

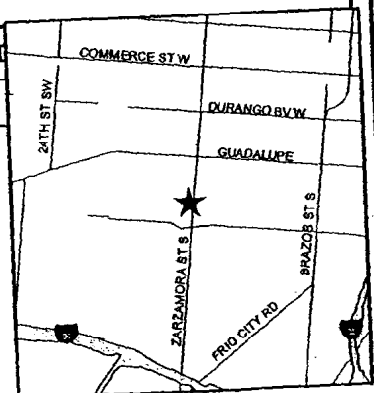
ONING CASE: Z2003-239 C

ity Council District NO. 5
 equested Zoning Change
 om: "R-4" To "C-1 C"
 ate: August 12, 2004
 ale: 1" = 200'

Subject Property

200' Notification

T-0
 p.616
 A-6



CASE NO: Z2003239 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from December 16, 2003, January 6, 2004 (for conditional zoning) and January 20, 2004

Date: August 12, 2004

Zoning Commission Meeting Date: February 17, 2004

Council District: 5

Ferguson Map: 616 A6

Appeal: No

Applicant:

Ernesto Gomez

Owner:

Ernesto Gomez

Zoning Request: From "R-4" Residential Single-Family District to "C-1 C" Light Commercial District with a conditional use for Auto and Light Truck Repair

Lot 3, Block 1, NCB 3404

Property Location: 2108 Tampico

Proposal: To allow auto and light truck repair

Neighborhood Association: Avenida Guadalupe Assn., Inc (within 200 feet)

Neighborhood Plan: None

TIA Statement: A traffic impact analysis is not required

Staff Recommendation:

Approval. The subject property is a substandard residential lot that measures approximately two thousand six hundred nine (2,609) square feet. A platted lot within a residential district must have a minimum area of three thousand five hundred (3,500) square feet to permit a single-family dwelling. An auto and light truck repair business is currently operating on the subject property. The subject property is located between commercial zoning to the north, south, and east with residential zoning to the west. The subject property is an expansion of the existing auto and light truck repair business located immediately to the east, which is itself, situated within a larger residential neighborhood. Rezoning the subject property to commercial will match the commercial pattern across the street. To protect the characteristics of the single-family neighborhood the following conditions are recommended:

1. A six (6) foot solid screen fence shall be maintained along the western boundary of the subject property,
2. Hours of operation shall not be permitted before 7:00 am or after 6:00 pm,
3. Refuse areas, auto and light truck repair, and storage of materials and merchandise shall be fully screened from public view, and
4. All lighting shall be directed away from the residential area.

Zoning Commission Recommendation:

Approval with recommended conditions

VOTE

FOR 8

AGAINST 1

ABSTAIN 2

RECUSAL 0

CASE MANAGER : Eric Dusza 207-7442

Z2003239 C

ZONING CASE NO. Z2003239 – December 16, 2003

Applicant: Ernesto Gomez

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

Ernesto Gomez, stated he is requesting this zoning change to continue to operate his auto and light truck repair business. He stated he has been in contact with the surrounding neighbors who are in support of this request.

OPPOSE

Rogers Mendez, 1113 Hidalgo, stated he is opposition of this request. He stated he feels Mr. Gomez's has been operating his business illegally. He further stated Mr. Gomez is also operating a paint and body shop on the subject property.

Philip Covington, San Antonio Development Agency, stated they are in opposition of this request. He stated there is an Urban Renewal Plan, which is, revitalize and provide a reconstruction of the residential area in this neighborhood. Their intent is to preserve the residential character of the area and to prevent commercial use in the neighborhood.

REBUTTAL

Ernesto Gomez, stated the information that Mr. Mendez has provided is incorrect. He stated his business is strictly auto and light truck repair. He stated Code Compliance and the Fire Marshall's Office has visited his business and has found not illegal activity on the property.

Staff stated there were 34 notices mailed out to the surrounding property owners, 1 returned in opposition and 28 returned in favor and no response from Avenida Guadalupe Association and a petition was submitted with 24 signatures in support.

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 Avila and seconded by Commissioner Dutmer to recommend a continuance until January 6, 2004.

Z2003239 C

1. Property located on Lot 3, Block 1, NCB 3404 at 1307 South Zarzamora Street.
2. There were 34 notices mailed, 1 returned in opposition and 8 in favor
3. Staff recommends denial as requested and approval of "C-1" c for an auto and light t truck repair.

AYES: Martinez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel
NAYS: None

THE MOTION CARRIED.

ZONING CASE NO. Z2003239 – January 6, 2004

Applicant: Ernesto Gomez

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

Ernesto Gomez, stated he is requesting this zoning change to continue to operate his auto and light truck repair business. He further stated he would like to amend his request to "C-1" C for light truck repair and agrees with staff conditions. He stated has been in operation since 1990. He also stated he has been in contact with the surrounding neighbors who are in support of this request.

Staff stated there were 34 notices mailed out to the surrounding property owners, 1 returned in opposition and 9 returned in favor and no response from Avenida Guadalupe 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 Cardenas-Gamez and seconded by Commissioner Avila to recommend approval of "C-1" with the following conditions: a.) A six (6) foot solid screen fence be maintained along the western boundary of the subject property; b.) Hours of operation shall not be permitted before 7:00 am or after 6:00 pm; c.) Refuse areas, auto and light truck repair, and auto and light truck storage must be fully screened from public view; d.) All lighting shall be directed away from the residential area.

Z2003239 C

1. Property located on Lot 3, Block 1, NCB 3404 at 1307 South Zarzamora Street.
2. There were 34 notices mailed, 1 returned in opposition and 9 in favor
3. Staff recommends denial as requested and approval of "C-1" C for an auto and light truck repair.

