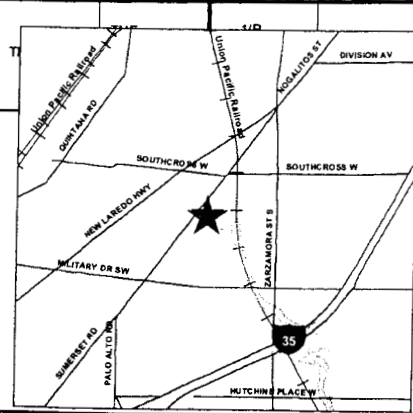


In Favor



CASE NO: Z2006091 CD

Staff and Zoning Commission Recommendation - City Council

Date: June 15, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 4

Ferguson Map: 649 E6

Appeal:

Applicant:

Owner:

Richard R. Whitcher, Jr.

Richard R. Whitcher, Jr.

Zoning Request: From "I-1" General Industrial District to "C-1" (CD - Auto and Light Truck Repair) Commercial District with a Conditional Use for Auto and Light Truck Repair

Lots 20 and 21, Block 30, NCB 8523

Property Location: 1610 Whitman Ave.

Proposal: For a transmission repair service facility

Neighborhood Association: None

Neighborhood Plan: None

Traffic Impact Analysis:

A traffic impact analysis is not required.

Staff Recommendation:

Approval

The applicant is bringing this rezoning case forward in an effort to bring the property into compliance. The current I-1 zoning does not allow the current use, which is a transmission repair facility. The facility has been in operation for approximately 3 years without a Certificate of Occupancy according to the owner. On 12/10/05, the applicant was cited for operating without a Certificate of Occupancy.

The subject property is located in the center of Whitman Avenue, a local residential street, just east of Somerset Road. The property to the north side of the block is zoned R-6; I-1 to the east; R-6 and I-1 to the south; and C-1, C-3, and R-6 to the west. However, the surrounding land uses are predominately single-family residential. The property to the immediate east is currently a welding shop. A commercial building is currently on the subject property.

The applicant has been in frequent contact with staff regarding this rezoning case. The applicant's initial request was for C-3 General Commercial District. After discussion regarding the inconsistent nature of C-3 zoning within a neighborhood, Staff recommended, and the applicant amended their application to, C-1 C with a Conditional Use for Light Truck and Auto Repair. The amended request represents a beneficial down-zoning from the current I-1 district and provides a compatible zoning option for the adjacent uses. If the automotive repair use cease for twelve consecutive months, C-1 uses, as proscribed within the UDC, should provide compatible retail and service uses at this location.

Should the Zoning Commission recommend approval of C-1 C, staff recommends the following conditions:

1. Days and hours of operation should be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.
2. All parking and storage of vehicles should be on-site only.
3. Outdoor lighting should be directed as to illuminate subject property only.
4. Each vehicle limited to 3 months maximum for storage.

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5. No storage of junk vehicles shall be allowed.

The subject property was annexed by the City of San Antonio in 1944. It was rezoned to I-1 in 1977.

Zoning Commission Recommendation:

Approval w/ Conditions

CASE MANAGER : Rudy Nino, Jr. 207-8389

VOTE

FOR	6
AGAINST	4
ABSTAIN	0
RECUSAL	0

Z2006091 CD

ZONING CASE NO. Z2006091 CD – April 18, 2006

Applicant: Richard R. Whitcher, Jr.

Zoning Request: "I-1" General Industrial District to "C-1" (CD – Auto and Light Truck Repair) Commercial District with a Conditional Use for Auto and Light Truck Repair.

Richard R. Whitcher, Jr., 7818 Dempsey, owner, stated he is requesting this change in zoning to allow for a transmission repair shop. He stated his tenant has been in operation for approximately 4 years. He further stated he is in agreement with staff's conditions.

OPPOSE

Walter Delgludice, 1602 Whitman, stated he resides adjacent to the subject property. He expressed concerns with the on street parking which has cause him to not receive mail due to the vehicles being parked in front of his residence. He also expressed concerns with the appearance of this property. Mr. Whitcher's tenant has made the transmission repair shop to look like a junkyard. Also the tenant tends to do repairs out on the street which cause oils and other chemicals and maybe some hazardous to run on the street.

Carlos Garcia, 1614 Whitman, stated he would like to echo Mr. Delgludice's comments. He expressed concerns with the noise and light pollution due to the tenant operating during the late evening hour. He feels Mr. Whitcher's tenant should relocate to an area that is more appropriate for his business.

REBUTTAL

Richard R. Whitcher, Jr., 7818 Dempsey, owner, stated he was unaware of his tenant's activities; he was informed by the surrounding residents. He stated he has discussed these issues with his tenant and was informed that he would correct them.

Staff stated there were 29 notices mailed out to the surrounding property owners, 3 returned in opposition and 2 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.

Z2006091 CD

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Gadberry to recommend approval of "C-1" CD with staff's recommendation:

- a. Days and hours of operation should be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m.
 - b. All parking and storage of vehicles should be on-site only.
 - c. Outdoor lighting should be directed as to illuminate subject property only.
 - d. Each vehicle limited to 3 months maximum for storage.
 - e. No storage of junk vehicles shall be allowed.
- 1. Property is located on Lots 20 and 21, Block 30, NCB 8523 at 1610 Whitman Avenue.
 - 2. There were 29 notices mailed, 3 returned in opposition and 2 in favor.
 - 3. Staff recommends approval.

AYES: Robbins, Rodriguez, Gadberry, Sherrill, Wright, Gray

NAYS: Avila, Marshall, Martinez, Stribling

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.