

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- February 9, 1971

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

Present

S. P. Kinsler, Chairman
Jack Crier
Bill Milstead
Alan Taniguchi
Fritz Becker

Absent

C. L. Reeves
M. J. Anderson
Walter Chamberlain
Jack Goodman

Also Present

Richard R. Lillie, Director of Planning
Mike Wise, Associate Planner
Roy Headrick, Associate Planner
Walter Foxworth, Supervising Planner
Caroline Schreffler, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of February 1, and 2, 1971.

Present

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

Also Present

Walter Foxworth, Supervising Planner
Mike Wise, Associate Planner
Caroline Schreffler, Administrative Secretary

*Present only on February 2, 1971.

C14-71-001 J. C. Middleton: B to C
 1700 Manor Road

STAFF REPORT: This is a tract of land containing 14,000 square feet to be used for a plumbing business. The tract is owned by the same party who owns the retail plumbing store next door. Single-family and duplex residences exist along Manor Road. A cleaners, restaurant, car wash, service station, processing plant and drive-in grocery are all located nearby on Manor Road. "C" Commercial zoning exists along Manor Road on either side. "B" Residence zoning exists to the east and to the rear of the site. An apartment complex is established next door on the east. "A" Residence is the predominant zoning south of the Manor Road frontage property. The staff recommends that the request be granted as consistent with the existing commercial zoning. This tract does not have frontage so should be joined by subdivision to the tract to the west.

TESTIMONY

WRITTEN COMMENT

Dan Hart: 71 Hilbury Drive Houston, Texas FOR

PERSONS APPEARING AT HEARING

J. C. Middleton (applicant)

SUMMARY OF TESTIMONY

Mr. J. C. Middleton was present on behalf of his request. He stated that this tract is surrounded on three sides by commercial use, as the property to the rear is owned by the City and has a radio repair shop in existence. Further, the City has recently required an easement of twenty-five feet through the middle of this property for a large power line; this easement will be used for a driveway to the buildings or warehouses to be constructed.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of J. C. Middleton for a change of zoning from "B" Residence, First Height and Area to "C" Commercial First Height and Area for property located at 1700 Manor Road be GRANTED, subject to short form subdivision joining this tract with the tract to the west.

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

C14-71-002 George A. Webb: A to B
 1201 Ridgemont
 5601-5603 Cameron Road

STAFF REPORT: This application is requested for an individual office located in the applicant's home. The vacant lot adjoining this tract is included in this application to provide for off-street parking requirements. These two lots contain an area of 16,500 square feet. "A" Residence zoning and single-family homes predominate the area east of Cameron Road. Commercial development ceases with the intersection of Corona Drive and Cameron Road to the south. The same owner requested a zoning change on the northern lot of this request over one year ago. The Department and the Planning Commission were strongly opposed, and the neighborhood itself was in strong opposition. The applicant was permitted to withdraw the request. There is also another history in the area, which was denied. The staff recommendation is to deny the request as an encroachment into a single-family residential neighborhood.

TESTIMONY

WRITTEN COMMENT

Petition with 7 signatures	AGAINST
Thomas L. Millson: 1207 Ridgemont Drive	AGAINST
Charles E. McBride: 1204 Cloverleaf Drive	AGAINST
Charles D. Shader: 1205 Larkwood Drive	AGAINST
Lyndon L. Stuckey: 1205 Cloverleaf Drive	AGAINST

PERSONS APPEARING AT HEARING

Paul Jones (representing applicant)	
George A. Webb (applicant)	
H. L. Moore: 1313 Ridgemont Drive	AGAINST
Hattie Dowell Gilbert: 1202 Cloverleaf Drive	AGAINST
Mr. & Mrs. Lyndon L. Stuckey: 1205 Cloverleaf Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Jones represented the applicant. He introduced a map of the area which designated the commercial uses of nearby property. This tract is directly across the street from Capital Plaza Shopping Center. Two service stations and a drive-in grocery exist at the corner of Cameron Road and Corona Drive, which is one block from the subject tract. Across Ridgemont Drive to the north is a single-family home, but is used as a nursing home with six patients. There are several businesses in homes in the area.

