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CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 10, 1970

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building.

Present

S. P. Kinser, Chairman
C. L. Reeves
M. J. Anderson
Jack Crier
Bill Milstead
Fritz Becker
Jack Goodman
Alan Taniguchi
Walter Chamberlain

Also Present

Hoyle M. Osborne, Director of Planning
Richard Lillie, Assistant Director of Planning
Walter Foxworth, Supervising Planner
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 2, and 3, 1970.

Present

Alan Taniguchi, Chairman
*Jack Goodman
Walter Chamberlain
Fritz Becker
C. L. Reeves

Also Present

Hoyle Osborne, Director of Planning
Richard Lillie, Asst. Director of Planning
Walter Foxworth, Supervising Planner
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

*Present only on November 2, 1970.

PUBLIC HEARINGS

C14-70-134 O. C. Hardin: A to BB
3606 Clawson Road

STAFF REPORT: This request was before the Commission in August, 1970, recommended for denial and has been referred back to the Committee. The subject

C14-70-134 O. C. Hardin--contd.

tract is an area of .96 acre to be used for apartment development. This area is predominantly "A" Residence zoning, with "BB" Residence zoning existing east of Southridge Drive. Single-family homes predominate on the west side of Clawson Road and north of Southridge Drive. A pending zoning case is located northeast of Southridge Drive and at Dolphin Drive. The area has had no intrusions of spot zoning. The "BB" Residence zoning to the southeast was amended in order that apartment zoning and development would not encroach on development along Clawson Road. The large tracts are going to be a problem to develop, but rather than grant apartment zoning, the staff will encourage owners to join together and subdivide for single-family or duplex development. The denial of this request in August was based on two factors: that it would be an intrusion into a well-developed area and would create a traffic problem on Clawson Road which has inadequate right-of-way and paving. These factors have not changed since that time and the area needs zoning protection. The staff recommendation is to deny. If granted, it will be subject to ten feet of right-of-way on Clawson Road.

TESTIMONY

WRITTEN COMMENT

Carlton E. Buske: 3012 West Avenue
 Carl W. Cole: 3504 Clawson

FOR
 AGAINST

PERSONS APPEARING AT HEARING

O. C. Hardin (applicant)

SUMMARY OF TESTIMONY

The applicant, Mr. O. C. Hardin, stated that this area is not "A" Residence in the usual sense, but consists of very large lots of from one-half to two and one-half acres. There are very few homes in the area with many vacant lots. Directly across the street from this site duplexes are being constructed, and there is a 250-unit apartment house nearby. The cost of the land is prohibitive and the development of the property as single-family or duplex is not economically feasible. Mr. Hardin feels that for the highest and best use of the property the requested zoning is necessary, and he will be willing to give the necessary land for needed right-of-way to the City.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested of the staff information as to the long-range planning for this area to handle traffic. Mr. Foxworth stated that no study has been done. Clawson Road will eventually be widened to sixty feet of right-of-way and will be a collector street from Ben White Boulevard to Lightsey Road. There are extreme topographic changes along Clawson Road, causing several blind spots which create traffic hazards.

C14-70-134 O. C. Hardin--contd.

The location of the apartment house was pointed out by the staff as fronting on Southridge Drive, with the railroad tracks to the east of the property.

Mr. Reeves stated that he had no objection to apartments in this area, if the traffic could be handled. Clawson Road is a dangerous street and even single-family development would add to the hazard. The fact that a bad zoning decision has been made in the area east of Clawson Road does not mean that further such decisions should be made.

A study of this area is badly needed. The fact that Clawson Road will be widened does not affect this case, for it will be inadequate for "BB" Residence zoning as it is the only such street in the immediate area. Lightsey Road, Ben White Boulevard, Manchaca Road and South First Street are the major arterial streets in this area and there are not enough collector streets in the area to handle high-density development.

Mr. Foxworth stated that part of this area is the preliminary plan of Southridge, which will be "A" Residence development but is not in final subdivision form. The railroad tracks limit the construction of roads to some extent.

The Council had postponed this case in order to personally inspect the area, but several did not inspect it. Mr. Hardin then requested that the case be sent back to the Committee, as he had been out of town at the time of the original hearing.

The Committee reviewed the information and discussed the hazardous traffic situation on Clawson Road and the fact that there is no other main thoroughfare to Ben White Boulevard. They felt that planning is needed for street and traffic facilities. They were cognizant of the fact that even "A" Residence development would add to the traffic hazard. A majority of the Committee concluded that the request should be denied. They further requested that the staff conduct an area study of street and traffic conditions.

At the Commission meeting, Mr. Reeves requested of the staff that an area study be conducted within thirty days; the staff felt that the information is available in conjunction with the Austin Transportation Study, the Capital Improvements Plan, and the Traffic and Transportation Department.

Mr. Goodman offered a substitute motion to approve this zoning as proper for the site, as the traffic situation must be improved to provide adequate service for the area.

Mr. Reeves stated that apartments exist on Southridge Drive to the east at the present time. At this time Clawson Road is a very dangerous street. To grant this request will set a precedent and will result in very high-density development. It is not good planning to compound the problems in the area without first solving the problem. The area is very hilly, and the site under consideration is at the bottom of two hills and is hazardous. The safety of the public should be considered in this decision. Clawson Road is at present only 40 feet of right-of-way, and is proposed to become a 60 foot local collector street; this is not a traffic artery which would handle high-density development.

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C14-70-134 O. C. Hardin--contd.

Mr. Kinser stated that he felt that the area is destined to be developed primarily with apartments, due to its proximity to the downtown area. He feels that as each case comes in, sufficient right-of-way can be required to widen the street and take care of this problem. It is unfair to punish the individual developer because the City does not provide adequate street facilities. The Planning Commission and the City Council do not build Austin; it is developed by individuals as they can afford the cost.

The Commission then

VOTED: To recommend tht the request of O. C. Hardin for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3606 Clawson Road be GRANTED, subject to 10 feet of right-of-way on Clawson Road. They further requested that an area study be conducted within thirty days for their consideration.

AYE: Messrs. Kinser, Chamberlain, Anderson, Becker and Goodman
 NAY: Messrs. Milstead, Taniguchi, Reeves and Crier
 ABSENT: None

C14-70-181 Joseph Bashara: A to GR
 6208-6212 Langham Street
 1706-1708 Montopolis Drive

STAFF REPORT: This application is on an area of 16,800 square feet at the corner of Langham Street and Montopolis Drive, with the proposed usage a drive-in restaurant. "A" Residence zoning exists on the majority of that property west of Montopolis Drive and "LR" Local Retail exists on property east of Montopolis Drive. North of Fairway Street are "BB" Residence and "LR" Local Retail zoning. "C-2" Commercial zoning exists in the small shopping center to the north at Fairway and Montopolis Streets. "C" Commercial exists south of Kasper Street at Riverside Drive. This immediate neighborhood is developed with single-family residences. A drive-in theater is located to the east. Several applications for "B" Residence and "LR" Local Retail zoning to the immediate north and south have been withdrawn. One application to the north at Caddle and Montopolis Streets is pending "GR" General Retail zoning. In conformance with past applications on the west side of Montopolis Drive, the staff's recommendation is to deny this request as an intrusion.

If the request is granted, it will be subject to five feet of right-of-way on Langham Street.

TESTIMONY

WRITTEN COMMENT

U. L. Edwards: 6209 Langham

AGAINST

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C14-70-181 Joseph Bashara--contd.

PERSONS APPEARING AT HEARING

Vernon M. Pfluger (representing applicant)

Mr. & Mrs. U. L. Edwards: 6209 Langham Street

AGAINST

W. A. Irvin: 1207 Choquette Drive

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Vernon Pfluger, attorney for the applicant, stated that no food will be eaten on the premises, the business will be strictly carry-out. The large drive-in theater nearby will provide the market for this service. It is felt that there is no pattern of residential use along Montopolis Drive; there is "C" Commercial just down the street and a small shopping center in the next block to the north. Montopolis Drive right-of-way is 70 feet wide, Langham Street is 50 feet wide; there is heavy traffic and the residential use is fading out. There is no demand for residential use on Montopolis Drive as it is not a desirable residential area. This requested zoning would be the highest and best use for the property and it is felt that the existing residential property is not near enough to be affected by this change. While the requested zoning would allow the sale of alcoholic beverages, the applicant feels that this should not be done in this area.

Arguments Presented AGAINST:

Mr. W. A. Irvin, Austin Baptist Association, spoke against this request. The Association plans to continue and expand their program in the area, which will involve many children using their facilities. They feel that this development will have a bad effect on their property and will add to the traffic congestion. This area is primarily residential, with multi-family development at the present time. While alcoholic beverages will not be sold at this location now, the ownership may change in a year or so. It is felt that a business should not be located in this residential area where a church is already established.

Mr. U. L. Edwards, 6209 Langham, stated that everyone on his block owns his own home and has lived there for several years. When he moved there eight and one-half years ago there were several vacant lots; since that time all but one have been developed with residences. He feels that if this zoning is allowed, it will be only a matter of months until alcoholic beverages will be sold. He is also a member of the church and feels that the requested zoning will be a detriment.

Arguments Presented IN REBUTTAL:

Mr. Pfluger stated that it was their understanding that several applications had been made and withdrawn on the church property, and they had assumed that some other use is planned for the property. In addition, an application for "GR" General Retail zoning is pending at the corner of Caddie Street and Montopolis

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C14-70-181 Joseph Bashara--contd.

Drive, and is expected to be granted, which will leave only one tract on this block facing Montopolis Drive which is "A" Residence.

Mr. Irvin questioned the fact that the church had applied for a change of zoning and it was noted that these applications had been made on property adjoining the church.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman pointed out that the City Ordinance prohibits the sale of alcoholic beverages within 300 feet of a church.

Mr. Reeves stated that just south of this application "C" Commercial zoning exists. Mr. Foxworth stated that this commercial development fronts onto Riverside Drive and has been in existence for a number of years. "LR" Local Retail zoning exists across the street to the east of the church, and was granted because of the drive-in theater being constructed.

Mr. Taniguchi requested the status of the pending zoning case at the corner of Caddie and Montopolis Streets; the staff advised that this site has been granted "GR" General Retail, pending required right-of-way.

Mr. Reeves stated that this area is changing; across the street from this site "LR" Local Retail zoning exists, across the street from the church property there is "C" Commercial zoning. "C-2" Commercial zoning, allowing a liquor store, exists one block north.

The Committee reviewed the information and concluded that this request should be granted, as consistent with existing and proposed zoning in a changing area, subject to five feet of right-of-way on Langham Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joseph Bashara for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 6208-6212 Langham Street and 1706-1708 Montopolis Drive be GRANTED, subject to five feet of right-of-way on Langham Street.

