



# CASE NO: Z2006066 CD

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission Continuance from March 21, 2006

City Council Continuance from May 4, 2006

Date: June 01, 2006

Zoning Commission Meeting Date: April 04, 2006

Council District: 3

Ferguson Map: 651 D4

Applicant:

Owner:

Eduardo Cadena

Joe A. Pastrano and Rebecca Pastrano

Zoning Request:

From "R-4" Residential Single-Family District to "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre

Lot 9, Lot 10, Lot 11 and Lot 12, Block E, NCB 11029

Property Location:

2400 Block of Betty Jean Street

Southside of Betty Jean Street east of Avondale Avenue

Proposal:

Apartment complex

Neighborhood Association

Highland Hills Neighborhood Association

Neighborhood Plan:

Highland Hills Community Plan

### Traffic Impact Analysis

A Traffic Impact Analysis is not required.

### Staff Recommendation:

Consistent

The proposed zoning district conforms to the Highland Hills Community Plan. The land use for this site is medium-density residential. Although the base zoning is consistent with medium-density land use, a density not exceeding 12 du/acre is preferred to preserve neighborhood character.

Denial of "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre. Approval of "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 12 units per acre.

The subject property is located on Betty Jean a Local Access Street (vacant). The subject property is adjacent to an Elementary School to the east, an existing drainage easement to the west with single-family dwellings to the south and are buffered by an existing drainage easement. The property across the street to the north is vacant. The current zoning of "R-4" permits only single-family dwellings with a minimum lot size of 4,000 square feet. The "RM-4" permits single-family dwellings, two-family dwellings, three-family dwellings and four-family dwellings with a minimum lot size of 4,000 square feet. The applicant is proposing a development consisting of apartments. Since the density may not exceed 11 units per acre, the applicant is requesting a Conditional Use not to exceed 24 units per acre.

The "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre would not be appropriate at this location. The "RM-4" district provides areas for medium to high-density, single-family residential uses mixed with a variety of housing types where adequate public facilities, near supporting transportation and services exist with capacity to serve development. The development site is located in an area where accessibility and traffic circulation to major thoroughfares is limited.

### Zoning Commission Recommendation:

Approval of "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre.

CASE MANAGER : Pedro Vega 207-7980

### VOTE

FOR	7
AGAINST	3
ABSTAIN	0
RECUSAL	0

**Z2006066 CD**

**ZONING CASE NO. Z2006066 CD** – March 21, 2006

**Commissioner Gadberry has recused himself from this case.**

Applicant: Eduardo Cadena

Zoning Request: "R-4" Residential Single Family District to "RM-4" (CD-Multi Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre.

Eduardo Cadena, 11103 San Pedro, applicant, stated he is requesting this change in zoning to allow the development of an apartment complex on the subject property. He stated this request is consistent with the Highland Hills Neighborhood Plan. He stated there are 4 lots and each lot would contain 12 units with parking. He feels this development would be good for the community. He has been in contact with Highland Hills Neighborhood Association who are in support however he has not met with Highland Community Alliance and would like to request a 30 day continuance to met with them and discuss any concerns they may have.

#### **FAVOR**

Christel Villarreal, 162 Harcourt, Secretary of Highland Hill Neighborhood Association, stated Mr. Cadena attended their last neighborhood meeting to present his project and they are very much in support. Mr. Cadena's project is consistent with their neighborhood plan and she feels this would be good for the community.

Mary Wallace, 438 Kate Schenck, Chair of Highland Community Alliance, stated they are concerned with the development being 24 units per acre. She stated there are several apartment communities in the neighborhood as large as Mr. Cadena's proposed project that are not very well managed and fears this complex would follow along as the others.

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 4 returned in favor and no response from Highland Hills 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 Gray and seconded by Commissioner Robbins to recommend a continuance until April 4, 2006.

**Z2006066 CD**

1. Property is located on Lots 9 through 12, NCB 11029 at 2400 Block of Betty Jean Street.
2. There were 17 notices mailed, 0 returned in opposition and 4 in favor.
3. Staff recommends denial of "RM-4" (CD-Multi Family Dwellings) Residential Mixed District with a Conditional Use for Multi Family Dwellings not to exceed 24 units per acre and approval of "RM-4" (CD-Multi Family Dwellings) Residential Mixed District with a Conditional Use for Multi Family Dwellings not to exceed 12 units per acre.

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

**NAYS: None**

**RECUSED: Gadberry**

**THE MOTION CARRIED**

**ZONING CASE NO. Z2006066 CD – April 4, 2006**

**Commissioner Gadberry has recused himself**

Applicant: Eduardo Cadena

Zoning Request: "R-4" Residential Single Family District to "RM-4" (CD – Multi Family Dwellings) Residential Mixed District with a Conditional Use for a Multi Family Dwellings not to exceed 24 units per acre.

Eduardo Cadena, 11103 San Pedro, representing the owner, stated he is proposing to develop an apartment community on this 2-acre tract. He stated he is proposing to develop approximately 24 units. He further stated he has met with the neighborhood association who is in support of this request.

**FAVOR**

Joe Pastrano, 9723 Spurs Ridge, owner, stated this request is a down zoning. He stated they have met with the neighborhood association regarding his proposal and they are in support. He feels this project is consistent and would not have a negative impact on the community. He further stated this area has continuously been used as dump filled with debris therefore he feels this development will be good for the community.

Mary Wallace, 438 Kate Schenck, stated she was in attendance at the neighborhood meeting that Mr. Cadena presented his project and strongly supports his proposal. She stated what Mr. Pastrano has stated regarding this property being used as a dumping site has become an eyesore. She feels this would be good for the community.

**Z2006066 CD**

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and Highland Hills Neighborhood Association is 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 Gray and seconded by Commissioner Marshall to find consistency with the neighborhood plan based on the application as submitted.

Commissioner Marshall withdrew her second to the motion.  
Commissioner Wright has seconded the motion

**AYES: Avila, Robbins, Wright, Martinez, Stribling, Gray**

**NAYS: Rodriguez, Westheimer, Marshall, Sherrill**

**RECUSED: Gadberry**

**THE MOTION CARRIED**

**COMMISSION ACTION**

The motion was made by Commissioner Gray and seconded by Commissioner Wright to recommend approval.

**AYES: Avila, Wright, Martinez, Stribling, Gray**

**NAYS: Robbins, Rodriguez, Westheimer, Marshall, Sherrill**

**RECUSED: Gadberry**

**THE MOTION FAILS**

**COMMISSION ACTION**

The motion was made by Commissioner Rodriguez and seconded by Commissioner Marshall to recommend approval as staff recommendation regarding 12 units per acre.

Joe Pastrano, 9723 Spurs Ridge, owner, stated his original request was for an "MF-33" zoning designation however after meeting with Highland Hills Neighborhood Association he agreed to amend his request to "RM-4" to allow for 24 units per acre.

**Z2006066 CD**

Eduardo Cadena, 11103 San Pedro, representing the owner, stated as Mr. Pastrano stated they agreed "RM-4" zoning designation to lessen the density, which would be 24 units per acre on this 2-acre tract.

**AYES: Robbins, Rodriguez, Marshall**

**NAYS: Avila, Westheimer, Sherrill, Wright, Martinez, Stribling, Gray**

**RECUSED: Gadberry**

**THE MOTION FAILS**

**COMMISSION ACTION**

The motion was made by Commissioner Wright and seconded by Commissioner Gray to recommend approval of "RM-4" (CD – Multi Family Dwellings) Residential Mixed District with a Conditional Use for a Multi Family Dwellings not to exceed 24 units per acre.

1. Property is located on Lot 9 thru 12, Block E, NCB 11029 at 2400 Block of Betty Jean Street.
2. There were 17 notices mailed, 0 returned in opposition and 6 in favor.
3. Staff recommends denial of "RM-4" (CD – Multi Family Dwellings) Residential Mixed District with a Conditional Use for a Multi Family Dwellings not to exceed 24 units per acre and approval of "RM-4" (CD – Multi Family Dwellings) Residential Mixed District with a Conditional Use for a Multi Family Dwellings not to exceed 24 units per acre.

**AYES: Avila, Robbins, Sherrill, Wright, Martinez, Stribling, Gray**

**NAYS: Rodriguez, Westheimer, Marshall**

**RECUSED: Gadberry**

**THE MOTION CARRIED**

RESULTS OF COUNCIL HEARING May 4, 2006

City Council granted a continuance until June 1, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.