There are only nine structures being used for single-family occupancy on the east side of Cameron Road between 51st Street and Highway 290. It is felt that the very heavy traffic on Cameron Road renders this tract unsuitable for single-family use. Access for this property would be from Cameron Road,

C14-71-002 George A. Webb--contd.

and the applicant feels that privacy screening on the east property line is in order, to protect the adjoining property owners. The applicant will not change the character of this residence, as his primary reason for requesting this change is to enable him to conduct his business in his home and supervise his three children at the same time. He has a one-man insurance business, which he operates out of his living room. The screening which will be provided will be a benefit to the neighbors by protecting them from the traffic noises.

Mr. Reeves suggested that as the area is deed restricted, it would be more desirable to zone only the area of the house, rather than the lot and the vacant lot next door, as has been requested. Mr. Jones stated that he would strongly recommend this suggestion to his client.

Arguments Presented AGAINST:

Mr. Lyndon Stuckey, 1205 Cloverleaf Drive, read from the deed restrictions which expressly prohibit such usage in this subdivision. Mr. Reeves explained to Mr. Stuckey that deed restrictions are a matter of law, while this zoning consideration is concerned strictly with the use of the land. These deed restrictions would have to be enforced through legal action. Mr. Stuckey stated that he did not feel that Mr. Webb spent enough time with his children at this time. In addition, the applicant has an occupied trailer on his lot, which is in violation of the deed restrictions. This proposal would create even more traffic in the residential area. This use is presently causing on-street parking which presents a hazard.

Arguments Presented IN REBUTTAL:

Mr. Webb stated that he felt the statement of the Committee concerning the deed restrictions and the different problem of the police power regulation of the City is appropriate. There are several businesses operating out of homes in the immediate area, which indicates that the area use has changed. There is heavy traffic along Cameron Road, but the operation of this business should not add to it. As to the on-street parking, this is regulated by the City at its discretion.

Mr. Taniguchi requested information on the present use of this residence; the staff reported that the applicant is in violation of the Ordinance.

Mr. Reeves stated that, as in the earlier application, he feels that the requested zoning should be granted on the metes and bounds of the residence, which would be one-half of the lot facing Cameron Road. This tract is across the street from Capitol Plaza and apartment development, one lot away from a service station and adjacent to one of the busiest streets in the City. The deed restrictions will effectively prohibit the enlargement of the existing facility.

Mr. Becker stated that this request sets a precedent for a very large area. While traffic is heavy on Cameron Road, this decision still affects many homeowners.

C14-71-002 George A. Webb--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the information and were cognizant of the development across Cameron Road and the heavy traffic on Cameron Road. However, the request sets a precedent for the area and would be an intrusion into this residential neighborhood. The Committee then

VOTED: To grant "B" Residence, First Height and Area for the metes and bounds of the residence only. This motion was denied by the following vote:

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

At the Commission meeting, Mr. Kinser stated that this residential area deserves protection, as there are many nice homes there. Although there is commercial development nearby, this request sets a precedent which will affect a very large area. The Commission then

VOTED: To recommend that the request of George A. Webb for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1201 Ridgemont Drive and 5601-5603 Cameron Road be DENIED.

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

C14-71-003 James A. Harper: A to GR
 2929 East 12th Street

STAFF REPORT: This is a tract of land containing 12,720 square feet to be used for the maximum use allowed under "GR" General Retail zoning. East 12th Street is a major collector street. "B" Residence, "O" Office, "LR" Local Retail and "C" Commercial zonings are established throughout the area along East 12th Street. Single-family residences are developed here as well as a grocery, cafe, and washateria. Several nearby lots have been granted "LR" Local Retail zoning in recent months. The staff recommends the request be granted, as consistent with existing zoning.

TESTIMONY

WRITTEN COMMENT

Walter Johnson: 2938 East 12th Street
 John R. Rainey, Jr.: 8 Medical Arts Square
 Petition with 6 names
 Petition with 3 names

AGAINST
 AGAINST
 AGAINST
 AGAINST

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C14-71-003 James A. Harper--contd.

PERSONS APPEARING AT HEARING

Jack Ritter, Jr. (representing applicant)	
Mr. & Mrs. Lawrence Owens: 1189 Hargrave Street	AGAINST
C. L. Harris: 2940 East 12th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Jack Ritter, Jr., represented the applicant. There is one single-family residence on this tract and the applicant wishes to place a second dwelling on the lot. This development is in conformity with the uses in the area. Mr. Foxworth of the staff explained that the zoning will not allow another residential structure on the tract, unless it is tied to the other structure, creating a duplex. Mr. Ritter will inform his client of this requirement.