AYES: Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, McAden, Avila, Peel
NAYS: Grau

THE MOTION CARRIED.

ZONING CASE NO. Z2003239 – January 20, 2004

Applicant: Ernesto Gomez

Zoning Request: "R-4" Residential Single-Family District to "C-1" C Light Commercial District with a conditional use for Auto and Light Truck Repair.

Ernesto Gomez, owner, stated he is requesting this change in zoning to allow the operation of an auto and light truck repair on the subject property. He stated he has been in contact with the surrounding neighbors who are in support of this request. He further stated he agrees with staff's recommendations.

OPPOSE

Mr. R. Mendez, 1113 Hidalgo, stated he does not support this request. He feels Mr. Gomez has been operating illegally. He further stated Mr. Gomez is not only operating a repair shop but an auto paint and body operation as well. He feels Mr. Gomez is a threat to the neighborhood and would request this zoning change be denied. He also expressed concerns with how this may affect their property values.

REBUTTAL

Ernesto Gomez, stated he disagrees with Mr. Mendez's comments. He stated has made attempts in trying to reach an agreement with Mr. Mendez. He further stated his request is to operate an auto and light truck repair. He has never operated an auto paint and body shop on the subject property.

Staff stated there were 34 notices mailed out to the surrounding property owners, 1 returned in opposition and 9 returned in favor and no response from Avenida Guadalupe 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.

Z2003239 C

COMMISSION ACTION

The motion was made by Commissioner Cardenas-Gamez and seconded by Commissioner Avila to recommend a continuance until February 17, 2004.

1. Property is located on Lot 3, Block 1, NCB 3404 at 1307 South Zarzamora Street.
2. There were 34 notices mailed, 1 returned in opposition and 9 in favor.
3. Staff recommends approval.

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

NAYS: Grau

THE MOTION CARRIED

ZONING CASE NO. Z2003239 C – February 17, 2004

Applicant: Ernesto Gomez

Zoning Request: "R-4" Residential Single-Family District to "C-1" C Light Commercial District with a conditional use for Auto and Light Truck Repair.

Ernesto Gomez, 1307 Zarzamora, applicant, stated he is requesting this change in zoning to allow for an auto and light truck repair. He further stated he has been in contact with the surrounding neighbors and has collected a petition that is in support of this request.

FAVOR

Theresa Espinoza, 2021 Tampico, stated she is in support of this request. She stated she has been in contact with Mr. Gomez and feels this operation would be good for the community.

OPPOSE

Rogers Mendez, 1113 Hidalgo, stated he is in opposition of the applicant's request. He further stated he feels Mr. Gomez is violating the neighborhood plan. He stated Mr. Gomez has not abided by the Urban Renewal Plan. He feels Mr. Gomez is and has been operating his business illegally.

Staff stated there were 34 notices mailed out to the surrounding property owners, 1 returned in opposition and 9 returned in favor and no response from Avenida Guadalupe Association, Inc.

Z2003239 C

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 Dutmer and seconded by Commissioner Dixon to recommend this case be tabled until Legal has reviewed the documents that have been presented to him on this case. A unanimous vote was taken.

Chairman Martinez stated zoning case Z2003239 C would be reopened.

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Kissling to remove case Z2003239 from the table. A unanimous vote was taken.

ZONING CASE NO. Z2003239 C – February 17, 2004

Applicant: Ernesto Gomez

Zoning Request: "R-4" Residential Single-Family District to "C-1" C Light Commercial District with a conditional use for Auto and Light Truck Repair.

Norbert Hart, City Attorney, stated the warranty deed is between the grantor and the grantee, the grantor being the Urban Renewal Agency and the grantee being Ernesto & Maria Gomez. He stated any enforcement of a deed restriction or covenant is between those two parties and is not a zoning issue.

OPPOSE

Dolores Mendez, 1113 Hidalgo, stated she is in opposition of Mr. Gomez's request.

Mrs. Mendez relinquish the rest of her time to Mr. Mendez

Roger Mendez, 1113 Hidalgo, presented a videotape that shows the nuisance at Mr. Gomez's property. He stated Mr. Gomez business alarm is loud and goes off in the middle of the night awake the surrounding neighbors. He further stated he also has a dog that barks all night long as well. He stated he pollutes the air with all the fumes from the vehicles and other hazardous chemical he has on the property.

Z2003239 C

REBUTTAL

Ernesto Gomez, applicant, stated the presentation that Mr. Mendez present is approximately 10 to 15 years old. He stated he has enhanced the building since then. He further stated he does not nor has he ever had a business alarm on the building.

Theresa Espinoza, 2021 Tampico, stated the business alarm that Mr. Mendez is talking about is to a meat market that is in the neighborhood.

COMMISSION ACTION

The motion was made by Commissioner Cardenas-Gamez and seconded by Commissioner Avila to recommend approval with the following conditions: 1.) A six (6) foot solid screen fence shall be maintained along the western boundary of the subject property; 2.) Hours of operation shall not be permitted before 7 am or after 6 pm; 3.) Refuse areas, auto and light truck repair, and storage of materials and merchandise shall be fully screened from public view and; 4.) All lighting shall be directed away from the residential area.

1. Property is located on Lot 3, Block 1, NCB 3404 at 2108 Tampico.
2. There were 34 notices mailed, 1 returned in opposition and 9 in favor.
3. Staff recommends approval.

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

NAYS: Grau

ABSTAIN: Dutmer, Sherrill

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.