C14-70-182 Clarence Flournoy: A, 1st to B, 2nd
1007 East 13th Street

STAFF REPORT: This application is on a tract of 10,125 square feet to be used for the construction of a 10-unit, two-bedroom, apartment project. "A" Residence zoning is established on adjacent land and is located to the north and "C" Commercial zoning exists to the south. Single-family development predominates this area along and to the north of East 13th Street. Single-family, commercial and apartment uses exist along East 12th Street. This property is adjacent to the proposed right-of-way for the Crosstown Expressway. There are two recent cases to the north; one is pending "C" Commercial zoning and one was granted "O" Office zoning. The staff and the Planning Commission recommended

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C14-70-182 Clarence Flournoy--contd.

this request be denied two years ago, as they were opposed to the increased congestion, noise and density in a quiet residential atmosphere. They considered that the apartments would create an undesirable low-rental district. These conditions have not changed and the staff's recommendation is to deny.

TESTIMONY

WRITTEN COMMENT

Travis Ekert, Ken Gully, Jeff Geeslin:	1108 Lavaca	AGAINST
Mrs. Callie S. Jacques:	1015 East 12th Street	AGAINST
Jimmy R. Moody:	1005 East 13th Street	AGAINST
Investors Realty Company		FOR
Standard Mortgage Company		FOR
A. Collins:	1004 East 13th Street	AGAINST
Mrs. Katie McLemore:	1203 East 13th Street	AGAINST
Eloise B. Scott:	1308 Navasota	AGAINST
Lizzie Scott Latson:	1308 Navasota	AGAINST

PERSONS APPEARING AT HEARING

Eloise B. Scott:	1308 Navasota	AGAINST
Elizabeth Latson:	1308 Navasota	AGAINST
Artelia Owens:	1201 East 13th Street	AGAINST
Mrs. Martha Moody:	1005 East 13th Street	AGAINST
Gillis C. Jefferson:	1003 East 13th Street	AGAINST
Mrs. E. M. Gilbert:	1120 East 12th Street	AGAINST
C. R. Yerwood:	1115 East 12th Street	AGAINST
Mrs. Vivien Chambers:	1110 East 12th Street	AGAINST
Dorothy Overton:	1112 East 12th Street	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Mrs. Martha Moody, 1005 East 13th Street, owns the property next door to this proposed site. She stated that the houses are too close together at this time, and an apartment house on the site would be unacceptable to the neighborhood. This is a quiet, family neighborhood and the construction of apartments would create much noise and congestion.

Mr. Gillis Jefferson, 1003 East 13th Street, has lived at this address for twenty-four years; this area has always been "A" Residence and the residents want it to remain as such. Thirteenth Street has an offset at Navasota Street, which would create a traffic hazard. The lot under consideration is

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C14-70-182 Clarence Flourney--contd.

the same size as Mr. Jefferson's lot, and he has been denied a permit to have more than two bathrooms or two kitchens on his lot. East 13th Street is unpaved from Waller Street to Navasota Street, and after much work the residents have gotten together and put up the money to have this portion paved. They wish their street to remain a quiet residential area. The residents feel that if the applicant lived next door to his development, the situation would be different, but he does not; this is merely an investment on his part.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested information on required number of parking spaces for a two-bedroom apartment; two parking spaces per unit would be required, for a total of twenty parking spaces required for this development. Each unit would require 800 square feet of land area.

The Committee reviewed the information and concluded that this request should be denied, as an intrusion into a residential neighborhood; in addition, the lot is too small for the density requested.

At the Commission meeting, Mr. Kinser stated that there is a shortage of housing in this area and that perhaps a designation should be made that this is a residential area to encourage such development.

Mr. Reeves stated that several nearby residents had appeared at the Committee meeting to protect the single-family character of the area.

The Commission then

VOTED: To recommend that the request of Clarence Flourney for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1007 East 13th Street be DENIED.

Jack Goodman was out of the room at the time of the vote.

C14-70-183 John Barnett et ux et al: A to B (as amended)
408-410 West 37th Street

STAFF REPORT: This tract of land consisting of 12,600 square feet fronts onto West 37th Street. The proposed use is for apartment development. "C" Commercial zoning is established along Guadalupe Street just west of the subject tract, and is developed with commercial uses. "A", "BB" and "B" Residence, "O" Office, First and Second Height and Area zonings are scattered throughout this area east of Guadalupe. This tract is within the area study recommending "B" Residence for property where streets are adequate. The staff's recommendation is to deny the request for "B" Residence, Second Height and Area, but to grant "B" Residence, First Height and Area. This recommendation is subject to 10 feet of right-of-way on West 37th Street.

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C14-70-183 John Barnett, et ux et al--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Truman H. Montandon (representing applicant)

SUMMARY OF TESTIMONY

Mr. Truman Montandon, realtor, stated that the property is listed for sale, with an interested purchaser who needs this zoning classification. He stated that "B" Residence, First Height and Area would probably be agreeable to his client for his planned development of apartments. It was pointed out that 13 one-bedroom units could be constructed on the property. The property immediately west of the subject property is "C" Commercial, but this zoning has frontage onto Guadalupe Street. There was discussion of the right-of-way requirements, and Mr. Montandon was advised that 60 feet of right-of-way is required on streets serving apartment development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as amended, as consistent with the changing zoning pattern in the area and subject to 10 feet of right-of-way on West 37th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of John Barnett et ux et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 408-410 West 37th Street be GRANTED, subject to 10 feet of right-of-way on West 37th Street.

Mr. Goodman was out of the room at the time of the vote.

C14-70-184 Christie Sarris: C to C-2
115-145 South 1st Street

STAFF REPORT: This request is on an area of 1,850 square feet, to be used as a tavern. "GR" General Retail, "C" Commercial and "O" Office zoning exist in this immediate area. "C-2" Commercial zoning also exists on Congress Avenue, with commercial uses developed throughout this area. This application is for the purpose of enlarging the existing restaurant facility. The

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C14-70-184 Christie Sarris--contd.

Department has the metes and bounds description for the particular portion of the building to be used by the tavern. The staff's recommendation is to grant.

TESTIMONY

WRITTEN COMMENT

Walter C. Moore: 1105 Heritage Way

FOR

PERSONS APPEARING AT HEARING

Christie Sarris (applicant)

SUMMARY OF TESTIMONY

The application stated that at the present time this location serves wine and beer and they would like to serve cocktails also, particularly as the law legalizing liquor-by-the-drink may be in effect soon.

Mr. Reeves stated that a private club is necessary to serve cocktails.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with the existing zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Christie Sarris for a change of zoning from "C" Commercial, First Height and Area to "G-2" Commercial, First Height and Area for property located at 115-145 S. 1st Street be GRANTED.

Mr. Goodman was out of the room at the time of the vote.

C14-70-185 Lucia F. Castillo: A to B
1715-1801 State Highway 29
1710-1802 Old Austin-Del Valle Road

STAFF REPORT: The subject request is on a tract of .81 acre to be developed with apartments. The staff's recommendation is to withdraw this application in that past records indicate that this property was granted "C" Commercial, First Height and Area by the City Council several years ago. The Ordinance is on the Council agenda for November 5, 1970. The applicant will not need this requested zoning after passage of the Ordinance.

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C14-70-185 Lucia F. Castillo--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be withdrawn, as a request preceding this one and soon to be acted upon by the Council changes this zoning to "C" Commercial.

At the Commission meeting, the staff reported that the Council had approved the pending case.

The Commission then unanimously

VOTED: To recommend that the request of Lucia F. Castillo for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1715-1801 State Highway 29, 1710-1802 Old Austin-Del Valle Road be WITHDRAWN.

Mr. Goodman was out of the room at the time of the vote.

C14-70-186 J. B. Ford: A to O
2913-2917 Manchaca Road

STAFF REPORT: This request is on a tract of .6 acre, with proposed uses consistent with said zoning. "LR" Local Retail and "C" Commercial zoning are established to the north along Manchaca Road and South Lamar. Commercial land uses exist along Manchaca Road north of Lightsey Road and along South Lamar Boulevard. "A", "BB" and "B" Residence zoning exist south of this site. The area is primarily undeveloped; however, several single-family residences and a duplex exist on large lots on Manchaca Road. The staff recommends the change to "O" Office zoning to serve as a buffer between the "LR" Local Retail zoning and the residential zoning to the south.

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C14-70-186 J. B. Ford--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Russell Rowland (representing applicant)

SUMMARY OF TESTIMONY

Mr. Russell Rowland, representing the applicant, stated that they have worked very closely with the Planning Department on this proposal. They have personally contacted the residents of the area and there is no opposition to the planned development. It is felt that the plans would be the highest and best use of the property, which will be developed with office use or multi-family dwellings. The property has frontage both on Barton Skyway and Manchaca Road.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, to serve as a buffer between the "LR" Local Retail and the "A" Residence zoning.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of J. B. Ford for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 2913-2917 Manchaca Road be GRANTED.

C14-70-187 Larry Miller: A to B
2307 Lake Austin Boulevard

STAFF REPORT: This request is for proposed apartment development on a tract containing 6,225 square feet. "A" Residence, "LR" Local Retail, "GR" General Retail and "C" Commercial zoning exist throughout this area on either side of Lake Austin Boulevard. The American Legion Hall is located to the south and several commercial uses are located to the west along Lake Austin Boulevard, and to the east are single-family residences. The staff does not object to the requested "B" Residence zoning, but feels that it is not compatible with the commercial zoning which has been during the past two years in this area. Because of Mo-Pac construction east of Atlanta and recent zoning between Atlanta and Hearn Streets, the remaining lots along Lake Austin Boulevard should be considered for rezoning.

C14-70-187 Larry Miller--contd.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. E. L. Herzog: 2211 Lake Austin Blvd. FOR

PERSONS APPEARING AT HEARING

George G. Butler (representing applicant)

SUMMARY OF TESTIMONY

Mr. George Butler represented the applicant, stating that this is essentially a residential area. When Mo-Pac Boulevard is completed the traffic on Lake Austin Boulevard will increase; however, Foster Avenue abuts the property to the southwest, which will give access to the property. At the present time there is a large home on the tract. This home will be converted into a duplex.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning for the site.

The Committee requested that the staff conduct an area study from Mo-Pac Boulevard to Exposition Boulevard to determine appropriate zoning for the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Larry Miller for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2307 Lake Austin Boulevard be GRANTED, and also recommend that the staff conduct an area study from Mo-Pac Boulevard to Exposition Boulevard to determine appropriate zoning for the area.

C14-70-188 Thomas James: A to GR
2936 East 12th Street

STAFF REPORT: An application for "O" Office zoning on this property was presented to the Planning Commission last month. The Commission recommended that the application be withdrawn because the zoning requested would not permit the use proposed by the applicant. This application is on an area of 10,672 square feet, with proposed use a restaurant. "C" Commercial zoning exists throughout this area along East 12th Street. Single-family, duplex and commercial uses are developed with a meat company, apartments, grocery stores, offices, etc. The staff's recommendation is to grant this request.

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C14-70-188 Thomas James--contd.

TESTIMONY

WRITTEN COMMENT

Standard Mortgage Co.
James O. Hayden: 3014 East 13th Street

FOR
AGAINST

PERSONS APPEARING AT HEARING

Raymond James (representing applicant)

SUMMARY OF TESTIMONY

Mr. Raymond James, represented the applicant, and stated that there had been a misunderstanding on the original application and that "GR" General Retail is the zoning desired.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with existing zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Thomas James for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2936 East 12th Street be GRANTED.

C14-70-189 Ernest Padilla: A to C
4705-4707 Alf Avenue

STAFF REPORT: This zoning change is requested on a tract of 19,581 square feet to be used as a contractor's storage yard. This site is in an area zoned "A" Residence. The area to the south and rear of this property is zoned and used as industrial, with several oil company storage facilities in existence. Single-family residences are located to the north. The staff recommends to deny this request for "C" Commercial in a residential neighborhood as an intrusion and encroachment into a single-family residential area. The residential streets are also inadequate. If granted, this request will be subject to five feet of right-of-way on Alf Avenue.

C14-70-189 Ernest Padilla--contd.

TESTIMONY

WRITTEN COMMENT

John Buentello, Jr.: 4705 Alf Avenue	AGAINST
Robert Guerra: 4808 Alf Avenue	AGAINST
Ramon Martinez: 4703 Alf Avenue	AGAINST
Mr. & Mrs. Daniel Whitney	AGAINST
James C. Turner: 4800 Alf Avenue	AGAINST
Lloyd Anderson	AGAINST
Felipe Rodriquez:	AGAINST
Nora Blackburn: 4704 Alf	FOR
Tyreca Waugh: 607 West Johanna	FOR
Standard Mortgage Company	FOR

PERSONS APPEARING AT HEARING

Mr. & Mrs. Natividad N. Ruiz: 4608 Alf Avenue	AGAINST
John Buentello, Jr.: 4705 Alf Avenue	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Mr. Natividad Ruiz, 4608 Alf Street, spoke against this request, stating that he was selected to represent the residents of the area. He presented a petition with fourteen signatures to the Committee. The residents feel that the streets are too narrow for the truck traffic generated; this use exists at the present time, with the operation creating a disturbance at 4 or 5 o'clock in the morning.

Mr. John Buentello stated that he lived next door to the property under consideration. The owner of the property leases it to different concerns and it is primarily used for truck storage. This use disturbs the neighborhood at all hours of the day and night. At one time there were two-way radios in use, which also created much noise. The owner does not live on this property.

A resident of the area pointed out that there are many children in the neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that the oil refineries to the south of the area do not intrude on this residential area, as their hours are from 8:00 a.m. to 4:30 p.m., and this is a very quiet operation.

The Committee reviewed the information and concluded that this request should be denied, as an intrusion into a residential neighborhood with inadequate streets.

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C14-70-189 Ernest Padilla--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Ernest Padilla for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 4705-4707 Alf Avenue be DENIED.

C14-70-190 Terrell Timmermann: A to B
5300-5304 Guadalupe Street

STAFF REPORT: This site is at the intersection of North Loop and Guadalupe Streets and covers 12,187 square feet to be developed with apartments. The neighborhood is predominantly a single-family area; however, there is presently apartment development in all four directions within one to three blocks. A zoning case for "C" Commercial zoning is pending across North Loop, which the Commission recommended to deny and the Council recommended withdrawal. The staff recommends the request be denied, based on the character of this neighborhood and the zoning history across the street. If granted, subject to 10 feet of right-of-way on North Loop and five feet of right-of-way on Guadalupe Street.

TESTIMONY

WRITTEN COMMENT

G. G. Nittsche: 607 North Loop
Elmer S. Lawrence: 9021 Crystal Drive

AGAINST
FOR

PERSONS APPEARING AT HEARING

Terrell Timmermann (applicant)

SUMMARY OF TESTIMONY

The applicant, Mr. Terrell Timmermann, stated that he had purchased the property a short time ago and had discussed the change in zoning with the Planning Department. He presently owns apartments at the intersection of North Loop and Chesterfield Street, in addition to "C" Commercial and "GR" General Retail zoned development further east on North Loop. North Loop now has 60 feet of right-of-way, with planned development to 80 feet of right-of-way. He feels that this requested zoning is appropriate for the tract.

No one appeared in opposition to the request.

C14-70-190 Terrell Timmermann--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The staff stated that this particular part of North Loop is still a residential area; the changes in zoning which have been granted in the area have been at North Loop and Chesterfield Street where a shopping center exists.

Mr. Reeves stated that North Loop is not a residential street. Mr. Chamberlain stated that traffic is very hazardous at this site. The homes in the area are very well-maintained. Mr. Reeves stated that apartment development would improve the area with on-site parking and safer ingress and egress. There are several apartment houses in the nearby area.

Mr. Taniguchi stated that there has not been much demand for change in the area up to this point.

The Committee reviewed the information and were cognizant that this is a well-maintained residential area. They discussed the heavy traffic on Guadalupe Street and the existence of many apartments in the area. A majority concluded that this request should be granted, subject to 10 feet of right-of-way on North Loop and five feet of right-of-way on Guadalupe Street.

The Commission then

VOTED: To recommend that the request of Terrell Timmermann for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5300-5304 Guadalupe Street be GRANTED, subject to 10 feet of right-of-way on North Loop and 5 feet of right-of-way on Guadalupe Street.

AYE: Messrs. Kinser, Chamberlain, Anderson, Crier, Becker and Goodman

NAY: Messrs. Milstead, Taniguchi and Reeves

ABSENT: None

C14-70-191 Earl Eastburn: B to LR (as amended)
2229-2233 Richcreek Road

STAFF REPORT: The proposed use of this tract of 14,017 square feet will be for uses consistent with "C" Commercial zoning. "C" Commercial zoning is established along Burnet Road. "A" Residence zoning exists north and south of this site, and an apartment complex on the east is zoned "B" Residence. To the north, south and east are developed single-family residences and duplexes. The west property line of this property lies along the north-south zoning boundary between the commercial and residential. The staff recommends to deny as an intrusion into a residential area. "B" Residence is the appropriate zoning. If granted, subject to five feet of right-of-way on Richcreek Road.

C14-70-191 Earl Eastburn--contd.

TESTIMONY

WRITTEN COMMENT

Donald P. White: 7506 St. Cecelia	AGAINST
Eugene S. Chapa: 7504 St. Cecelia	AGAINST
William J. Gannon, Jr.: 7507 St. Cecelia	AGAINST
Allen Huey: 7509 St. Cecelia	AGAINST
August A. Kaderka: 7500 St. Cecelia	AGAINST
John J. Forester: 7501 St. Cecelia	AGAINST
Mike O'Dell: 7503 St. Cecelia	AGAINST
George O. Lange: 7505 St. Cecelia	AGAINST
Harvey Lee Kunze: 7508 St. Cecelia	AGAINST

PERSONS APPEARING AT HEARING

Earl Eastburn (applicant)	
George Lange: 7505 St. Cecelia	AGAINST
Mike O'Dell: 7503 St. Cecelia	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Earl Eastburn requested that this application be amended to "LR" Local Retail zoning, rather than "C" Commercial, as this will suit his needs. He also owns the abutting property which fronts on Burnet Road, which is zoned "C" Commercial, and feels that the ultimate use of the property will be local retail type development. He plans to develop a small shopping center, with the parking to the front. The site plan was shown to the Committee.

Arguments Presented AGAINST:

Mr. George Lange, 7505 St. Cecelia, stated that when this property was originally zoned "C" Commercial, it was to be a buffer for the residential area. The street is much too narrow for commercial development and the only advantage would be the financial advantage to the applicant. This is a densely populated neighborhood, with many children living in the immediate area. Mr. Lange has lived in the area for many years and plans to stay in the area. This change in zoning would be detrimental to the property values and the character of the neighborhood. He presented eight letters of objection to the Committee.

The applicant and Mr. Lange discussed his proposed development, and it was pointed out that he had changed his request to "LR" Local Retail and that it would be to the advantage of the neighborhood to have the parking at the front of the property which abuts Burnet Road, rather than to the rear of the property.

Mr. Mike O'Dell, 7503 St. Cecelia, spoke against the "C" Commercial zoning for the site, stating that there were thirty children in nearby residences. There is a problem with traffic safety at this time, and even more traffic would be

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C14-70-191 Earl Eastburn--contd.

generated by the commercial development of this tract. There is a small apartment house nearby this site, which is very unsuccessful. The area is not conducive to apartment development. The commercial zoning would allow any use, even possibly a tavern.

The Committee pointed out that the proposed use is for a shopping center, rather than apartments, which probably creates less traffic than apartment development. Mr. Chamberlain stated that access from Burnet Road, rather than Richcreek Road, would be much better for the neighborhood.

Arguments Presented IN REBUTTAL:

Mr. Eastburn stated that he felt it would be an advantage to all concerned to construct the building on the rear portion of the property, with the parking area abutting Burnet Road. This would be a better design, and keep the traffic out of the residential area.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that "C" Commercial zoning exists all along Burnet Road. The staff pointed out that Richcreek Road is only a 50 foot residential street and that five feet of right-of-way would be required on this tract under consideration and on the applicant's property which abuts Richcreek Road to Burnet Road. In addition, the staff recommended that a short form subdivision be obtained to tie the two tracts together, so that access could be from Burnet Road.

The applicant agreed to these stipulations.

The Committee reviewed the information and concluded that this request should be granted, as amended, as an extension of existing commercial zoning, subject to short form subdivision and five feet of right-of-way on Richcreek Road to Burnet Road.

Mr. Reeves pointed out to the other members that the applicant plans to construct a building on the rear portion of the lot, with the parking on the front portion which abuts Burnet Road.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Earl Eastburn for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 2229-2233 Richcreek Road be GRANTED, subject to short form subdivision and 5 feet of right-of-way on Richcreek Road to Burnet Road.

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C14-70-192 Steve Heffington, Jr.: A, 1st to B, 2nd
4516-4518 Avenue C

STAFF REPORT: This application is on an area of 11,397 square feet, with the proposed use being for apartment development. "A" Residence, First Height and Area zoning developed with single-family residences dominates this neighborhood north of 45th Street completely. More intense zoning and land use exist only along Avenue A to the west and along 45th Street to the south. The staff's recommendation is to deny this request as an intrusion and an encroachment into a well-developed residential area. Several applications in this area have been denied or withdrawn. If this request is granted, it will be subject to five feet of right-of-way on Avenue C.

TESTIMONY

WRITTEN COMMENT

Petition with 13 signatures	FOR
Walter Davis: 4524 Avenue B	AGAINST
Mr. & Mrs. Pedro E. Gutierrez: P. O. Box 1482	FOR
Herman A. and Mary L. Robbins: 4506 Avenue C	AGAINST
Mrs. Adele H. Wilson: 4511 Avenue C	AGAINST
Mrs. A. F. Basse, Sr.	AGAINST
G. G. Sloose: 4601 Avenue B	FOR
Mrs. Vallie B. Wier: 4515 Avenue C	AGAINST
Mrs. E. L. Sparks: 4512 Avenue C	AGAINST
Mr. & Mrs. R. R. Schroeter: 4517 Avenue B	AGAINST
B. D. St. Claire & Frank Douglass: 5th Floor Texas State Bank Building	FOR
John E. White: P. O. Box 5381	FOR
Truman H. Montandon: 2412 N. Interregional Hwy.	FOR
Marie Anderson: 4514 Avenue C	AGAINST
J. B. Mack: 4514 Avenue B	AGAINST
Glenn R. Ragland: 4511 Avenue B	FOR

PERSONS APPEARING AT HEARING

Kenny Shelton (representing applicant)

SUMMARY OF TESTIMONY

Mr. Kenny Shelton, represented the applicant, and stated that the fact that five previous applications for change in zoning in the area would indicate that the area is trying to change. Most of the homes in the area are 50 to 75 years old, with no new development in many years, and it is impossible to finance a single-family dwelling in the area. The area needs to be studied

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C14-70-192 Steve Heffington, Jr.--contd.

with the possibility of changing all the zoning. The petition mentioned by the staff was signed by almost all the residents on either side of the street; they are in favor of this change. If this change is not granted, some way will have to be found to make revenue on it, such as putting a trailer on it.

Mr. Reeves stated that a study had been made in the area in 1967 and that apartment zoning had not been recommended for this area, which is north of 45th Street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, as an intrusion into a well-developed residential area.

At the Commission meeting, Mr. Kinser stated that while this is primarily residential, the pattern of Hyde Park development is changing and will eventually be developed with apartments. Mr. Reeves stated north of 45th Street and east of Avenue B, except along 45th Street, is a very well-developed residential area. The Commission has taken the position that the area north of 45th Street should be protected. The Commission then

VOTED: To recommend that the request of Steve Heffington for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4516-4518 Avenue C be DENIED.

ABSTAINED: Mr. Chamberlain

C14-70-193 John D. Giddings: A, 1st to B, 2nd
1917 David Street

STAFF REPORT: This tract of land, fronting on David Street, contains 8,000 square feet. The proposed use is for apartments. The zoning along David Street is "A" Residence, but "B" and "BB" Residence zoning exist in all directions. Apartments are located to the north, east and south. Single-family and duplex development exist along David Street, and office zoning exists on several lots along West 19th Street. Apartment zoning has been granted in the area but because of the street pattern density has been limited to First Height and Area. The Planning Commission in a 1967 area study recommended the zoning remain "A" Residence in this small neighborhood. There have been four applications within the neighborhood granted "B" Residence during the past three years.

C14-70-193 John D. Giddings--contd.

TESTIMONY

WRITTEN COMMENT

Joseph J. Lagowski: 1114 West 22nd Street	AGAINST
I. L. Allison, Sr.: 1500 Murray	?
Charles Davis; William Moore	AGAINST
Dan Leary: 1902 David	AGAINST
Mr. & Mrs. O. H. Radkey: 1305 West 22nd	AGAINST
A. Wilson Nolle: 1910 David	AGAINST
B. G. Marroquin: 1201 West 24th Street	FOR
Kathleen Molesworth: 1900 David	AGAINST
Joe R. Long	FOR
J. K. Hurst: P. O. Box 5171	FOR
Jo Enna Reese Belton & Hugh Belton: 1903, 1905	
1907 David	AGAINST

PERSONS APPEARING AT HEARING

A. Wilson Nolle: 1910 David	AGAINST
Daniel E. Leary: 1902 David	AGAINST
Fannye Cherry: 1915 David	AGAINST
Mrs. Mary Atwood: 1906 David	AGAINST
Mr. & Mrs. A. B. Cryer: 1909 David	AGAINST

SUMMARY OF TESTIMONY

No one appeared in favor of the request.

Mr. Wilson Nolle, 1910 David Street, stated that he had lived at this address for twenty years, and is typical of the residents of the area. The zoning of the area is conducive to single-family and duplex development and should be maintained. To the east there is more intense development, but this street and the blocks to the west and north are solidly residential. The street is narrow and traffic to the north is already tending to choke 22 1/2 Street with restricted parking. This request would have a very detrimental effect on traffic conditions on David Street. Within the past ten years, a request for zoning change was denied at 1911 David Street and it was ultimately developed with a residence.

Mr. Daniel Leary, 1902 David, stated that 19th Street does not go through, making David Street very restricted to the south for traffic flow, making it essentially a dead-end street.

Fannye Cherry, 1915 David Street, stated that about 10 years ago she had appeared before the Committee against a change in zoning on this street, and had requested ten more years of "A" Residence zoning; now she is appearing again to request ten more years. This is a short street, with most of the homes on the east side having one or two apartment rentals, on the west side are single-family residences. David is only one block long, which was opened to 19th Street when

C14-70-193 John D. Giddings--contd.

it was connected with Lamar Boulevard. She stated that the proposed development of ten apartment units would add greatly to the noise and congestion on the street. She stated that times had changed and that University students would not be welcome in the area and that several burglaries had occurred recently on David Street; an apartment development would add to this problem. The tenants already in the area create a problem with on-street parking; this should be taken into consideration before adding to the congestion. This property under consideration does need to be improved, but the street cannot take more congestion.

Another resident stated that this lot is only 48 feet wide. There are apartments on 22nd Street and these tenants park on David Street, creating a severe problem.

COMMENTS AND ACTION BY THE COMMITTEE

The staff pointed out that Second Height and Area has been limited to east of Robbins and Leon Streets.

Mr. Goodman requested information on the area study which has been conducted; that information was not available. He suggested that the case be referred to the Commission so that this information could be considered.

Mr. Taniguchi stated that he felt that David Street has come back as a residential area, rather than having deteriorated over the past years.

The Committee reviewed the information and concluded that this request should be referred to the full Commission in order that the results of the area study may be considered.

At the Commission meeting, the staff reported that in 1967 an Area Study had been conducted and the Planning Commission had concluded that the area should remain "A" Residential for the following reasons: the street pattern limits access to the area, with narrow existing streets; there is no immediate need for apartment zoning in the area and apartment zoning would disrupt the present residential uses; intermixing of apartments would be detrimental to the residential property; many of the lots are too small to be developed as apartments and a change in zoning of this area is premature at this time. This recommendation was forwarded to the City Council, but not acted upon. There have been five requests for re-zoning since 1967; four for "B" Residence, Second Height and Area which were recommended and granted "B" Residence, First Height and Area and one for "O" Office at the corner of 19th Street and San Gabriel Street, which was recommended and granted. The staff recommends on the case under consideration "B" Residence, First Height and Area, rather than "B" Residence, Second Height and Area with the provision of 5 feet of right-of-way on David Street.

This area has changed since 1967, but is still predominantly "A" Residence; at the time of the area study, some "B" Residence zoning existed in the area which has developed since that time.

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C14-70-193 John D. Giddings--contd.

Mr. Reeves stated that the area has definitely changed and he feels that "B" Residence, Second Height and Area is proper zoning for the site.

Mr. Taniguchi stated that there is much traffic congestion in the area. David Street is not developed through to 19th Street; the whole area should be re-zoned at the same time, when the change is clear. The Commission then

VOTED: To recommend that the request of John Giddings for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1917 David Street be DENIED, but recommended that "B" Residence, First Height and Area be GRANTED, subject to 5 feet of right-of-way on David Street.

AYE: Messrs. Kinser, Milstead, Reeves, Anderson, Crier and Becker

NAY: Messrs. Chamberlain, Taniguchi and Goodman

ABSENT: None

C14-70-194 Don Jackson: A, 1st to B, 2nd
5210 Joe Sayers Avenue

STAFF REPORT: This tract of land, fronting on Joe Sayers Avenue, contains 11,340 square feet. The proposed use is for apartments. "A" Residence, "BB" Residence, "B" Residence and "O" Office zoning exist in this area east of Burnet Road along North Loop. The area is predominantly First Height and Area. Some Second Height and Area exists on Burnet Road. Commercial zoning exists along Burnet Road to the west. Apartments are located across Joe Sayers Avenue and on North Loop Boulevard. Joe Sayers Avenue is a dead end street and apartment density should be limited. Two lots across the street have been granted "BB" Residence, First Height and Area. The staff's recommendation is to deny "B" Residence, Second Height and Area and to grant "BB" Residence, First Height and Area subject to five feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Don Jackson (applicant)

Mr. & Mrs. Fred Lara: 2906 Decor

FOR

Conway Taylor: 1511 North Loop

FOR

J. H. Peterson: P. O. Box 5003

FOR

PERSONS APPEARING AT HEARING

John Van Winkle (representing applicant)

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C14-70-194 Don Jackson--contd.

SUMMARY OF TESTIMONY

Mr. John Van Winkle represented the applicant, stating that a duplex exists on the tract at this time and it is proposed to construct eight new units on the rear portion of the property, placing the parking at the front. This neighborhood is slightly deteriorating, but most of the residents are improving their property or are planning to do so.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "BB" Residence, First Height and Area, as consistent with rezoning in the area, subject to five feet of right-of-way on Joe Sayers Avenue.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Don Jackson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 5210 Joe Sayers Avenue be DENIED, but GRANT "BB" Residence, First Height and Area, subject to 5 feet of right-of-way on Joe Sayers Avenue.

AYE: Messrs. Kinser, Milstead, Chamberlain, Taniguchi, Reeves, Anderson
 Crier and Goodman

NAY: Mr. Becker

ABSENT: None

C14-70-195 George W. Russell: A to O
 5608-5610 Woodrow Avenue

STAFF REPORT: This tract of land, fronting on Woodrow Avenue, contains 19,448 square feet. The proposed use is consistent with said zoning. The area west of Woodrow Avenue is zoned "A" Residence and the area east of Woodrow Avenue is zoned "B" Residence. Single-family residences exist along Woodrow Avenue on both sides and apartments are developed on the east side of Woodrow Avenue. A church exists to the south. There is a pending case for "LR" Local Retail zoning across Woodrow Avenue at the corner of Theckla Terrace. The Commission recommended to deny "LR" Local Retail zoning and to grant "B" Residence zoning. The staff recommends this request be denied and that "B" Residence be granted as a logical extension of existing zoning, subject to 15 feet of right-of-way on Woodrow Avenue.