Arguments Presented AGAINST:

Mr. Lawrence Owens, 1189 Hargrave Street, voiced his objection to this request. The residents of the area have lived quietly for many years; they feel that this zoning classification allows many uses and will contribute much noise and traffic to the area. The owners of this property do not live in the area and will not be affected by this use. There is concern that the requested zoning would allow the sale of beer for consumption on the premises of the development. Mr. Owens pointed out that there are three churches in the immediate area and this use would be detrimental to them. Mr. Reeves explained that a City Ordinance prohibits the sale of beer within 300 feet of a church, regardless of the zoning. Mr. Owens stated that he had talked to many of the residents of the area and their primary objection is to the sale of beer, as they feel such use will create traffic, noise and disturbances in the neighborhood. He presented a petition signed by twenty-one residents.

Mr. Charles Harris stated that he had lived in this area for many years. This is a quiet neighborhood with good citizens. The commercial development in existence has created much traffic, and this application will add even more. The applicant presently has moved another house to the back of this lot, which has created on-street parking which blocks the driveways of the neighbors. The homeowners in this neighborhood pay taxes and feel that their protection should be considered.

Arguments Presented IN REBUTTAL:

Mr. Ritter stated that he felt the residents were confusing this lot with an "LR" Local Retail used lot nearer Harvey Street, which is used for storing equipment. The applicant will not violate any provisions of the City Charter or the Zoning Ordinance of the City.

The Committee briefly discussed the differences between "LR" Local Retail and "GR" General Retail zoning. The general retail classification allows

C14-71-003 James A. Harper--contd.

commercial uses of greater intensity to serve more than just the local area. The staff explained that general retail use for this tract is in conformance with the development in the area. General retail zoning exists to the east of this tract, and there are two recent histories of "GR" General Retail and "LR" Local Retail zoning changes nearby.

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

VOTED: To recommend that the request of James A. Harper for change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2929 East 12th Street be GRANTED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-004 Louis A. Joseph: A to C
9108-9120 North Interstate Highway 35

STAFF REPORT: This application is for a tract of land containing 35,700 square feet to be developed with uses consistent with said zoning. "GR" General Retail and "C" Commercial zoning are established along I. H. 35 and in several nearby locations "GR" General Retail and "C" Commercial zoning is pending. Service stations and various commercial developments exist along I. H. 35. "C" Commercial adjoins the property on the south as well as a pending case for "C" Commercial zoning. These cases have been recommended by both the staff and the Planning Commission. The staff recommends this request be granted, subject to 5 feet of right-of-way on Middle Lane.

TESTIMONY

WRITTEN COMMENT

Richard Dorrell (representing applicant)

Truman H. Montandon: 2412 North Interregional Highway FOR

PERSONS APPEARING AT HEARING

Richard Dorrell (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Dorrell, representing the applicant, stated that a precedent of commercial and general retail uses has been set in the area and this is felt to be the best use for this property. The applicant is agreeable to the right-of-way requirement.

C14-71-004 Louis A. Joseph--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Louis A. Joseph for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 9108-9120 North Interstate Highway 35 be GRANTED, subject to five feet of right-of-way on Middle Lane.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-005 Valentine Gonzales: A to GR
1213 Holly Street

STAFF REPORT: The requested tract of land contains 7,550 square feet and is proposed for the use of a lock and key business. This residential neighborhood contains several commercially zoned lots. The Geriatrics Center is one block to the south. "A" Residence zoning predominates the area, but "LR" Local Retail, "GR" General Retail and "C" Commercial zoning are located along I. H. 35. Several lots to the east have been zoned many years for commercial type uses but have never been developed. This area is in the Model Cities program and also in an approved Intensive Code Enforcement area. The staff recommends that "A" Residence be retained in order to strengthen the residential character of this neighborhood, and that "GR" General Retail, First Height and Area be denied.

TESTIMONY

WRITTEN COMMENT

Refugio Sandoval: 1203 Holly Street	FOR
Joe Mojica: 1215 Holly Street	FOR
Standard Mortgage Company, Inc.: P. O. Box 1987	FOR

PERSONS APPEARING AT HEARING

Valentine Gonzales (applicant)

SUMMARY OF TESTIMONY

Mr. Valentine Gonzales stated that he has a key shop in his home, with most of the work being done outside his home for apartments and automobiles.

