



ZONING CASE: Z2005-074 C

City Council District NO. 5

Requested Zoning Change

From: MF-33 To C-1C

Date: May 26, 2005

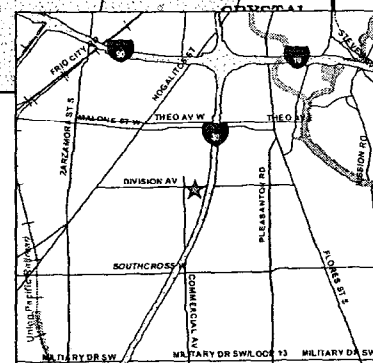
Scale: 1" = 200'

Subject Property

200' Notification



C:\Apr_5_2005



CASE NO: Z2005074 C

Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from April 5, 2005
Zoning Commission continuance from April 19, 2005 for a Conditional Use

Date: May 26, 2005

Zoning Commission Meeting Date: May 03, 2005

Council District: 5

Ferguson Map: 650 A4

Applicant:

Carlos D. Terrazas

Owner:

Carlos D. Terrazas

Zoning Request: From MF-33 Multi-Family District to C-1 C Commercial District with Conditional Use for a Auto and Light Truck Repair

Lot 9, 10 and 11, Block 1, NCB 8963

Property Location: 726, 730 and 734 Division Avenue

Southside of Division between Commercial Avenue and Bruhn

Proposal: Auto and Light Truck Repair

Neighborhood Association: Palm Heights Neighborhood Association

Neighborhood Plan: Nogalitos/Zarzamora Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Consistent.

The Nogalitos/Zarzamora Community Plan identifies this site as Neighborhood Commercial. A Plan Amendment would be required in order to establish the C-3NA General Commercial, Nonalcoholic Sales District.

Approval

The requested zoning is consistent with the Nogalitos/Zarzamora Community Plan. The subject property is located on Division Avenue, a major thoroughfare. The subject property has three existing commercial buildings. The applicant is currently using the property for a muffler welding shop, tire shop, and auto repair with two outside lifts. The subject property is adjacent to R-5 Residential Single-Family District to the south, east and across the street to the north, C-2 Commercial District to the west and across the street to the north. The subject property was rezoned to R-3 Multi-Family Residence District on April 26, 2001. Registration of non-conforming use was issued on July 18, 2002 by the Department Of Building Inspections. The applicant was issued a Certificate of Occupancy for a Auto and Light Truck Repair in 2004 by the Development Services Department. According to city records the subject property has been used as a tire and auto repair shop since 1989.

The Zoning Commission recommended Approval of C-1 C Commercial District with a Conditional Use for a Auto and Light Truck Repair. The following conditions were recommended: 1. Short term parking/storage for maximum of 10 days in the rear of the building. 2. No outside storage of materials. 3. Dumpsters and/or building mechanical systems must be screened from view from the street. 4. A six-foot solid fence or wall (no chain link, barbed wire or razor wire) shall be maintained along the south and east property lines adjoining the residential lots. 5. Lighting will be residential in character, shall incorporate cut-off features to reduce glare and limit uplight, and will be placed to direct the light away from adjoining properties and traffic.

Zoning Commission Recommendation:

Approval

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Pedro Vega 207-7980

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ZONING CASE NO. Z2005074 – April 5, 2005

Applicant: Carlos D. Terrazas

Zoning Request: "MF-33" Multi-Family District to "C-3NA" General Commercial Nonalcoholic Sales District.

Gabriella Terrazas, 8303 Dudley, representing the owner, stated they purchased the property in 2003 and continued the tire shop operation. She stated the purpose of this request is to make it in compliance with the current use.

OPPOSE

Alan Townsend, 143 Walton, representing Nogalitos/Zarzamora Coalition, stated they do not support this request. He stated the surrounding uses are residential and does not comply with their community plan.

