



# CASE NO: Z2006011 CD

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from January 17, 2006 and February 7, 2006

**Date:** March 23, 2006

**Zoning Commission Meeting Date:** February 21, 2006

**Council District:** 10

**Ferguson Map:** 553 A-1

**Applicant:**

**Owner:**

Bruce Shepherd

Bruce Shepherd

**Zoning Request:** From "C-3" General Commercial District and "C-2" Commercial District to "RM-5" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 13 units per acre

Lot 76, Block 1, NCB 16273

**Property Location:** 13600 Block of O'Connor Road

Northeast corner of O'Connor Road and Fountainwood

**Proposal:** Townhome complex

**Neighborhood Association:** Woodstone Neighborhood Association (within 200 feet)

**Neighborhood Plan:** None

### Traffic Impact Analysis

A Traffic Impact Analysis is not required.

### Staff Recommendation:

Approval

The subject property is currently undeveloped and located on O'Connor Road a major thoroughfare. The subject property is adjacent to "R-6" Residential Single-Family District to the east (single-family dwellings), "C-2" Commercial District across O'Connor Road to the west (vacant) and "C-3" General Commercial District across Fountainwood to the south (Shopping Center). A drainage easement is located to the north. The change in zoning from a commercial district to a residential mixed district would be a down-zoning. The RM-5 Residential Mixed District provides design flexibility while preserving the neighborhood character.

The subject property was originally zoned "B-3" Business District and "B-2" Business District under the provisions of the 1965 zoning ordinance. The zoning districts later converted to "C-3" General Commercial District and "C-2" Commercial District following the 2001 adoption of the Unified Development Code (UDC). Multiple family dwellings were permitted in the "B-2" Business District.

### Zoning Commission Recommendation:

Approval (CD-Multi-Family) Residential Mixed District with a Conditional Use for multi-family dwellings not to exceed 13 units per acre

### VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

**CASE MANAGER :** Pedro Vega 207-7980

**Z2006011 CD**

**ZONING CASE NO. Z2006011 – January 17, 2006**

Applicant: Bruce Shepherd

Zoning Request: "C-3" General Commercial District and "C-2" Commercial District to "RM-5" Residential Mixed District.

Bruce Shepherd, 850 Highway 46, owner, stated their intent is to develop residential units on the subject property. The property is currently zoned for commercial use and feels this development would be less intense. He stated he feels this develop would be beneficial.

David Swift, 8101 Rough Rider, stated they are proposing to develop duplex units on the subject property. They intent to keep the existing trees which would serve as a buffer. He stated he has been in contact with the surrounding neighbors and has made several attempts to contact the neighborhood association and has not received a response.

**OPPOSE**

Francine Manis, 5403 Campwood, stated she is concerned with the type of tenants that would occupy these duplexes. She does not approved of Section 8 housing for their neighborhood. She also expressed concerns with the increase in traffic in the neighborhood and the drainage problems that currently exist. She feels this issue should be corrected before any new development occurs.

Claudia Gomez, 13511 Waco, stated she is also concerned with the type of tenants that would occupy these units. She also feels there would be an increase in traffic as well as an increase in crime. She further stated the other surrounding neighbors are also in opposition however they were unable to attend the hearing.

**REBUTTAL**

David Swift, 8101 Rough Rider, stated he does not see how this development would pose a threat to the neighborhood verses the existing commercial use. He stated should a commercial facility be constructed on the subject property there would be a high increase in traffic flow. He feels residential designation would be suitable for the community. Staff stated there were 20 notices mailed out to the surrounding property owners, 2 returned in opposition and 2 returned in favor and no response from Woodstone 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.

**Z2006011 CD**

**COMMISSION ACTION**

The motion was made by Commissioner Robbins and seconded by Commissioner McAden to recommend a continuance until February 7, 2006.