C14-71-005 Valentine Gonzales--contd.

At times customers stop by his home to get keys made. This service does not take up very much room and is convenient. He cannot afford to open a key shop at another location. The adjoining residents do not object to this operation. There is also some light welding done, such as for pots and pans. Mr. Gonzales has a store licence to operate from his truck.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that he did not see a great difference between selling keys and insurance; the staff explained that the keys are manufactured and this use requires the general retail classification.

Mr. Becker stated that there should be a provision to allow this type of use, but this change of zoning would set a precedent for the area.

Mr. Chamberlain stated that this is a residential area and should be protected, as ninety per cent of the homes in the area are family-occupied. The applicant will be able to continue operating out of his truck if this application is denied.

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

At the Commission meeting, Mr. Kinser stated that he feels that this area is changing and will be commercially used in the future in connection with the school and the fire hall.

Mr. Lillie of the staff pointed out that this area is in the Model Cities Program and the Code Enforcement Project. This area will be improved and maintained as a residential area.

Mr. Taniguchi stated that the Committee members had concluded that the neighborhood should be protected, and that the applicant could continue his business by operating his truck, for which he has a store license. The applicant has been doing some welding, which is a commercial use. The Commission then

VOTED: To recommend that the request of Valentine Gonzales for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1213 Holly Street be DENIED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-006 H. Morris Stevens and Jean Schieffer: A to B
4002-4030 Airport Boulevard

STAFF REPORT: This tract of land contains 2.79 acres and is proposed for apartment development. A single-family residential neighborhood exists to the west. Property located across Airport Boulevard is City property and is in use for airport facilities. Patterson Park and a church are located across Schieffer Avenue. The single-family residential neighborhood surrounding this site is "A" Residence. The staff recommends the request be granted as apartment zoning is a good buffer between single-family residences and a major thoroughfare. The Committee should consider some screening along the south and west property lines. Buildings can be placed within five feet of the property line.

TESTIMONY

WRITTEN COMMENT

W. Murphy
 Wilford Wallin: 4009 Vineland Drive
 Mrs. Bettye Baldwin

FOR
 AGAINST
 FOR

PERSONS APPEARING AT HEARING

Hubert H. Rossy (representing applicant)
 Bob J. Bailey: 2309 Windsor Road
 Ross MacElroy: 3911 Grayson Lane
 Raymond Joseph: 1816 West 40th Street

FOR
 AGAINST
 AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Hubert H. Rossy represented the applicants. This area is ideal for apartment development, with much development of apartments along Airport Boulevard. The planned construction will be good quality construction and will be an asset to the neighborhood. There is a twenty-foot easement at the rear of the property, which is a small creek.

Mr. Bob Bailey, the proposed purchaser of the property, stated that he plans to landscape the creek area, with walkways, etc. At the present time it is overgrown with weeds and is an eyesore.

Arguments Presented AGAINST:

Mr. Ross MacElroy, 3911 Grayson Lane, represented a group of residents in this neighborhood who strongly oppose this change in zoning. The purchasers of homes in this area were assured that no development other than residential would be constructed. He stated that he had not been notified of this hearing.

Mr. Raymond Joseph, 1816 East 40th, spoke against this request. He, too, was assured that nothing other than residential would be allowed

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C14-71-006 H. Morris Stevens and Jean Schieffer--contd.

in this addition. The area is predominantly brick homes, and is not deteriorating. This proposal would destroy the neighborhood.

Mr. Taniguchi explained that apartment development is considered residential, and, as the staff recommendation states, this proposal would provide a buffer to the neighborhood from Airport Boulevard.

Mr. Joseph stated that to the north are single-family homes facing Airport Boulevard. This is a good, quiet neighborhood and the residents feel that apartment development will be highly detrimental.

The staff reported that as all the residents within 300 feet were not notified of this hearing, the case must be postponed until next month.