Diane Lang, 143 Walton, representing Nogalitos/Zarzamora Coalition, stated the community plan that was approved in the fall calls for nodes to be developed along Division only at Zarzamora, Nogalitos and IH 35. She stated there are currently commercial establishments along Division however they have been grandfathered. She further stated they are also trying to discourage any additional auto related businesses, bargain stores or flea market in the neighborhood.

REBUTTAL – Gabriella Terrazas, representative waived her rebuttal time.

Staff stated there were 40 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and no response from Palm Heights 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 McAden to recommend a continuance until April 19, 2005.

1. Property is located on Lot 9 thru 11, Block 1, NCB 8963 at 726, 730 and 734 Division Avenue.
2. There were 40 notices mailed, 0 returned in opposition and 6 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005074 – April 19, 2005

Applicant: Carlos D. Terrazas

Zoning Request: "MF-33" Multi-Family District to "C-3NA" General Commercial,
Nonalcoholic Sales District.

Gabriella Terrazas, 8303 Dudley, representing the owner, stated would like to amend
their request to "C-1" C.

Staff stated there were 40 notices mailed out to the surrounding property owners, 0
returned in opposition and 6 returned in favor and no response from Palm Heights
Neighborhood Association and Nogalitos/Zarzamora Coalition is in opposition of "C-
3NA" but in support of "C-1" 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.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Cardenas-Gamez and seconded by
Commissioner Avila to find consistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

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COMMISSION ACTION

The motion was made by Commissioner Cardenas-Gamez and seconded by Commissioner Dutmer to recommend approval of "C-1" C with the following conditions:

1. Short-term parking.
2. Storage, maximum of 10 days from the rear of the building.
3. Vehicle must be with current license, registration, current inspection stickers and in operating condition.
4. No outside storage of materials and dumpsters at building mechanical system must be screened from view from the street.
5. Additional screening and buffering of the property on the east and south sides of the parcel adjacent to the residential lots to buffer the neighboring residents.
6. Side and rear buffer would be a Type "C" buffer 15 feet and a solid fence or wall, no chain link, bob wire or razor wire fencing.
7. Lighting would be residential in character shall incorporated cut off features to reduce glare and limit up light and would be placed and shield as to not offend surrounding property owners.

1. Property is located on Lot 9 thru 11, Block 1, NCB 8963 at 726, 730 and 734 Division Avenue.
2. There were 40 notices mailed, 0 returned in opposition and 6 in favor.
3. Staff recommends denial.

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

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2005074 C – May 3, 2005

Applicant: Carlos D. Terrazas

Zoning Request: "MF-33" Multi-Family District to "C-1" C Commercial District with Conditional Use for an Auto and Light Truck Repair.

Gabriella Terrazas, representing the applicant, stated they are requesting this change in zoning to allow for an auto and light truck repair on the subject property. She further stated they are in agreement with the following condition as stated by staff: 1. Short-term parking/storage for maximum of 10 days in the rear of the building. 2. No outside storage of materials. 3. Dumpsters and/or building mechanical systems must be screened from view from the street. 4. A six-foot solid fence or wall (no chain link, barbed wire or razor wire) shall be maintained along the south and east property lines adjoining the residential lots. 5. Lighting will be residential in character, shall incorporate cut-off features to reduce glare and limit uplight, and will be placed to direct the light away from adjoining properties and traffic. 6. Vehicles currently licensed.

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Staff stated there were 40 notices mailed out to the surrounding property owners, 0 returned in opposition and 6 returned in favor and no response from Palm Heights Neighborhood Association and Nogalitos/Zarzamora Coalition is 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 Peel and seconded by Commissioner Kissling to find consistency with the neighborhood plan.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Kissling to recommend approval.

1. Property is located on Lots 9 thru 11, Block 1, NCB 8963 at 726, 730 and 734 Division Avenue.
2. There were 40 notices mailed, 0 returned in opposition and 6 in favor.
3. Staff recommends approval.

**AYES: Martinez, Robbins, Kissling, Dutmer, Dixon, McAden, Avila, Stribling,
Peel**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.