

CASE NO: Z2002216

Zoning Commission Meeting Date: November 19, 2002

Council District: 5

Ferguson Map: 650 E1

Appeal: Yes

Applicant:

Jack in the Box, Inc.

Owner

Wilbco Inc.

Zoning Request: From "MF-33" Multi-Family District to "C-2" Commercial District.

Lots A-15 and A-16 Block E1/2, NCB A-9

Property Location: 843, 905 & 907 Probandt Street

Applicants Proposal: To permit the development of a fast food restaurant

Staff Recommendation:

Denial. The west side of Probandt Street is zoned for residential use. The area west of Probandt Street has developed as residential use - primarily single-family homes. The east side of Probandt Street has developed with business and industry uses. Staff believes that the integrity of the residential area west of Probandt Street should be maintained.

Zoning Commission Recommendation

Denial

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2002216

ZONING CASE NO. Z2002216 November 19, 2002

Applicant: Jack in the Box, Inc.

Zoning Request: "MF-33" Multi-Family District to "C-2" Commercial District.

Jason Rogers, representing the applicant, stated they are proposing to develop a Jack in the Box on the subject property. The 3 lots are currently vacant and are filled with brush and debris. He also stated the taxes on these properties are not current. He stated they have made an attempt to contact the Neighborhood Association however the point of contact that was on file was not accurate. He further stated he has contacted the representative and has not received a response. He stated they would provide curbs, a privacy fence and also lighting. The lighting would be directional as to not offend the nearby residences. He feels this development would be an asset for the community.

OPPOSE

Gabriela Guerra, 106 Los Arboles, stated she participated in the South Central Community Plan and this type of development is not in their plan. She stated their intent is to enhance and preserve the neighborhood. She feels infill housing would be more suitable for this area. She expressed concerns with the traffic flow and the noise level in this area and feels this development would only compound the problems.

Mary Riveras, stated she does not support this request. She stated she grew up in this area and knows this area very well. He is concerned that if properties were being bought for commercial development the entire neighborhood would deteriorate. She feels infill housing would enhance the neighborhood.

Staff stated there were 45 notices mailed out to the surrounding property owners, 0 returned in opposition and 5 returned in favor and no response from Lone Star 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 Cardenas-Gamez and seconded by Commissioner Sherrill to recommend denial.

1. Property is located on Lots A-15 and A-16, Block E ½, NCB A-9 at 843, 905 & 907 Probandt Street.
2. There were 45 notices mailed, 0 returned in opposition and 5 returned in favor.
3. Staff recommends denial.

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**AYES: Mehringer, Cardenas-Gamez, Kissling, Hophan, Sherrill, McAden, Avila,
Morell, Martinez**

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.