COMMENTS AND ACTION BY THE COMMITTEE

At the request of the staff, this request is postponed for thirty days to allow re-notification of adjacent property owners.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of H. Morris Stevens and Jean Schieffer for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4002-4030 Airport Boulevard be POSTPONED for thirty days.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-007 Earl O. Wukasch et al: A to B and O
5206-5208 Huisache Street

STAFF REPORT: The proposed office development is on a site of 18,200 square feet and falls between commercial property on Lamar Boulevard and single-family residential to the east. This tract is directly behind a used car lot. Many commercial uses such as a drive-in grocery, antique shop, trailer sales and a pet shop exist along Lamar Boulevard. Apartments are developed three lots to the north. This request is for "B" Residence on the east 50 feet and "O" Office on the west 80 feet. The staff recommends the "O" Office zoning be granted, but recommends the "B" Residence zoning be denied, in order to prohibit commercial driveways to Huisache Street, as the street is not adequate to handle traffic generated by greater intensity of land use. If the "B" Residence zoning is granted, ten feet of right-of-way is required on Huisache Street.

C14-71-007 Earl O. Wukasch et al-- contd.

TESTIMONY

WRITTEN COMMENT

Raymond Renck: 609 Genard	AGAINST
R. G. Mueller, Jr.: 5200 North Lamar Boulevard	FOR
C. F. Goodenough: 5204 Huisache Street	FOR
Derden Wofford: 5212 Huisache	FOR
Mr. J. L. Lyckman: 606 Zinnia	FOR
Mr. G. A. McAden: 8116 B Exmoor Door	FOR
Norma Swape: 614 Genard	FOR

PERSONS APPEARING AT HEARING

Earl O. Wukasch (applicant)

SUMMARY OF TESTIMONY

Mr. Earl O. Wukasch introduced a site plan of the proposed development and stated that the staff recommendation of no ingress or egress on Huisache Street is agreeable. Mr. Reeves stated that this lot should not be left "A" Residential, due to its size, and suggested zoning all of the lot except a three-foot strip adjacent to Huisache Street. Mr. Gene Wukasch stated that there are two run-down houses on the rear portion of this tract. This application is an attempt to improve the property. The nearby residents do not object to this proposal.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "O" Office zoning should be granted on the west eighty feet of this tract and "B" Residence should be granted on the east forty-seven feet, retaining "A" Residence on the eastern boundary of three feet to control access. Privacy fencing is required on the three sides of the tract which abut residential development.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Earl O. Wukasch for a change of zoning from "A" Residence, First Height and Area to "B" Residence and "O" Office, First Heights and Areas for property located at 5206-5208 Huisache Street be GRANTED as follows:
 "O" Office zoning on the west eighty feet and
 "B" Residence zoning on the east forty-seven feet,
 retaining "A" Residence on the eastern boundary of three feet
 to control access. Subject to privacy fencing on the three sides
 of the tract which abut residential development.

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

C14-71-008 Bobby C. Denton: A to GR
 1110 Justin Lane
 6901-6905 Grover Avenue

STAFF REPORT: This tract of land contains 9,000 square feet and is for the use of an electrical contractor. The area is single-family and duplex residential, with no encroachment at this time. The staff recommends the Commission discourage rezoning along Justin Lane. Industrial and "LR" Local Retail zoning developed with manufacturing and other wholesale uses, and a large trailer sales concern are established along Lamar Boulevard and Justin Lane to the east. Justin Lane is classified as a major arterial street. The staff recommends the request be denied, as an intrusion into a residential neighborhood. If the request is granted, it will be subject to 15 feet of right-of-way on Justin Lane.

TESTIMONY

WRITTEN COMMENT

Don J. Jackson: 3810 Medical Parkway #203	FOR
Ray Yates: 1313 Richcreek Drive	AGAINST
James E. Patterson: 1404 Lavaca	FOR
Mrs. L. G. Richardson: 1201 Cullen Avenue	AGAINST
Leonora Schueter: 1208 Cullen Avenue	AGAINST

PERSONS APPEARING AT HEARING

Bobby C. Denton (applicant)	
Mr. & Mrs. Vernon H. Raines: 1203 Cullen Avenue	AGAINST
Mr. & Mrs. Carlos Johnson: 1206 Cullen Avenue	AGAINST
Mr. & Mrs. L. G. Richardson: 1201 Cullen Avenue	AGAINST
Mr. & Mrs. Lee R. Webb, Jr.: 1105 Cullen Avenue	AGAINST
George W. Weber: 1111 Justin Lane	AGAINST
Elizabeth M. Roberts: 1104 Justin Lane	AGAINST
W. P. Schueter: 1208 Cullen Avenue	AGAINST

SUMMARY OF TESTIMONY

Mr. Bobby C. Denton stated that he had operated one of three of his locations of his electric company from this address since 1963. In 1970 he moved, but now plans to move his residence and his business back to this site. He will maintain this residence and feels that it will not be a detriment to the neighborhood. There is heavy traffic in the area and a stop sign is needed. This location will be used as an office and for storing materials and four trucks.

