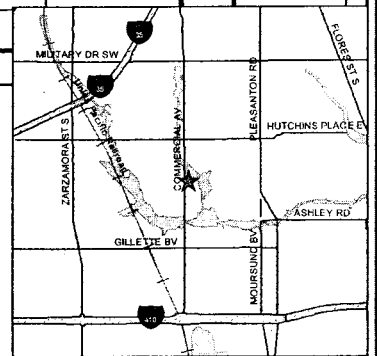


# ZONING CASE: Z2005-048

City Council District NO. 3  
 Requested Zoning Change  
 From: "C-2NA" To "C-2"  
 Date: April 14, 2005  
 Scale: 1" = 200'

- Subject Property
- 200' Notification



# CASE NO: Z2005048

## Staff and Zoning Commission Recommendation - City Council

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**Date:** April 14, 2005

**Zoning Commission Meeting Date:** March 15, 2005

**Council District:** 3

**Ferguson Map:** 682 B1

**Applicant:**

Mshiful Bhuiyain

**Owner:**

Carlos and Rosa Perez

**Zoning Request:** From C-2NA Commercial, Nonalcoholic Sales District to C-2 Commercial District

Lot 413, Block 55, NCB 11092

**Property Location:** 3604 Commercial Avenue

Southeast corner of West Petaluma and Commercial Avenue

**Proposal:** To allow the on-premise sale of alcoholic beverages (no on-site consumption)

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** A Traffic Impact Analysis is not required

**Staff Recommendation:**

Approval. The Convenience Store at this location has been in operation, with on site sales of alcohol since 1989. That operation was allowed to continue as a lawful use that existed prior to annexation in 1952. The existing zoning is C-2NA. The Convenience Store recently lost it's non-conforming rights. The removal of NA will only allow alcohol sales incidental to food sales or for off-premise consumption.

(Under the Texas Alcoholic Beverage Code an Alcoholic Beverage License application will be required that may be denied by the Texas Department of Alcoholic Beverage Commission (TABC) if the manner in which the business is operated or the place the business is located is detrimental to the health, safety and welfare of the public. The Code provides opportunities for citizens and government officials to object to the issuance of a license or permit.)

**Zoning Commission Recommendation:**

Approval

**CASE MANAGER :** Fred Kaiser 207-7942

**VOTE**

<b>FOR</b>	8
<b>AGAINST</b>	0
<b>ABSTAIN</b>	1
<b>RECUSAL</b>	0

**Z2005048**

**ZONING CASE NO. Z2005048** – March 15, 2005

Applicant: Mshiful Bhuiyain

Zoning Request: "C-2NA" Commercial, Nonalcoholic Sales District to "C-2"  
Commercial District.

Andy Guerrero, 3134 Renker, representing the applicant, stated the purpose of this request is to allow Mr. Bhuiyain to secure a beer and wine license. He stated his client has been in operation for approximately 28 years. He currently has a license from the State of Texas however it is not enforce until he can obtain a license from the City of San Antonio.

**FAVOR**

Miguel Esquivel, 3614 Commercial, stated he lives in the area and is in support of Mr. Bhuiyain's request. He stated he occasionally shops at Mr. Bhuiyain's convenient store.

Tommie Dreyburger, 3610 Commercial, stated she is also in support of Mr. Bhuiyain's zoning request.

Jose Perez, 23225 Hickman Road, stated he owns this property. He stated he rents the business to Mr. Bhuiyain. He stated operates a clean and respectable business.

Staff stated there were 31 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.

**COMMISSION ACTION**

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

1. Property is located on Lot 413, Block 55, NCB 11092 at 3604 Commercial Avenue.
2. There were 31 notices mailed, 2 returned in opposition and 1 in favor.
3. Staff recommends approval.

**Z2005048**

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

**NAYS: None**

**ABSTAIN: Kissling**

**THE MOTION CARRIED**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.