

CASE NO: Z2005095 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from May 17, 2005

Date: August 11, 2005

Zoning Commission Meeting Date: June 07, 2005

Council District: 2

Ferguson Map: 652 E1

Applicant:

Allied Feeds, Inc.

Owner:

Allied Feeds, Inc.

Zoning Request: From R-5 Residential Single-Family District to C-2 C Commercial District with Conditional Use for trucks ingress and egress

North 56 feet of Lot 38, NCB 12888

Property Location: 2417 Jupe Drive

Eastside of Jupe Drive, south of Rigsby Avenue

Proposal: Truck entrance/exit use

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval

The subject property is part of the existing business (Allied Feeds, Inc.) located at 4542 Rigsby Avenue and has been used as an entrance and exit for trucks and vehicles. The subject property is adjacent to I-2 Heavy Industrial District to the north, C-2NA Commercial District, Nonalcoholic Sales to the east, R-5 Residential Single-Family District to the south and across the street (Jupe Drive) to the west. Rezoning to C-2C provides an opportunity to resolve the conflict between the residential and industrial users. C-2 C will provide for a transition between the residential and industrial uses. Conflict can be prevented by adding the appropriate conditions. Considering the close proximity of the adjacent residences, the following conditions are recommended: 1. A fifteen (15) foot landscape buffer with Type D plant materials (as required in the UDC) shall be constructed along the south property line (Existing entrance and exit will have to be moved north). 2. An eight-foot solid screen fence shall be constructed (utilizing rat proofing materials approved by the City of San Antonio Director of Public Health, as required in Chapter 15, Article V. of the City Code) and maintained along the south property line adjacent to the south 44 feet of Lot 38. 3. Outside lighting shall be directed downward onto the subject property and away from adjoining properties (90 degree full-cutoff features). 4. Heavy equipment or semi-truck/trailer parking shall not be permitted within the landscape buffer. 5. No outside storage shall be permitted. 6. The parking/drive surface shall be constructed and surfaced using concrete, asphaltic concrete, asphalt or other approved materials as required in the Unified Development Code.

Zoning Commission Recommendation:

Approval with the following conditions: 1. A fifteen (15) foot landscape buffer with Type D plant materials (as required in the UDC) shall be constructed along the south property line (Existing entrance and exit will have to be moved north). 2. An eight-foot solid screen fence shall be constructed (utilizing rat proofing materials

VOTE

FOR	7
AGAINST	0

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approved by the City of San Antonio Director of Public Health, as required in Chapter 15, Article V. of the City Code) and maintained along the south property line adjacent to the south 44 feet of Lot 38. 3. Outside lighting shall be directed downward onto the subject property and away from adjoining properties (90 degree full-cutoff features). 4. Heavy equipment or semi-truck/trailer parking shall not be permitted within the landscape buffer. 5. No outside storage shall be permitted. 6. The parking/drive surface shall be constructed and surfaced using concrete, asphaltic concrete, asphalt or other approved materials as required in the Unified Development Code. 7. No right turn on to Jupe Drive (trucks). 8. Business hours of operation may be limited by the City Council.

CASE MANAGER : Pedro Vega 207-7980

ABSTAIN	1
RECUSAL	0

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ZONING CASE NO. Z2005095 C –May 17, 2005

Applicant: Allied Feeds, Inc.

Zoning Request: "R-5" Residential Single Family District to "C-2" C Commercial District with Conditional Use for trucks ingress and egress.

Bryan Bettice, 4542 Rigsby Ave., representing the applicant, stated they are requesting this change in zoning to allow for their 18-wheelers egress/ingress on Jupe Drive. He stated with this rezoning request they have agreed on the following conditions:

1. Ingress/egress of commercial truck traffic.
2. Privacy fence constructed on south property line of the lot.
3. Installation of a vegetation line along the new fence line.
4. No commercial truck parking within 25 feet of the southern property line.
5. Development of implementation of a dust control program.

