

CASE NO: Z2004258 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from December 7, 2004

Date: January 27, 2005

Zoning Commission Meeting Date: January 04, 2005

Council District: 1

Ferguson Map: 616 C1

Appeal: No

Applicant:

Owner:

Annette Aguirre

Annette Aguirre

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

Lots 21 through 23, Block 42, NCB 1850

Property Location: 1100 West Woodlawn

The southwest corner of West Woodlawn and Michigan Avenue

Proposal: To operate as a professional office.

Neighborhood Association: Beacon Hill Neighborhood Association

Neighborhood Plan: Midtown Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval. The land use component for the Midtown Neighborhood Plan calls for medium-density residential. Medium-density residential uses include three and four unit family dwellings and townhouses. Since no change is proposed to the base zoning of R-6, which is consistent with Medium Density Residential land use, a plan amendment is not required. The subject property is located on the corner of West Woodlawn and Michigan Avenue. West Woodlawn is a Secondary Arterial, Type B. The subject property is surrounded by a mixture of development including single-family homes, two or more unit dwellings and several office and commercial uses. A church and parking lot are directly across the subject property fronting Woodlawn. Due to the size of the residential structure, 3172 square feet, the office use would require at least 10 parking spaces. At staffs request the property owner has submitted plans indicating that the appropriate number of parking spaces can be provided. Staff recommends the following conditions:

1. The Landscape provisions for commercial development shall be adhered to.
2. Parking lot screening shall be provided in order to meet the minimum UDC landscape standards of the UDC.
3. The number of parking spaces shall not exceed the minimum required.

In addition, 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.

Zoning Commission Recommendation:

Approval with staff's conditions

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

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ZONING CASE NO. Z2004258 – December 7, 2004

Applicant: Annette Aguirre

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

Shelly Johnson, 14019 Fairway Oaks, representing the owner stated they are requesting this change in zoning to allow for a law office on the subject property. She further stated their intent is to renovate the structure and there would not add any additional structures to the existing building. She further stated they have been in contact with Mr. Ashkenaze (Beacon Hill Neighborhood Association) who is in support of this request.

FAVOR

Jonathan Ashkenaze, representing the Beacon Hill Neighborhood Association, stated they wish to support Mr. Aguirre's request. He stated this request would be consistent with the neighborhood plan. He further stated they wish for the following conditions to be imposed on the use of the property:

1. The house at 1100 West Woodlawn should remain in the character of the neighborhood.
2. Parking should not exceed 50% of the ground space in the backyard area.
3. Any and all signage should be small and attached to the building.
4. No employee parking on either adjacent street – Woodlawn or Michigan.
5. The property owner and all succeeding property owners will work with the Heart of the Neighborhood Committee of BHANA prior to and during any changes, additions or deletions to the house. The Heart of the Neighborhood Committee of BHANA must approve all exterior changes to the house and also any changes in the planned use of the house beyond a law practice prior to them being implemented.
6. The property owner and succeeding property owners must comply with the neighborhood plan for Beacon Hill and also with any and all requirements set for by the Neighborhood Conservation District or its ruling authority.

Adrian Aguirre, 1100 W. Woodlawn, owner, stated he believes this would be the best use for this property. He stated there is a high volume of traffic in and around that intersections and feels residential use is inappropriate. He stated he has met with Beacon Hill Neighborhood Association to present his request and are in support.

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and Beacon Hill Neighborhood Association is in favor.

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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 Kissling and seconded by Commissioner McAden to find consistency of the neighborhood plan.

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Kissling and seconded by Commissioner Cardenas-Gamez to recommend a continuance until January 4, 2005.

1. Property is located on Lots 21 through 23, Block 42, NCB 1850 at 1100 West Woodlawn.
2. There were 17 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2004258 C – January 4, 2005

Applicant: Annette Aguirre

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

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Shelly Johnson, 18830 Stone Oak Parkway, representing the owner, stated they are requesting this change in zoning to allow for a law office on the subject property. She stated they have amended their site plan as staff has requested to demonstrate 10 parking spaces. She stated they have provided 8 parking spaces with the 2 reserved parking spaces for handicap. She further stated they have agreed with the following conditions as staff has requested: 1. The landscape provision for commercial development shall be adhere to; 2. Parking lot screening shall be provided in order to met the minimum UDC landscape standards of the Unified Development Code; 3. The number of parking space shall not exceed the minimum required. In addition, she stated they also agree that the following conditions shall apply to the operation of non-residential conditional uses permitted within any residential district unless otherwise approved by City Council: 1. There shall be no exterior display or sign with the exception that a name plate not exceeding 3 square feet in area may be permitted when attached to 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 operation shall not be permitted before 7am or after 6 pm.

Staff stated there were 17 notices mailed out to the surrounding property owners, 1 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.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Kissling and seconded by Commissioner McAden to recommend approval with the following conditions: 1. The landscape provision for commercial development shall be adhere to; 2. Parking lot screening shall be provided in order to met the minimum UDC landscape standards of the Unified Development Code; 3. The number of parking space shall not exceed the minimum required. In addition, she stated they also agree that the following conditions shall apply to the operation of non-residential conditional uses permitted within any residential district unless otherwise approved by City Council: 1. There shall be no exterior display or sign with the exception that a name plate not exceeding 3 square feet in area may be permitted when attached to 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 operation shall not be permitted before 7am or after 6 pm.

1. Property is located on the Lots 21 through 23, Block 42, NCB 1850 at 1100 West Woodlawn.
2. There were 17 notices mailed, 1 returned in opposition and 1 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.