

CASE NO: Z2006040 CD

Staff and Zoning Commission Recommendation - City Council

Date: April 13, 2006

Zoning Commission Meeting Date: March 07, 2006

Council District: 2 **Ferguson Map:** 585 D7

Applicant: **Owner**

Tariq Y. Khan Tariq Y. Khan

Zoning Request: From "R-6" Residential Single-Family District to "C-2" (CD-Car Care Center) Commercial District with a Conditional Use for a Car Care Center

Property Location: Lot 78, Block 7, NCB 16612
4000 Block of North Foster Road
Southwest Corner of North Foster Road and Summer Fest Road

Proposal: To Develop a Car Care Center

Neighborhood Association: Sunrise Neighborhood Coalition

Neighborhood Plan: I-10 East Corridor Perimeter Plan

Traffic Impact Analysis

A Traffic Impact Analysis is not required at this time; however, an analysis may be required during building permit or plat review.

Staff Recommendation:

Inconsistent

The proposed rezone from R-6 to C-2 (CD-Car Care Center) is inconsistent with the designated land use of the property identified in the I-10 East Corridor Perimeter Plan. The Plan currently designates this property for single family residential use. Consistency with the Plan could be achieved by amending the land use designation from single family residential to community commercial. On March 8, 2006, the Planning Commission recommended approval of amending the Plan to community commercial.

Approval of C-2 (CD-Car Care Center) with conditions and contingent on a succesful amendment to the I-10 East Corridor Community Plan.

Since the property is located on a corner with an existing traffic signal, surrounded by a parcel of about 11 acres in size already zoned C-2 and has significant spatial separation from the single family residences in the Sunrise Subdivision units to the west, a single retail or service use normally requiring a C-3 district should be allowed. The applicant is proposing a base zoning district of C-2 with a car care center, a zoning district and use that are generally compatible with much of the existing zoning and other uses along this portion of N. Foster Road. Automobile and truck repair, including muffler installation, require a C-3 zoning district to be allowed by right but the Unified Development Code allows a single C-3 use in C-2 with an approved conditional district. Approval of a conditional district will not prevent the establishment of additional uses on the property that are allowed by right in the C-2 district.

The subject property was annexed into the city in December of 1994, as part of an annexation that encompassed more than 800 acres. In 1995, the city intitiated a zoning case (Z1995033) that resulted in Lot 78 and two adjacent lots, Lots 36 and 40, being rezoned from the Temporary R-1 district to the B-2 and B-3 zoning districts, with all of Lot 78 being rezoned to B-3. Lot 36 is located at the southwest corner of N. Foster Road and Summer Fest Drive, surrounding the subject property, and Lot 40 is located immediately north across Summer Fest Drive at the northeast corner of the intersection of North Foster Road and

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Summer Fest Drive.

In 1999, the subject property and Lots 36 and 40 were again rezoned (Z99109), this time from B-2 and B-3 to R-1. This zoning case was initiated by the district councilperson, with staff recommending approval and the Zoning Commission recommending denial by a vote of 7-3. The Council ultimately voted to approve the rezone to R-1 by a vote of 9-0.

In 2004, Lots 36 and 40 were again rezoned (Z2003240) from R-1 to C-2, as requested by the property owner, following a successful amendment (Ordinance #99685) to the I-10 East Corridor Perimeter Plan which amended the land use designation from single family residential to community commercial. Lot 78, which was platted with Unit 15 of Sunrise Subdivision to the west, remains an undeveloped lot with R-6 zoning and still designated for single-family residential land use by the Plan.

The properties to the immediate north and south, as discussed above, are presently undeveloped and zoned C-2. The properties to the east, across N. Foster Road, are also undeveloped and outside the city limits. Much of the property currently fronting on N. Foster Road is currently zoned C-2 and C-3, having been zoned commercial within a few years following annexation.

Should the Zoning Commission move to recommend approval of C-2 CD for a car care center, the following conditions are recommended:

1. If available, reciprocal access with the adjacent property shall be required.
2. The outside storage of disabled vehicles and/or discarded automobile parts and supplies is not allowed.
2. Screening is required for all dumpsters and receptors of trash, debris and all other discarded materials so as to not be visible beyond the property lines.

Zoning Commission Recommendation:

Approval with conditions and contingent on plan amendment

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

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ZONING CASE NO. Z2006040 – March 7, 2006

Applicant: Tariq Y. Khan

Zoning Request: "R-6" Residential Single Family District to "C-3" General Commercial District.

Tariq Y. Khan, 6107 Sunrise, owner, stated he is proposing to operate a car care center with a salon on the subject property. He stated he is aware of staff's conditions and is in agreement with the conditions.

Staff stated there were 5 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Sunrise Neighborhood Coalition. Staff mailed 12 notices to the IH10 East Corridor Perimeter Plan Planning Team.

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

(A verbal vote was taken)

The motion was made by Commissioner Marshall and seconded by Commissioner Sherrill to find inconsistency with the neighborhood plan.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,
Wright, Martinez, Stribling, Gray**

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Sherrill to recommend approval of "C-2" with the following conditions:

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- a. If available, reciprocal access with the adjacent property shall be required.
 - b. The outside storage of disabled vehicles and/or discarded automobile parts and supplies is not allowed.
 - c. Screening is required for all dumpsters and receptors of trash, debris and all other discarded materials so as to not be visible beyond the property lines.
- 1. Property is located on Lots 11 and 12, NCB 6932 at 3110 Nogalitos Street.
 - 2. There were 33 notices mailed, 0 returned in opposition and 1 in favor.
 - 3. Staff recommends approval.

**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,
Wright, Martinez, Stribling, Gray**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.