He stated they have been in operation since 1940 run by Mr. & Mrs. Jupe. He stated as early as 1965 this lot was used to park trucks and equipment and some years surplus whole corn or Milo was piled and stored for four to five months at a time on the lot. He stated Allied Feed purchased this property in 1985 from the Jupe's as well as the two industrial lots and have been in operation since. He stated their business has grown which is the purpose of this request to allow egress/ingress for their commercial trucks.

Craig Gossett, 208 Hutchinson, stated they have owned the business since 1985. He stated they made some renovations to the business. He stated they are some other changes that need to be addressed and are willing to work them out.

Bryan Bettice, 4542 Rigsby Ave., representing the applicant, stated this property is a vital part of their flow of business to do it safely and in an organized manner. He further stated they are agreeable to continuing working with City Council and Zoning Commission to a positive outcome.

OPPOSE

Dawn Gonzales, 2417 Jupe, stated since Mr. Gossett has owned the property they have not made changes for the better to the structure as stated. She stated the neighbors continue to have problems with Allied Feed. Due to their storage of equipment, pallets stacking, dumpster coming in and out of the property, vibration of the 18-wheelers, their chain link fence has fallen and been replaced that the residents expense. She stated she has been in contact with Mr. Bettice numerous times on different issues and nothing has been resolve. She expressed concerns with the dust flow in the air due to the commercial vehicle driving on and off the subject property, which she feels is a health hazard to the

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surrounding neighbors. She as well as her father and other neighbors have respiratory problems due to the dust particular these vehicles let out into the air. She also expressed concerns with rodents that come from this Allied Fence, which she has also discussed with Mr. Bettice and again the issue has not been resolve. She stated, for many years now, they have been experiencing problems with Allied Fence and is concerned that should this zoning be granted they would continue with the business and none of these issues would be addressed.

Mary Trejo, 2500 Jupe, stated she has only been in the neighborhood since June 2004 and has experienced problems with Allied Feeds, Inc. She is concerned for their health and safety. She stated she has had rodents in her garage and has also found dead rodents in her backyard. She also expressed concerns with the dust particulars that flow in the area that has cause respiraiory problems. The streets have deteriorated due to the heavy traffic flow from the 18-wheelers that drive to and from Allied Feeds.

Susan Howard, stated she also residents in this area for approximately 25 years. She stated she would also like to express the same concerns as Mrs. Howard and Mrs. Gonzales. She stated Allied Feeds has been reported numerous times to Code Compliance and has been warned about the 18-wheelers traveling on Jupe, which is a residential street. She feels all their concerns should be addressed before this facility continues their operation.

REBUTTAL

Bryan Bettice, 4542 Rigsby Ave., representing the applicant, stated he feels he has addressed the rodent problem. He has had the facility exterminated. As for the dust issue, he has agreed to implement a dust control program. He stated he has also agreed to construct a privacy fence as well as install a vegetation buffer line along the fence line. He stated Mrs. Gonzales expressed concerns with the location of the dumpsters, which have been removed for almost 2 years. He stated he feels he has addressed their concerns.

Staff stated there were 16 notices mailed out to the surrounding property owners, 4 returned in opposition and 5 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.

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Robbins to recommend a continuance until June 21, 2005.

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AYES: Robbins, Dixon, Avila, Stribling, Peel

NAYS: Dutmer, Sherrill

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Robbins to reconsider the motion.

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Dutmer to recommend a continuance until June 7, 2005.

1. Property is located on north 56 feet of Lot 38, NCB 12888 at 2417 Jupe Drive.
2. There were 16 notices mailed, 4 returned in opposition and 5 in favor.
3. Staff recommends approval.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005095 C – June 7, 2005

Applicant: Allied Feeds, Inc.

Zoning Request: "R-5" Residential Single Family District to "C-2" C Commercial District with Conditional use for trucks ingress and egress.

