and C-3NA General Commercial Nonalcoholic Sales District and C-2 Commercial District across Stahl Road to the northwest. The R-6 C Residential Single Family District with Conditional Use for a Daycare Center would be appropriate at this location and provide convenient child care for this area. Furthermore the subject property is large enough to accommodate a Daycare Center.

The following conditions shall apply to the operation of nonresidential conditional uses permitted within any residential district, unless otherwise approved by the City Council: 1. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure. 2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood. 3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 6:00 p.m.

Requested by the applicant: 1. In conjunction with a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure, there shall be allowed a monument sign to be constructed within the front yard not exceeding forty (40) square feet in area. 2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood. 3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:00 p.m.

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Zoning Commission Recommendation:

Approval with the following conditions: 1. In conjunction with a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure, there shall be allowed a monument sign to be constructed within the front yard not exceeding forty (40) square feet in area. 2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood. 3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:00 p.m.

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

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ZONING CASE NO. Z2004228 C – October 19, 2004

Applicant: Nader Shahsavary (Happyland Daycare).

Zoning Request: "R-6" Residential Single Family District to "R-6" C Residential Single Family District with Conditional Use for a Daycare Center.

Scott Dye, representing the owner, stated the subject property is currently being used as a daycare center. He stated their intent is to allow for more than 12 children. He further stated they have been in contact with the neighborhood association and the surrounding property owners who are in support of this request. He also stated they are in agreement with staff's recommendations.

Staff stated there were 47 notices mailed out to the surrounding property owners, 2 returned in opposition and 7 returned in favor and Northern Hills Home Owners Association is 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 Cardenas-Gamez to recommend approval with the following conditions: 1. In conjunction with a nameplate, not exceeding three (3) square feet in area may be permitted when attached to the front of the main structure, there shall be allowed a monument sign to be constructed within the front yard not exceeding forty (40) square feet in area. 2. No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood. 3. Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:00 p.m.

1. Property is located on 2.596-acre tract of land out of NCB 15837 at 4168 Stahl Road.
2. There were 47 notices mailed, 2 returned in opposition and 7 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

Z2004228 C

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing