

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007 - 009

Property Owner: Thomas and Sara Pinion

Petitioner: Thomas and Sara Pinion

Location: Approximately 5.288 acres located on the northwest corner of East W.T. Harris Boulevard and Demill Lane.

Request: Change in zoning from R-4 and R-8MF(CD) to Inst(CD).

Summary

This petition seeks to rezone two parcels to allow the expansion of an existing 4,165 square foot daycare center serving approximately 79 children. The rezoning would facilitate the following:

- Initially, the rezoning would permit the conversion of an existing 2,097 square feet residence, to accommodate 34 more children for the center.
- Also included in the petition is a request for an additional building of up to 4,500 square feet for 86 additional children.
- Total proposed enrollment for the three buildings would be for up to 199 children.
- The total building area would be up to 10,762 square feet.

Consistency and Conclusion

This request is not consistent with the adopted land use plans, which recommend single-family land uses. However, the conditional zoning request allows for a daycare center, which is an institutional use is considered appropriate at this location. Upon resolution of the outstanding site plan issues this petition is appropriate for approval.

Existing Zoning and Land Use

One of the two parcels petitioning for rezoning is currently in use as a child daycare center, and is zoned R-8MF(CD). All of the other adjoining properties are zoned R-4, single-family residential zoning. There is a church on the northern boundary at 4620 East W.T. Harris Boulevard. Another religious institution is located across the street to the east of the subject property at 4739 East W.T. Harris Boulevard. The remaining land uses in the immediate vicinity are single family residential.

Rezoning History in Area

The subject property in use as a daycare center was rezoned from R-4 to R-8MF(CD) by petition number 2001-117. A parcel to the southeast was rezoned from R-3 to Inst(CD) for a child care center by petition number 2005-136.

Public Plans and Policies

Eastside Strategy Plan (adopted 2001) supports recommendations for single family land uses at a density of up to 4 dwelling units per acre.

East District Plan (adopted 1990) recommends single family land uses at a density of up to 4 dwelling units per acre.

Proposed Request Details

This petition proposes the expansion of an existing daycare center. The petition includes the following:

- No play space between the building and the street.
- New daycare will be architecturally compatible with the existing buildings on the site.
- No wall pak lighting will be used. All outdoor lighting will be shielded and will be limited to 20 feet in height.
- Several existing trees will be preserved on the site and 17.5% of the site will be reserved for a tree save area.
- The total building area would be up to 10,762 square feet.

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 500 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 900 per day. This will have a minor impact on the surrounding thoroughfare system. Both trip generation numbers have increased from our previous memo because of additional land area being incorporated into the petition and more information provided. CDOT has the following specific comments that are critical to their support of the rezoning petition:

- An 8-foot planting strip and 6-foot sidewalk needs to be constructed on the site's East W.T. Harris Boulevard frontage. The planting strip needs to be between the sidewalk and the back of curb.

CATS. CATS has no outstanding site plan issues regarding this petition.

Connectivity. There are no opportunities for connectivity on the subject property.

Storm Water. Storm Water Services reports downstream complaints consist of blockage and erosion. They are requesting water quality improvements with peak/volume controls.

School Information. CMS had no comments on this petition since it does not have a residential component.

Outstanding Issues

Land Use. Adopted land use policies do not recommend locations for institutional uses such as daycares. This site is located along a major thoroughfare, meets the required lot area for an institutional use and is appropriate for this location.

Site plan. The following site plan issues are outstanding:

- Clarification is needed as to present and future number of children on site.
- Calculation of the total building area of existing and future structures is needed on the site plan.
- Street trees on the portion of site currently utilized as a day care center should be depicted on the site plan.
- The Class C buffer width should be revised on the site plan. A class C buffer on 5.288 acres of land would be 32 feet.
- Staff requests that the petitioner move parking spaces behind building line. The site plan note indicates there will be now parking between buildings and the street, but parking spaces are drawn in front of the building.