



# CASE NO: Z2004071

## Staff and Zoning Commission Recommendation – City Council

Date: May 13, 2004

Zoning Commission Meeting Date: April 06, 2004

Council District: 2

Ferguson Map: 652 A1

Appeal: No

Applicant:

Owner

Tex-Maier Development

Tex-Maier Development

**Zoning Request:** From "R-4" Residential Single-Family District to "C-3" General Commercial District

Lots 1 through 4, Block 1, NCB 10783

**Property Location:** 2027 and 2031 Rigsby Avenue

On the northeast corner at the intersection of Pioneer Road and Rigsby Avenue

**Proposal:** For commercial development.

**Neighborhood Association:** Southeast Side Community Organization

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required.

### Staff Recommendation:

Denial of "C-3" General Commercial District and approval of "C-1" Light Commercial District. The subject property consists of two homes situated on four individual lots fronting Rigsby Avenue. The City has issued the applicant two permits to demolish the existing homes. Upon demolition, the applicant intends to develop a small plaza with various "C-3" commercial uses.

"C-3" zoning districts are encouraged at the intersections of major arterials. The subject property is located at the corner of the local Street, Pioneer Road, and the major arterial, Rigsby Avenue.

The requested "C-3" zoning district allows intense uses that are not compatible with the nearby residential neighborhood. The subject property is located at the tail end of a residential neighborhood with single-family homes existing directly to the north. The immediate area fronting Rigsby Avenue has a mixture of single-family residences with intense commercial and industrial uses. It is inappropriate to allow any additional intense commercial development at or immediately near the subject property location. Uses allowed in a "C-2" Commercial District and "C-3" are more intensive in character and generate a greater volume of vehicular traffic than neighborhood commercial uses permitted in "C-1".

Development permitted in commercial districts requires a buffer yard and a 30-foot setback between the subject property and any residential district. However, the applicant may elect to provide a six-foot solid fence along the property line in lieu of the buffer yard allowing the parking spaces to be developed a minimum of 2 feet from the adjoining residential property line. Therefore, staff highly recommends a less intense commercial district be permitted to ease the impact on the residential neighbors to the north.

### Zoning Commission Recommendation:

Approval of "C-1" Light Commercial District

<u>VOTE</u>	
FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

CASE MANAGER : Christie Chapman 207-8389

**Z2004071**

**ZONING CASE NO. Z2004071** – April 6, 2004

**Applicant:** Tex-Maier Development

**Zoning Request:** “R-4 Residential Single Family District to “C-3” General Commercial District.

Phil Abrier, 9 Bishops Green, representing the applicant, stated is requesting this change in zoning to operate a demolition business on the subject property. He feels this property is unsuitable for residential use. He further stated he agrees with staff’s recommendation for a “C-1” request.

Staff stated there were 21 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor and no response from Southeast Side Community Organization.

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 Dixon and seconded by Commissioner Dutmer to recommend approval.

1. Property is located on Lots 1 through 4, Block 1, NCB 10783 at 2027 and 2031 Rigsby Avenue
2. There were 21 notices mailed, 1 returned in opposition and 2 in favor.
3. Staff recommends denial of “C-3” and approval of “C-1”.

**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.