

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 8, 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
Jack Goodman
Alan Taniguchi
Walter Chamberlain

Absent

Fritz Becker

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 30, 1970 and December 1, 1970.

Present

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

Also Present

Richard Lillie, Asst. Director of Planning
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

*Present only on December 1, 1970. Arrived at 7:30 p.m.

**Present only on November 30, 1970.

PUBLIC HEARINGS

C14-70-206 Curtis D. McClish: A to LR
5004-5006 Harmon Avenue
945-947 East 51st Street

STAFF REPORT: This tract of land contains 10,400 square feet and is proposed for the uses as permitted by such zoning. "A" Residence zoning predominates

C14-70-206 Curtis D. McClish--contd.

this neighborhood, and "C" Commercial zoning exists along I. H. 35. "LR" Local Retail zoning exists across Harmon Avenue and was zoned as such in 1964. Harmon Avenue seems to be the zoning boundary and there are few intrusions west of Harmon. The residential neighborhood is an old one from the point of view of development and has maintained itself over the years. The interior of the neighborhood has had few zoning encroachments. The existence of "O" Office zoning to the west and "LR" Local Retail zoning adjacent to the east, however, suggest that limited zoning, such as "O" Office or "LR" Local Retail would be justified on the subject tract. The staff's recommendation is to grant the request. If this zoning request is granted, it is subject to 15 feet of right-of-way on East 51st Street.

TESTIMONY

WRITTEN COMMENT

Mrs. Margaret Josephine Wells: 937 East 51st Street	AGAINST
C. E. Meyer: 609 East 51st Street	AGAINST
Burt Johnson: 933 East 51st Street	AGAINST

PERSONS APPEARING AT HEARING

Harry Vine, III (representing applicant)	
Terry Wells: 937 East 51st Street	AGAINST
Ernest Courtney: 934 East 51st Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Harry Vine, attorney for the applicant, stated that this area is an island surrounded by commercial development and is being absorbed at a rapid rate. Mr. Vine enumerated the various commercial uses in the area. The owner is agreeable to the right-of-way and the setback requirements on the property.

Arguments Presented AGAINST:

Mr. Terry Wells, 937 East 51st Street, stated that he has lived here for many years and his mother also resides at this address. There are several homes on the block with this tract being considered for zoning change, and these residents desire to maintain the area as residential. The legal commercial development is in an area of Airport Boulevard or Interstate Highway 35. Most of the other uses are not legal under the zoning codes. Mr. Wells stated that as the applicant plans to construct an office building, "O" Office zoning would be the proper zoning classification. A large part of the next block will be taken for the Interstate Highway Interchange in the future, but Mr. Wells feels that it is only fair to leave this neighborhood intact for the next few years. This is an island of residential homes, and deserves protection.

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C14-70-206 Curtis D. McClish--contd.

Mr. Ernest Courtney, 934 East 51st Street, voiced his opposition to the request. He wishes to maintain his home in the area. He stated that notice of this application was insufficient.

Arguments Presented IN REBUTTAL:

Mr. Vine stated that the applicant has lived on this property for 32 years and recognizes that the area is in a state of transition, with many of the homes being torn down. He stated that the case was filed early enough for adequate notice to the surrounding property owners. Several of the residents have voiced approval of this change. The owner wishes to have as much latitude in the use of the property as possible, and this is not felt to be a drastic change for the area.

COMMENTS AND ACTION BY THE COMMITTEE

It was pointed out that the area will be effected by the proposed Interstate Highway Interchange at 51st Street. The staff reported that this program has been funded and construction is proposed during the next 3 to 5 years.

The Committee reviewed the information and concluded that this request should be granted, as consistent with zoning to the east, subject to 15 feet of right-of-way on East 51st Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Curtis D. McClish for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 5004-5006 Harmon Avenue and 945-947 East 51st Street be GRANTED, subject to 15 feet of right-of-way on East 51st Street.

C14-70-207 W. R. Coleman: B to O
606-614 West 28th Street
2800-2802 Nueces Street

STAFF REPORT: This tract of land, fronting on West 28th Street, contains 6,000 square feet, and is proposed for office use. "B" Residence and "O" Office zoning surround this property. Single-family homes, apartments and retail businesses oriented to the University students needs are located throughout the area. A rooming house is across 28th Street, a hearing supply outlet is next door and two restaurants are across Nueces Street. The staff recommends the request as consistent with the existing zoning in the area.

TESTIMONY

WRITTEN COMMENT

Fred Young: 3200 Guadalupe

FOR

C14-70-207 W. R. Coleman--contd.

PERSONS APPEARING AT HEARING

W. R. Coleman (applicant)

SUMMARY OF TESTIMONY

Mr. W. R. Coleman stated that he has an office at the present time at the corner of 28th and Nueces Streets. He has found that there is a great need in the University area for office space. This request will be an extension of the lot area and the present building.

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 W. R. Coleman for a change of zoning from "B" Residence, Third Height and Area to "O" Office, Third Height and Area for property located at 606-614 West 28th Street and 2800-2802 Nueces Street be GRANTED.

C14-70-208 Heirs of Willie H. Mewis: A, 1st to B, 2nd
8601-8617 Putnam Drive
1929-1939 Peyton Gin Road

STAFF REPORT: This tract of land, fronting on Putnam Drive, contains 2.55 acres and is proposed for the development of an apartment complex. The majority of this tract was zoned "GR" General Retail in 1964, but this 138 foot strip was left out of the original application. A 100 foot buffer of "O" Office zoning was created between the "GR" General Retail zoning and the "A" Residence zoning to the south. "A" and "BB" Residence were zoned and developed across Putnam Drive to the west.

A 30 foot county road connects Putnam Drive with Peyton Gin Road to the north and traffic generation from the proposed apartment development will rely totally on access to Putnam Drive. The Highland Crest Baptist Church owns the tract across Putnam Drive on the north.

The staff recognizes "B" Residence zoning as an appropriate buffer between the "GR" General Retail zoning and the "BB" and "A" Residence zoning. The staff's recommendation is to deny "B" Residence, Second Height and Area but grant "B" Residence, First Height and Area, subject to 10 feet of right-of-way on Putnam Drive and 10 feet of right-of-way on Peyton Gin Road.

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C14-70-208 Heirs of Willie H. Mewis--contd.

TESTIMONY

WRITTEN COMMENT

H. Frank Miller: 3001 White Rock Drive AGAINST

PERSONS APPEARING AT HEARING

R. D. Jones (representing applicant)

H. Frank Miller: 3001 White Rock Drive AGAINST

Arthur A. Kroll: 2601 Pinewood Terrace AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. R. D. Jones represented the applicants. He stated that the property has been dormant for some time. The requested zoning is felt to be compatible with the surrounding area, which is changing. The right-of-way is acceptable.

Arguments Presented AGAINST:

Mr. H. Frank Miller, builder, stated that he owns the adjoining property and is opposed to this zoning change, primarily because of the already heavy traffic in the area and much on-street parking. He requested that "B" Residence, First Height and Area be granted on this site. He stated that this is a young neighborhood with small driveways and many young children and he feels that traffic generated by the higher density would be hazardous.

Mrs. Arthur Kroll, a nearby resident, stated that she is concerned about the type of people who might rent in the apartments, as this is a family-type neighborhood. She felt that if the units were limited to 1000 square feet or larger per unit this would not be a problem.

Arguments Presented IN REBUTTAL:

Mr. Jones stated that he had been requested to promise that he would not rent to hippies or other undesirable people, and while he does not wish to have that type of tenant, he cannot know who will rent these units. He stated they proposed to channel the generated traffic out on Research Boulevard. As all automobiles will not be leaving the area at the same time, it is felt that traffic will not be a problem, and that "B" Residence, Second Height and Area is the appropriate zoning for the tract.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman requested from the staff information on density requirements. The staff reported that "B." Residence, First Height and Area required about 1,000 square feet per unit, "B" Residence, Second Height and Area requires 700 square feet per unit, and would allow approximately 50 more units. Fourplexes could also be built on this tract.

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C14-70-208 Heirs of Willie H. Mewis--contd.

The Committee reviewed the information and concluded tht this request should be denied, but recommended the granting of "BB" Residence, First Height and Area as appropriate zoning due to anticipated traffic and street access problems in the area. This recommendation is subject to 10 feet of right-of-way on Putnam Drive and 10 feet of right-of-way on Peyton Gin Road.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Heirs of Willie H. Mewis for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 8601-8617 Putnam Drive and 1929-1939 Peyton Gin Road be DENIED, but recommend the granting of "BB" Residence, First Height and Area, subject to 10 feet of right-of-way on Putnam Drive and 10 feet of right-of-way on Peyton Gin Road.

C14-70-209 Alicia Hernandez: A to C
5407 Evans Avenue

STAFF REPORT: This lot on Evans Avenue consists of 6,250 square feet and is proposed for the repair and sale of venetian blinds. Single-family residences are established in this area and commercial zoning exists at the intersection of 53rd Street at Martin Avenue and Evans Avenue to the south. The T. & N.O. Railroad track is just 100 feet to the east. An application for "B" Residence zoning one block to the west on Duval was denied in 1969. Martin Avenue, Evans Avenue, 54th Street and 55th Street all dead-end along the railroad tracks and have 50 feet of right-of-way and 30 feet of paving. The block of "C" Commercial zoning to the south between 53rd Street and 54th Street was zoned in 1949 and 1958 and is developed with apartments. The staff's recommendation is to deny this zoning request as an intrusion into a well-established residential neighborhood.

TESTIMONY

WRITTEN COMMENT

Larry Niemann

FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

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C14-70-209 Alicia Hernandez--contd.

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-established residential neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Alicia Hernandez for a change of zoning from "A" Residence, First Height and Area to "C" Commercial First Height and Area for property located at 5407 Evans Avenue be DENIED.

C14-70-210 Davidson and Associates: Int. A, Int. 1st to C, 5th
8506-8906 North Interstate Highway 35

STAFF REPORT: This application is on a tract containing 35.4 acres to be developed for commercial use. The staff comments include the subject tract as well as the 13-acre tract to the west adjacent to the rear of the subject tract. The 13-acre tract is also under consideration for a zoning change at this time, (C14-70-213). The area under consideration was annexed in 1969. Immediately to the west of these tracts is an older part of the City, along both sides of Georgian Drive, which is zoned "A" Residence and developed with single-family homes. The State Farm Insurance Company tract is across Interstate Highway 35 where "GR" General Retail zoning was granted earlier this year. Other general retail and commercial zoning exist along Interstate Highway 35. Within the tract along the northern boundary and under the same ownership there exists a strip of land approximately 200 feet wide by 1,000 feet deep which has been zoned "D" Industrial for many years. While this area is not in this application, the staff has included it for consideration and recommends that this strip be rolled back to zoning which will be compatible with zoning on the major portion of the tract. The subject tract and the several large tracts in the immediate area are undeveloped. The 35-acre Davidson tract has extensive frontage on Interstate Highway 35, to a depth of 500 feet south of Walnut Creek and about 1,000 feet north of Walnut Creek. More intensive zoning is appropriate along the Expressway. The staff would prefer the "GR" General Retail classification as opposed to the "C" Commercial classification requested, because of the size of the tract, because "GR" General Retail was granted on the large tract across the Expressway and because the "GR" General Retail zoning is not as permissive as "C" Commercial zoning.

There is a subdivision issue which must also be considered on this tract, especially if rezoning is also recommended on the adjacent 13-acre tract (C14-70-213). First, the Commission must determine the proper termination of Florence Drive. A connection is needed between Georgian Drive and Interstate Highway 35 as there is no connection from Powell Lane to the south to Rundberg Lane to the north, a distance of just over one mile. This connection would serve as a collector street. With the extension and development of Florence Drive, the subject tract could be developed without further street needs. Second, if the Commission recommends the rezoning of the 13-acre tract to the rear (C14-70-

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C14-70-210 Davidson and Associates--contd.

213), then access is necessary to Interstate Highway 35, rather than through the inadequate streets in residential neighborhoods to the west. The access can be achieved by a crossing of Walnut Creek to connect with the extension of Florence Drive or by a street across the subject tract, between the 13-acre tract and Interstate Highway 35 south of Walnut Creek.

The staff recommends that "C" Commercial zoning be denied but that "GR" General Retail zoning be granted, also, that the additional area presently zoned "D" Industrial be rezoned to "GR" General Retail zoning. These recommendations should be subject to the submission and approval of a subdivision plat.

