



# CASE NO: Z2004063

## Staff and Zoning Commission Recommendation - City Council

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**Date:** May 13, 2004

**Zoning Commission Meeting Date:** April 06, 2004

**Council District:** 1

**Ferguson Map:** 616 E2

**Appeal:** No

**Applicant:**

Davis Sprinkle & Thom Robey

**Owner:**

Davis Sprinkle & Thom Robey

**Zoning Request:** From "C-2 NA" Commercial Nonalcoholic Sales District and "MF-33" Multi-Family District to "C-2" Commercial District

Lot 15, Block 18, NCB 1747

**Property Location:** 1700 North Main Avenue

**Proposal:** For alcohol sales in a restaurant

**Neighborhood Association:** Tobin Hill Neighborhood Association, Tobin Hill Residents Association

**Neighborhood Plan:** Tobin Hill Neighborhood Plan

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

### **Staff Recommendation:**

Approval.

The land use component of the Tobin Hill Neighborhood Plan recommends commercial use on the western portion of the subject property and Mixed Uses on the eastern portion. A restaurant with alcohol sales is consistent with the commercial and mixed uses in the Tobin Hill Neighborhood Plan. The Tobin Hill Neighborhood Plan is not a consistency plan per the 2001 UDC, as it is an older plan. Thus, action on plan consistency is not required by the Zoning Commission.

The property is located along Main Avenue and Myrtle Street. A commercial building is situated on the western portion of the property which is zoned "C-2 NA," a parking lot is located along the eastern portion of the property and landscaping exists on the sliver of "MF-33" zoning at the far east side. The subject property surrounds an office. Commercial districts and uses exist to the north, west and south, with a small apartment unit to the east. A significant amount of "C-2" zoning exists within the vicinity of the subject property. Bars and Taverns are not allowed, by right, in a "C-2" district. The requested sale of alcoholic beverages, incidental to food sales, is appropriate at this location.

### **Zoning Commission Recommendation:**

Approval

#### **VOTE**

**FOR** 10

**AGAINST** 0

**ABSTAIN** 0

**RECUSAL** 0

**CASE MANAGER :** Mona Lisa Faz 207-7945

**Z2004063**

**ZONING CASE NO. Z2004063** – April 6, 2004

Applicant: Davis Sprinkle & Thorn Robey

Zoning Request: "C-2NA" Commercial Nonalcoholic Sales District and "MF-33" Multi-Family District to "C-2" General Commercial District.

Charles Edens, 3230 Burnside, representing the applicant, stated they are proposing to operate a restaurant with alcohol sales on the subject property. He stated he has met with the representatives from Tobin Hill Residents Association and Tobin Hill Neighborhood Association who are in support with the agreement that there will be no bars or tavern on the subject property.

Staff stated there were 16 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Tobin Hill Neighborhood Association and Tobin Hill Residents 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 Kissling and seconded by Commissioner Dutmer to recommend approval.

1. Property is located on Lot 15, Block 18, NCB 1747 at 1700 North Main Avenue.
2. There were 16 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES:** Martinez, Grau, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, Avila, Stribling, Peel

**NAYS:** None

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.