

CASE NO: Z2006099 CD

Staff and Zoning Commission Recommendation - City Council

Date: June 01, 2006

Zoning Commission Meeting Date: May 16, 2006

Council District: 8

Ferguson Map: 480 A5

Appeal:

Applicant:

Brown, P.C.

Owner:

Bagheri Brothers, Inc. and Phillip Knaupp

Zoning Request:

From "C-1 S" GC-1 Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-2" GC-1 (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 6.84 Acres out of NCB 18337 and "C-1" GC-1 (CD-Automobile Dealership) Light Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 2.27 Acres out of NCB 35733

6.84 Acres out of NCB 18337 and 2.27 Acres out of NCB 35733

Property Location:

21587 IH 10 West and 21660 Milsa Drive

Southwest Corner of IH 10 West and Milsa Drive

Proposal:

To Develop an Automobile Dealership

Neighborhood Association:

Friends of Friedrich Wilderness Park

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval of C-2 GC-1 (CD-Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and C-1 GC-1 (CD-Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with conditions.

A rezone to a commercial district is appropriate along his portion of the IH 10 frontage, as much of the western frontage along IH 10 from Boerne Stage Road south to Camp Bullis Road has several parcels with existing commercial zoning and uses. Locally-oriented commercial uses permitted in the C-2 zoning district either by right, as a conditional district or under a specific use permit are more appropriate at this location than an outright rezone to the C-3 district given the extent of the existing single family residential development in the area from Milsa Drive south to Heuermann Road, extending west to the boundary of Friedrich Park. Additionally, Milsa Drive serves as a highly visible and efficient access point leading to the park and is frequently used by visitors in addition to local residents. Among those regional uses permitted by the C-3 district and not in C-2 are nightclubs, dance halls, automobile and truck repair and service, wholesaling, feed stores, indoor flea markets, home improvement centers, body piercing, and tattoo and massage parlors. The applicants are requesting a conditional C-2 district to allow an automobile dealership.

CASE NO: Z2006099 CD

Staff and Zoning Commission Recommendation - City Council

The subject properties were annexed into the city in 1998 with R-8, a single family residential zoning district that converted to the R-20 district following the 2001 adoption of the Unified Development Code. In January of 2000, the property at 21587 IH 10 was rezoned to B-1 SUP to allow a restaurant complex with the sale of alcoholic beverages incidental to the consumption of food. However, this use was never established on this property. The gateway corridor overlay was applied in 2003, and the subject properties are located entirely within the overlay. The property located at 21587 IH 10 consists of about 6.8 acres and is not currently in use. The property at 21660 Milsa Drive, which abuts this property to the west, consists of just over 2 acres and has an occupied single family dwelling that dates to about 1960.

There is a church located to the north, across Milsa Drive, on property zoned C-2 GC-1 (Z2006064). Further north are large undeveloped lands zoned C-3. To the south, along the frontage of IH 10, are several properties with existing office and commercial zoning, some with established commercial uses that are mostly service-oriented. To the west, along Milsa Drive, is a mix of existing uses, most of these being single family residential in nature. The parcels abutting the subject properties immediately to the west and continuing along the south side of Milsa Drive have existing single family dwellings and parcels with single family zoning districts.

Staff recommends approval of C-2 GC-1 (CD-Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and C-1 GC-1 (CD-Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with the following conditions:

1. Compliance with all applicable standards of the Gateway Corridor Overlay-1 is required which include, but are not limited to, landscaping, lighting, screening and tree preservation. Consultation with COSA Natural Areas staff on the installation of new plant materials is encouraged.
2. Type "C" landscape buffers, including both a fence or wall and vegetation, shall be installed along those property lines directly abutting parcels with existing residential zoning. Specifically, this includes the west and south property lines of the 2.27 acre tract and a portion of the south property line of the 6.84 acre tract.
3. Direct access to and from the 2.27 acre tract (21660 Milsa Drive) onto Milsa Drive shall not be allowed and a one foot non-access easement shall be recorded on this tract during platting. Direct access onto Milsa Drive from the 6.84 acre tract (21587 IH 10) shall be restricted to right turning movements only.
4. Outdoor speaker systems shall not be used.

Zoning Commission Recommendation:

Approval with conditions

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2006099 CD

ZONING CASE NO. Z2006099 – May 16, 2006

Applicant: Brown, P. C.

Zoning Request: "C-1" S "GC-1" Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" "GC-1" Residential Single-Family Gateway Corridor District-1 to "C-2" "GC-1" (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership.

Ken Brown, 112 E. Pecan, representing the owner, stated they are proposing to develop a new automobile dealership (Lexus Dealership) on the subject property. He stated the surrounding properties are all zoned "C-2" or "C-3". He further stated he is in agreement with staff conditions as well as from Friend of Friedrich Park.

FAVOR

Francine Romero, 7518 Pepper Ridge Lane, representing Friend of Friedrich Park, stated they have met with Mr. Brown and are in support of his request.

Staff stated there were 8 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and no response from Friend of Friedrich Wilderness Park.

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 Stribling and seconded by Commissioner Martinez to recommend approval with the following conditions:

1. Compliance with all applicable standards of the Gateway Corridor Overlay-1 is required.
2. Type "C" landscape buffers, including both a fence or wall and vegetation, shall be installed along those property lines directly abutting parcels with existing residential zoning. Specifically, this includes the west and south property lines of the 2.27-acre tract and a portion of the south property line of the 6.84-acre tract.

Z2006099 CD

3. Direct access to and from the 2.27-acre tract (21660 Milsa Drive) onto Milsa Drive shall not be allowed and a one-foot non-access easement shall be recorded on this tract during platting. Direct access onto Milsa Drive from the 6.84-acre tract (21587 IH 10) shall be restricted to right turning movements only.
 4. Noise shall be restricted by limiting the use of outdoor speakers to between the hours of 8:00 am and 6:00 pm.
1. Property is located on 6.84 acres out of NCB 18337 and 2.27 acres out of NCB 35733 at 21587 IH 10 West and 21660 Milsa Drive.
 2. There were 8 notices mailed, 1 returned in opposition and 0 in favor.
 3. Staff recommends approval of "C-2" "GC-1" (CD-New Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and "C-1" "GC-1" (CD-New Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with conditions.

**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.