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C14-70-195 George W. Russell--contd.

TESTIMONY

WRITTEN COMMENT

Freida Klaus: 5604 Joe Sayers
M. J. Kouri: 419 East 6th Street

FOR
FOR

PERSONS APPEARING AT HEARING

George Russell (applicant)
George Butler (representing applicant)

SUMMARY OF TESTIMONY

Mr. George Butler, representing the applicant, stated that in a residential area such as this, "O" Office zoning is less offensive than apartment zoning. It is felt that everything west of Woodrow Avenue to Burnet Road will eventually support apartment units. Woodrow Avenue is heavily traveled and is an excellent location for office development. This property is presently on the market and the flexibility of "O" Office zoning is desired.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "B" Residence, First Height and Area, as consistent with rezoning in the area, subject to 15 feet of right-of-way on Woodrow Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of George Russell for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 5608-5610 Woodrow Avenue be DENIED, but recommend that "B" Residence, First Height and Area be GRANTED, subject to 15 feet of right-of-way on Woodrow Avenue.

C14-70-196 Jesse Mitchell: A to LR
6901 Guadalupe Street
506-512 Kenniston Drive

STAFF REPORT: This tract of land contains 15,056 square feet and the proposed use is consistent with said zoning. "LR" Local Retail, and "C" Commercial zoning are located across the intersection of Guadalupe Street and Kenniston Drive. A drive-in grocery, warehouse, service station and barber shop are located at that intersection. To the north and east, "BB" Residence and "B" Residence zoning are established. The area to the north is predominantly single family and duplex although some apartments have been built. The staff recommends the

C14-70-196 Jesse Mitchell--contd.

granting of this request for "LR" Local Retail zoning as consistent with existing zoning, subject to 5 feet of right-of-way on Kenniston Drive.

TESTIMONY

WRITTEN COMMENT

Fred C. Castillo: 607 Swanee Drive	AGAINST
Mr. & Mrs. Elmer Smith: 6904 Guadalupe	AGAINST
Sgt. Bennie L. Wylie: 6903 Guadalupe	AGAINST
Evelyn Whited: 6905 Guadalupe	AGAINST

PERSONS APPEARING AT HEARING

Jesse Mitchell (applicant)	
Fred C. Castillo: 607 Swanee	AGAINST
Mr. & Mrs. Elmer Smith: 6904 Guadalupe	AGAINST
Bennie L. Wylie: 690 Guadalupe	AGAINST
Mr. & Mrs. S. T. Whited: 6905 Guadalupe	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Jesse Mitchell stated that Guadalupe Street is definitely a commercial artery and Kenniston Drive crosses Guadalupe Street. He has two lots zoned "LR" Local Retail on the northwest corner of Kenniston Drive just across the street from this proposal. A duplex exists on this site at the present time; Mr. Mitchell wishes to use the rear portion of the property to a better advantage. Many apartments and duplexes are developed in the area. He plans to develop a beauty shop or a washateria at the location.

Arguments Presented AGAINST:

Mr. Fred Castillo, 607 Swanee Drive, stated that he objects to this proposal because of the condition of Mr. Mitchell's property at this location. He stated that at the present time there are four houses, two duplexes, an empty house, and small rental house and a plumbing company on the two lots; it is a shambles and an eyesore in the neighborhood. He further stated that his children call Mr. Mitchell's property the city dump and feels that if the City transported their garbage by air, they would drop it there by mistake.

Mrs. Elmer Smith, 6904 Guadalupe, stated that Mr. Mitchell had been requested by the City not to utilize open storage for his plumbing facility, but he continues to do so. She also registered opposition against this request for two of her neighbors: Mr. & Mrs. S. T. Whited, 6905 Guadalupe Street and Mr. & Mrs. Bennie L. Wylie, 6704 Guadalupe Street. They wish to protect their homes from the detrimental effect of this development. She stated that the residents of the area had complained to the Health Department and had been advised to file a complaint.

C14-70-196 Jesse Mitchell--contd.

Arguments Presented IN REBUTTAL:

Mr. Mitchell stated that only last week he had mowed the grass on his other lots and had cleaned up part of it. He stated that he and Mrs. Smith had had a disagreement as to their common property line. He stated that he felt that Mr. and Mrs. S. T. Whited wished to sell their property as commercial property. He further stated that his primary concern at this time is to have his property zoned "LR" Local Retail as he felt that the City would be wishing to acquire five feet of the property for the widening of Guadalupe Street soon.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that the Commission had recommended against Mr. Mitchell's request on the northwest corner of this intersection and inquired of the staff information as to its present status. The staff reported that the request had been for "C" Commercial; the Council had granted "GR" General Retail. The application is still pending, due to the requirement of right-of-way.

Mr. Taniguchi stated that the Commission had denied that request because the issue of storage of plumbing supplies would be detrimental to the neighborhood.

The staff reported that as there is "LR" Local Retail on two corners and "C" Commercial on the third corner at this intersection, the recommendation is to grant.

Mr. Goodman stated that this lot abuts "A" Residence zoning on one side and "B" Residence zoning on the other. The staff pointed out that this lot is on the corner where the other commercial development exists. Mr. Goodman felt that "B" Residence zoning would be proper for the site.

Mr. Taniguchi stated that there seems to be irresponsible land use by this applicant, which should be called to the attention of the Building Inspector. The staff stated that the open storage of plumbing supplies is an illegal use of "LR" Local Retail zoning.

The Committee reviewed the information and concluded that this request should be denied, but recommended the granting of "B" Residence, First Height and Area as proper zoning for the site, subject to five feet of right-of-way on Kenniston Drive.

The Committee requested that the staff contact the Building Inspection office regarding the usage of Mr. Mitchell's property at this location for open storage, etc., as brought out in testimony at this hearing.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Jesse Mitchell for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6901 Guadalupe Street, and 506-512 Kenniston Drive be DENIED, but recommend that "B" Residence, First Height and Area be GRANTED, subject to 5 feet of right-of-way on Kenniston Drive.

ABSTAINED: Mr. Reeves

C14-70-197 Mrs. Sarah A. Golden: A to GR
5711-5713 Manor Road

STAFF REPORT: This tract of land consisting of 16,350 square feet fronts onto Manor Road. It is proposed for retail uses. "LR" Local Retail, "GR" General Retail, and "C" Commercial zoning exist across Manor Road. A small shopping center is located at the corner of Manor Road and Rogge Lane, two lots to the south. Office and apartment zoning are located further south on Manor Road. Several single-family residences exist along Manor Road. Two lots to the north is a site zoned "GR" General Retail. The property to the rear of the site is zoned "B" Residence. The staff's recommendation is to grant the request as it is in conformance with the zoning which has been granted in the past year, subject to short form subdivision on the lot.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with recently granted zoning in the area. This recommendation is subject to short form subdivision on the lot.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mrs. Sarah A. Golden for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5711-5713 Manor Road be GRANTED, subject to short form subdivision on the lot.

C14-70-198 YMCA of the University of Texas: B, 2nd to C, 4th
601-605 West 22nd Street
2108-2112 Nueces Street

STAFF REPORT: This application covers 19,560 square feet of land and the stated purpose of the request is for a parking garage. A portion of this same property was recommended by the Commission for "C" Commercial, Fourth Height and Area.

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C14-70-198 YMCA of the University of Texas--contd.

zoning but was denied by the City Council earlier this year. The applicant has increased the area covered by the original application to include the adjacent lot to the south. The zoning in the area is predominantly "B" Residence, Second and Third Height and Area, permitting high density residential developed primarily for students attending the University. While "C" Commercial, Fourth Height and Area zoning does exist on several tracts to the north, these tracts are located along major arterial streets and are apartment-parking garage complexes. The use proposed for the subject site has some merit; however, the zoning required permits almost unlimited commercial use of the property, and is not restricted to use as a parking garage. The zoning would, in the opinion of the staff, be an intrusion into an area of residential use.

A new YMCA building is proposed on Guadalupe Street, and it is the staff's understanding that there is proposed no on-site parking. Any required parking is to be provided on the property considered in this zoning application. The Zoning Ordinance provides that required parking be on-site or the Board of Adjustment has the authority to approve off-site parking within 200 feet of the site. The subject property is located approximately 500 feet from the site of the proposed YMCA. There are several possible alternatives to the parking requirements. One is a variance from the Board of Adjustment, and secondly, this lot is in an area in which the City Council may waive the on-site parking requirements or waive the requirement apart from the Zoning Ordinance or Building Permit. The Fourth Height and Area permits the structure to be built to the property line with no setback. The staff recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

C. P. Harness: 2109 Rio Grande	AGAINST
Annie C. Hill; Jessie May Hill: 2104 Nueces	AGAINST
Eugene P. Schoch, Jr.: 3A Medical Arts Square	AGAINST
Mrs. Marion Cook: 506 West 22nd Street	AGAINST
Miss Emma Harrell: 2107 Rio Grande	AGAINST
W. W. Patterson: 1406 Colorado	FOR

PERSONS APPEARING AT HEARING

William Fielder (representing applicant)	
Mr. & Mrs. Edmund Key: 2102 Nueces	AGAINST
Mr. & Mrs. Carroll E. Cook: 506 West 22nd	AGAINST
Mrs. Eugene P. Schoch, Jr.: 2212 Nueces	AGAINST
Annie C. Hill: 2104 Nueces	AGAINST
Mrs. J. F. Springfield: 2110 Rio Grande	AGAINST
Fred M. Bullard: 903 West 30th Street	AGAINST
John H. Akin: 811 Capital National Bank	AGAINST
Curtis Johnson	FOR
Mr. Bridgewater	AGAINST

C14-70-198 YMCA of the University of Texas

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. William Fielder stated that the original application proposed the development of a four-story parking garage, approximately 30 feet high. Since that time, the applicant has acquired an additional 70 feet of property and now needs only one level above the ground for the same amount of parking space. The Fourth Height and Area would allow them to build from property line to property line. The building would be low and very little noise would be generated, less than from street driving. The objection has been raised that this change would be radical; this is not felt to be the case. Mr. Fielder introduced photographs of existing use in the area, which is predominantly parking. The area is approximately three blocks wide and four blocks long, between 19th and 24th Streets and Guadalupe and Rio Grande Streets. There are many apartment houses in the area with inside parking, which have "C" Commercial, Fourth Height and Area; one at 23rd and Rio Grande Streets, another at 23rd and San Antonio Streets. Parking lots and churches or church-related property are the other uses in the area. Most of the seemingly residential homes are apartments for students. The trend in the area is toward more commercial use. There is no other intention for the use of this tract other than a parking garage.

Reverend Curtis Johnson, Lutheran campus pastor, stated that his church owns property nearby, and supports this request. They do not feel that this development would harm the neighborhood, but would be beneficial.

Arguments Presented AGAINST:

Mr. John Akin, attorney, represented Mr. Carroll Cook, a nearby property owner who opposes this zoning change. It is felt that the proposed development would be an unwarranted intrusion into a neighborhood which is essentially residential; while the area is changing, there is no intense commercial use such as is proposed. Many of the residents of this area have lived there for many years; Mrs. Cook has resided there for 65 years. The area does face eventual change, but at this time residential use is predominant. The proposed parking garage would add to the present very severe traffic problems and be very noisy. It would also contribute greatly to the deterioration of the character of the neighborhood. The residents feel that this second application is a harassment, as the previous request was less than one year ago, and this is basically the same application. The homeowners do not have the funds to finance a campaign against such a request, while the commercial developers are prepared to do so.

Mr. Bridgewater represented his two aunts, who live immediately to the south of this request, and have lived at this location for 82 years. It is felt that this development will jeopardize the security and safety of these two elderly ladies by blocking the tower light, which exists at the corner of 22nd and Nueces Streets and which is substantial protection against intruders. Their home is built three and one-half feet from the lot line, with the roof extending another

C14-70-198 YMCA of the University of Texas--contd.

eighteen inches, so that any structure built to the lot line on the proposed site would be within a foot or two feet from their residence, which would affect the light and circulation on the north side. In addition, the noise and confusion would be unpleasant to them.

Mr. Fred Bullard spoke against this request, stating that his daughter owns property one block from the proposed development and is unable to appear at this meeting to reiterate her objections which had been stated at the previous application hearing. She objects to the increased traffic which will obviously result, and the increased noise which will make her property less desirable. Her property is developed as student housing, and she feels that this property should be used for this also, as it is so convenient to the University.

Mrs. Edmund Key, 2102 Nueces Street, objects to this proposal because of the increase in traffic which will occur and its effect on the character of the neighborhood. Their property is being improved and will have a historical marker. While the area is primarily student housing it is very well cared for. She feels the best method of solving the traffic problem is to house the students near the campus so that cars will be unnecessary. There are many parking lots in the area which are not fully utilized. The traffic is very heavy in the area, with many accidents; the increase in traffic will create a serious hazard.

Mrs. Eugene Schoch, Jr. objects to this proposal because there are many other excessent highrise apartments with their own parking facilities; this would be much better development than the proposed parking facilities.

Arguments Presented IN REBUTTAL:

Mr. Fielder stated that this second application is not a harassment; the YMCA is a non-profit organization and is not paying for this application. He feels that the objection to the noise may have been justified at the time of the first application, but this problem has been solved, as this will be only a one-story building. As for the traffic congestion, the City is planning to widen the streets in the area to handle the additional traffic which is expected in the future. The building will be concrete, and only twelve feet high, which would not extend to the first floor of the adjoining residence. The land value in this area is very high and is being acquired by investors to be used for parking facilities and very large apartment complexes; it is not economically feasible to develop the area as single-family residential.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that the proposed development would improve the area, rather than the existing use of graveled parking lots.

Mr. Becker stated that he is in sympathy with the long-time residents of this area, but Austin is changing and accommodations must be made. This covered parking garage would improve the appearance of the area and relieve the congestion. The height proposed will not interfere with the tower light for the nearby residences.

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C14-70-198 YMCA of the University of Texas--contd.

Mr. Chamberlain stated that the price for land in this area makes it impractical for residential development. Additional parking is needed in the area.

The Committee reviewed the information and concluded that this request should be granted, for this specific purpose, as a desirable use for this property.

At the Commission meeting, the staff reported the proposed use of this property. Mr. Kinser was of the opinion that the requested zoning would allow too intensive use of this tract. Mr. Lillie explained that the Fourth Height and Area waives the setback requirements. The "C" Commercial zoning is required as it is to be a parking garage. Mr. Kinser stated that building to the property line on both sides would create two blind corners. Further, this is a residential area. Mr. Goodman requested information as to why parking was not provided on the YMCA property; the staff reported that no discussion of this point had occurred in Committee, but when the first case was filed in April, it was stated that a portion of the off-street parking space of the proposed garage would be committed to the YMCA facility on Guadalupe Street. The Ordinance permits off-street parking facilities within 200 feet of the facility. This site is in an area in which the City Council may waive parking requirements. Mr. Milstead stated that as this is a "B" Residence area, to grant this request would be spot zoning. The Commission then

VOTED: To recommend that the request of YMCA of the University of Texas for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 601-605 West 22nd Street and 2108-2112 Nueces Street be DENIED.

AYE: Messrs. Kinser, Milstead, Crier and Goodman

NAY: Messrs. Reeves and Becker

ABSENT: None

ABSTAINED: Messrs. Chamberlain, Taniguchi and Anderson

C14-70-199 West 34th Street Corporation: BB to O
Rear of 807 West 34th Street
3208 West Avenue

STAFF REPORT: This tract of land consists of 14,130 square feet and is proposed for a medical laboratory as part of the medical offices along West 34th Street to the north. "O" Office zoning is to the north and "BB" and "B" Residence zoning is to the south. Apartments, commercial and office uses and single-family residences make up this neighborhood along Lamar Boulevard and 34th Street. The neighborhood is zoned "BB" Residence and is in transition from single-family to apartment density. The staff's recommendation is to grant as an extension of office zoning into the apartment area, subject to the alley vacations and short form subdivision.

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C14-70-199 West 34th Street Corporation--contd.

TESTIMONY

WRITTEN COMMENT

Sarah Penn Harris: P. O. Box 3321

FOR

PERSONS APPEARING AT HEARING

Ralph Daughtery (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ralph Daughtery explained that the Corporation had filed an application to vacate the alley just north of this tract; also they have applied for re-subdivision of the area bounded by Grandview Street, West Avenue, West 34th Street and the alley vacation. The Corporation owns the two lots immediately to the west of this tract, and the lot immediately to the north. This zoning applied for is the same as the adjoining tract. The proposed zoning would not encroach upon any adjoining use, as there is a 15 foot alley to serve as a buffer to the north of the tract.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with existing zoning in the area, subject to the alley vacations and short form subdivision.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of West 34th Street Corporation for a change of zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area for property located at rear of 807 West 34th Street and 3208 West Avenue be GRANTED, subject to the alley vacations and short form subdivisions.

C14-70-200 Edmund J. Fleming: A to GR (as amended)
601-603 Clifford Street
4214-4218 South First Street

STAFF REPORT: This tract of land consisting of 17,145 square feet is proposed for the construction of commercial buildings. "A" Residence zoning is the zoning immediately surrounding this site. "C" Commercial zoning exists at the corner of Radam Lane and South First Street to the north. This commercial zoning is an extension of zoning caused by its close proximity to Ben White Boulevard, but should not be encouraged to extend any further south. Zoning in this area occurred in the late 1950's and is used for convenience commercial purposes and residential uses. An elementary school and children's playground is to the south

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C14-70-200 Edmund J. Fleming--contd.

across the railroad. Single-family residences are established along Clifford Street and South First Street. Commercial zoning and land use should be encouraged in the area of Ben White Boulevard. South First Street is a major arterial street. The staff's recommendation is to deny "C" Commercial zoning as too permissive and an intrusion into this residential area. "LR" Local Retail zoning would be more acceptable. If this request should be granted, it would be subject to 5 feet of right-of-way on Clifford Street.

TESTIMONY

WRITTEN COMMENT

Anthony F. Wagner: 611 Clifford Drive.

PERSON APPEARING AT HEARING

Roger Hanks (representing applicant)

SUMMARY OF TESTIMONY

Mr. Roger Hanks represented the applicant and stated that while the applicant would prefer "C" Commercial zoning, "GR" General Retail would be satisfactory.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as amended, as consistent with the zoning in the area, subject to 5 feet of right-of-way on Clifford Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Edmund J. Fleming for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (as amended) for property located at 601-603 Clifford Street and 4214-4218 South First Street be GRANTED, subject to five feet of right-of-way on Clifford Street.

C14-70-201 Leon Whitney: LR to C-2
3512 Burleson Road

STAFF REPORT: This tract of land consisting of 1,417 square feet is proposed for a retail package store. This site is within a small shopping center on Burleson Road backing to an apartment area and a duplex residential neighborhood. This type of location is desirable for "C-2" Commercial zoning uses. Shopping centers provide a more desirable buffer than location on an isolated lot along a major or collector street. The staff has the metes and bounds for the 1,417 square foot portion of the building to be used. The staff's recommendation is to grant.

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C14-70-201 Leon Whitney--contd.

TESTIMONY

WRITTEN COMMENT

Randolph A. Haynes, Jr.: 1300 Newning #210

FOR

PERSONS APPEARING AT HEARING

Leon Whitney (applicant)

SUMMARY OF TESTIMONY

Leon Whitney, the applicant, was present on behalf of his request but had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning within a shopping center site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Leon Whitney for a change of zoning from "LR" Local Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 3512 Burleson Road be GRANTED.

C14-70-202 E. D. Bohls for Austin Enterprises: A to C
1000-1002 East 13th Street
1301-1305 Waller Street

STAFF REPORT: This tract of land fronting on East 13th Street and Waller Street consists of 17,625 square feet. The proposed use is for parking buses. This area is "A" Residence zoning and developed with single-family and duplex residences. "C" Commercial and "O" Office zoning exist along I. H. 35 and "B" Residence zoning exists south of East 12th Street. This neighborhood has very few zoning intrusions and is not anticipated to change to more intensive development. Oakwood Cemetery is to the northeast. The staff's recommendation is to deny the request and to retain "A" Residence zoning. If granted, it is subject to 12.5 feet of right-of-way on Waller Street.

TESTIMONY

WRITTEN COMMENT

Miss P. A. Ray: 911 East 13th Street
Travis Eckert, Ken Gully, Jeff Geeslin:

AGAINST
AGAINST

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C14-70-202 E. D. Bohls for Austin Enterprises--contd.

Mrs. M. A. Bailey: 902 East 13th Street	AGAINST
A. Collins: 1004 East 13th Street	AGAINST
Standard Mortgage Company	NO OPINION
Mae Pearl Williams: 2945 Pannell	AGAINST
Eloise B. Scott: 1308 Navasota	AGAINST
Lizzie Latson: 1010 East 13th Street	AGAINST
Marie Basey: 908 East 14th Street	FOR

PERSONS APPEARING AT HEARING

Bob Howerton (representing applicant)	
Mr. & Mrs. E. M. Gilbert: 1120 East 12th Street	AGAINST
Dorothy Overton: 1112 East 12th Street	AGAINST
Mrs. Maratha Moody: 1005 East 13th Street	AGAINST
Vivien J. Chambers: 1110 East 12th Street	AGAINST
Gillis C. Jefferson: 1003 East 13th Street	AGAINST
Albert Cathey: 910 East 13th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bob Howerton, representing the applicant, stated that this property will be purchased by Transportation Enterprises to be used in conjunction with their property at East 12th and Waller Streets, on which they are constructing a new facility. Transportation Enterprises does not have enough parking space on the property and will request the City to grant them permission to park buses on the street at that location. This parking facility is for the sole purpose of keeping as many buses off the street as possible. This site will be an interim site only. Transportation Enterprises is willing to sign a contract with the City stating that the site will not be used for any other purpose other than the parking of buses. There are presently several commercial uses in the area. Of ten properties checked for ownership, seven of them are owned by investors, not by the residents. The price of land in the area is from one to three dollars per square foot.

Arguments Presented AGAINST:

Mr. Gillis Jefferson, 1003 East 13th Street, has lived at this address for 24 years; the residents wish to maintain the standard of "A" Residence zoning. The buses will be coming and going at all hours of the day and night and there will be much noise. Also, the streets in the area are very narrow, and some of the streets are not paved.

Viven Chambers, 1110 East 12th Street, stated that the area is primarily residential, and the residents had paid for the improvements to the streets. The majority of the people living in the area wish it to remain residential. They feel

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C14-70-202 E. D. Bohls for Austin Enterprises--contd.

that the children would not be safe in the neighborhood with the buses coming in and out. The commercial development in the area has existed for many years, and is not an intrusion.

Mr. Albert Cathey, 910 East 13th Street, stated that he purchased his property in 1944, just after coming home from serving his country in the war. He objects to the noise and pollution which will be created by the buses.

Martha Moody, 1005 East 13th Street, requested that this request be denied to protect the residential character of the neighborhood. The value of land has increased, making it impossible to purchase comparable homes in a comparable neighborhood.

Arguments Presented IN REBUTTAL:

Mr. Howerton reminded the Committee that the property will eventually be needed for the Crosstown Expressway. In addition, Transportation Enterprises has agreed to fence this property to make it more acceptable to the neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested information on the hours of bus operation; the applicant stated that the buses would be leaving at 6:00 a.m. and returning around 10:00 p.m. There is another parking lot for the buses on 5th Street which would be used for the late buses. There will be no repair facilities at this location. Mr. Reeves pointed out that 12.5 feet of right-of-way will be required on East 13th Street, which will leave only 15,000 square feet for parking.

Mr. Reeves stated that this area is a well-established neighborhood; he feels that it will be a long time before a Crosstown thoroughfare through the area is constructed and that by that time the neighborhood may have changed.

Mr. Becker stated that the lot is not large enough to park very many buses.

The staff explained that the meeting referred to by the applicant is the Planning Commission's consideration of off-street parking requirements for Transportation Enterprises proposed maintenance shop located at 12th and Waller Streets.

The Committee reviewed the information and concluded that this request should be denied, primarily as an intrusion into a well-defined residential neighborhood which is not expected to change for some time. In addition, it is felt that the lot is not large enough for the requested usage.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Austin Enterprises for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1000-1002 East 13th Street and 1301-1305 Waller Street be DENIED.

C14-70-203 Lois Shaw: A to BB
1701 East 18th Street
1707-1711 Leona Street

STAFF REPORT: This tract of land fronts on Leona Street and East 18th Street and consists of 9,598 square feet. The proposed use is for apartments. Oakwood Cemetery is located across Leona Street. Single-family and duplex residences exist in this neighborhood. Campbell School is located one block east. There is a duplex on the subject tract. "A" Residence zoning is the predominant zoning. Commercial zoning is established on some parcels along East 19th Street and a beauty shop, a non-conforming use, and church exist on Leona Street to the south. Leona is a minor residential street between the single-family area and the cemetery tract. The staff recommends the request be DENIED as an intrusion into an established residential area. If granted, it will be subject to five feet of right-of-way on 18th Street and seven feet on Leona Street.

TESTIMONY

WRITTEN COMMENT

Mrs. Sarah Masow Hancock: 1712 Salina	FOR
Mrs. Maggie Hill: 1709 East 18th Street	FOR

PERSONS APPEARING AT HEARING

Willie Parks (representing applicant)	
J. W. Norris, Sr.: 1215 East 12th Street	FOR
Jimmie Parks: 1707 East 18th Street	FOR

SUMMARY OF TESTIMONY

Willie Parks, representing the applicant, stated that she has retired and wishes to have apartments for her income.

Mr. J. W. Norris, Sr. spoke in favor of this request, stating that there is one residence on the tract at the present time and another will be moved to the location.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that this is a very old neighborhood and the proposed development would improve the site. There are two duplexes developed on the lot next to this location.

The Committee reviewed the information and concluded that this request should be granted, as this area is changing, subject to five feet of right-of-way on 18th Street and seven feet of right-of-way on Leona Street.

C14-70-203 Lois Shaw--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Lois Shaw for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1701 East 18th Street and 1707-1711 Leona Street be GRANTED, subject to five feet of right-of-way on 18th Street and seven feet of right-of-way on Leona Street.

C14-70-204 Willow Creek Hills: Int. A, Int. 1st to B, 1st (Tr. 1), "B", "BB", "GR", 1st 2000-2047 Willow Creek Drive (Tr. 2), "BB", 1st (Tr. 3) & "B", 2nd (Tr. 4)

STAFF REPORT: This tract of land in the southeast part of Austin contains four tracts. Tract 1 contains 24.7 acres, Tract 2 contains 23.4 acres, Tract 3 contains 22.2 acres, and Tract 4 contains 4.93 acres. The land is proposed for the construction of multi-family and retail units. This application falls in an area which permits medium density residential development in the Master Plan. "GR" General Retail zoning has been granted west of Tracts 2, 3, and 4 for approximately 700 feet, and the property to the east is outside the City limits. These large tracts to the east and west are undeveloped. An apartment project is developed to the north of Tract 1 and is zoned "BB" Residence. Several applications for "B" Residence zoning and "GR" General Retail zoning to the north were withdrawn leaving "BB" Residence as the established zoning. The commercial zoning in the area is located along Burleson Road, Interstate Highway 35 to the west and Riverside Drive to the north.

With about 45 acres already zoned for commercial use and still undeveloped to the west, further commercial zoning should not be encouraged in this immediate area. "BB" Residence zoning and existing topographic conditions on Tract 3 should be an adequate buffer to the residential subdivision to the south. The request on Tract 4 for Second Height and Area would set a precedent for more intensive development unless limited to "BB" Residence, Second Height and Area and should be denied.

The staff's recommendation is to deny as requested, but to grant as follows: "BB" Residence, First Height and Area (Trs. 1 & 3), "B" Residence, First Height and Area (Tr. 2 & 4). The staff's primary objection is to the "GR" General Retail zoning request for Tract 2 and the "B" Residence, Second Height and Area request on Tract 4.

TESTIMONY

WRITTEN COMMENT

None

C14-70-204 Willow Creek Hills--contd.

PERSONS APPEARING AT HEARING

Tom Watts (representing applicant)	
Gene B. Burchard: 2604 Princeton	AGAINST
Donald Shelton: 2605 Douglas	AGAINST
James F. Whaley: 2501 Douglas	AGAINST
Mr. & Mrs. Buenes B. Thomas: 2703 Burleson	AGAINST
Herman A. Reque: 2507 Princeton Drive	AGAINST
Edward H. Kruegger: 2601 Princeton Drive	AGAINST
Stanley Jakubowsky: 2501 Princeton	AGAINST
Mr. & Mrs. Carl A. Braun: 2506 Douglas	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Watts represented the applicant, and stated that the request for "GR" General Retail zoning is simply an extension of existing zoning to the west. On Tract 4, "B" Residence, Second Height and Area is requested because this is a high hill, with many trees. The requested zoning will allow the building of four to five story highrise apartments in order to preserve as much of the tree growth as possible. There is "BB" Residence, Second Height and Area near this tract to the northeast. There is much "GR" General Retail zoning which is not being used in the area, but the developer feels that as the area develops the need will be present. Last week the Subdivision Committee approved the preliminary plan to extend Willow Creek Drive and Oltorf Street, with construction planned to begin by December 1st. On the tract which is adjacent to the single-family subdivision there is a natural topographic barrier and a creek. The Planning Department is reluctant to approve a street from Oltorf Street through the subdivision because of the apartment traffic it would generate. Major drainage facilities will be constructed along the creek. The area north of the creek is going to apartment usage because of the severe topographical problems which require extensive grading; it is not suitable for single-family development. It is felt that this is a form of planned unit development, with the more intensive use of land being in the center, and less intensive uses radiating out from it.

Arguments Presented AGAINST:

Mr. Carl Braun, 2506 Douglas, opposes this request. He feels that there is adequate land zoned general retail in the area, and questioned the use of the creek for a buffer. The terrain makes it impossible for the buffer zone to be other than a small distance between the residential development and the apartment complex. There are no traffic controls in the area and high-density development will constitute a hazard. He stated that there has been much destruction of trees. The proposed development is on a hill, and will be highly visible.

Mr. Stanley Jakubowsky, 2501 Princeton Drive, spoke against this request. He read a letter to the Planning Commission from one of his neighbors which stated that the effect of the proposed zoning would be to create an island of single-

C14-70-204 Willow Creek Hills--contd.

family residential surrounded by high-density apartments and general retail stores. This will lower the value of the present residential development and destroy any possibility of further single-family development, with the possibility that an elementary school will never be constructed to serve the area east of IH 35. This area presently has inadequate school busing. The area is already saturated with apartments. The neighborhood does not feel that this proposal is a logical extension of existing zoning and that the area is suitable for the development of single-family residences, and that the small creek is not an adequate buffer zone.

Mr. Gene Burchard, 2604 Princeton Drive, introduced a map of purported long-range future development of the area by Bryant-Curington, Inc., showing the area will be developed to a very high density, including the proposed buffer zone. The map did not designate adequate street facilities to handle this development. The development of this hillside into high-density will have the visual effect of a beehive, and destroy the peaceful neighborhood in existence. It is felt that the proposed general retail development is not necessary. Mr. Burchard stated that the proposed high-rise apartments on Tract 4 are suitable for the area, as it is a heavily wooded area.

Mr. Herman Reque, 2507 Princeton Drive, stated that Oltorf Street is a great traffic hazard at the present time. He feels that a traffic survey should be made of the area to determine methods of handling the traffic. Much of the present general retail zoning is not being used, more is certainly not needed. He objects strenuously to the destruction of the trees and stated that the surveyors are presently laying out lots.

One of the area residents inquired as to the plans for elementary schools planned for this area in the future. The staff reported that a site is being acquired just west of Metcalf Road.

Arguments Presented IN REBUTTAL:

Mr. Watts stated that the map which was presented by one of the opponents originated from the first preliminary plan submitted on this area. At the request of the Planning Department the area south of Oltorf Street was removed from the subdivision preliminary plan. The map is inaccurate, as the applicant is not negotiating for more property, but only to develop the property they own. The streets needed to best serve the area are still under consideration with the Planning Department; but this has no bearing on the problem of the zoning in the area. The creek may be a small creek, except when it rains. The creek will be improved and re-channeled so that it will carry the runoff adequately. It is felt that the zoning is proper for the area. The general retail development will be upon an arterial street, and this development will be needed to serve the area. The staff pointed out that if the zoning is granted and multi-family apartments are constructed a special permit approval will be necessary, with notice being sent to nearby property owners.

C14-70-204 Willow Creek Hills--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the density allowed by the requested zoning. "B" Residence zoning is in existence just off Oltorf Street, with "BB" Residence just to the north. On Tract 2, Mr. Becker stated that "GR" General Retail zoning existed just to the west of the requested "GR" General Retail zoning, and felt that if there was no further demand for general retail development, it would be used for apartment development. The staff pointed out that they prefer to avoid strip zoning along Oltorf Street. The Committee felt that as Tract 3 adjoins two residential areas, "BB" Residence is the logical zoning. Concerning Tract 4, the staff pointed out that "B" Residence, Second Height and Area will permit 60 feet in height and 300 units, while "BB" Residence, Second Height and Area will permit 60 feet in height and 160 units.

Oltorf is a major arterial street and is proposed to be extended, with a right-of-way of 90 feet with 44 feet of paving. Burleson Road is a neighborhood collector street. Pleasant Valley Road is also a major arterial. The streets will be constructed as development occurs.

The Committee reviewed the information and were cognizant of the nearby residential development and wished to avoid strip zoning along East Oltorf Street. They concluded that for the best use of the land, the requested zoning should be denied and the following zoning should be recommended: "BB" Residence, First Height and Area (Trs. 1 & 3), "B" Residence, First Height and Area (Tr. 2), and "BB" Residence, Second Height and Area (Tr. 4).

At the Commission meeting, the staff reported that the applicant had requested this proposal be amended as follows:

"B" Residence, First Height and Area	Tract 1
"B" Residence, First Height and Area	Tract 2, North of Oltorf and east of Willow Creek
"BB" Residence, First Height and Area	Tract 2, South of Oltorf and east of street
"GR" General Retail	Tract 2, South of Oltorf and west of street
"GR" General Retail	Tract 2, North of Oltorf and west of Willow Creek
"BB" Residence, First Height and Area	Tract 3
"B" Residence, Second Height and Area with density restriction to First Height and Area	Tract 4

Mr. Goodman stated that he had looked at the property with the applicant. He pointed out the terrain and the adjoining zoning of the tracts and explained the applicant's amended request. Mr. Becker stated that he had also examined the property and agreed with the amended request, as there is a need for general retail development all along East Oltorf Street. The staff pointed out the large undeveloped area presently zoned general retail to the west. Mr. Goodman stated that the cost of developing the land will be much higher than normal because of

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C14-70-204 Willow Creek Hills--contd.

the terrain. He feels that the trees should not be removed for general retail development.

Mr. John Selman, representing the applicant, stated that until the streets are put in, they cannot say definitely what particular type of housing will be developed.

The applicant was present and stated that where the "B" Residence, Second Height and Area is requested, their concern is to preserve the beauty of the area.

Mr. Taniguchi stated that if the extended "GR" General Retail zoning is granted but not developed, spotty development may occur, which would preclude rollback. He reiterated that this tract would seem to be ideal for a planned unit development. The Commission then

VOTED: To recommend that the request of Willow Creek Hills for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (Tr. 1), "B" Residence, First Height and Area (Tr. 2, North of Oltorf and east of Willow Creek), "BB" Residence, First Height and Area (Tr. 2, South of Oltorf and east of street), "GR" General Retail, (Tr. 2, south of Oltorf and west of street), "GR" General Retail, (Tr. 2, North of Oltorf and west of Willow Creek), "BB" Residence, First Height and Area (Tr. 3), and "B" Residence, Second Height and Area, with density restriction to First Height and Area (Tr. 4), (as amended) for property located at 2000-2047 Willow Creek Drive be GRANTED, subject to approval of final subdivision plat.

AYE: Messrs. Kinser, Milstead, Chamberlain, Taniguchi, Anderson, Crier, Becker and Goodman

NAY: None

ABSENT: None

ABSTAINED: Mr. Reeves

C14-70-205 Tom W. Bradfield: Int. A, Int. 1st to B, 2nd
Rear of 1500-1910 Barton Hills Drive

STAFF REPORT: The Planning Department recommends the postponement of the zoning change application of Mr. Tom Bradfield for a period of approximately 60 days (to January 4, 1971) based on the following:

1. Completion of land use, public facility, "greenbelt" and primary street plans for at least the area extending from Zilker Park to the West Loop crossing and from the creek valley to proposed MoPac Boulevard and the possible amendment of the Master Plan to incorporate these proposals.
2. The Planning Commission's review and action on that plan and the forwarding of their recommendations to the City Council.

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Cl4-70-205 Tom Bradfield--contd.

3. The review with an action by the Planning Commission on suggested means of implementing this and other open space/greenbelt proposals, including consideration of acquisition, purchase of "conservation easements" and development of new provisions to allow preservation of open space.
4. The recognition that Mr. Bradfield has discussed with the staff and then formally requested a revision to his zoning request that would reduce the amount of land area proposed for apartment zoning.
5. The need to have the cooperation and proposals of the landowners, developers and interested citizens in considering this area of the City.

In addition, the applicant has acceded to the postponement of this request. This postponement will provide the necessary time to consider the basic planning concepts for this area and the means for implementation of private and public development proposals. Whether or not these overall plans are worked out, this particular case should be considered and resolved in January.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John H. Faulk: 1420 Red Bud Trail	
Russell Fish: 113 West 10th Street	AGAINST
A. P. Whitehead	AGAINST
Bruce Johnston (Mrs.)	AGAINST
Donald Berman	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented AGAINST:

Mr. Russell Fish of the Austin Environmental Council stated that the primary reason his organization was formed was the fact that the Master Plan adopted by the City Council has become fair play at the whim of developers. This proposal is another example of this as it ignores the Barton Creek Plan as recommended by the Planning Commission to the City Council less than six months ago. Mr. Fish feels that such a proposal should not be brought before the Planning Commission. While the owner of the property deserves an opportunity to develop it, the Planning Department staff should have informed him that the property is part of the Barton Creek Plan and should not have brought it before the Planning Commission, as it is in direct opposition to the overall plan.

The staff pointed out that the City Council has not adopted the Barton Creek Plan.

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C14-70-205 Tom Bradfield--contd.

Mr. A. P. Whitehead, who lives near the area covered by this proposal, stated that the area needs development of homes. He feels that the developers should give the land around Barton Creek to the City, then continue the present trend of development. He does not want the traffic and congestion in the area which would be generated by apartment development.

Mr. Fish stated that the Barton Creek Plan had been adopted by the City Council and they had instructed the City Manager to negotiate for the property included.

Mrs. Whitehead stated that she had grown up in Austin and the City has changed very much. She feels that apartment zoning in the Barton Creek area will be very undesirable and will ruin the area.

Mr. John Henry Faulk stated that he has known Mr. Bradfield all his life and he is a man of integrity and is concerned about the future of the City. He feels that the proposal should be the concern of the entire community regarding any development which will affect the future.

Mrs. Bruce Johnston stated that Barton Springs is a great asset to the City and studies should be made of the relationship of the runoff caused by proposed development into Barton Creek, then into Barton Springs. She feels the Barton Springs area should be protected, or it will be ruined.

Mr. Donald Berman, Chairman of the Austin Regional Group of the Sierra Club, requested that a larger meeting place be obtained for the hearing of this case and that better visual aids be obtained. The staff suggested that the meeting be held in the Electric Building.

Arguments Presented IN REBUTTAL:

Mr. Bradfield stated that he was born in Austin, and feels that the developers have given much to the City. He displayed a map of the Barton Creek Plan, with an overlay of his proposed development, which leaves an environmental corridor of the portion within the Barton Creek Plan. This area is beautiful and should be enjoyed by a great number of people, which can only be accomplished by development of other than single-family residences; not necessarily multi-tenants, but perhaps multi-ownership. To continue with their plans for development, the zoning is necessary, but further studies need to be made of the area to plan for the over-all development. The dynamism of our society must be considered in relation to this proposal.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi stated that the Planning Commission had recommended the preliminary Barton Creek Plan to the City Council, and until the City Council informs the Commission of their action, the Commission should not act on any zoning in the area.

Mr. Osborne stated that while the Commission has recommended the Barton Creek Plan to the City Council, they have not adopted it. The Planning Commission

C14-70-205 Tom Bradfield--contd.

should study the complete area and adopt a policy to be used as zoning cases come before them. The following information should be available for the Commission's consideration before or by January: the greenbelt plan itself; the land use, street and related facilities plan for the adjacent areas, i.e., to the proposed MoPac Boulevard and the West Loop crossing, and suggested means of implementation.

The Committee proposed to recommend to the Commission that they set a date for a public hearing on these problems.

At the request of the Planning Department staff and with the applicant's approval, the Committee recommends that this request be postponed for sixty days for further study of the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Tom W. Bradfield for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, Second Height and Area for property located at the rear of 1500-1910 Barton Hills Drive be POSTPONED for sixty days.

POSTPONED CASE

C14-70-176 Sam E. Dunnam, IV: A to GR
Rear of 7600 Burnet Road

The staff reported that this case had been heard by the Planning Commission last month and had been postponed pending the results of the subdivision hearing by the Commission. The subdivision and zoning requests deal with the proposed Northcross Mall Shopping Center which was discussed earlier. The Commission has decided that the new preliminary plan should be accepted, which shifts the location of Northcross Drive to the south and recommends the vacation of the original preliminary plan. This application deals with a strip of land along the north right-of-way line of the new Northcross Drive. It has a depth of about 18 feet and is a portion of the area which was established "A" Residence zoning by the City Council last year. With the moving of Northcross Drive to the south, "GR" General Retail zoning is necessary to be in conformance with adjacent zoning to the north. Based on the new preliminary plan, the staff recommends the zoning, subject to approval of a final subdivision plat.

The Commission then

VOTED: To recommend that the request of Sam E. Dunnam, IV, for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at the rear of 7600 Burnet Road be GRANTED, subject to approval of a final subdivision plat.

AYE: Messrs. Kinser, Milstead, Chamberlain, Taniguchi, Reeves, Anderson, Crier, and Becker

NAY: Mr. Goodman

ABSENT: None