

CASE NO: Z2004245

Staff and Zoning Commission Recommendation - City Council

Zoning Commission: Continued from November 16, 2004

Date: January 13, 2005

Zoning Commission Meeting Date: December 07, 2004

Council District: 4

Ferguson Map: 681 C1

Applicant:

Ljubisa Stamenov

Owner:

Ljubisa Stamenov

Zoning Request: From C-3 MAOZ-2 Commercial District Military Airport Overlay Zone to I-1 MAOZ-2 General Industrial District Military Airport Overlay Zone

The northeast 140 feet of Lots 7 and 8, Block 12, NCB 14267

Property Location: 8730 IH 35 South

Proposal: For a large truck repair and wash facility

Neighborhood Association: South/Southwest Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Denial. Industrial uses are not appropriate adjacent to residential homes. Heavy truck traffic associated with industrial uses may pose a danger and nuisance to residences in the adjacent neighborhood. The existing C-3 should remain as it provides an acceptable transition between the residential uses to the east and the industrial zoning to the west.

Zoning Commission Recommendation:

Denial

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Fred Kaiser 207-7942

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ZONING CASE NO. Z2004245 – November 16, 2004

Applicant: Ljubisa Stamenov

Zoning Request: "C-3" MAOZ-2 Commercial District Military Airport Overlay Zone to
"I-1" MAOZ-2 General Industrial District Military Airport Overlay
Zone.

Lee Stamenov, 676 County Road 770, owner, stated his intent is to construct a car wash and a mechanical shop. He stated the property is currently zoned for the intend use however he is proposing to service 18 wheelers which is not currently permitted, this is the purpose of this zoning change. He further stated he has operated a gas station for approximately 7 years. He stated he has visited his surrounding neighbors who are in support of this request with exception of one neighbor.

FAVOR

Lupe Juarez, 8823 Palm Beach, stated they did not receive notification of this zoning change however he has been in contact with Mr. Stamenov to further discuss his proposal and is in support of the intend use.

Ed Roberson, Environmental Flight Chief for Lackland Air Force Base, stated they base their option strictly on the land uses and how they relate to their airfield operations. He stated their main focus is noise and safety issues. The subject property is currently located in the Accident Potential Zone 2 (APZ2). He stated the Air Force recommends primarily commercial and industrial uses within the APZ1 and 2. Therefore they support Mr. Stamenov's request.

Staff stated there were 17 notices mailed out to the surrounding property owners, 0 returned in opposition and 17 returned in favor and no response from South Southwest Neighborhood 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.

No action was taken on this case. This case has been postponed until further notice.

ZONING CASE NO. Z2004245 – December 7, 2004

Applicant: Ljubisa Stamenov

Zoning Request: "C-3" MAOZ-2 Commercial Military Airport Overlay Zone 2 District
to "I-1" General Industrial Military Airport Overlay Zone 2 District.

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Ljubisa Stamenov, 676 CR 770, owner, stated the purpose of this request is for large truck (18 wheelers) repair on the subject property. He stated the major of this property is currently zoned "I-1" and is currently in operation as a gas station. He stated he has visited with the surrounding neighbors who are in support of this request. He further stated he has been in contact with the representative from South/Southwest Neighborhood Association who is also in support.

OPPOSE

Mary Ytuarte, 3539 Fairmeadows, stated she does not support this request. She stated this would no benefit the neighborhood. She stated she is concerned with the increase in traffic flow and feels this would pose a threat for the safety of the children and elderly in the neighborhood.

Guadalupe Briseno, 9614 Wikieup, stated he does not feel this area is suitable for Mr. Stamenov's intent. He feels their health is at risk with the pollution from the diesel trucks that would travel in and out of the neighborhood.

REBUTTAL

Ljubisa Stamenov, 676 CR 770, owner, stated he is currently operating a gas station and would also like to provide oil change services.

Staff stated there were 24 notices mailed out to the surrounding property owners, 1 returned in opposition and 5 returned in favor and no response from South/Southwest Neighborhood 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 Peel and seconded by Commissioner Cardenas-Gamez to recommend approval.

AYES: Martinez, Cardenas-Gamez, Peel

NAYS: Kissling, Dutmer, Dixon, Sherrill, McAden, Stribling

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Sherrill to recommend denial.

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1. Property is located on the northeast 140 feet of Lots 7 and 8, Block 12, NCB 14267 at 8730 IH 35 South.
2. There were 24 notices mailed, 1 returned in opposition and 5 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.