Mrs. Elizabeth Roberts, 1104 Justin Lane, stated that this application is "block-busting" and will set a precedent for the area. While this area may become commercial in the future, it is residential now and should remain so.

C14-71-008 Bobby C. Denton--contd.

Mr. Reeves stated that there is very heavy traffic in this area, but to re-zone only one lot would be inviting the immediate re-zoning of the area. An area study should be made and the entire area should be recommended for re-zoning, if this is indicated. This application would seem to be premature.

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-defined neighborhood.

At the Commission meeting, Mr. Robert Davis, representing the applicant, requested that this case be postponed. The applicant feels that as the Committee indicated that a larger area would be more desirable, he would like to have time to work out this problem.

The staff reported that as a matter of procedure, this application must be sent on to the City Council, and the postponement may be requested at that time. The Commission then

VOTED: To recommend that the request of Bobby C. Denton for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1110 Justin Lane and 6901-6905 Grover Avenue be DENIED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-009 Garon Beverly: A to GR
944 East 51st Street

STAFF REPORT: This application is filed on a tract of land containing 5,200 square feet to continue the operation of a plumbing business. Single-family residences exist along 51st Street and the neighborhood is predominantly zoned "A" Residence. Several applications west of I. H. 35 have been granted in the past seven years. The "LR" Local Retail zoning at Harmon and 51st Streets was granted in 1964, and the small lot directly across 51st Street was recommended for "LR" Local Retail by the staff and the Planning Commission last year. It is presently pending right-of-way requirements. A mobile home exists on the adjacent property and a single-family dwelling is to the east. The staff recommends the request be denied, but that "O" Office or "LR" Local Retail zoning be granted in conformance with past recommendations and actions, subject to 15 feet of right-of-way on East 51st Street.

TESTIMONY

WRITTEN COMMENT

Miss Emma Marie Carlson: 1000 East 51st Street
Daisy Laybourn: 946 East 51st Street
Hugo E. Naumann: 937 East 52 Street

FOR
FOR
AGAINST

C14-71-009 Garon Beverly--contd.

PERSONS APPEARING AT HEARING

Mr. & Mrs. Garon Beverly (applicants)
R. D. Jones (representing applicants)

SUMMARY OF TESTIMONY

Mr. Robert D. Jones represented the applicant, pointing out several commercial uses nearby this tract under consideration. The applicant has owned this property since 1960 and has his office in the front room of the home with three storage buildings in the rear. This area is changing and the applicant wishes to be in conformance with the Ordinance of the City. Photographs of this property were submitted for the Committee's consideration.

No one appeared in opposition to this 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. Fifteen feet of right-of-way is required on East 51st Street.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Garon Beverly for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 944 East 51st Street be GRANTED, subject to fifteen feet of right-of-way on East 51st Street.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-010 J. Alan St. John: A to BB
5401-5403 Overbrook Drive
2908 Pecan Springs Road

STAFF REPORT: This application is on a tract of land containing 9,525 square feet to be used for apartment development. Single-family homes are developed extensively throughout this "A" Residence neighborhood. Commercial zoning is present at Pecan Springs and Manor Roads. Among the commercial establishments at this point and serving this area is a service station and a grocery store. To include apartment zoning at this point or anywhere within this developed neighborhood would be spot zoning and an intrusion. The staff therefore recommends that this request be denied. If the request were to be granted, it would be subject to five feet of right-of-way on Overbrook Drive.

C14-71-010 J. Alan St. John--contd.

TESTIMONY

WRITTEN COMMENT

Herminio M. Rodriguez: 2918 Pecan Springs Road
Burkson Williams: 5406 Overbrook

AGAINST
AGAINST

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

The staff reported that the applicant has requested the withdrawal of this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recommends the withdrawal of this application as requested by the applicant.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of J. Alan St. John for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 5401-5403 Overbrook Drive and 2908 Pecan Springs Road be WITHDRAWN.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-011 L. G. Alexander: Int. A, Int. 1st to GR, 1st
1703-1803 Dalton Lane
1706-1806 Old Lockhart Highway

STAFF REPORT: The proposed use of this tract, containing 2.16 acres, is for mobile homes and commercial enterprises. "B" Residence, "GR" General Retail, and "C" Commercial zoning is established on the east and north of this site. A pending application for "LR" Local Retail zoning is just south of the subject property and is developed with mobile homes. A cemetery is also located to the south. The staff recommends that the request be granted, as it conforms to the existing development and zoning history of the surrounding area, subject to eight feet of right-of-way on Dalton Lane.

TESTIMONY

WRITTEN COMMENT

None

C14-71-011 L. G. Alexander--contd.

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to this 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 and subject to eight feet of right-of-way on Dalton Lane.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of L. G. Alexander 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 1703-1803 Dalton Lane and 1706-1806 Old Lockhart Highway be GRANTED, subject to eight feet of right-of-way on Dalton Lane.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-012 The Most Reverend Louis J. Reicher: A to D
3000-3012 Lyons Road
901-907 Linden Street

STAFF REPORT: This application for a change of zoning is on 1.79 acres of land with the stated purpose to establish a facility for the manufacture of plastic artificial limbs. The area north of Lyons Road is predominantly single-family and is zoned "A" Residence. Single-family land use with "D" Industrial zoning characterizes the neighborhood south of Lyons Road. A service station is located just to the east across Tillery Street. The subject site and the area to the east to Tillery Street are owned by the church. There is a large building on the site which is presently being used as a church school. This building is to be converted to the manufacturing of artificial limbs. There will be no transfer of property or change in the exterior character of the building. The staff recommendation is to grant this request as consistent with zoning in the area, subject to ten feet of right-of-way on Lyons Road and five feet of right-of-way on Linden Street.

TESTIMONY

WRITTEN COMMENT

Louis J. Reicher: (applicant)
Angeles Ramas: 1641 West Huisache

AGAINST

C14-71-012 The Most Reverend Louis J. Reicher--contd.

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

Jorge Guerra (representing 12 area residents)

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, Attorney, represented the applicant. This site formerly housed St. Julia's Church school, which is no longer in operation. A firm in California has expressed interest in leasing the building for the manufacture of plastic artificial limbs. Changes to the building will be necessary, such as installing air conditioning. It is felt that the residents of the area favor this request, as it will bring much needed industry to provide jobs to people in the neighborhood. The building is not being used, as the Church cannot afford to operate the school. The proposed development will be an asset to the community.

Arguments Presented AGAINST:

Mr. Jorge Guerra, who has lived adjacent to the Church school property for the past seven years, represented twelve residents of the neighborhood who were also present. He stated that the residents cannot be for or against this request until more information is obtained, such as hours of operation, the number of employees who will be required to drive vehicles to this location, and if chimneys will be required for melting of plastic, creating odors and pollution.

The applicant has stated that the business will possibly change. The residents feel that some restrictions should be maintained, in order that they may be protected. The changes in the building and the parking facilities should be clearly stated. Further, specific information is requested on the number of people who would be employed, and the educational requirements for these employees. The residents are concerned that this development may cause an increase in taxes. The residents of the neighborhood have had a difficult time buying their homes, and they feel that they must be on guard against pollution and traffic congestion which would lead to the deterioration of the area. There is a possibility that this use could change or expand, or that the church might sell this property.

Arguments Presented in REBUTTAL:

Mr. Selman stated that the facilities would be used as they are now, with no plans for parking at this time. The company would merely lease this building. This request is for this single use, and a covenant could be entered into or a roll-back could be requested. This classification of zoning is requested because it is not clear exactly what this use involves.

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C14-71-012 The Most Reverend Louis J. Reicher--contd.

Mr. Reeves pointed out that Lamberts is a comparable use, and it is zoned "GR" General Retail. Mr. Selman felt that a minimum of "C" Commercial zoning will be required. Mr. Reeves stated that this request is obviously an intrusion into this residential area and will set a very undesirable precedent. This use will certainly create traffic and noise and harm the character of the area. Mr. Selman stated that Austin has a severe unemployment problem, particularly in this section. This request is an extension of the "C" Commercial zoning which exists at the corner of Lyons Road and Tillery Street. "D" Industrial zoning uses are south of Lyons Road. Mr. Reeves explained to the area residents that this use would not necessarily affect the taxes on the adjacent property.

