

CASE NO: Z2005290

Staff and Zoning Commission Recommendation - City Council

Date: May 04, 2006

Zoning Commission Meeting Date: March 21, 2006

Council District: 3 **Ferguson Map:** 684 B-2

Applicant: Owner

Brown, P.C. 3500 Goliad Road, L.P.

Zoning Request: From "R-4" Residential Single-Family District to "C-2" Commercial District
Parcel 1, NCB 10880

Property Location: 3600 Block of Goliad Road
Goliad Road and South East Loop 410

Proposal: Develop a commercial site

Neighborhood Association: Brookside Neighborhood Association

Neighborhood Plan: None

Traffic Impact Analysis:

A Traffic Impact Analysis is required. (See below)

Staff Recommendation:

Approval. The subject property is vacant. To the north of the property is "MH" zoning and uses. West of the property is a Residential development. The residential properties on the west side of Goliad face Barkmeyer. South IH 37 and South East Loop 410 surround the rest of the property.

The original request was amended from "C-3" to "C-2".

"C-3" zoning is encouraged at the intersections of major arterials. The subject property meets at the intersection of two major Freeways (SE Loop 410 and IH 37 S) and a major thoroughfare (Goliad Road). This intersection makes up a commercial node.

A Level-1 TIA has been submitted, however a Level-2 would be required when a more detailed development on the site is defined. In addition, a Level-2 study performed at this time would not take into account the development activity occurring at Brook City Base with the commercial growth and the addition of DPT Laboratories. The developer has proposed to perform a more extensive study at a future date, when City Brooks is more built-out. The 23.887-acres is currently zoned R-6 Single Family Residential use. The current zoning would have generated approximately 1,320 daily vehicle trips. The property is proposed to be zoned C-3 and developed into shopping center, though no layout has been proposed with the TIA. The proposed C-3 development is projected to generate 11,164 daily vehicle trips, an increase of 9,844 vehicle trips per day.

Due to the limited current traffic on Goliad, and the close location of the freeway, the TIA Division recommends support of re-zoning based on the TIA submitted and will request a more detailed TIA when platted. It is likely that the development will require widening of Goliad when development occurs.

Zoning Commission Recommendation

Approval

CASE MANAGER : Richard Ramirez 207-5018

VOTE

FOR	8
AGAINST	1
ABSTAIN	1
RECUSAL	0

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ZONING CASE NO. Z2005290 – December 20, 2005

Applicant: Brown, P.C.

Zoning Request: "R-4" Residential Single-Family District to "C-3" General Commercial District.

Patrick Christansen, 112 E. Pecan, representing the applicant, stated that they would like to request a continuance until January 17, 2006 to allow them time to schedule a meeting with the neighborhood association.

Staff stated there were 28 notices mailed out to the surrounding property owners, 6 returned in opposition and 0 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.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Kissling for a continuance until January 17, 2006.

1. Property is located on Parcel 1, NCB 10880 at 3600 Block of Goliad Road.
2. There were 28 notices mailed, 6 returned in opposition and 0 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Sherrill, Avila, Kissling, McAden, Gray
NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005290 – January 17, 2006

Applicant: Brown, P. C.

Zoning Request: "R-4" Single Family Residential District to "C-3" General Commercial District.

Patrick Christensen, 112 E. Pecan, representing the owner, stated he would like to request a 30-day continuance on this case to continue to work with Brookside Neighborhood Association.

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Staff stated there were 28 notices mailed out to the surrounding property owners, 7 returned in opposition and 0 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.

COMMISSION ACTION

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

1. Property is located Parcel 1, NCB 10880 at 3600 Block of Goliad Road.
2. There were 28 notices mailed, 7 returned in opposition and 0 in favor.
3. Staff recommends approval contingent on Plan Amendment.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005290 – February 21, 2006

Applicant: Brown, P. C.

Zoning Request: "R-4" Residential Single Family District to "C-3" General Commercial District.

Patrick Christensen, 112 E. Pecan, representing the owner, stated he would like to request a 30-day continuance on this case to have more time to meet with the neighborhood association.

Staff stated there were 28 notices mailed out to the surrounding property owners, 5 returned in opposition and 0 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.

COMMISSION ACTION

The motion was made by Commissioner Gadberry and seconded by Commissioner Sherrill to recommend a continuance until March 21, 2006.

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1. Property is located on Parcel 1, NCB 10880 at 3600 Block of Goliad Road.
2. There were 28 notices mailed, 5 returned in opposition and 0 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005290 – March 21, 2006

Applicant: Brown P. C.

Zoning Request: "R-4" Residential Single Family District to "C-3" General Commercial District.