TESTIMONY

WRITTEN COMMENT

H. E. Payne:	AGAINST
Oscar Kramer, Jr.: 8908 Capital Drive	FOR
J. E. Motheral: P. O. Box 3275	FOR
Henry Hies: 11706 Pollyanna	FOR

PERSONS APPEARING AT HEARING

Bill Davidson (applicant)	
Doren Eskew (representing applicant)	
Mr. & Mrs. Lewis C. Sharpe, Jr.: 8827 East Drive	?
Wesley Dall	FOR

SUMMARY OF TESTIMONY

Mr. Doren Eskew represented the applicants for this request, stating that this property was acquired in 1967 and has remained inactive until this time. A portion of the property has long been zoned "D" Industrial. "GR" General Retail, "D" Industrial and "C" Commercial, Fifth Height and Area zoning exist in the area with more intensive use closer to the downtown area. Mr. Eskew stated that the need for access on this tract is considerably reduced, as Lamar Boulevard angles and, going north, lies closer to Interstate Highway 35. West Powell Lane is presently being developed as the only through street north of State Highway 183, extending from Lamar Boulevard to Interstate Highway 35. The owners of the property would like to have maximum use of the property, consistent with uses in the area, and it is felt that this request is consistent with such uses. Two of the residences in the area abut "D" Industrial zoned property at the present time. Three of the residences abutting this tract are from 75 to 100 feet away; the fourth is being used for a commercial purpose. This is one of the few remaining tracts of land fronting on Interstate Highway 35 with sufficient frontage for substantial commercial use. It is felt that the problems of internal circulation should be considered and solved at the time the property is subdivided. Certainly commercial traffic should not be put into the residential area, as the streets are inadequate.

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C14-70-210 Davidson and Associates--contd.

Mr. Wesley Dall, a nearby property owner, stated that he is in favor of the requested zoning change, but feels that Little Walnut Creek should be improved to handle the additional runoff. Mr. Reeves explained that the developer would be required to meet the standards of the City Drainage Department.

Mr. Eskew stated that the drainage problems would be more likely to be solved with the appropriate zoning of the tracts, as builders in the City appreciate the water problems. He pointed out the exits on Interstate Highway 35 which would be used for access to this tract. He further stated that it is felt that this tract should not be considered in relationship to the 13-acre tract which is being considered also, as it is a completely separate tract of land. The smaller tract is not land-locked, in that it has access to two residential streets. In addition, it is a lovely, tree-shaded area, which logically should be developed as residential property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves inquired of the applicant as to the possibility of joint development with the owner of the adjacent property which is under consideration at this time for a zoning change. Mr. Eskew stated that discussions had been held, but all possibilities were rejected. Mr. Taniguchi asked if "GR" General Retail would serve the purpose of the developer; the applicant stated that as "C" Commercial, Fifth Height and Area has been established along the west side of Interstate Highway 35, it is felt to be most suitable for this tract.

Mr. Goodman stated that he felt some consideration should be given to the owner of the 13-acre tract of land, so that the tract is not land-locked. He asked Mr. Eskew if it would be practical to sell a strip of land for access to the owner of the smaller tract; Mr. Eskew stated that such access would violate the integrity of the already well-established residential area and would reduce the larger tract's frontage on Interstate Highway 35.

Mr. Reeves stated that if the larger tract is granted "C" Commercial, Fifth Height and Area, as requested, the smaller tract should not be used for residential development.

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning for the tract. In addition, it is recommended that the "D" Industrial zoning on the northerly portion of this tract be rolled back to "C" Commercial, Fifth Height and Area. This recommendation is subject to an acceptable subdivision plat.

At the Commission meeting, this case was discussed in relation to Case C14-70-213. The Commission stated very strongly that unless access to Interstate Highway 35 for the smaller tract C14-70-213 is achieved through an acceptable subdivision plat, the requested zoning on both these cases should be denied, and the property remain Interim "A" Residence zoning.

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C14-70-210 Davidson and Associates--contd.

The Commission then unanimously

VOTED: To recommend that the request of Davidson and Associates for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, Fifth Height and Area for property located at 8506-8906 North Interstate Highway 35 be GRANTED, and the "D" Industrial, zoning on the northerly portion of the tract be rolled back to "C" Commercial, Fifth Height and Area. This zoning is to be denied if an acceptable subdivision plat is not approved.

C14-70-211 Jack Brown: A to BB(as amended)
Rear of 1900-1920 Hearthstone Drive

STAFF REPORT: This tract of land consists of 1.28 acres and is proposed for the uses consistent with said zoning. "BB" Residence zoning exists immediately on the south and west, and is developed with several small apartments. "A" Residence zoning exists north and across Putnam Drive to the east. The area to the north was recently annexed and is light industrial in the Master Plan. A drive-in theatre and several warehouses are in use.

The subject tract has only 15 feet of frontage on a dedicated street and a building permit could not be issued without 50 feet of frontage. While apartment zoning seems appropriate for the subject lot, increased density is not recommended without improving the access. Because of the limited access, the staff recommends "BB" Residence zoning subject to a subdivision providing for additional frontage.

TESTIMONY

WRITTEN COMMENT

Charles Goldman and William Luedecke: 1007 West 34	AGAINST
Mr & Mrs. Tom Walker	AGAINST
H. Frank Miller: 3001 White Rock Drive	AGAINST

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
H. Frank Miller: 3001 White Rock	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney, represented the applicant, stating that his client will accept the staff recommendation of "BB" Residence, First Height and Area on this tract, as he has acquired two lots to the west adjacent to the lot under consideration, which will enable him to meet the frontage requirements. The lots will be short-formed and the alley will be paved.

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C14-70-211 Jack Brown--contd.

Arguments Presented AGAINST:

Mr. H. Frank Miller, builder, stated that the proposed zoning would create more traffic than can be handled by the streets in the area. Mr. Reeves pointed out that the area is zoned "BB" Residence, First Height and Area at this time; this application would merely extend that area. Mr. Miller stated that the proposal would add 100 additional cars to the traffic problem. He feels that the property should not be developed until better access to the larger streets in the area is obtained.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that he felt that the 15-foot alley should not be zoned unless it is improved.

Mr. Goodman stated that the tract is not suitable for single-family residence development; it should not be left vacant.

The Committee reviewed the information and concluded that this request should be granted, as an extension of existing "BB" Residence zoning. This recommendation is subject to short form subdivision joining this tract to two lots on the Fireside Drive cul-de-sac and improvement of the 15 foot driveway to meet City standards.

At the Commission meeting, the staff reported that a letter has been received from the applicant, stating that the alley will be improved. The Commission then unanimously

VOTED: To recommend that the request of Jack Brown for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at the rear of 1900-1920 Hearthstone Drive be GRANTED, subject to short form subdivision and improvement of the alley to meet City standards.

C14-70-212 Northcross Associates: GR, 1st and 3rd to GR, 3rd
7602-7634 Burnet Road

STAFF REPORT: This tract of land consists of two acres and is proposed for the relocation of a bank site. "GR" General Retail and "C" Commercial zoning exist along Burnet Road, and "GR" General Retail zoning extends back into the undeveloped property to the northwest. A single-family residence neighborhood exists across the proposed Northcross Drive to the south. Commercial businesses exist along Burnet Road and a church is located across Burnet Road. Read Elementary School is just west of Pineleaf Place. There have been several applications on this site during the last year. These various applications resulted from the shifting of the proposed Northcross Drive to the present location -- along the southern boundary of this application. The area within this application is partially zoned First Height and Area and partially zoned Third Height and Area. The staff has no objection to the shift of Third Height and Area and recommends the granting of this request.

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C14-70-212 Northcross Associates--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that this matter had been before the Subdivision Committee and the Commission previously in connection with the moving of Northcross Drive in a southerly direction. As the street is being moved, it is necessary to relocate the proposed site of the bank building.

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 tract.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Northcross Associates for a change of zoning from "GR" General Retail, First and Third Height and Area to "GR" General Retail, Third Height and Area for property located at 7602-7634 Burnet Road be GRANTED.

C14-70-213 Jack R. Barnes: Int. A, Int. 1st to O, 1st
Rear of 8500-8708 North Interstate Highway 35

STAFF REPORT: This application is on a tract containing about 13 acres to be developed for office use. The staff comments include the subject tract as well as the 35-acre tract to the east and northeast adjacent to the subject tract. The 35-acre tract is also under consideration for a zoning change at this time (C14-70-210). The area under consideration was annexed to the City in 1969. Immediately to the west along both sides of Georgian Drive is an older part of the City which is zoned "A" Residence and developed with single-family homes. The State Farm Insurance Company tract is across I. H. 35 where "GR" General Retail zoning was granted earlier this year. Other general retail and commercial zoning exists along I. H. 35. The several large tracts in the area are still undeveloped. The 35-acre Davidson tract which adjoins the subject tract has extensive frontage on I. H. 35. More intensive zoning is appropriate along the Expressway. The subject tract, however, has limited access from a single residential street from the residential subdivision to the west. The street has only a 30 foot right-of-way.

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C14-70-213 Jack R. Barnes--contd.

This subject tract should not be rezoned for more intensive use unless access is provided to I. H. 35. Access is presently inadequate for even low-density development. If rezoning is granted without access to I. H. 35 all traffic generated by multi-family and office use would be required to use the adjacent inadequate residential streets.

The staff recommends that "O" Office be granted except for the westernmost area of about four acres which extends into the residential neighborhood. It is recommended that this four-acre area be zoned "BB" Residence. This recommendation is subject to the submission and approval of a subdivision plat with the adjoining property (C14-70-210) providing access to I. H. 35.

TESTIMONY

WRITTEN COMMENT

W. O. Beall, Jr.: 301 Pecan Drive

AGAINST

PERSONS APPEARING AT HEARING

Jack Barnes (applicant)

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Dick Baker, attorney for the applicant, stated that his client had no objection to the zoning as recommended by the staff report; however, he feels that to go from "O" Office zoning on the front portion to "BB" Residence zoning on the rear portion is a rather sharp differentiation, and that "B" Residence zoning would be more suitable for the rear portion of the tract. This zoning would be compatible with the abutting development. This tract is not suitable for single-family residential development; the residential development in this area was developed prior to its annexation by the City and prior to the time when plats required City approval, consequently the streets are substandard, meeting County requirements rather than City requirements. Access needs to be provided for this tract. The Commission has stated on many occasions that they are obligated to consider all subdivisions and zoning cases so that no tract will be land-locked. The applicant is willing to work with the other property owner for an acceptable subdivision plat providing access, and has discussed the problem with him; however, the only solution offered was the purchase of ten acres of the property. In the development of the City, one of the most serious problems is inadequate streets and something must be done to provide access to this area. The City plans to widen Georgian Drive and utilize it as a collector street. There is other undeveloped land in this area which will need access for future development. This case will set a precedent for the future of the area. The applicant is willing to cooperate with the owner of the 35-acre tract and the Planning Department in finding a way to provide access for all the tracts in this area. The recommendation for a subdivision by the Department is in keeping with the Commission's requirements for the orderly development of the City. For example, the owner of the recently zoned State Farm Insurance Company tract was required to dedicate a street to provide access to Rundberg Lane for the three tracts affected.

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C14-70-213 Jack R. Barnes--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi stated that he feels the staff recommendation is valid in that if "C" Commercial, Fifth Height and Area zoning is granted on the larger tract, this zoning would invalidate any possibility of development of the smaller tract as residential, as it would abut such intensive commercial use.

Mr. Reeves pointed out that with the inadequate access for the 13-acre tract, high-density residential development would be most unsuitable.

The Committee reviewed the information and discussed this tract in conjunction with Case C14-70-210, which it abuts. The Committee concluded that the four acres to the rear of this tract, which are adjacent to a residential subdivision, should be zoned "BB" Residence, First Height and Area. "O" Office zoning is recommended for the remainder of the tract, subject to an acceptable subdivision plat.

At the Commission meeting, further discussion of the two tracts occurred and the members expressed concern about the possibility of this property being landlocked, with no suitable access for either multi-family or office development. The Commission then unanimously

VOTED: To recommend that the request of Jack R. Barnes for a change of zoning from Interim "A" Residence, Interim First Height and Area to "O" Office, First Height and Area for property located at the rear of 8500-8708 North Interstate Highway 35 be DENIED, but recommend the granting of "BB" Residence, First Height and Area zoning for the four acres to the rear of this tract, and "O" Office, First Height and Area for the remainder of the tract. If an acceptable subdivision plat to provide access to Interstate Highway 35 is not achieved, it is recommended this zoning be denied.