1. Property is located on Lot 76, Block 1, NCB 16273 at 13600 Block of O'Connor Road.
2. There were 20 notices mailed, 2 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila, Stribling, Gray**

**NAYS: None**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2006011** - February 7, 2006

Applicant: Bruce Shepherd

Zoning Request: "C-3" General Commercial District and "C-2" Commercial District to "RM-5" Residential Mixed District.

Bruce Shepherd, 850 Highway 46 S., owner, stated he has been working with City staff and would like to request a continuance on this case so that the Traffic staff may review this project.

**OPPOSE**

Kathy Volkmann, 5401 Campwood, stated she has visited the surrounding neighbors in and outside the 200-foot radius and they are all in opposition. She expressed concerns with the increase in traffic and crime in the neighborhood. She also expressed concerns with the type of tenants that would occupy these units. She further stated who would maintain the 20-foot easement that abuts the residential homes.

**REBUTTAL**

Bruce Shepherd, 850 Highway 46 S., owner, stated he has been in contact with the surrounding neighbors and has received a letter of support. He feels this project would be more beneficial to the residents than commercial development.

## **Z2006011 CD**

Staff stated there were 20 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 returned in favor and no response from Woodstone 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.

### **COMMISSION ACTION**

The motion was made by Commissioner Robbins and seconded by Commissioner McAden to recommend a continuance until February 21, 2006.

1. Property is located on Lot 76, Block 1, NCB 16273 at 13600 Block of O'Connor Road.
2. There were 20 notices mailed, 3 returned in opposition and 2 in favor.
3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, McAden, Martinez, Stribling, Gray**

**NAYS: None**

### **THE MOTION CARRIED**

#### **ZONING CASE NO. Z2006011 – February 21, 2006**

Applicant: Bruce Shepherd

Zoning Request: "C-3" General Commercial District and "C-2" Commercial District to "RM-5" Residential Mixed District.

Bruce Shepherd, 11931 O'Connor Road, owner, stated after meeting with city staff in the Traffic Division he has made some amendments to his original application. He stated at this time he would like to amend his request to "RM-5". He feels this project is much more compatible to than what would be allowed in the "C-3", "C-2" zoning designation. He stated he is proposing to develop a townhome complex on the subject property.

David Swift, 6327 Mallard Point, developer, stated from the pervious zoning meeting they have met with city officials with regards to traffic issues and they amended their plan to address those concerns. He stated he feels that issue has been resolve.

**OPPOSE**

Francine Maness, 5403 Campwood, stated she is concerned with the increase in traffic this development would bring into the neighborhood. She also expressed concerns with the drainage problems in the neighborhood. She stated her property abuts a drainage ditch which she is concerned that this development may cause stress and cause the ditch to over flood which would definitely cause damage to her residence. She further stated she was just informed about Mr. Shepherd amendment and is still unsure about her concerns being addressed.

**REBUTTAL**

Bruce Shepherd, 11931 O'Connor Road, owner, stated the purpose of his amendment was to address the concerns the neighbors had with regards to the traffic issues. He stated he has made the changes to this project to make it more suitable for the surrounding property owners. He stated he is proposing to develop residential use as oppose to what is permitted with the current commercial designation which he feels would be more severe to the neighborhood.

Staff stated there were 20 notices mailed out to the surrounding property owners, 3 returned in opposition and 5 returned in favor and no response from Woodstone 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.

**COMMISSION ACTION**

The motion was made by Commissioner Robbins and seconded by Commissioner McAden to recommend approval of "RM-5" with Conditional Use for multi family dwelling not to exceed 13 units per acre.

1. Property is located on Lot 76, Block 1, NCB 16273 at 13600 Block of O'Connor Road.
2. There were 20 notices mailed, 3 returned in opposition and 5 in favor.
3. Staff recommends approval.

**AYES:** Avila, Robbins, Rodriguez, Gadberry, Sherrill, McAden, Martinez, Stribling, Gray

**NAYS:** None

**THE MOTION CARRIED**

**Z2006011 CD**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.