



CASE NO: Z2004082

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Continuance from April 20, 2004 and May 4, 2004

Date: August 12, 2004

Zoning Commission Meeting Date: May 18, 2004

Council District: 2

Ferguson Map: 617 A8

Appeal: No

Applicant: Owner

Downery Partners, LTD

Downery Partners, LTD

Zoning Request: From "RM-4" Residential Mixed District to "RM-4 C" Residential Mixed District with conditional use authorization for a noncommercial parking lot

Lots 14, 15, and 16, Block 61, NCB 1652

Property Location: 102 Essex Street

Proposal: To accommodate commercial trucking use

Neighborhood Association: None

Neighborhood Plan: Arena District/Eastside Neighborhood Plan

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Inconsistent. The Arena District/Eastside Neighborhood Plan calls for single-family and mixed residential dwellings such as duplexes, three and four family dwellings, cottage homes and townhomes at the location of subject property.

Denial. Subject property is undeveloped land that abuts residential zoning and use to the east. There is also residential zoning and use to the north and south. It should be noted that South Cherry Street is the physical boundary between the industrial zoning to the west, and the residential zoning to the east. Industrial zoning should not be allowed to cross Cherry Street into the residential neighborhood.

Zoning Commission Recommendation:

Approval with conditions: 1. The parking lot will have no more than 15 parking spaces.
2. A six feet solid fence will be erected along the eastern property line of subject property.
3. All on-site lighting is directed onto the site using 90 degree or less cut-off fixtures.

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

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

Z2004082

ZONING CASE NO. Z2004082 – April 20, 2004

Applicant: Downery Partners, Ltd.

Zoning Request: "RM-4" Residential Mixed District to "I-1" General Industrial District.

Frank Ramirez, Jr., representing the applicant, stated they are proposing to develop a small parking lot for their employees and improved the entire sidewalks and to add two handicap ramps. He has agreed to a two-week continuance.

OPPOSE

Beatrice Martinez, 103 Essex, stated she was not aware of this request. Mr. Ramirez had not contacted with the surrounding property owners to discuss his proposal. She would agree to a two-week continuance to have more time to understand Mr. Ramirez intent.

Maria Rogers, 109 Essex, stated would like to express the same comments as Mr. Martinez.

Staff stated there were 18 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned 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 Dixon and seconded by Commissioner Avila to find inconsistency of the neighborhood plan.

AYES: Martinez, Grau, Dutmer, Dixon, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

RECOMMENDATION ON ZONING CASE REQUEST.

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Avila to recommend a continuance until May 4, 2004.

Z2004082

1. Property is located on Lots 14 through 16, Block 61, NCB 1652 at 102 Essex Street.
2. There were 18 notices mailed, 2 returned in opposition and 1 in favor.
3. Staff recommends denial.

AYES: Martinez, Grau, Dutmer, Dixon, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2004082 – May 4, 2004

Applicant: Downery Partners, Ltd.

Zoning Request: "RM-4" Residential Mixed District to "I-1" General Industrial District.

Frank Ramirez, representing the applicant, stated he would like to amend his request to "RM-4". He stated they are requesting this change in zoning to allow for a noncommercial parking lot, 40 x 70, accommodating 7 parking spaces. He further stated they would provide new curbs, add a 6-foot sidewalk and also provide a cedar fence. He also stated he has met with Commissioner Dixon and surrounding neighbors who are in support.

Staff stated there were 18 notices mailed out to the surrounding property owners, 4 returned in opposition and 1 returned 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 Dixon and seconded by Commissioner Cardenas-Gamez to find inconsistency of the neighborhood plan.

A unanimous vote was taken.

THE MOTION CARRIED

RECOMMENDATION ON ZONING CASE REQUEST.

COMMISSION ACTION

Z2004082

The motion was made by Commissioner Dixon and seconded by Commissioner Avila to recommend approval of "RM-4" C for a noncommercial parking lot with the following conditions: 1.) Only 7 parking spaces be provided; 2.) A 6-foot solid fence is provided between the parking area and the residential community there to.

1. Property is located on Lots 14, 15 and 16, Block 61, NCB 1652 at 102 Essex Street.
2. There were 18 notices mailed, 4 returned in opposition and 1 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2004082 C – May 18, 2004

Applicant: Downery Partners, Ltd.

Zoning Request: "RM-4" Residential Mixed District to "RM-4" C Residential Mixed District with Conditional Use for a Noncommercial Parking Lot.

Applicant/Representative not present.

OPPOSE

Kenneth Mencey, 120 Essex, stated they are in opposition of this request. He expressed concerns with trees being removed and heavy construction trucks continually circling their residential area. He feels this activity is inappropriate in a residential area and feels this is destroying the neighborhood. He stated he has been in contact with Mr. Downery to express his concerns.

Staff stated there were 18 notices mailed out to the surrounding property owners, 4 returned in opposition and 1 returned 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

Z2004082

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Grau to find inconsistency of the neighborhood plan.

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

NAYS: None

THE MOTION CARRIED

RECOMMENDATION ON ZONING CASE REQUEST.

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Dutmer to recommend approval of "RM-4" C with conditional use for a noncommercial parking lot with the following conditions: 1.) Placement of a 6-foot solid fence along the entire eastern property line of subject property. 2.) Parking lot have not more than 7 parking spaces allocated. (Only paving enough property to accommodate the 7 parking spaces the rest would be left sawed grass area.)

1. Property is located on Lots 14 thru 16, Block 61, NCB 1652 at 102 Essex Street.
2. There were 18 notices mailed, 4 returned in opposition and 1 in favor.
3. Staff recommends denial.

AYES: Grau, Dutmer, Dixon, Sherrill, Avila, Stribling, Peel

NAYS: None

ABSTAIN: Martinez, Cardenas-Gamez, Kissling

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing