

CASE NO: Z2005037 S

Staff and Zoning Commission Recommendation - City Council

Date: March 10, 2005

Zoning Commission Meeting Date: March 01, 2005

Council District: 2

Ferguson Map: 618 D3

Appeal: No

Applicant:

Brown, P. C.

Owner:

Red Berry Estate, Ltd.

Zoning Request: From R-5 Residential Single Family District to C-2 S Commercial District with Specific Use Authorization for a Party House, Reception Hall, and Meeting Facilities.

84.267 acres out of NCB 10578

Property Location: 856 Gembler Road

Located between Interstate Highway 10 and Gembler Road

Proposal: To utilize the existing structure for an events facility

Neighborhood Association: Skyline Park Neighborhood Association

Neighborhood Plan: Arena District/Eastside Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Inconsistent.

C-2 Commercial District is inconsistent with the existing land use category. The Planning Commission recommended partial approval of the plan amendment on February 23, 2005 and will forward the case to City Council.

* Approval contingent on plan amendment.

The subject property is currently a vacant residence. The applicant is requesting a Specific Use Authorization in order to use the facility as a party house, reception hall, and meeting rooms. The uses to the east are residential. Properties to the north and west are zoned for industrial use and include campgrounds as well as a few commercial uses. Salado Creek is located along the western boundary of the property and there is a masonry fence located along the eastern portion of the property. This facility would serve as a transition between the existing single-family district and the industrial uses.

Zoning Commission Recommendation:

Approval contingent on plan amendment

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR 9

AGAINST 0

ABSTAIN 0

RECUSAL 0

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ZONING CASE NO. Z2005037 S – March 1, 2005

Applicant: Brown, P. C. Attorneys at Law

Zoning Request: "R-5" Residential Single Family District to "C-2" S Commercial District with a Specific Use Authorization for a Party House, Reception Hall and Meeting Facilities.

Ken Brown, 112 E. Pecan, representing the owner, stated they are seeking to amend the neighborhood plan and to rezone the property to use it as an event facility for a party house. He stated he has been in contact with the representatives from Skyline Park Neighborhood Association who are in support. They have agreed on restrictive covenants. They have also included a provision in the covenant that states if the declarant ceases to use the property for this particular use they would not oppose a City initiated case that would zone the property back to R-5.

FAVOR

Kathy Harris, 4107 Seabrook Dr., stated she has met with Mr. Brown with regards to this zoning change and after reviewing the restrictive covenants she is in support.

Staff stated there were 43 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Skyline Park 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.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

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

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

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COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Avila to recommend approval.

Nina Nixon-Mendez, Planning Managers, stated there was a correction to the staff recommendation; currently the proposal is inconsistent which is why a plan amendment has been filed. Therefore their recommendation is inconsistent.

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Dutmer to reconsider the motion of finding of consistency.

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

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

(A verbal vote was taken)

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

NAYS: None

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Dixon and seconded by Commissioner Avila to recommend approval.

1. Property is located on 84.267 acre out of NCB 10578 at 856 Gemblar Road.
2. There were 43 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval.

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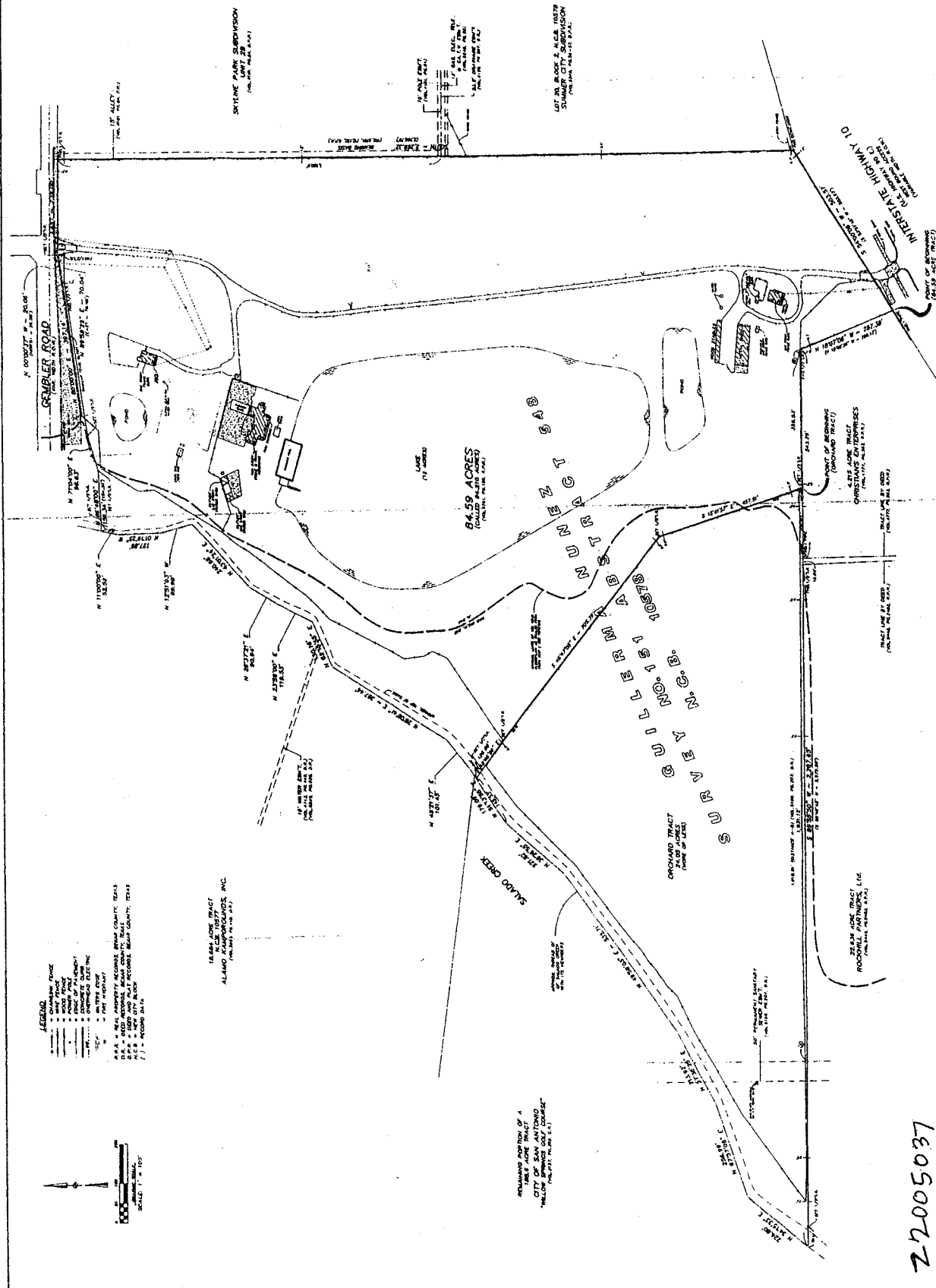
**AYES: Martinez, Robbins, Cardenas-Gamez, Dutmer, Dixon, Sherrill, Avila,
Stribling, Peel**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

[illegible][illegible]

ADDRESS:
3556 GEMBLER ROAD
OWNER: RED BERRY ESTATE, LTD.
DEED REFERENCE:

RELAXATIONS AND RESTRICTIONS

NO.	DATE	BY	REASON	001
<p>MAVERICK TRUCK RENTING & Leasing Co. 1400 S. GARDEN ST. - LOS ANGELES, CALIF. 90006</p>				
23	12-21-68	4148		
22	12-21-68	4148		
<p>REMARKS: OUT OF PAY TRACT SA. SHERMAN MGR. SURVEY NO. ABSTRACT 548, N.E. 10578 SA. ARTHUR, BEAR COUNTY, NEB.</p>				<p>002</p>

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