Patrick Christensen, 112 E. Pecan, representing the owner, stated this case was originally submitted in November. He stated their original request was for "C-3" and would like to formally amending to "C-2". They are proposing a retail commercial site on this 24-acre tract. He stated he has met with the representatives from Brookside Neighborhood Association numerous times in interest of trying to reach a compromise in this case. He further stated staff has recommended approval of "C-3" based on the configuration of the property being that's bordered by two interstates. They have proposed restrictive covenants with the "C-3" with the neighborhood association to restrict out the use they may find offensive. He further stated he has also forwarded them a list of proposed uses for the "C-2" that they are now requesting.

OPPOSE

Jim Burke, 3500 Goliad Road, stated his property is to the north of the subject property. He stated the neighborhood strongly opposes this zoning request. He stated, on January 10th, Brookside Neighborhood Association held a meeting with the applicant at which he presented his proposal and provided a site plan of the shopping center. He stated to the west of the subject property there are 500 homeowners and to the north there are 400 manufactured home residents who raised concerns with the increase in traffic this development would bring into the community. They also raised concerns with the landfill debris would be handled. He stated the residents became concerned when Mr. Christensen's responded with: he was not given that information, negotiations are ongoing and could not be disclosed at this time, this would be taken up in the building permitting phase which raised even more concerns being that the residents do not get involved in the building permitting phase of the projects. He is concerned that Mr. Christensen has not easy to work with therefore no agreement has been made. They are concerned that the "C-3" designation would allow other uses that may offend the community should this retail center not be developed. He stated he would also like to add that the residents support the restrictive covenants but still do not support this change as they feel this development may have a negative impact on the community.

Todd Voges, 9002 Barkmeyer, stated he would also like to express his opposition of this zoning request. He raised concerns with access into the property. There is no access, which would lead traffic into the neighborhood to get to the subject property. He stated this two-lane road (Goliad Road) is in need of repair and allowing this development would increase traffic and cause more damages to the road. He stated the homeowners would not support this rezoning until the specific details of traffic flow have been finalized.

Joseph Lukan, 208 Juniper, stated the issues they are concerned with are as follows: safety for the children at the bus stops, access of emergency vehicles, traffic flow and storm water control. He also expressed concerns with the no sidewalks/buffers and Goliad Road is in poor condition and only has 2 lanes. He stated "C-1" districts accommodate neighborhood commercial uses, which depend on a greater volume of vehicular traffic than an "NC". He stated these issues should be addressed before any development occurs in their neighborhood.

Rev. Steven Behr, 413 Lebanon, stated he is concerned with the negative impact this development would have on their community. He is also concerned with their property value depreciating due to this commercial development.

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James Hernandez, 240 Lebanon, stated in January 2006, at their neighborhood meeting they were informed of this zoning request by Mr. Patrick Christensen. At that time Mr. Christensen was unable to provide them with much detail on the project about who would be occupying this retail strip. Since January until now Mr. Christensen has still not been able provide the neighborhood with this information. He was informed of the amendment to a "C-2" which he is concerned this zoning designation would allow alcoholic sales businesses. He stated he is also concerned with the increase in traffic this development may bring into the neighborhood.

Santos Martinez, 308 Lebanon, stated he does not support alcohol sales businesses into his neighborhood. He stated this neighborhood is family oriented and feels such businesses would deteriorate the family oriented character. He also expressed concerns with access to this subject property. Traffic would have to travel into the neighborhood to get to the subject property.

REBUTTAL

Ken Brown, 112 E. Pecan, stated they have met with the neighborhood association on several occasions, they have amended their request to "C-2" zoning designation and they have also proposed restrictive covenants to limits some uses in the "C-2" in hopes of reaching an agreement. The neighbors are still not in agreement however staff has recommended approval of their original request of "C-3". He feels this is an appropriate use for this location.

Sam Dent, Chief Engineer, stated the requirements depend on the expanded studies that will be conducted at the platting stages. The Level 2 or the Level 3 TIA (Traffic Impact Analysis), which will be required, based upon peak hour trips would then address the mitigation required for the road. Mitigation could be the widening of the road, a combination of acceleration/deceleration lanes, left turn lanes, medians, curbing, a number of different steps that can be taken to remedy the increase traffic impact would be in this particular stretch of road which has not been done based upon the Level 1 TIA that has been conducted but will be in the platting stages.

Staff stated there were 28 notices mailed out to the surrounding property owners, 7 returned in opposition and 0 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.

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COMMISSION ACTION

The motion was made by Commissioner Gadberry and seconded by Commissioner Marshall to recommend approval of "C-2" as amended by the applicant.

1. Property is located on Parcel 1, NCB 10880 at 3600 Goliad Road.
2. There were 28 notices mailed, 7 returned in opposition and 0 in favor.
3. Staff recommends approval.

AYES: Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Wright, Martinez, Gray

NAYS: Avila

ABSTAIN: Sherrill

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.