

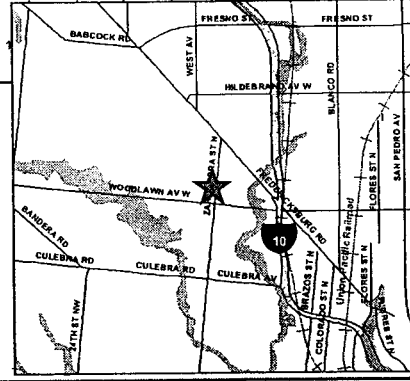
# **ZONING CASE: Z2006-053 S**

City Council District No. 7  
 Requested Zoning Change  
 From "R-6" To "R-6 S"  
 Date: May 18, 2006  
 Scale: 1" = 200'

Subject Property  
 200' Notification



C:\Mar\_7\_2006



# CASE NO: Z2006053 S

## Staff and Zoning Commission Recommendation - City Council

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**Date:** May 18, 2006

**Zoning Commission Meeting Date:** April 18, 2006

**Council District:** 7 **Ferguson Map:** 582 A8

**Applicant:** Owner

Anthony and Xochipil Monita Anthony and Xochipil Monita

**Zoning Request:** From "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a Specific Use for a Daycare Center (Commercial or Nonprofit)

**Property Location:** The East 35 feet of the North 157 Feet of Lot 24 and the West 25 Feet of the North 157 Feet of Lot 25, Block 7, NCB 1959  
1710 W. Magnolia Avenue  
Approximate Southwest Corner of W. Magnolia Avenue and N. Zarzamora

**Proposal:** To Allow a Daycare Center

**Neighborhood Association:** Jefferson Neighborhood Association

**Neighborhood Plan:** Near Northwest Community Plan

### Traffic Impact Analysis

A Traffic Impact Analysis is not required.

### Staff Recommendation:

Consistent

The proposed change in zoning is consistent with the Near Northwest Community Plan, as the request does not require a change in the base residential zoning district. The plan designates the subject property for medium density residential land use.

### Approval

A home day care operation that limits the number of children to 6 is permitted by right in the R-6 zoning district, but a home day care where the number of children exceeds six but limits to the total number to 12 requires a Specific Use Permit. The applicants are seeking a daycare center that is intended to accommodate more than 12 children, and the UDC also allows this type of use in residential zoning districts with the approval of a Specific Use Permit. The subject property is located close to an intersection and next to a corner parcel with existing commercial zoning and uses. Although customer traffic would not have to travel far into the neighborhood and a day care center would not be completely out of character given the presence of Woodlawn Elementary School directly across the street and an existing day care facility next door, staff typically does not encourage the encroachment of commercial uses into existing residential neighborhoods. A daycare center is a commercial use and requires NC, or Neighborhood Commercial, zoning to be permitted by right, but such a request would not be consistent with the Near Northwest Community Plan.

The single family dwelling on the property was built around 1928 and contains just over 1,000 square feet of living space. The lot measures 5,580 square feet and is actually less than the required square footage required by the R-6 zoning district (6,000). The lot is one lot removed from the intersection of Magnolia Avenue and Zarzamora. The Unified Development Code does require on-premise parking for all home day care facilities at a rate of at least one space for every 375 square feet of gross floor area. The applicant is

# CASE NO: Z2006053 S

## Staff and Zoning Commission Recommendation - City Council

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proposing additional parking on the commercial property immediately to the east to satisfy the parking requirements and has received permission to do so. This additional parking is reflected on the applicant's site plan.

Woodlawn Elementary School, zoned R-6, is directly across the street from the subject property and encompasses the entirety of the north side of Magnolia between Zarzamora and Elmendorf. The lot to the east, which is on the corner, is zoned C-2 NA and has both a tax office and a commercial day care use. The lots to the west are all zoned R-6 and have single family residences as do those to the south on W. Mistletoe. Along Zarzamora, there are several lots with existing office and commercial zoning districts. Some of the lots zoned C-2 converted from the original "F" and later B-2 zoning districts and some have zoning districts that were applied in the late 1960's and early 1970's.

### Zoning Commission Recommendation:

Approval with conditions.

CASE MANAGER : Matthew Taylor 207.5876

### VOTE

FOR	8
AGAINST	0
ABSTAIN	1
RECUSAL	0

**Z2006053 S**

**ZONING CASE NO. Z2006053 S** - March 21, 2006

**Applicant:** Anthony & Xochipil Monita

**Zoning Request:** "R-6" Residential Single Family District to "R-6" S Residential Single Family District with a Specific Use for a Group Home Day Care.

