

CASE NO: Z2005043 C

Staff and Zoning Commission Recommendation - City Council

Continued from Zoning Commission March 15, 2005

Date: April 28, 2005

Zoning Commission Meeting Date: April 05, 2005

Council District: 2

Ferguson Map: 617 B1

Applicant: Stephen Poteet

Owner: Brackenridge Park/Broadway
Developments, Ltd.

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

Property Location: Lot 44, Block 1, NCB 3593

218 Post Avenue
South side of Post Avenue; east of Broadway

Proposal: To utilize as part of retail development fronting Broadway

Neighborhood Association: Westfort Alliance Neighborhood Association

Neighborhood Plan: Westfort Neighborhood Plan

TIA Statement: Traffic Impact Analysis is not required

Staff Recommendation:

Consistent.

The Westfort Neighborhood Plan designates the Land Use for the subject property as Urban Single-Family Residential which is consistent with the base zoning of R-6.

Approval of R-6 C with Conditional Use for a Parking Lot with conditions.

The subject property is located directly behind a commercial use. There are residential uses directly north, east, and south of the subject property. Post Avenue is firmly established as a residential local street. Allowing commercial encroachment further east on Post Avenue is not preferable, but considering the topography and location of the subject property, it may not be amenable to future residential development. With the proper conditions, the proposed parking lot could be designed to blend in with the existing residential uses in terms of aesthetics and commercial traffic circulation that currently exist along Broadway. The following conditions are recommended:

1. No ingress/egress shall be permitted on the subject property, but shall be provided from the adjacent lots to the west.
2. Parking lot screening shall be provided along the property line abutting Post Avenue. The screening shall be a minimum of six (6) feet in width.
3. Along the rear (south) and east side property lines, a solid screen privacy fence that is 6 feet in height shall be provided to protect the adjacent residences. On the parking lot side of the fence, a ten (ten) foot wide vegetative buffer shall be provided that includes medium to large trees.
4. To achieve conditions 2 and 3, a total of 70 "landscaping" points shall be required. The UDC allows a reduction from 70 points to 25 points when parking is not in the front street yard. Although this parking is not in

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the front street yard, 70 points shall be a condition to help protect the residential character of the neighborhood.

5. No pole signs shall be permitted on the subject property.

6. Lighting shall be directed away from adjacent properties and no light fixture shall emit light above a vertical cut-off angle of 90 degrees.

Zoning Commission Recommendation:

Approval with staff conditions

CASE MANAGER : Trish Wallace 207-0215

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

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ZONING CASE NO. Z2005043 C – March 15, 2005

Applicant: Stephen Poteet

Zoning Request: "R-6" Residential Single Family District to "C-2" Commercial District.

Stephen Poteet, 3308 Broadway, applicant, stated he has been working with the representatives from Westfort Neighborhood Association regarding the proposed zoning change and is agreeable in amending their request to "R-6" C. He further stated they would also like to request a continuance on this case to continue working with Westfort Neighborhood Association in addressing their concerns.

OPPOSE

Chuck Stallcup, 310 Brahan Blvd., representing Westfort Alliance Neighborhood Association, stated they have been working with Mr. Poteet regarding this zoning request. He stated they oppose the "C-2" zoning designation. They support the "R-6" C designation for this property.

George Ragsdale, 222 Post Ave., stated he is in opposition of this request. He feels this request would have a negative impact on the community. He stated he there have been other businesses in operation on the subject property prior to Mr. Poteet. He has concerns with the noise and light pollutions. He stated he has also experience some damages to his home (cracked foundation) due to the construction of the business prior to Mr. Poteet.

Stephen Poteet, 3308 Broadway, applicant, stated he is agreeable to construct a retaining wall between the subject property and the abutting residential properties to prevent any drainage run-off.

David Harwood, 275 Post Avenue, stated his opposition is conditional. He stated he is for Mr. Poteet coming into the neighborhood to better the community however their concerned with the egress/ingress on Post Avenue. He feels this project should be reviewed more thoroughly that would alleviate traffic flow in and out of Post Avenue.

REBUTTAL

Stephen Poteet, 3308 Broadway, applicant, stated he does not feel the egress/ingress issue would be a problem being that there are currently approximately 3 egress/ingress on the property off of Broadway. He stated after meeting with members of the Westfort Alliance Neighborhood Association he has amended his request to "R-6" C. He further stated his intent is to better the community.

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Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and Westfort Neighborhood Association is not in favor of the "C-2" designation.

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 Cardenas-Gamez to find inconsistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Cardenas-Gamez to reconsider the motion of finding of inconsistency.

(A verbal vote was taken)

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

NAYS: None

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Cardenas-Gamez to find consistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

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THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Cardenas-Gamez to recommend a continuance until April 5, 2005 for "R-6" C.

1. Property is located on Lot 44, Block 1, NCB 3593 at 218 Post Avenue.
2. There were 16 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends denial.

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

NAYS: None

ABSTAIN: McAden

THE MOTION CARRIED

ZONING CASE NO. Z2005043 C – April 5, 2005

Applicant: Stephen Poteet

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

Stephen Poteet, representing the owner, stated they have received the review from City staff and concur with their recommendations that have been made. He stated after meeting with the representatives from Westfort Alliance they have also agreed on add to City staff recommendation 3 instead of a 6-foot wide vegetative buffer they would increase it to 10-foot to benefit the adjacent landowners. In addition, they have also agreed on shield lighting on the proposed property to reduce light pollution.

FAVOR

Brent Knapp, 330 Brahan Boulevard, President of Westfort Alliance Neighborhood Association, stated they have met with Mr. Poteet regarding this zoning request. He stated they are in support providing they abide by City staff recommendations as well as the conditions they have recommended.

Staff stated there were 16 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and Westfort Alliance 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 Dixon and seconded by Commissioner Avila to find consistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner McAden to recommend approval with condition as recommended by staff with the amends the applicant has stated.

Conditions:

1. No ingress/egress shall be permitted on the subject property, but shall be provided from the adjacent lots currently zoned "C-2".
2. Parking lot screening shall be provided along the property line abutting Post Avenue. The screening shall be a minimum of six (6) feet in width.
3. Along the rear (south) and east side property lines, a solid screen privacy fence shall be provided to protect the adjacent residences. On the parking lot side of the fence, a ten (10) foot wide vegetative buffer shall be provided that includes medium to large trees.
4. To achieve conditions 2 & 3, a total of 70 "landscaping" points shall be required. The UDC allows a reduction from 70 points to 25 points when parking is not in the front street yard. Although this parking is not in the front street yard, 70 points shall be condition to help protect the residential character of the neighborhood.
5. No pole signs shall be permitted on the subject property.
6. Provide shield lighting on the proposed property to reduce light pollution.

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1. Property is located on Lot 44, Block 1, NCB 3593 at 218 Post Avenue.
2. There were 16 notices mailed, 1 returned in opposition and 0 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, 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.