C14-70-214 Estate of Mae Crockett: C to C-2
2811-2813 San Jacinto Boulevard

STAFF REPORT: This tract of land fronts on San Jacinto Boulevard and consists of 1,785 square feet within a small shopping center. If zoned the proposed use is a liquor store. Commercial and apartment zoning and development exist throughout this area north of San Jacinto and single-family development can be found to the north and east. University of Texas property is located across Waller Creek to the west. The staff recommends the request of a zoning change within this shopping center and reported that metes and bounds for the area within the existing building have been submitted.

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C14-70-214 Estate of Mae Crockett--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

M. H. Crockett, Jr. (applicant)

Mrs. Eva Hyatt: 3202 Duval Street

FOR

SUMMARY OF TESTIMONY

Mr. M. H. Crockett, Jr., applicant, stated that his tenants had operated a drugstore at this location for twenty years. The area has changed and they wish to make better use of this location.

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 this shopping center.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Estate of Mae Crockett for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 2811-2813 San Jacinto Boulevard be GRANTED.

C14-70-215 Florence E. Gilbey: A to GR
1209-1211 Montopolis Drive

STAFF REPORT: This tract of land fronting on Montopolis Drive consists of 9,078 square feet and is proposed for resale. "A" Residence zoning and development exists in this area and also along Porter Street. A rectory and a church exist to the north on Montopolis Drive. "BB" Residence and "LR" Local Retail zoning for a small shopping center exist west of Montopolis Drive, several blocks south. "GR" General Retail has recently been recommended on the lot next door to the south. The Ordinance is pending right-of-way on Porter Street. The staff objects to this change as they did on the adjacent lot. On the basis of the granting of "GR" General Retail on the adjacent lot, there is justification for this application.

673

C14-70-215 Florence E. Gilbey--contd.

TESTIMONY

WRITTEN COMMENT

Paul M. Orta, Sr.: 6308 Porter Street

AGAINST

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 recommended zoning on the adjoining lot.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Florence E. Gilbey for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and area for property located at 1209-1211 Montopolis Drive be GRANTED.

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

NAY: None

ABSENT: Mr. Becker

ABSTAINED: Mr. Kinser

C14-70-216 Texas L-P Gas Association: Int. A, Int. 1st to GR, 1st
8408 North Interstate Highway 35

STAFF REPORT: This application is on a tract containing 2.08 acres, with proposed use as permitted by "GR" General Retail zoning and for the erection of a sign. "C" Commercial zoning exists on the south and is pending to the north on Interstate Highway 35. "A" Residence zoning is established to the rear and developed with single-family residences. "GR" General Retail zoning is pending across Interstate Highway 35. An office presently exists on this site. It was constructed while this general area was outside the City limits. Oertli Lane deadends at the west line of the subject tract. This street is about 1,800 feet long, extending from Georgian Drive. It should be extended to Interstate Highway 35 or to anticipated development on land to the north and south for proper circulation. The staff recommends the request as consistent with existing zoning along Interstate Highway 35. The staff also suggests consideration of the extension of Oertli Lane.

674

C14-70-216 Texas L-P Gas Association--contd.

TESTIMONY

WRITTEN COMMENT

H. E. Payne
J. E. Motheral: P. O. Box 3275

AGAINST
FOR

PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)

SUMMARY OF TESTIMONY

Mr. Tom Curtis represented the applicants, stating that his understanding is that the extension of Oertli Lane is not a requirement on this application. Mr. Lillie stated that this is not a requirement, but the future of Oertli Lane needs to be considered by the Commission, whether it will be extended to Interstate Highway 35 or extended northerly or southerly. This is an older residential neighborhood with a bad street pattern. There is new development occurring to the south. Mr. Curtis stated that this property was purchased three years ago, and half of it is developed. If the street right-of-way is taken out of the tract, it will be impossible to develop it further. The existing development on the tract is along the south property line, with the building very close to the property line. It is felt that in view of the other cases in the area, the requested zoning is suitable and will allow the installation of a 35 foot sign.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi stated that it would be unfair to take all the right-of-way for the extension of Oertli Lane from one tract. The staff agreed, stating that there is already development on this tract.

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 Texas L-P Gas Association for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 8408 North Interstate Highway 35 be GRANTED.

675

C14-70-217 Jim Hartfield: A, 1st to B, 2nd
 303 West 35th Street

STAFF REPORT: The tract under consideration is an area of 7,200 square feet to be used for apartment development. "B" Residence, Second Height and Area zoning was granted on the three lots immediately west on West 35th Street and "B" Residence, First Height and Area zoning was granted on the four lots southwest on West 34th Street. "A" and "B" Residence zoning exists throughout this area. Although the predominant land use is still single family, this application falls within the 1967 area study recommending "B" or "BB" Residence zoning where streets are adequate. The staff recommends the request, subject to 5 feet of right-of-way on West 35th Street.

TESTIMONY

WRITTEN COMMENT

Howard F. Rase: 3700 River Road	AGAINST
Alice Muir: 3402 Cedar Street	AGAINST
Mr. & Mrs. Henry Schacht: 300 West 35th Street	FOR

PERSONS APPEARING AT HEARING

Jim Hartfield (applicant)	
Fred M. Bullard: 903 West 30th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present and stated that tentative plans for this property are to combine it with the adjacent property which is zoned "B" Residence, Second Height and Area, for the development of efficiency units for students.

Arguments Presented AGAINST:

Mr. Fred Bullard, 903 West 30th Street, has recently purchased a lot one-half block from this location on 34th Street and is planning to construct a residence. The streets in the area are narrow, with several offsets. He feels that this proposed develop will be detrimental to his home, with traffic congestion and noise. He wishes to live in a single-family residential area.

Arguments Presented IN REBUTTAL:

Mr. Hartfield stated that he felt 34th Street would not be noticeably affected by this development, as it already has much traffic, and there would be no reason to use 34th Street rather than 35th Street. The trend in this area seems to be to apartment housing, as indicated by the study conducted by the City.

676

C14-70-217 Jim Hartfield--contd.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi pointed out that "B" Residence zoning had been granted in the immediate area in 1968.

The Committee reviewed the information and concluded that this request should be granted, as consistent with zoning in the area, subject to 5 feet of right-of-way on West 35th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Jim Hartfield for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 303 West 35th Street be GRANTED, subject to 5 feet of right-of-way on West 35th Street.

C14-70-218 B. H. Belk: B, 1st and C, 2nd to O, 1st
1505-1507 North Street

STAFF REPORT: This tract of 17,732 square feet fronts on North Street. The proposed use is as a day care center for daytime operation only. This site was denied "C" Commercial zoning and granted "B" Residence zoning earlier this year. Commercial zoning exists on Burnet Road but does not extend into this "A" Residential neighborhood. The lots along North Street are developed with single-family residences. Several applications for apartment zoning have been granted along Woodrow Avenue to the east in this area. The staff's recommendation is to deny the request for "O" Office zoning as the proper zoning has been established by recent Planning Commission and City Council action, and as "O" Office zoning would be an intrusion into this residential neighborhood. With respect to the proposed use, if the zoning is granted, "O" Office zoning does not require a special permit for a day care center nor does "O" Office zoning offer any limit to a day care center's size. On a minor residential street, such as North Street, some limitation of the number of children should be considered. The applicant could have about 45 children under the existing "B" Residence zoning.

TESTIMONY

WRITTEN COMMENT

Ramon H. Castro: 1411 North Street
W. R. Boatner: 1409 North Street

AGAINST
FOR

PERSONS APPEARING AT HEARING

Robert Norris (representing applicant)
Don Jackson: 3810 Medical Parkway
Hawthorne Phillips: 4003 Knollwood

FOR
FOR

C14-70-218 B. H. Belk--contd.

SUMMARY OF TESTIMONY

Mr. Robert W. Norris, attorney, represented the applicants, who have a contract of sale on the tract under consideration, conditional upon the zoning. The adjoining landowner feels that a day care center at this location is more desirable than apartment development, which is the probable use for the tract. The day care center operation will not generate the amount of noise, traffic congestion and confusion an apartment house would create. The tract to the west is a warehouse; the tract to the north is zoned "LR" Local Retail and on North Loop "O" Office zoning and "B" Residence zoning exist. North Street is predominantly single-family housing, and is bounded on the west by Burnet Road, a major arterial street and on the east by Woodrow Avenue, a four-lane major collector street. This access to two large streets creates an excellent traffic flow for a day care center. North Street has 50 feet of right-of-way. While most of the area to the east is residential, it is felt that a day care center is not as detrimental as apartment development. The applicants presently operate the Little Red Schoolhouse on West 15th Street, this location will be known as the Little Red Schoolhouse No. 2. There is a tremendous demand for this service in the northern section of the City. There have been severe traffic problems at the location on West 15th Street and it is felt that these conditions will not occur at this location. It is proposed to construct the additional improvements needed on the property on the western portion adjacent to the warehouse, with the playground area to the east, with a six-foot privacy fence on the property line abutting the residences. The primary reason for the request for this zoning is due to the limitation of 45 children under the existing zoning. The applicants have found that it is necessary to have from 60 to 75 children to be able to create and maintain an outstanding physical plant, with the necessary play and learning equipment and qualified personnel. Mr. Norris displayed photographs showing the uses in the immediate area. It is planned to remodel the existing structure on the property; off-street parking will be provided for all personnel, with the possibility of a drive-through arrangement for traffic safety. This new facility will improve this tract and the value of other homes in the neighborhood. One resident had voiced opposition, but after learning the proposed use he is not opposed to this change. The applicant is willing to file a covenant restricting the use of this location to a day care center only. They plan to care for 65 to 75 children, which would be the maximum allowed under State Law.

A nearby resident stated that he feels that the area needs more intensive zoning and approves of this request.

Mr. Hawthorne Phillips, attorney, spoke on behalf of the applicants, stating that this tract will be used for a day care center only. He feels that the area needs this type of facility and its services will enhance the value of the property in the neighborhood. It is much more convenient for working mothers to have child care facilities near their homes. In Federal housing projects the day care centers are being located in residential areas.

No one appeared in opposition to the request.

C14-70-218 B. H. Belk--contd.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi requested information on the width of North Street and the staff reported that the existing right-of-way is 50 feet, with 30 feet of paving. The right-of-way has been obtained from this tract in previous zoning. North Street is a minor residential street.

The Committee reviewed the information and concluded that this request should be granted, subject to a restrictive covenant for day care center use and with the limitation to 70 children.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of B. H. Belk for a change of zoning from "B" Residence, First Height and Area and "C" Commercial, Second Height and Area to "O" Office, First Height and Area for property located at 1505-1507 North Street be GRANTED, subject to a restrictive covenant for day care center use only and with the limitation to 70 children.

C14-70-219 Ed A. Glenewinkle: A to B
5701 Clay Avenue

STAFF REPORT: This tract fronts on Clay Avenue and consists of 16,809 square feet. The applicant proposes the construction of apartments. "A" Residence zoning exists in this single-family area. "C" Commercial zoning exists to the southwest on Adams Avenue and Burnet Road. This is a well-maintained single-family area. Clay Avenue is inadequate for greater intensity of land use. No changes have occurred in the area to warrant rezoning. The staff recommendation is to deny this request as intrusion into this single-family neighborhood. If granted, 10 feet of right-of-way will be required on Clay Avenue.

TESTIMONY

WRITTEN COMMENT

Paul A. Oman: 5615 Adam Avenue	AGAINST
Rollie Siler: 5642 Jeff Davis	FOR
Mrs. Stanzie Arnold: 5608 Jeff Davis	FOR
Mrs. I. D. Eckman: 5702 Clay Avenue	AGAINST
Standard Mortgage Company	FOR
J. M. Huff : 1709 Ullrich	FOR

PERSONS APPEARING AT HEARING

None

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C14-70-219 Ed A. Glenewinkle--contd.

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 denied, as an intrusion into a well-established residential neighborhood with inadequate streets for intensive development.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Ed A. Glenewinkle for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5701 Clay Avenue be DENIED.

C14-70-220 Tom Moses Attal and John McPhaul: Int. A, Int. 1st to B, 1st (as amended)
4922-5024 Weidemar Lane

STAFF REPORT: This 2.1 acre tract of land fronts on Weidemar Lane and is proposed for the uses consistent with said zoning. "A" Residence zoning and undeveloped land surrounds this site. A duplex residential subdivision has been platted immediately adjacent on the west. A large industrial area under the Master Plan exists to the north of Colonial Park Boulevard.

