



# CASE NO: Z2003084 C

## Staff and Zoning Commission Recommendation - City Council

City Council continuance from June 12, 2003

**Date:** June 26, 2003

**Zoning Commission Meeting Date:** May 20, 2003

**Council District:** 2

**Ferguson Map:** 617 C-6

**Appeal:** Yes

**Applicant:**

Nestor Lopez

**Owner:**

Francisco Zerrato

**Zoning Request:** From "C-2 NA" Commercial Nonalcoholic Sales District to "C-2 NA C" Commercial Nonalcoholic Sales District with a conditional use for auto sales and repair

Lot 1, Block 9, NCB 1509

**Property Location:** 402 S. New Braunfels

**Proposal:** Automobile sales and repair

**Neighborhood Association:** Nevada Street Neighborhood Association

**Neighborhood Plan:** None

**TIA Statement:** A traffic impact analysis is not required.

**Staff Recommendation:**

Approval.

Subject vacant commercial property abuts a vacant residential zoned property to the east. There is "C-3R" zoning across Dakota Street to the north of the property in question. The requested zoning change is compatible with the zoning and use of other properties in the neighboring community.

**Zoning Commission Recommendation:**

Denial of "C-3"

**VOTE**

**FOR** 8

**AGAINST** 3

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Elvin J. Gant, Jr. 207-5876

Z2003084 C

**ZONING CASE NO. Z2003084 May 20, 2003**

Applicant: Nestor Lopez

Zoning Request: "C-2NA" Commercial Non-Alcoholic Sales District to "C-3" General Commercial District.

Nestor Lopez, stated he currently operates a tire shop on the subject property and is requesting this change in zoning to also allow the sales of used vehicles. He stated he has been in contact with the president of the Neighborhood Association who is in support of this request.

**FAVOR**

Anthony Grant, president of Royal View Neighborhood Association, stated he has been in contact with the applicant and is in support of this request. He stated this area is in need of revitalization and feels this would be good for the neighborhood.

**OPPOSE**

Carl Richardson, stated he is not in opposition of this request however he is concerned with the zoning designation that is being requested. He is concerned that this zoning would allow the sales of alcohol.

**REBUTTAL**

Nestor Lopez, stated he does not intend to sell alcohol from the subject property. He is requesting this change in zoning to allow sales of used automobiles with a service station. He further stated he would agree to a "C-3NA".

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and Nevada Street Neighborhood Association is in opposition.

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 McGowan and seconded by Commissioner Grau to recommend denial.

**Z2003084**

1. Property is located on Lot 1, Block 9, NCB 1509 at 402 S. New Braunfels.
2. There were 13 notices mailed, 0 returned in opposition and 1 returned in favor.
3. Staff recommends denial.

**AYES: Grau, Kissling, McGowan, Hophan, Sherrill, McAden, Morell, Mehringer**

**NAYS: Martinez, Cardenas-Gamez, Avila**

**THE MOTION CARRIED.**

RESULTS OF COUNCIL HEARING June 12, 2003.

City Council granted a continuance on this case until June 26, 2003.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.