Anthony Monita, 1710 W. Magnolia, stated they walked the neighborhood to inform the residents, existing business owners and the school of their zoning request and collected a petition with 40 signatures expressing their support. He also contacted Jefferson Neighborhood Association and presented his proposal and is in support as well. He stated there were a few neighbors that raised concerns with parking, hours of operation and the ages of the children that would attend the daycare. He stated they would not need additional parking for employees, as they would only have one employee aside from himself and his wife. The second concern was hours of operation would be from 7 am to 6 pm. and the last concern was the age group, which would be from 1 year to possible 11 years old. He further stated there would not be any changes to the home, as their intent is to keep the residential character.

**OPPOSE**

Graciela Garcia, 1726 W. Magnolia Ave., stated she resides 3 homes away from the subject property. She expressed concerns with the traffic in the morning and afternoon. She stated there is an elementary school nearby which means from 7 am to 9 am and from 2 pm to 4 pm this street becomes a one-way street, which she feels, would cause traffic congestions for the parents dropping off their children at school and the parents dropping the children off at the day care.

Lupe Martinez, 1722 W. Magnolia Ave., stated she would also like to express the same concerns as Mrs. Garcia. She further stated there are 2 or 3 other day care centers in the neighborhood and does not another day care in the neighborhood.

**REBUTTAL**

Anthony Monita, 1710 W. Magnolia, stated he agrees that there is traffic congestion in the neighborhood however he does not feel his day care would incur more traffic as the children would be dropped off at different times. As stated earlier, he would only have 1 employee aside from himself and his wife so there would not be need for additional parking. He stated he has agreed to install a privacy fence to the abutting residential neighbors.

**Z2006053 S**

Staff stated there were 18 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 returned in favor and Jefferson Neighborhood Association is in favor. Staff has also mailed out 28 notices to the Near Northwest Planning Team. The applicant has submitted a petition with 40 signatures in support to staff.

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 Sherrill and seconded by Commissioner Robbins to recommend a continuance until April 18, 2006.

1. Property is located on the east 35 feet of the north 157 feet of Lot 24 and the west 25 feet of the north 157 feet of Lot 25, Block 7, NCB 1959 at 1710 W. Magnolia Avenue.
2. There were 18 notices mailed, 3 returned in opposition and 2 in favor.
3. Staff recommends denial.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,  
Wright, Gray**

**NAYS: None**

### **THE MOTION CARRIED**

**ZONING CASE NO. Z2006053 S** – April 18, 2006

Applicant: Anthony & Xochipil Monita

Zoning Request: "R-6" Residential Single Family District to "R-6" S Residential Single Family District with Specific Use for a Daycare Center (Commercial or Nonprofit).

Anthony Monita, 1710 W. Magnolia, owner, stated he is proposing to operate a day care center on the subject property. He stated he is aware of staff recommendation of "R-6" S with a maximum of 12 children and is in agreement.

Staff stated there were 18 notices mailed out to the surrounding property owners, 4 returned in opposition and 3 returned in favor and Jefferson Neighborhood Association is in favor. Staff has also mailed out 28 notices to the Planning Team.

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.

**Z2006053 S**

**COMMISSION ACTION**

The motion was made by Commissioner Sherrill and seconded by Commissioner Martinez to recommend approval "R-6" S Residential Single Family District with Specific Use for a Daycare Center with the following conditions:

- a. The Daycare Center shall not exceed 20 children.
  - b. Maintain the residential integrity of the front yare, including the lawn, driveway and sidewalk.
  - c. Restrict outdoor play areas and playground equipment to the rear yard only.
1. Property is located on the east 35 feet of the north 157 feet of Lot 24 and the west 25 feet of the north 157 feet of Lot 25, Block 7, NCB 1959 at 1710 W. Magnolia.
  2. There were 18 notices mailed, 4 returned in opposition and 3 in favor.
  3. Staff recommends denial of "R-6" S for a Daycare Center. Staff supports "R-6" S for a Group Home Day Care with a maximum of 12 children.

**AYES: Avila, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling, Gray**

**NAYS: Rodriguez**

**ABSTAIN: Robbins**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

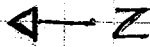
To be provided at Council hearing.

Z2006053

SCALE  $\frac{1}{2}$ " = 10' FT.

ALLEY

S  
W  
E  
N



2641 N. ZARZAMORA

SIDE WALK

9'x18'

9'x18'

AREA TO BE  
ASPHALTED

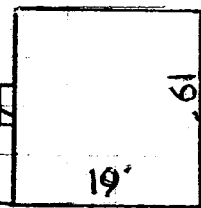
102'

53'

DRIVE WAY

10'

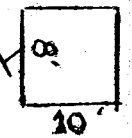
22'



30'

90'

PRIVACY FENCE TO  
BE INSTALLED ALONG  
INSIDE FENCE LINE ON  
EAST, WEST & SOUTH  
SIDE BACK YARD



60'

1710 W. MAGNOLIA AVE.  
PROPOSED DAY CARE CENTER  
CASE # Z2006053

42'

28'

150'

12'x9'

33'

27'

DRIVE WAY

SIDE WALK