



ZONING CASE: Z2004-139

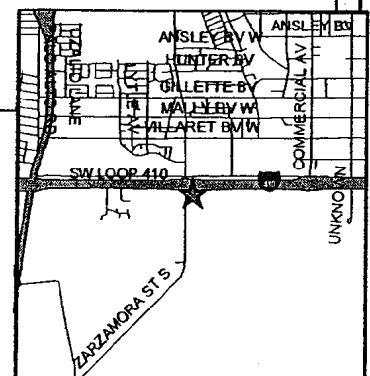
City Council District NO. 3
 Requested Zoning Change
 From: "UD" To "C-2P"
 Date: August 12, 2004
 Scale: 1" = 200'

 Subject Property
 200' Notification

C-8
 p.580



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 (A.Z.)



CASE NO: Z2004139

Staff and Zoning Commission Recommendation - City Council

Date: August 12, 2004

Zoning Commission Meeting Date: June 15, 2004

Appeal: No

Council District: 3

Ferguson Map: 681 F4

Applicant: Pape-Dawson Engineers, Inc.

Owner: Brazos De Santos

Zoning Request: From UD Urban Development District to C-2 P Commercial, Pedestrian Friendly District

Property Location: 4.95 acres out of NCB 18088 and CB 4285

Property located at the southeast corner of the intersection of South Zarzamora and Loop 410 South

Proposal: To construct a new fast food restaurant

Neighborhood Association: None

Neighborhood Plan: Southside Initiative Community Plan

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Consistent. C2-P is deemed consistent with land use plan portion of the Southside Initiative Community Plan.

Denial. The Southside Initiative Community Plan designates the land use category for this property as Urban Living. Although consistent with the plan, Section 35-421(e)(3) states that the suitability of the tract for use as presently zoned shall be considered as part of the approval criteria for a zoning amendment. The proposed restaurant is allowed in all commercial districts including NC, C1, C2, and UD. The change in zoning would allow the property to be developed without the development standards promoted by the Southside Initiative Community Plan which include a requirement for the building to be placed near the public right-of-way with the majority of the parking at the back, limiting signs to monument and wall mounted signs, and requiring a larger vegetative buffer (Type E or N, 30 foot) rather than a Type B (15 foot) buffer otherwise required by the UDC along a major arterial. The existing land use is vacant and keeping the zoning UD Urban Development would promote compatibility with adjacent property that is also zoned UD Urban Development which allows a mix of commercial and residential uses.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Trish Wallace 207-0215

VOTE

FOR	9
AGAINST	0
ABSTAIN	1
RECUSAL	0

Z2004139

ZONING CASE NO. Z2004139 – June 15, 2004

Applicant: Pape Dawson Engineers, Inc.

Zoning Request: "UD" Urban Development District to "C-3" General Commercial District.

Dennis Ryan, 555 E. Ramsey, representing the owner, stated they would like to amend their request to "C-2" P to provide consistency with the Southside Initiative Community Plan and signage requirements. He stated their intent is to develop Bill Miller's restaurant on the subject property.

Staff stated there were 6 notices mailed out to the surrounding property owners, 0 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 Dutmer and seconded by Commissioner Avila to find consistency of the neighborhood plan.

AYES: Martinez, Cardenas-Gamez, 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 Dutmer and seconded by Commissioner Avila to recommend approval of "C-2" P.

1. Property is located on 4.95 acres out of NCB 18088 and CB 4285 at the southeast corner of the intersection of South Zarzamora and Loop 410 South.
2. There were 6 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends denial.

Z2004139

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

NAYS: None

ABSTAIN: Sherrill

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.