Battle Bend Springs subdivision is located to the south. A pending application exists in that subdivision, along I. H. 35 for "GR" General Retail zoning and "B" Residence zoning. Weidemar Lane has 40 feet of right-of-way along the east side of the subject tract. Ten feet of land has been dedicated by subdivision from the subject tract and ten additional feet will be required from property between Weidemar Lane and South Interstate Highway 35. One of the conditions of the zoning and subdivision activities in the area to the south was the proper termination of Weidemar Lane, either by cul-de-sac or by extension to Battle Bend Boulevard. This issue has not as yet been concluded. It is likely that land between Weidemar Lane and Interstate Highway 35 will develop commercially or for high-density residential use. Until Colonial Park Boulevard is extended to I. H. 35, the subject tract has limited access only by minor residential streets serving an area that presently has little commercial support. The extreme depth of nearly 600 feet on a possible cul-de-sac is also questionable. The staff feels that the request is premature, considering access and extent of development, and recommends this request be denied.

TESTIMONY

WRITTEN COMMENT

None

C14-70-220 Tom Moses Attal and John McPhaul--contd.

PERSONS APPEARING AT HEARING

John McPhaul (applicant)

SUMMARY OF TESTIMONY

Mr. John McPhaul stated that he would amend this request from "C" Commercial, First Height and Area to "B" Residence, First Height and Area at this time. He stated that a member of the Planning Department staff had told him that the Department would not have any objections to commercial zoning, and he feels that it is very unfair to him that they now object to this proposal. He feels that this request is not premature, due to the "GR" General Retail zoning to the south and due to the 80 feet of right-of-way required from him to the north of the property. He feels that this tract should be zoned now in order that future purchasers in the Colonial Park Subdivision will be aware of the zoning.

The staff pointed out that the "GR" General Retail zoning to the south has frontage on Interstate Highway 35, while this subject tract does not. It is felt that any zoning of this tract at this time is premature, due to the lack of adequate access.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the location of this property and the probable future development of the area. While access is inadequate at the present time, it is felt that the applicant should be able to make some use of his property.

The Committee reviewed the information and discussed the character of the area and the limited access to this tract from residential streets. It was concluded that "C" Commercial zoning should be denied and that "B" Residence, First Height and Area zoning, as amended by the applicant, should be recommended as the highest and best use of this property.

At the Commission meeting the location of this tract was briefly discussed. The Commission then

VOTED: To recommend that the request of Tom Moses Attal and John McPhaul for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 4922-5024 Weidemar Lane be GRANTED.

AYE: Messrs. Kinser, Milstead, Chamberlain, Reeves, Anderson, Crier and Goodman
NAY: Mr. Taniguchi
ABSENT: Mr. Becker

C14-70-221 Don Jackson: A, 1st to B, 2nd
 513-515 O'Dell Street
 7205-7207 Guadalupe Street

STAFF REPORT: This tract of land consists of 14,810 square feet and is proposed for apartment development. Single-family residences exist in this area, and there are no zoning intrusions into the area north of St. Johns Avenue. Several businesses exist on the south side of St. Johns Avenue to the west, and several duplexes exist several blocks to the south, but none exist in the immediate area. All of the zoning that has taken place has been south of St. Johns Avenue. The staff recommendation is to deny "B" Residence, Second Height and Area zoning, retaining the "A" Residence, First Height and Area zoning character of this single-family residential area. If granted, five feet of right-of-way is required on O'Dell Street.

TESTIMONY

WRITTEN COMMENT

Mrs. Tom F. Ford: 508 West O'Dell	AGAINST
Fannie B. Straley: 510 West O'Dell	AGAINST
Mr. & Mrs. Raymond E. Harlow: 511 West O'Dell	AGAINST

PERSONS APPEARING AT HEARING

Don Jackson (applicant)	
John Van Winkle (representing applicant)	
Mr. & Mrs. Billy J. Ray: 512 West O'Dell	AGAINST
Mr. & Mrs. Roy A. Philippus: 602 West O'Dell	AGAINST
Mr. & Mrs. Erwin W. C. Hodde: 603 West O'Dell	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Van Winkle, represented the applicant and displayed a map of the area showing the surrounding uses. There are many duplexes existing in this immediate area. The City Council recently granted "LR" Local Retail zoning in the 6900 block of Guadalupe Street, which indicates the area is changing.

Mr. Don Jackson spoke for his application, stating that this case had been turned down by the City Council by one vote when "B" Residence, Second Height and Area was requested five years ago. He has owned the property for six years, and has seen the area change. Many apartments have been built on Guadalupe Street. The area is bounded by Airport Boulevard, Anderson Lane, Interstate Highway 35 and Lamar Boulevard. The pressure from these major thoroughfares is toward more intensive use of this internal area. "B" Residence zoning exists two blocks from this location and it is felt that the eventual zoning will be "C" Commercial along Guadalupe Street. The major streets give good

C14-70-221 Don Jackson--contd.

access to this area. "B" Residence, Second Height and Area is needed to adequately develop this property with space for the required parking, as there is a duplex already existing on the tract. The area is in a state of transition, with many apartment houses and duplexes in the area. There has been much activity just south of St. Johns Avenue, and there is much commercial development north of St. John's Avenue. This trend will continue. The use map prepared by the Planning Department shows that this triangular area has more commercial development around its perimeter than any other area in the City. This is not a case of spot zoning, as the change in the area must start somewhere. A corner lends itself to this type of development. The site plan provides more than adequate parking. Mr. Jackson stated that he could amend his application to "B" Residence, First Height and Area if no right-of-way is required. If right-of-way is required, the Second Height and Area is needed to develop the tract with fifteen units, as is planned. He stated that he would be willing to restrict the height of the structures to two-story. The traffic, the location and the demand for this development justify this change in zoning.

Arguments Presented AGAINST:

Mr. Billy J. Ray, 512 West O'Dell Street, stated that the very heavy traffic at this corner would be hazardous for an apartment house. There are many school-age children in this area and this is essentially a residential neighborhood. An apartment house would not benefit the neighborhood.

Mr. Roy Philipppus, 602 East O'Dell Street, stated his strong objection to the proposed development.

Arguments Presented IN REBUTTAL:

Mr. Jackson stated that this area is developing rapidly, with development of Joske's Center to the south, on Highway 183, the Interregional Highway and Lamar Boulevard. There would be fewer children living in apartments than would be living in duplexes.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman stated that the proposed development is too intensive for the area. This is a residential neighborhood. Mr. Taniguchi stated that to grant this proposal would be spot zoning.

The Committee reviewed the information and concluded that this request should be denied, as too intensive zoning for the area; in addition, this would be spot zoning.

The Commission concurred with the Committee recommendation and unanimously

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 513-515 O'Dell Street and 7205-7207 Guadalupe Street be DENIED.

C14-70-222 William H. Leach: B and C to C
1011-1015 East 12th Street

STAFF REPORT: This tract of land consists of 10,400 square feet and is proposed for commercial building. "C" Commercial zoning exists on the north and "B" Residence zoning exists on the south half of the subject lot. East 12th Street is developed with older single-family residences and some commercial uses. A grocery store is adjacent to this site and a beauty shop is nine lots to the west. This lot fronts on both East 12th Street, which is a collector street, and Catalpa Street, which is a minor residential street. The staff has suggested an alternative plan to the applicant which will allow the desired commercial repair business without a zoning change. This would be done by building the proposed improvements entirely on the portion of the property presently zoned "C" Commercial, with the driveway along the east property line and the parking on the portion of the property presently zoned "B" Residence. Another solution would be to extend the "C" Commercial zoning approximately 30 feet to the south to comply with the proposed development plan on the lot. The staff does not object to the extension, but does not recommend "C" Commercial zoning on the total lot. The "B" Residence zoning in existence can be used for parking as proposed. The staff recommendation is to deny the request as "C" Commercial zoning would be an intrusion into this single-family neighborhood. If "C" Commercial zoning is granted, right-of-way would be required on Catalpa Street.

TESTIMONY

WRITTEN COMMENT

Connie K. Yerwood Comer: 1115 East 12th Street	AGAINST
Jimmy R. Moody: 1005 East 13th Street	AGAINST
Travis Eckert et al: 1108 Lavaca	AGAINST
Mrs. Alma R. Green: 1009 Catalpa	AGAINST
Mrs. Willie M. Hardnett: 1010 Catalpa	AGAINST
Alice M. Pullins: 1001 Catalpa	AGAINST
Stella Hofhenz	FOR
Standard Mortgage Company, Inc.	FOR
Mr. & Mrs. B. J. Dukes: 1180 Waller	AGAINST

PERSONS APPEARING AT HEARING

William Leach (applicant)	
Buck Kirkendall (architect for applicant)	
Mrs. Martha Moody: 1005 East 13th Street	AGAINST
Vivien Chambers: 1108-1110 East 12th Street	AGAINST
Gillis C. Jefferson: 1003 East 13th Street	AGAINST

C14-70-222 William H. Leach--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. William Leach stated that this area is changing and will have very heavy traffic. He feels that this type of neighborhood should go to commercial development, rather than just deteriorating. He stated that he would prefer the entire tract to be zoned "C" Commercial, but would accept the extension of this zoning southerly for 50 feet. The proposed development would be an asset to the area.

The staff reported that the applicant has changed his original plan and now wishes to construct a larger building, which would require the extension of "C" Commercial zoning to 50 feet. However, the larger building would increase the number of parking spaces required, which cannot be met unless additional land is acquired from the adjacent lots.

Mr. Buck Kirkendall, the applicant's architect, spoke in favor of extending the "C" Commercial zoning 50 feet. He feels that more property could be acquired for parking. The proposed building will be an asset to the community.

Arguments Presented AGAINST:

Mr. Gillis Jefferson, 1003 East 13th Street, requested information on the use of this site; the applicant stated that this would be offices which are presently located on Interstate Highway 35. Mr. Jefferson stated that he and many of the residents object to commercial development in the area and wish to retain the character of the area, where they maintain their homes.

Mrs. Vivien Chambers, 1108-1110 East 12th Street, objects to the proposed zoning as an intrusion into the residential neighborhood. She also feels that the lot is not large enough to accommodate commercial development. She feels that the residents can live with the heavy traffic, but cannot live with commercial development.

Arguments Presented IN REBUTTAL:

Mr. Leach stated that the primary problem is that the City needs 15 feet from the property for widening the street, which necessitates the setting back of any improvements. In addition, he feels that any development will be an improvement over a vacant lot at this location.

The staff reported that there is no request for additional right-of-way on 12th Street. "C" Commercial zoning has existed along 12th Street for many years, as has "B" Residential zoning along Catalpa Street. The use which the applicant proposes is in conformance with the zoning, as the "B" Residence classification allows off-street parking.

C14-70-222 William H. Leach--contd.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi pointed out to the residents who are objecting to this request that the present zoning allows the construction of a commercial building. This request is for an extension of the existing "C" Commercial zoning.

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential neighborhood. It is recommended that an extension of existing "C" Commercial zoning be granted for 30 feet.

At the Commission meeting, the staff explained that the requested extension would allow the applicant to construct a commercial building, with the parking on the area of the lot zoned "B" Residence, First Height and Area. The Commission then unanimously

VOTED: To recommend that the request of William H. Leach for a change of zoning from "B" Residence and "C" Commercial, Second Height and Area to "C" Commercial, Second Height and Area for property located at 1011-1015 East 12th Street be DENIED, but recommended that an extension of existing "C" Commercial, Second Height and Area be GRANTED for 30 feet.

C14-70-223 Richard Dorrell: A and GR to GR
9212-9302 North Interstate Highway 35

STAFF REPORT: This tract of land consists of two acres and there is no proposed use at this time. "C" Commercial zoning is established along Interstate Highway 35 and "A" Residence zoning is established to the west within the residential neighborhood. A service station is located on the adjacent lot to the north. The front portion of the tract is already zoned "GR" General Retail. The staff recommends the change, but also recommends that the Committee consider some form of screening where the tract is adjacent to residentially developed property.

TESTIMONY

WRITTEN COMMENT

Truman H. Montandon: 2412 North I. H. 35	FOR
Nat Franzetti: 1713 and 1715 West 6th Street	AGAINST
Robert T. Schranger: 7503 Berkman Drive	AGAINST
Harry E. Montandon: 2412 North I.H. 35	FOR
Thomas E. Wiley, Jr.: P. O. Box 1423	FOR

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

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C14-70-223 Richard Dorrell--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with zoning in the area, subject to six-foot solid fencing where the property abuts residential development.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Richard Dorrell for a change of zoning from "A" Residence and "GR" General Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 9212-9302 North Interstate Highway 35 be GRANTED, subject to a six-foot solid fence where the property abuts residential development.

C14-70-224 Richard Dorrell: Int. A, Int. 1st to GR, 1st
7543-7561 Cameron Road

STAFF REPORT: This tract of land, fronting on Cameron Road, consists of 1.6 acres and there is no proposed use planned at this time. Two single-family residences exist between this site and Rutherford Creek to the north. "C" Commercial zoning exists on that property at Cameron Road and Highway 183. "GR" General Retail is established as part of the Coronado Hills Subdivision to the south and is still undeveloped. Lots, for single-family development, exist to the east and several single-family residences exist across Cameron Road.

The staff recommends this request as consistent with the zoning in the area and recommends the Committee consider some form of screening along the east property line.

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 zoning in the area, subject to six-foot solid fencing along the east property line.

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C14-70-224 Richard Dorrell--contd.

The Commisison concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Richard Dorrell for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 7543-7651 Cameron Road be GRANTED, subject to six-foot solid fencing along the east proeprty line.

C14-70-225 Edward Joseph: B to GR (as amended)
1705-1707 West 6th Street

STAFF REPORT: This tract of land, fronting on West 6th Street, consists of 14,000 square feet and is proposed for future sales. "A" Residence, "B" Residence and "O" Office zoning are established along West 6th Street and the Old Confederate Home location is just across West 6th Street. Some "C" Commercial zoning exists on West 5th Street to the southeast, but the majority of the immediate area is developed with single-family residences. An apartment project with 108 units exists just east of the Confederate Home site. The University of Texas is proposing the construction of housing for married students consisting of 200 to 400 units on the Confederate Home tract. Change is occuring in this area but not to commercial use. The changes are to higher density apartment use which can occur on the subject property. West 5th and 6th Streets are one way and major arterial streets. The staff's recommendation is to deny this request as an encroachment into this established residential area. The existing "B" Residence zoning is appropriate for the lot. This request is subject to 5 feet of right-of-way on 6th Street.

TESTIMONY

WRITTEN COMMENT

Nat Franzetti: 1713 and 1715 West 6th Street	AGAINST
Mrs. W. M. Stuart: 1711 West 6th Street	AGAINAT
Mr. & Mrs. Charles Bowman: 1709 West 6th Street	AGAINST

PERSONS APPEARING at hearing

Roger Joseph (representing applicant)	
Don J. Jackson: 3810 Medical Parkway	FOR
Charles Bowman: 1709 West 6th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Roger Joseph, represented the applicant, stating that "GR" General Retail zoning would be acceptable for the planned development of this tract.

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C14-70-225 Edward Joseph--contd.

Mr. Don Jackson, a nearby property owner, spoke in favor of this request. The entire area is changing due to the recently designated one-way streets and the Interchange which will be constructed. He feels that "C" Commercial zoning is becoming appropriate to this neighborhood and that such development would upgrade the area. The heavily traveled streets create a demand for commercial services.

Arguments Presented AGAINST:

Mr. Charles Bowman, 1709 West 6th Street, stated that he has paid taxes on this property for thirty-six years. He has raised his family here and considers it his home. It is unfair to the long-time residents of the area to allow commercial zoning at this location. He feels that the proposed University housing in the area will not create a demand for businesses nearby. These two vacant lots should not be allowed to break up an old residential section of the City. In addition, there is a severe problem during heavy rains with overflow from the small creek in the area, which would be a hazard for persons using a commercial facility. There is much vacant commercial property along Lamar Boulevard and this area does not need commercial development.

Arguments Presented IN REBUTTAL:

The applicant, Mr. Edward Joseph, stated that he has owned these two lots for 30 years, and in conjunction with the City, the sewer line was constructed to take the place of an open drainage ditch on the property. This tract is not desirable for a single-family residence due to these drainage problems and is not desirable for apartments due to the sub-standard houses in the area. The City will benefit from the commercial development of this tract and it will improve the appearance of the neighborhood. This area is in a state of deterioration and the residents must give way to progress.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi requested more information from the staff on uses in this area. Mr. Lillie reported that while there is commercially zoned property on 5th Street, both in use and vacant, there is no commercial encroachment on 6th Street, and 19 homes are in existence. New development has occurred, in the form of apartments.

Mr. Becker stated that the area will change to commercial, due to the one-way streets and the Mo-Pac Interchange which is to be constructed.

Mr. Chamberlain stated that he looked upon this area as a potential slum area, with minority groups living in the area of West 5th and West 6th Streets. Mr. Becker stated that he had noticed that the yards and homes in the area are not well kept.

Mr. Taniguchi stated that rather than piecemeal zoning, if time is allowed to elapse, the complete area could be rezoned. The staff pointed out that this area is composed of many small lots, which does not lend itself to this type of change. "O" Office zoning might be suitable for the area.

C14-70-225 Edward Joseph--contd.

The Committee discussed the uses permissible under "LR" Local Retail zoning, and felt that a use such as a washateria would be suitable.

The Committee reviewed the information and discussed this area which has heavy traffic but is primarily residential. They concluded that "LR" Local Retail zoning is appropriate for the tract, subject to 5 feet of right-of-way on 6th Street.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Edward Joseph for a change of zoning from "B" Residence, Second Height and Area to "GR" General Retail, First Height and Area (as amended) for property located at 1705-1707 West 6th Street be DENIED, but recommend that "LR" Local Retail, First Height and Area be GRANTED, subject to 5 feet of right-of-way on 6th Street.

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

NAY: None

ABSENT: Mr. Becker

ABSTAINED: Mr. Goodman

C14-70-226 Roger Joseph: O to GR
600 West 17th Street
1700-1704 Nueces Street

STAFF REPORT: This tract of land consists of 7,680 square feet and is proposed for retail use. "O" Office zoning and mixed land use, including single-family, duplex, apartments and offices surround this lot. "C" Commercial zoning is developed with an apartment house located adjacent on the west. Nueces Street and West 17th Street are adequate. The site is presently being used for parking, and "GR" General Retail would permit the introduction of commercial uses into this area. Such use would be in conflict with the general character of the area. The staff's recommendation is to deny "GR" General Retail zoning and retain "O" Office, Second Height and Area, as the appropriate zoning in this area.

TESTIMONY

WRITTEN COMMENT

Bula Skinner	FOR
John M. Paver: 107 Red Bud Trail	FOR
Fred Young: 3200 Guadalupe Street	FOR
Vernon T. Sanford, Jr.: 11303 Mystery Drive	FOR

PERSONS APPEARING AT HEARING

Mabel Ekman: 601 West 17th Street	AGAINST
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C14-70-226 Roger Joseph--contd.

Mrs. Ona Caldwell: 607 West 17th Street
 Evelyn Bergstrom: 603 West 17th Street
 Roger Joseph (applicant)

AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Roger Joseph stated that the staff recommendation is puzzling as commercial uses surround this property. He stated that this tract is a vacant lot. Mr. Joseph has talked to the neighbors and feels that they do not object to the requested use for this property. For the highest and best use of the property this request is not unreasonable.

Arguments Presented AGAINST:

A nearby resident spoke against this request, stating that there are nice homes in the area, with some office uses. She feels that the present character of the neighborhood should be maintained.

COMMENTS AND ACTION BY THE COMMITTEE

The staff explained that the adjacent "C" Commercial zoning was granted because this was formerly the old St. David's Hospital, which was built up to the property line. When it was converted to apartments, the "C" Commercial was necessary to permit construction of added floor space to the property line. Even though this lot is commercially zoned, it is developed residentially. This area is residential, with many of the old homes converted into offices. Commercial zoning and uses are developed on 19th Street and San Antonio Street.

Mr. Taniguchi stated that if the adjacent property was developed commercially the situation would be different.

Mr. Goodman stated that he felt that "GR" General Retail would be suitable for the area.

Mr. Becker stated that "C" Commercial zoning exists on the adjacent lot, and it would be inconsistent to deny it on this tract, regardless of the reasons for the original zoning.

Mr. Goodman stated that "O" Office is predominate in the area and seems the most logical zoning.

The Committee reviewed the information and concluded that this request should be denied, as an intrusion into this area where residential and office uses predominate.

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C14-70-226 Roger Joseph--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Roger Joseph for a change of zoning from "O" Office, Second Height and Area to "GR" General Retail, Second Height and Area for property located at 600 West 17th Street, and 1700-1704 Nueces Street be DENIED.

C14-70-227 Steve Price: A and LR to C
5301 Martin Avenue
700-706 East 53rd Street

STAFF REPORT: This tract of land, fronting on East 53rd Street, consists of one acre and is proposed for offices and warehouses. Several offices, a furniture store, apartments, and a single-family residential neighborhood surround this site. Commercial zoning exists immediately across 53rd Street and to the east of the railroad track and across Martin Avenue to the west there is apartment development. Other than this, single-family residences and "A" Residence zoning predominate the area.

The staff recognizes the residential character of the neighborhood and would prefer "LR" Local Retail or "GR" General Retail as appropriate zoning on the fringe of the neighborhood. The staff objects to the warehouse facility permitted under "C" Commercial zoning unless the Committee requires some screening and building setback along the property line adjacent to residential development. The staff also recommends the single lot fronting on Martin Avenue be retained as "LR" Local Retail zoning. All of the additional right-of-way for improvement of 53rd Street will be from the south side.

TESTIMONY

WRITTEN COMMENT

Charles H. Horton: 5303 Martin Avenue
Roger Hewitt: 1018 Ellingson Lane
Lamme's Candies: P. O. Box 1885

AGAINST
FOR
FOR

PERSONS APPEARING AT HEARING

Steve Price (applicant)
John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that the property is under contract of sale, pending this change in zoning. The Canada Dry Bottling Company wishes to have an office and a warehouse at this location, which has the necessary railroad frontage. Mr. Selman stated that the Zoning Ordinance states that in order to have a warehouse location, the location must have more than 900 feet of commercial property in the tract. This is the reason for this request for

C14-70-227 Steve Price--contd.

zoning change on that part of the property which abuts residential development; however, it will not be used for warehouse location, but for parking and office buildings. This property will be developed by the developer of the Lone Star Distributing Company located on Reinli Street, which is a very nice location with landscaping. It is felt that this development will be an asset to the area. The applicant will file a restrictive covenant requiring a 6 foot solid fence where the property abuts residential development and a 20 foot setback. It is felt that the area is suitable for this type of development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman requested information on traffic patterns for the development; ingress and egress will primarily be from 53rd Street, there will be a driveway through the property. The staff reported that no right-of-way is required.

The Committee requested clarification of the requirement of the Ordinance for 900 linear feet of commercial property for the development of a warehouse location; it is not clear whether this is a minimum or a maximum requirement. The staff is to research this requirement and report their findings to the full Commission.

Mr. Goodman expressed concern about traffic, as East 53rd Street is a bottleneck at this time and this development would greatly increase this problem.

The Committee reviewed the information and concluded that this request should be referred to the full Commission, pending further information.

At the Commission meeting, the staff pointed out the location of the tract being considered, and explained that the request is for change of zoning from "LR" Local Retail to "C" Commercial on the large portion of the tract and from "A" Residential to "C" Commercial zoning on the small portion of the tract fronting on Martin Avenue. Residential land use is predominant in the area, with some commercial use along 53rd Street, and adjoining this tract. The large tract of "C" Commercial zoning to the west of the tract is developed with apartments. 53rd Street is a major arterial street and will be widened to 80 feet of right-of-way. The request is for the development of a bottling warehouse on the large tract adjacent to the railroad tracks, with an office building and parking on the balance of the tract. The lot abutting Martin Avenue is included in this request to meet the requirement of the Ordinance, which states that a warehouse facility may be constructed in "C" Commercial but only where there is over 900 linear feet of "C" Commercial zoned property. The staff could recommend the zoning as requested, subject to screening along the north property line of the single lot and the west property line of the large tract to protect the residential uses. The Committee should also consider building setback where adjoining residential property. The smaller lot is to be used for parking.

Mr. John Selman stated that a letter had been filed with the Planning Department stating compliance with the suggestions on screening and building setback. Mr.

C14-70-227 Steve Price--contd.

Reeves requested that a 25-foot setback from 53rd Street be required on the smaller lot for future protection of the neighborhood. This was agreeable to the applicant. The Commission then unanimously

VOTED: To recommend that the request of Steve Price for a change of zoning from "A" Residence and "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 5301 Martin Avenue and 700-706 East 53rd Street be GRANTED, subject to a six-foot solid fence where the tract abuts residential property and a 25 foot building setback from residential property and from 53rd Street.

C14-70-228 Sun Tex Industries, Inc.: A to O (as amended)
2309-2315 East 2nd Street

STAFF REPORT: This tract of land, fronting on East 2nd Street, consists of 28,800 square feet and is proposed for commercial development. The area south along East 1st Street is a commercial district and zoned accordingly. Many retail and wholesale businesses exist on East First Street. The south side of East 2nd Street is a well established "A" Residence area and the north side of East 2nd Street is a "B" Residence area developed with a public housing project. This request is an intrusion of commercial zoning into a well established residential neighborhood. East 1st Street and East 2nd Street are major arterial streets and proposed as a one-way pair in the Expressway and Major Arterial Plan. The appropriate zoning for the tract, considering the established zoning in the area, is "B" Residence or "O" Office. The staff's recommendation is to deny "C" Commercial zoning and grant "O" Office zoning subject to 5 feet on East Second Street.

TESTIMONY

WRITTEN COMMENT

Roy Valasquez: 90 East Avenue

FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

Rev. Lonnie Reyes: 2109 East 2nd

AGAINST

Steve Anguiano: 2405 East 2nd Street

AGAINST

Francisco Rodriquez: 2409 East 2nd Street

AGAINST

Mr. & Mrs. Telesfora Ramirez: 2607 East 3rd St.

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney, represented the applicants. It is felt that a request for "O" Office zoning at this location complies with the gradation theory,

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C14-70-228 Sun Tex Industries, Inc.--contd.

as there is "C" Commercial zoning to the rear of this tract and "B" Residence zoning across the street from this tract. The right-of-way requirement is acceptable.

Arguments Presented AGAINST:

Frances Ramirez, 2607 East Third Street, opposes this request as an intrusion into a residential area which would create a danger for the many children in the neighborhood. Also, this commercial development will cause an increase in taxes, causing an increase in rental charges, which will be a hardship for many people in the area.

Mr. Francisco Rodriguez, 2409 East 2nd Street, objects to this request. He stated that more houses are needed, not offices.

Arguments Presented IN REBUTTAL:

Mr. Selman stated that the proposed use would generate less traffic for the area than would apartment development. It is felt that this request is logical for the area.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman stated that a subdivision should be required to join the two tracts together.

Mr. Taniguchi stated that the "O" Office zoning would generate less traffic.

The Committee reviewed the information and concluded that this request should be granted, as appropriate zoning for the area, subject to short form subdivision with 5 feet of right-of-way on East 2nd Street and fencing on the east and west boundaries of this tract which are adjacent to residential use.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Sun Tex Industries, Inc. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area (as amended) for property located at 2309-2315 East 2nd Street be GRANTED, subject to short form subdivision, requirement of 5 feet of right-of-way on 2nd Street and fencing on the east and west boundaries of this tract.

C14-70-229 C. L. Briggs: A to BB
6224-6304 Manor Road

STAFF REPORT: This tract of land consists of 1.5 acres and is proposed for the uses permitted by such zoning. Duplexes are developed to the north across Jack Cook Drive and across Manor Road on the south. The predominant zoning in this area is "A" Residence. An apartment project, zoned "BB" Residence is developed to the east across Northeast Drive. "LR" Local Retail zoning exists

C14-70-229 C. L. Briggs---contd.

on the south at Manor Road and Northeast Drive. "B" Residence zoning exists to the west and is developed with apartments and an undeveloped tract zoned "C" Commercial is also established to the west. While there is a precedent for apartment zoning in the area, the staff does not feel the subject lots should be zoned. These lots were intended for single-family or two-family use with structures fronting on Jack Cook Drive and backing to Manor Road. Manor Road is classified as a major arterial street. At least five homes have already been built to the east and west and fronting onto Jack Cook Drive. The staff, therefore, recommends a denial of the request as apartments would be an intrusion into a single-family and duplex area. If granted, 5 feet of right-of-way is required on Jack Cook Drive.

TESTIMONY

WRITTEN COMMENT

Petition with 18 signatures	AGAINST
Louis W. Gummelt	AGAINST
Vernon Cook: 6200 Manor Road	FOR
Ada Joy Cook: 3100 Jack Cook Drive	FOR
Carol Ann Westfall: 6300 Arnold Drive	FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)	
Robert Simpson: 6301 Hyside Drive	AGAINST
D. M. Deaton, Sr.: 6211 Hyside Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman represented the applicant. He stated that this tract is a section of Northwest Hills. About 18 months ago the residents signed a petition amending the restrictions on the subdivision, allowing the development of duplexes. This particular tract under consideration was not included in that petition but is in the immediate area. In the past year many duplexes have been built in the area, and there have been no new single-family homes constructed for the past several years. There are several duplexes in existence which front on Manor Road. The applicant bought this property several years ago, and he wishes to build fourplexes, with access to both Manor Road and Jack Cook Drive. This request is not an intrusion, but a logical use for this property in relation to the surrounding development and the street pattern. Manor Road is a major arterial street, and will logically have mixed zoning. The proposed use is preferable to duplex development, as it is on a major arterial street.

Arguments Presented AGAINST:

Mr. Robert Simpson, 6301 Hyside, which is directly across Manor Road, stated that the area residents do not object to the single-family character of duplexes,

C14-70-229 C. L. Briggs--contd.

but they do object to more intensive development. The residents have presented a petition to the Commission against this request, with 19 signatures. They wish to preserve this residential neighborhood.

Arguments Presented IN REBUTTAL:

Mr. Selman stated that the area across Manor Road is still restricted and the proposed development will not affect this area. With the University moving out, there will be more intensive use of the property along major arterial streets for apartments. The proposed use will be better suited for the area than apartment development. There are six lots in this tract, which will be developed individually, with a maximum of 24 housing units.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Becker stated that multiple driveways on major arterial streets are very undesirable. It would be better to restrict access to only Jack Cook Drive.

The members felt that the majority of the objections came from residents in the area across Manor Road.

The Committee reviewed the information and concluded that this request should be granted, subject to the following requirements:

1. The tract will be developed with minimum of 6 separate lots.
2. There will be no access to Manor Road, due to the heavy traffic.
3. Five feet of right-of-way on Jack Cook Drive.

The Commission discussed the traffic problems on Manor Road; there will be a 25 foot setback required from both Manor Road and Jack Cook Drive. They concluded it would be better to limit the access to Jack Cook Drive. The Commission concurred with the Committee recommendation and unanimously.

VOTED: To recommend that the request of C. L. Briggs for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 6224-6304 Manor Road be GRANTED, subject to the following requirements: the tract to be developed with the minimum of six separate lots; access to be restricted to Jack Cook Drive; and the requirement of 5 feet of right-of-way on Jack Cook Drive.

C14-70-230 Fay C. Sawyer: 0 to GR
1601-1607 Fort View Road

STAFF REPORT: This tract of land, fronting on Fort View Road, consists of 24,450 square feet and is proposed for the uses as permitted by such zoning. "A" Residence zoning exists across Fort View Road and is developed with single-

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C14-70-230 Fay C. Sawyer--contd.

family uses on very large lots. A carpet cleaning store and a meter repair service exist at Clawson Road and Fort View Road. This area on the south side of Fort View Road is zoned "O" Office. At least three applications for "GR" General Retail zoning have been granted on the north side of Fort View Road. Predominant zoning to the south on either side of Ben White Boulevard is "GR" General Retail. A shopping center is located to the south across Ben White Boulevard. The staff recommends the request subject to 21 to 25 feet of right-of-way on Fort View Road as has been dedicated in the past on the adjacent property.

TESTIMONY

WRITTEN COMMENT

Truman H. Montandon: 2412 Northe I. H. 35 FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman represented the applicant. This property is leased for the construction of a new White's store, which makes the "GR" General Retail zoning necessary. The right-of-way requirement is acceptable.

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 this area, subject to 21 feet to 25 feet of right-of-way on Fort View Road.

At the Commission meeting, the staff reported that a letter of agreement on the right-of-way requirements has been received.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Fay C. Sawyer for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 1601-1607 Fort View Road be GRANTED, subject to 21 feet to 25 feet of right-of-way on Fort View Road.

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C14-70-231 Fred Wong: A to B
2512-2514 Thornton Road

STAFF REPORT: This tract of land, fronting on Thornton Road, consists of 15,201 square feet and is proposed for apartment development. A proposed 20 acre mobile home park, zoned "LR" Local Retail, is located 500 feet to the south. The special permit allowing 160 mobile home units was approved for this site in 1969. The predominate zoning of this sparsely developed area is "A" Residence. "BB" Residence zoning fronting on Thornton Road and "C" Commercial zoning along the railroad is located several lots north across Thornton Road and some of the land is used for storage. Two single-family residences exist immediately across Thornton Road. Thornton Road is proposed to be extended to Lightsey Road with the development of the mobile home park.

The staff does not object to "B" Residence zoning, but because of the limited access to this interior area from Oltorf Street, and not wishing to set a precedent for more intensive zoning, the staff would prefer "BB" Residence zoning subject to 5 feet of right-of-way on Thornton Road. There are about 27 acres zoned "A" Residence in the immediate area which would be influenced by rezoning. Rezoning the total area "BB" Residence would permit about 550 units and rezoning to "B" Residence would permit about 1,100 units. Limited access favors "BB" Residence as the appropriate zoning for the area.

TESTIMONY

WRITTEN COMMENT

Mrs. Winnie L. McCoy: 2505 Thornton Road
Morris R. Kieke: 2509 Thornton Road
J. R. Williams: 3304 Windsor Road

AGAINST
AGAINST
AGAINST

PERSONS APPEARING AT HEARING

Fred Wong (applicant)

SUMMARY OF TESTIMONY

Mr. Fred Wong stated that as the area to the south has been zoned "LR" Local Retail for the mobile home park, he feels that "B" Residence, First Height and Area is logical zoning for the tract. The area is changing, with "BB" Residence and "C" Commercial zoning to the south. The right-of-way requirement is acceptable. He would prefer the "B" Residence to the "BB" Residence for the development of this tract.

No one appeared in opposition to the request.

699.

C14-70-231 Fred Wong--contd.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Chamberlain requested information on the width of Thornton Road. The staff reported that it is inadequate at this time. It will be widened to 60 feet of right-of-way with 40 feet of paving to Lightsey Road.

The Committee reviewed the information and concluded that this request should be denied, due to the limited access in this area, but recommend the granting of "BB" Residential, First Height and Area, subject to 5 feet of right-of-way on Thornton Road.

At the Commission meeting, Mr. Kinser requested information on the difference in density between "B" and "BB" Residence, First Height and Area. The staff reported that with "B" Residence zoning, approximately twice as many units could be built as could be constructed in "BB" Residence zoning. Mr. Kinser stated that the uses already in existence in the area cause more traffic congestion than "B" Residence zoning would, and he feels that "B" Residence, First Height and Area the logical zoning for this tract.

Mr. Reeves noted that "C" Commercial zoning exists one lot down the street, with "LR" Local Retail just south of the tract. Eight units could be built under "BB" Residence zoning, with 15 units maximum under "B" Residence zoning; however, the parking requirements will probably prohibit the construction of 15 units. Mr. Reeves then made the motion to grant "B" Residence, First Height and Area zoning, which failed to carry by the following vote:

AYE: Messrs. Chamberlain, Reeves, Milstead and Kinser
 NAY: Messrs. Taniguchi, Crier, Anderson and Goodman
 ABSENT: Mr. Becker

The Commission then unanimously

VOTED: To recommend that the request of Fred Wong for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2512-2514 Thornton Road be DENIED, but recommend the granting of "BB" Residence, First Height and Area subject to 5 feet of right-of-way on Thornton Road.

C14-70-232 Joe Gilbreth: Int. A, Int. 1st to B, 1st
 Rear of 2729-3017 South Interstate Highway 35

STAFF REPORT: This tract of land consists of 15.68 acres and is proposed for the development of apartments. This site was annexed by the City on November 19, 1970, and the 352 feet between this site and I. H. 35 is zoned "GR" General Retail. The area to the north, east and south is outside the City. The subject tract falls within the proposed Greenbriar Subdivision. The subdivision was disapproved pending annexation and zoning. The staff has worked with the applicant for several months on land use and street needs for this area. It was agreed that with the anticipated apartment use of the land adjoining this tract

C14-70-232 Joe Gilbreth--contd.

to the south and the proposed extension of Parker Lane and an east-west collector street within the subdivision, the staff could support an application for "BB" Residence zoning on Block G of the subdivision only. "BB" Residence zoning permits the number of units which the applicant stated he intended to build. This zoning should be subject to the approval of a final subdivision plat.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Joe Gilbreth (applicant)
Thomas Watts (representing applicant)

SUMMARY OF TESTIMONY

Mr. Thomas Watts represented the applicant, pointing out the surrounding uses and zoning in the area, which are "BB" Residence and "GR" General Retail zoning. It is felt that the zoning requested is a logical extension of the existing pattern in the area. The applicant wishes to build 25 to 26 units per acre to get 290 units. The site is transgressed by an H-frame power line, which is an undefined easement. The applicant is working with the LCRA on this problem. One-half of a 60 foot street and one-half of a 70 foot street will be taken from the tract.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that the density could be achieved under "BB" Residence, First Height and Area, as he has developed many apartments in that area. This decision will affect much undeveloped land in the area.

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 appropriate zoning for the site, subject to approval of a final subdivision plat.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe Gilbreth for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at the rear of 2729-3017 South Interstate Highway 35 be DENIED, but recommend the granting of "BB" Residence, First Height and Area, subject to approval of a final subdivision plat and required right-of-way.

C14-70-092 Jack Andrewartha and/or Austin Southwest Development Company: Int. A, Int.
 Rear of 1212-1700 Barton Hills Drive 1st to BB, 1st (as amended)

STAFF REPORT: This application is on a tract of 10.36 acres to the north of Barton Hills Drive, with the proposed use the development of an apartment complex. The tract falls within the 50 to 100 year flood plain as identified by the study of the area conducted by the United States Corps of Engineers, and is also within the area designated as open space in the preliminary Barton Creek Plan prepared by the Parks and Recreation Department. The property is immediately west and upstream from the Barton Creek Pool and along the eastern boundary of Barton Creek. To the south of this tract is Barton Hills Drive, with primary usage for single-family residences. Barton Hills Drive is a collector street for the subdivision. A portion of land abutting this tract is being developed with duplexes. There is a 25-40 foot drop in elevation to the subject tract, which is level, then a second drop in elevation to the creek channel. Immediately adjacent and upstream to this tract is an area being developed with single-family residences. On either side of Trailside Drive are duplexes. There has been apartment zoning granted both to the south and north of Barton Hills Drive. There is also a small area of "LR" Local Retail zoning southeasterly of the subject tract. One apartment complex exists at the corner of Trailside Drive and Barton Hills Drive, the remainder of the area zoned for higher density use is undeveloped. The area adjacent to the tract which is outside the City limits is included in a subdivision plat for development with single-family units. The public land abutting this tract is owned by the City and is part of the Zilker Park complex, and immediately across the creek from this tract is City-owned land, extending up to Campbell's Hole. The primary access roads to the subject property are Barton Hills Drive in a northerly direction, leading to Robert E. Lee Road and to the south, Barton Hills Drive extending to Barton Skyway. The tract will be served by a cul-de-sac which will extend southerly to Barton Hills Drive; it will be 60 feet of right-of-way with 40 feet of paving. The interior of the tract will be served by two long private drive cul-de-sacs along the bluff line parallel to the creek. There are two studies pending on this area, one by the United States Corps of Engineers which has been requested by the City, to obtain 50 year and 100 year flood plain figures for the lower portion of the Barton Creek watershed, primarily from MoPac Boulevard to the Colorado River. This data is complete and shows the subject tract within these flood lines. The tract also falls within the 25 year flood plain used by the City in consideration of subdivision planning. The Planning Commission is currently working on flood plain information, but there is no official plan or policy to date, other than the 25-year flood plain previously used. The second study which is underway is the land use plan for Barton Creek, which extends from the Colorado River to the MoPac crossing. This plan has been submitted to the Planning Commission and to the City Council, but no action has been taken as yet. The staff recommendation is that the request for "B" Residence, First Height and Area be denied. It is recommended that "BB" Residence, First Height and Area be granted, subject to

C14-70-092 Jack Andrewartha and/or Southwest Development Company--contd.

the following items:

1. Elevation of living space above the 100-year flood level.
2. Provision for parking under all buildings.
3. Provision for 1/3 of the tract for open space, particularly a 20-50 foot strip along the property line adjacent to the creek.
4. Approval of a final subdivision plat.
5. Approval of a special permit.
6. Approval of a permit by the City Council for construction within the area of the 25-year flood plain.

Mr. Taniguchi stated that this is a zoning hearing and requested that all testimony be on the question of whether the subject property is appropriate for apartment use. The Planning Commission has previously recommended to the City Council that the subject property be acquired, toward the implementation of the Barton Creek Green Belt Plan proposed by the Parks and Recreation Department. As the Council has taken no action, the applicant has requested zoning, which is to be considered as a zoning case.

TESTIMONY

WRITTEN COMMENT

L. E. Schroeder	AGAINST
Mrs. Liz Farmer: 1909 Robbins Place	AGAINST

PERSONS APPEARING AT HEARING

Jack Andrewartha (applicant)	
Richard Baker (representing applicant)	
Mr. & Mrs. R. Bruce Johnston: 2705 Rockingham	AGAINST
James S. Sherman: 3504 Robinson	AGAINST
Mr. & Mrs. J. H. Arnette: 2401 Spring Creek	AGAINST
Mr. & Mrs. Robert Floyd: 1715 East 38th	AGAINST
Mr. & Mrs. John Scheib: 1800 Barton Hills Drive	AGAINST
Mr. & Mrs. Fred DuPuy: 2411 Scenic Drive	AGAINST
Major & Mrs. Wallace E. Mitchell: 2503 Deerfoot Tr.	AGAINST
Mr. & Mrs. Richard Gautier: 2500 Deerfoot Tr.	AGAINST
Mr. & Mrs. Joe Strongbow: 2400 Deerfoot Trail	AGAINST
Mr. & Mrs. James Pruitt: 3408 Northland Drive	AGAINST
Mr. & Mrs. Wayne Holtzman: 3300 Foothill Drive	AGAINST
E. L. McCormick: 1115 Red Bud Trail	AGAINST
W. D. McCormick: 1115 Red Bud Trail	AGAINST
William C. Tucker: 709 West 26th Street	AGAINST
Mrs. Craig E. Whitfill: 810A Graham Place	AGAINST
Barney Welch: 8606 Parkfield	AGAINST
Mrs. Ben H. White: 2707 Mt. Laurel Drive	AGAINST
Mrs. Millard H. Rund: 3416 Foothill Terrace	AGAINST
Mrs. D. R. Stearns: 4420 Stearns Lane	AGAINST

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Mrs. L. A. Dailey: 2307 Spring Creek	AGAINST
Frank Bolton: 2601 Rockingham Drive	AGAINST
Nan Bocker: 3801 Stevenson Avenue	AGAINST
Russell Fish: 2401 Windsor Road	AGAINST
Jerry D. Frazee: 5409 Darlington Lane	AGAINST
Mrs. George J. Dittmar: 4308 Red River	AGAINST
Mrs. George W. Bickler: 3213 Hampton Road	AGAINST
Carolyn Osborne: 8805 Silverarrow Circle	AGAINST
Mrs. Virginia M. Suits: 5109 Woodgreen Cove	AGAINST
Donald C. Berman: 7608 Rustling Road	AGAINST
Mrs. Kenneth Klein: 7709 Shoalcreek Blvd.	AGAINST
Martha Rogers: 4104 Deepwoods	AGAINST
Mrs. R. A. Southwood: 8617 Silver Ridge Drive	AGAINST
Rebecca Camp: 8900 Viking Drive	AGAINST
Mrs. Marion P. Chapman: 2504 Deerfoot Trail	AGAINST
Mike W. Butler: P. O. Box 1947	AGAINST
John A. Perrone: 2402 Briargrove	AGAINST
Mr. & Mrs. D. M. Lauderdale: 6601 Nasco Drive	AGAINST
Cliff Houy: 2603 Foxglen Drive	AGAINST
Donald N. Hayes: 1437 Circle Ridge	AGAINST
John C. Horton: 904 San Antonio	AGAINST
Bobby G. Luck: 2604 Foxglen	AGAINST
Larry W. Gooch: 1007 West 26th	AGAINST
Jerry B. Dorsey: 6200 Grove Drive	AGAINST
Dwight Micklethwait: Box 8207 U. T. Station	AGAINST
William W. Kuean: 1707 Hopi Trail	AGAINST
Lynn H. Perry: 9607 Hansford Drive	AGAINST
E. G. Vorwerk: 2304 Westworth	AGAINST
William Robertson: 3015 Washington Square	AGAINST
M. E. Oakes: 2507 Briargrove	AGAINST
Carol Ivey Moring: 1410 Red Bud Trail	AGAINST
John H. Faulk: 1420 Red Bud Trail	AGAINST
Mrs. John H. Hicks: 2305 Wilke Drive	AGAINST
Billie Bess Saustrup: 1405 Rabb Road	AGAINST
Suzanne Winckler: 1107 West 22nd Street	AGAINST
Robert D. King: 906 West 17th Street	AGAINST
M. T. McLean, Jr.: 1002 Lund	AGAINST
Jean Bringol: 9002 Rockcrest Drive	AGAINST
Dr. & Mrs. B. D. Tapley: 3100 Perry Lane	AGAINST
Mrs. S. D. Rich: 2604 Rock Terrace Drive	AGAINST
Mrs. Fagan Dickson: 3200 Bowman	AGAINST
Lucy M. Hurley: 6104 Shoalcreek Boulevard	AGAINST
A. P. Whitehead: 2607 Deerfoot	AGAINST
Mrs. Peggy Arbon: 5107 Turnabout Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker represented the applicant. This application was filed in June, 1970 and was set for hearing in July, 1970. At the request of members of

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the Planning Commission, the applicant agreed to postpone the hearing until September, 1970, as the Commission felt that it would be in the interest of the City to purchase this property. The City had taken no action toward the purchase of the property by September and he agreed to 60 days further postponement. In October, 1970, this hearing was set for this date. The adjoining property is "B" Residence, First Height and Area on the southerly portion of the tract. To the north is Interim "A" Residence property, which is also owned by the applicant and is undeveloped. Adjoining the "B" Residence zoned tract to the east is the apartment house development, "LR" Local Retail zoning, and an additional tract of "B" Residence zoned property, fronting on Barton Hills Drive. Across the street on Barton Hills Drive is a subdivision, Barton Hollow, all of which is zoned "B" Residence, First Height and Area. The subject property fronts on land owned by the City, portions of which are in the 25 year flood area. When the subdivision plat is filed on this tract, a portion of the land will be included in a drainage easement in accordance with procedures of the City. A portion of the land will be outside this drainage easement. The topography of this tract is unusual and relates directly to its proposed use for multi-family development. The bed of Barton Creek is approximately 60 feet lower than the bluff line which is behind the subject tract and to see the tract it is almost necessary to go to the bluff line and look over. To see Barton Creek from the tract, it is necessary to go to the second bluff line and look over it. The property is well-buffered from any adjoining residential property; on the north end is a substantial gully which cannot be developed, on the south side is the bluff, which varies from 25 to 30 feet in height. It adjoins land already zoned "B" Residence, First Height and Area. The area has been reclassified by zoning action taken since 1964, changing the characteristics of the land to multi-family development. The property will be served by a street, Spring Creek Drive, which will be 60 feet of right-of-way with 40 feet of paving, which will cul-de-sac with private driveways easterly and westerly. The traffic will then enter into Barton Hills Drive, which is 70 feet of right-of-way with 44 feet of paving, then to Jasmine Drive, which is 60 feet of right-of-way with 40 feet of paving, then into Robert E. Lee Road, which is an arterial street with 70 feet of right-of-way. Robert E. Lee is proposed to be extended to intersect with Lamar Boulevard and Riverside Drive. A 100-foot thoroughfare is proposed for this area which would intersect Barton Hills Drive. Under these conditions, all traffic problems will be resolved by widening the streets as development occurs. This area is close to the downtown area of the City. Efforts have been made to construct multi-family housing close to the downtown area to reduce travel time and transportation problems. After reviewing the staff recommendation, the applicant consents to amend his application to "BB" Residence, First Height and Area. All other requirements are acceptable to the applicant. It is felt that more than 1/3 of the area will be used for open space.

Mr. Jim Crozier, 2508 Spring Creek Drive, stated he has lived in this area for six years. Due to the size of Barton Hills Drive, it was obvious at the time he purchased his property that this was to be a main artery. He was also aware of the "B" Residence and the "LR" Local Retail zoning. The applicant has had much difficulty with the development of this tract. This request is a logical extension of zoning and an orderly plan of development. The approval of this request should be recommended.

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Arguments Presented AGAINST:

Mr. A. P. Whitehead, 2607 Deerfoot Drive, stated that when he purchased his home he was assured by the builder that the area would be developed as single-family residential. This proposed development will adversely affect the value of his home, the quietness of the street and the quality of the area. The developer is disregarding the people who have purchased the many homes in the area. The applicant has other property which is undeveloped which would be more suitable for apartment development. The homeowners who bought to be able to look at the beautiful view, will now look out upon apartment houses. In addition, this is the forerunner of making Barton Springs a pothole. Such intensive development cannot help but have a detrimental effect on the springs. While the City needs to be developed, responsibility should be taken for the preservation of this beautiful area. Developers and environmentalists should get together and plan for the development of the City; at the present time it is a combat situation. The City has been good to the developers; they should, in turn, help to preserve the resources of the City and save them for posterity.

Mr. Russell Fish, President of the Austin Environmental Council, quoted the following statement from the Austin Development Plan:

"Areas which best exhibit the natural beauty of the Austin area should be preserved in reservations. There is no specific minimum size and reservations may range from several hundred acres to well over 1,000 acres. They serve the entire urban area. When fully developed, it is desirable for such areas to have lake or creek frontage, picnic facilities, overnight camping areas, sports fields, hiking and riding trails, shelter facilities, and parking areas. Greenbelts or parkways should be located along natural features such as streams and ridges and as buffers between thoroughfares and residential areas. Preferably they should connect parks and schools and provide hiking and riding trails. The majority of the greenbelts shown in the Plan are more than pleasant park-like areas in that they follow the major creeks and waterways. Thus they serve the further purpose of preserving the natural channel for drainage, thereby preventing damage to homes and businesses."

The Austin Development Plan was adopted by the City Council in 1961. It designates a greenbelt on both sides of Barton Creek. This plan should not apply to some people and not to others; this request should not even be under consideration. Much time has been spent by the Planning Commission and the citizens of Austin in consideration of a Flood Plain Ordinance. Speaker after speaker has stated that such an Ordinance is not needed, that a Flood Plain Ordinance already exists. There is a prohibition against building in the 25 year flood plain and this property is within that area.

Mr. Frank Bolton, 2601 Rockingham Drive, stated that this case cannot be considered from the standpoint of planning and zoning concepts, but from the logical use of the natural resources, due to its location along Barton Creek. In other instances of his development of land, the applicant has leveled many of the trees and effectively destroyed the natural beauty of the area. Planners and architects, particularly those in the eastern part of the United States, have agreed

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that natural terraces along streams should not be developed, but these ideas do not seem to have reached Austin as yet. This area is beautiful and should be considered as a whole, not piecemeal as is being done.

Mr. Donald Berman, Chairman of the Austin Regional Group of the Sierra Club, stated that one out of every 400 registered voters in the City belongs to the Sierra Club, which is indicative of a very high interest in the City toward preserving its natural resources. They want their children and grandchildren to be able to enjoy the woods and streams as they have been able to do. Approval of this request can only mean turning Barton Creek into an open, concrete-lined culvert to protect those apartment houses, which will be done at the expense of the taxpayers. If this type of development is allowed the City will become a concrete jungle, instead of the River City in the hill country. The City has been generous to the applicant in his many years as a builder here, through the utility rebate system. To grant this zoning so that more profit can be milked from the land is absurd; it would be more appropriate that he dedicate this land to the City in gratitude for the many improvements the City has paid for on his past development. Changing the zoning will increase the value of this land in case of the eventual sale of it to the City; the Planning Commission should not be a party to such tactics. It was announced through the news media today that the City is negotiating for the purchase of 200 acres on the other side of Barton Creek. Perhaps the applicant is asking too much for his land. The applicant will either be a responsive, responsible citizen of Austin and sell the land to the City at a reasonable price, or he will build a bunch of ticky-tacky houses on stilts that the other residents have to look at. The members of the Sierra Club and the citizens of Austin are relying on the Planning Commission to protect them from unreasonable and unnatural development.

Mrs. A. P. Whitehead, 2607 Deerfoot Drive, requested that the applicant consider the feelings of his three grandchildren when they consider his actions in the future.

A member of the audience requested information as to the difference in zoning classifications.

Mr. Taniguchi explained that the difference is between single-family, duplex and apartment requirements, and the increase in paving and runoff factors.

Mr. Richard Gautier, 2500 Deerfoot Trail, feels that the present traffic is very heavy, emptying into Robert E. Lee Road, which is two-lane traffic. Barton Hollow is not completely developed. Better streets are needed to handle existing traffic; more traffic will present a great hazard.

Mrs. Oren Poague stated that as the Capitol of the state, the citizens of Austin have a moral obligation to preserve the City for all the people of the state, who also enjoy and admire its natural beauty.

Jean Bringol, 9002 Rockcrest Drive, represented the Friends of Environment, a group of Austin homemakers who are interested in preserving the City. Fifteen million dollars has been requested by the City Drainage Department to repair existing

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damage to property along Shoal Creek. This area under consideration affects even more people. This example should show that this request should not be granted.

A member of the audience stated that this area should be protected and preserved as a greenbelt. The land should be bought, but if the City cannot afford it, the privilege to limit the density of its development should not be given up.

Mr. Wayne Holtzman, 3300 Foothill Drive, stated that he is one of the many Austin citizens who uses the Barton Creek area for recreation. This is a unique and unparalleled resource of the City. It has continuous flow of clear, unpolluted water, beautiful pecan trees, bluffs and rock ledges, and is one of the most beautiful spots in the world. If this land must be developed, single-family homes would not be so harmful and intrusive as cliff-dwelling type apartment development will create. The many people who use this recreational area daily should be considered in this decision.

Mrs. Fagan Dickson, 3200 Bowman, stated that the Planning Department helped in the creation of the Barton Creek Plan with the Parks and Recreation Department. It is most inconsistent that they have recommended zoning which will totally devastate this area and nullify the Plan. No one is denying the applicant the right to use his land as it is presently zoned, which would allow single-family development, although this development be unfortunate. It would be much better if the City could be given further opportunity to negotiate for the purchase of this land. The applicant has delayed the development of this land, he should now consider the welfare and the health of the City.

Arguments Presented IN REBUTTAL:

Mr. Baker stated that the Zoning Ordinance of the City of Austin states that a landowner should be able to utilize his property to the highest and best degree, considering all the factors pertaining to the use of this land. This is a unique piece of land. Since June of 1970, the applicant has postponed his zoning request to give the City an opportunity to acquire it. This property is for sale and will remain for sale throughout this zoning consideration, which will go through January, 1971. This property is surrounded by land which is zoned for multi-family development and is buffered from any residential development. The applicant will not destroy any of the existing trees along the creek. The streets in the area have been designed for high-density traffic and will be widened as development occurs.

The resident who would be most affected by this development has stated that he approved the requested zoning and was aware that the area would be developed for multi-family use. Mr. Baker presented to the Committee letters stating approval of this request from the two other landowners whose property abut this tract.

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COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested that the audience be informed of the time involved in the process of obtaining subdivision of property; the staff stated that ten weeks is the normal time required. This case has been approved subject to departmental reports.

Mr. Taniguchi stated that the initial recommendation of the Planning Commission to the City Council was that the subject property be acquired, which reflects their unanimous opinion that the highest and best use of this property is for open space. He stated that his personal opinion is that this is still the best use for the land, particularly because of its relationship to Zilker Park and Campbell's Hole, both significant landmarks which contribute to the outdoor recreational activities of all the people of Austin, and its relationship to the Green Belt Plan proposed by the Parks and Recreation Department. On this basis, the City must acquire this land. Topographically, this land is separated from other private development by a very high bluff to the south. It is physically more contiguous with Zilker Park than it is with the land on top of the bluff. The property is obviously in the flood plain, with a pecan bottom, which is characteristic of bottom lands of watersheds. The increasing intensity of the use of Zilker Park is obvious. The acquisition of the subject property will allow the extension and expansion of these facilities and will bring Campbell's Hole within walking distance for the public. Acquisition of this property will be a major beginning in the implementation of the Green Belt Plan. The City can develop and maintain a parkway connecting Campbell's Hole and Zilker Park, and later a parkway can be continued further up the creek. A decision to acquire this land by the City Council will mean that, in their opinion, the land will be more beneficial to the residents of Austin as a park, than as a private development benefiting a few, and the citizens of the City must be willing to support such a decision. The land is an invaluable asset to all the people of Austin. It should also be recognized that a developed parkway adjacent to private landholdings will appreciate the value of the property. The importance of this land as public open space has been expressed by the previous recommendation of the Planning Commission. It is disappointing that the Commission is in the position of having to consider this land for any other use. Mr. Taniguchi stated that he felt that the recommendation should be denied, and the recommendation be made to the City Council again that this land be acquired. In addition, it should be recommended that the City Council adopt the intent of the Parks and Recreation Department's Green Belt Plan, so that future considerations of land use along Barton Creek can be considered in that light. This type of master plan is needed so that intelligent decisions can be made. This is one of the most critical issues which has come before this Committee.

Mr. Reeves stated that he found himself in the position of concurring with the opponents, but with sympathy for the landowner because he has encouraged the City to acquire the land. He concurs with Mr. Taniguchi's feelings on the preservation of Barton Creek, yet from a zoning viewpoint it is not fair to hold any piece of land unused for so long a period of time. The City Council has had ample time to purchase this property. The Planning Commission is in an awkward and unfair position as they have been asked to make this decision from a zoning viewpoint; the staff recommendation would seem to be logical.

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Mr. Goodman stated that he feels that the City should acquire this land, but this Committee is a body for the hearing of zoning cases. The majority of the citizens of the community want this tract of land for a park; there is deep concern for our environment. On the merits of the zoning case as heard, "BB" Residence First Height and Area, will be appropriate use for this tract "A" Residential is not the highest and best use for the property due to its location and configuration.

Mr. Chamberlain stated that a few weeks ago the Planning Commission recommended to the City Council that this land be purchased. The City needs green belts; at the same time, as a taxpayer, the City should either purchase or condemn the property.

Mr. Taniguchi stated that a green belt or a park is also a form of zoning, if it is the best use of the land.

Mr. Reeves stated that he concurred, but the factors involved with the time element on this tract exist. The Planning Commission has been charged with the responsibility of acting on zoning cases.

The Committee reviewed the information and discussed at length the location of the tract, which is adjacent to Barton Creek and is included in the area which the Planning Commission recommended for purchase to the City Council. Mr. Taniguchi stated that the highest and best use of this tract is as open space and recreation area and should be purchased by the City. Mr. Reeves stated that the applicant has given the City Council more than ample time to purchase this property and from the standpoint of his investment in the property, it is unfair to delay the zoning of this property longer. Mr. Goodman stated that he, too, feels that the City should acquire this tract, but as they have taken no action, the zoning request must be considered and acted upon. The following recommendation was then made:

To recommend to the Planning Commission that the Commission's strong recommendation for the purchase of this land be reiterated to the City Council;

To further recommend to the City Council their formal acceptance of the Barton Creek Plan;

If no action is taken by the City Council, to recommend the granting of "BB" Residence First Height and Area, subject to 6 requirements:

1. Elevation of all living space above the 100 year flood plain level.
2. Provision for parking under all buildings.
3. Provision for 1/3 of the tract to be used as open space, specifically a 20-50 foot strip adjacent to the creek.
4. Approval of final subdivision plat.
5. Approval of special permit.
6. Approval of construction permit by City Council within the area of the 25 year flood plain.

AYE: Messrs. Goodman, Chamberlain and Reeves
NAY: Mr. Taniguchi
ABSENT: Mr. Becker

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At the Commission meeting, Mr. Richard Baker, representing the applicant, requested the postponement of this case for 30 days, as negotiations are being made with the City Council for the purchase of this tract. The Commission then unanimously.

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at the rear of 1212-1700 Barton Hills Drive be POSTPONED for 30 days.