Ken Brown, 112 E. Pecan, representing the applicant, stated this Allied Feed has been in operation since 1941. He stated his client purchased the property in 1985 and has continued this operation. He stated they are requesting this change in zoning to allow for ingress and egress for their trucks. He further stated they have been informed of the surrounding residents concerns and are in the process of addressing their concerns.

Z2005061

ZONING CASE NO. Z2005061 – April 5, 2005

Applicant: Ramiro Reyes

Zoning Request: "C-2NA" Commercial, Nonalcoholic Sales District to "MF-33" Multi-Family District on .5406 acres and "R-6" Residential Single Family District on .1670 acres.

Arnie Gonzalez, 16003 Chase Hill Blvd. representing the applicant, stated their intent is to develop single family and multi family homes on the subject property. He stated their egress/ingress for the multi family development would be on Mally Boulevard. He further stated they would be developing approximately 6 lots of single-family units and they are also anticipating a dedication for the widening of Commercial Avenue.

OPPOSE

Alexander Wong, 4153 Commercial, stated he does not support the multi family development of this project. He stated there is an apartment complex in the area and feels another multi family development would increase the traffic flow and an increase in crime in the neighborhood. He further stated he has not met with the representative of this project for more clarification on how the proposed development would look like.

REBUTTAL

Arnie Gonzalez, 16003 Chase Hill Blvd. representing the applicant, stated the multi family development would be 14 to 16 units. There will be approximately 5 to 6 lots that will be developed as single family.

Staff stated there were 19 notices mailed out to the surrounding property owners, 3 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.

COMMISSION ACTION

The motion was made by Commissioner Dutmer and seconded by Commissioner Avila to recommend approval.

1. Property is located on Lot 265A, Block 23, NCB 11122 at 730 Mally Boulevard.
2. There were 19 notices mailed, 3 returned in opposition and 1 in favor.
3. Staff recommends approval.

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REBUTTAL

Ken Brown, 112 E. Pecan, representing the applicant, stated their calculation indicate they average roughly about 12 to 15 trucks a day that travel on Jupe. He stated there is currently only one access point between their building and the back lot where the dump pit is located. This is where the trucks dump their feed. He stated they have met with City staff and feels the dust and health issues have been addressed. He further stated they have agreed to abide by the conditions present by staff. They have also agreed with installing a traffic sign indicating a "No right turn" sign.

Bryan Bettice, stated there is clearance for an 18-wheeler to turn right on Jupe and continue onto Jupe but is agreeable to the "No Right Turn" sign.

Staff stated there were 16 notices mailed out to the surrounding property owners, 4 returned in opposition and 5 returned in favor. Staff received a petition with 10 signatures expressing their opposition.

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 with the following conditions: 1. A 15-foot landscape buffer with Type "D" plant material (for instants as required in the Unified Development Code (UDC)) shall be constructed along the south property line (Existing entrance and exit will have to be moved north). 2. An 8-foot solid screen fence shall be constructed (utilizing rat-proofing materials approved by the City of San Antonio, Director of Public Health as required in Chapter 15, Article 5 of the City Code) and maintain along the south property line adjacent to the south 44 feet of Lot 38. 3. Outside lighting shall be directed downward onto the property and away from the adjoining properties (90 degree full cut off features). 4. Heavy equipment or semi-truck trailer parking shall not be permitted within the landscape buffer. 5. No outside storage shall be permitted. 6. Parking drive surface shall be constructed and surfaced using concrete asphalt concrete shall or other approved material as required in the UDC. 7. Hours of operation for trucks shall be between 7am and 7pm or whatever hours are agreeable. 8. No right turns permitted by 18-wheelers when exiting the facility onto Jupe.

1. Property is located on the north 56 feet of Lot 38, NCB 12888 at 2417 Jupe Drive.
2. There were 16 notices mailed, 4 returned in opposition and 5 in favor.
3. Staff recommends approval.