The Committee members requested that more information be obtained regarding this use, that Mr. Selman confer with the area residents regarding their concern, and that this application be referred to the full Planning Commission for further consideration.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members referred this application to the full Commission to give the applicant time to obtain more information on this use.

At the Commission meeting, Mr. John Selman, representing the applicant, explained that this building is not being used at this time by the Church. A firm from California, Realistic Industries, wishes to lease this building for ten years for the manufacture of plastic artificial limbs. At the Committee meeting several questions were raised by the nearby residents, and as the information was not known, this case was referred to the Commission. These questions have been answered, through telephone calls to the company in California, and through meetings with the area residents. Mr. Selman read a letter from Mr. F. L. Townsend, Executive Vice President of Realistic Industries, which explained the type of operation planned. This operation is a light, clean industry which does not emit noise, noxious fumes or other pollutants. Most of the employees are engaged in hand work. It is felt that the operation is quieter than the typical school. The premises will be maintained in orderly condition, as the company has visitors from all over the world. Every effort is made to maintain a showplace. The major equipment is a curing furnace, which is comparable in noise and exhaust to a household gas-fired heating furnace. Approximately twenty employees will be hired immediately, who will undergo a 45-day training period. The names of nearby residents who wish to work for this company will be compiled by the Church, and will be given to the Texas Employment Commission. Every effort will be made to give preference for employment to these residents. Mr. Selman introduced pictures of this operation for the Commission's information. The right-of-way requirements are agreeable to the Church.

Mr. Jorge Guerra, spokesman for the neighborhood, stated that he felt this use will be smokeless, noiseless and odorless. A mild odor caused by the melting of wax will exist, but only in the factory itself. The company is aware of the present use of this building and will maintain its appearance. Mr. Guerra requested information as to the right-of-way requirements, and

C14-71-012 The Most Reverend Louis J. Reicher--contd.

the staff explained that only the area requesting zoning change is required to provide right-of-way. The area residents feel that some provision should be made whereby this use could be returned to residential if the use changes, or the property is sold in the future. "D" Industrial zoning covers many uses, and while the neighbors favor this use which will help the church and provide employment, protection should be provided for the future. The residents feel that their tax valuations will increase if the area has further industrial development.

Mr. Selman stated that a restrictive covenant will be filed stating that in the event the property is not used as "D" Industrial zoning under the terms of the present lease, application will be made to roll this property back to "A" Residential zoning. The Church is hopeful that a school will be provided at this location sometime in the future. This covenant will be binding on the Bishop and his successor.

Mr. Taniguchi stated that he wished to commend Mr. Jorge Guerra for his initiative in representing his neighborhood. Such participation in the process of planning is invaluable to all who are involved.

The Commission then

VOTED: To recommend that the request of The Most Reverend Louis J. Reicher for a change of zoning from "A" Residence, First Height and Area to "D" Industrial, First Height and Area for property located at 3000-3012 Lyons Road and 901-907 Linden Street be GRANTED, subject to a restrictive covenant stating that if this particular use changes, the applicant will apply for a voluntary rollback, and subject to ten feet of right-of-way on Lyons Road and five feet of right-of-way on Linden Street.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-013 Henry Wetzel, Jr.: A to B
1812-1814 Waterston Avenue

STAFF REPORT: This tract of land contains 14,323 square feet and is proposed for apartment development. This area is developed with single-family residences, duplexes, and apartments. The apartments are located north of Palma Plaza. There is a recent history which was granted "B" Residence zoning immediately to the west with two single-family structures on the two lots at the present time. The property to the east has been zoned "B" Residence since the 1940's while the property to the west is zoned "A" Residence. This site is in the right-of-way of the MoPac and Crosstown Expressways interchange. MoPac is funded, but Crosstown is not. Local streets are substandard in width and unpaved and likely will not be improved until land use changes take place. The requested zoning is consistent with existing zoning and the staff recommends the change be granted, subject to ten feet of right-of-way on Waterston Avenue.

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C14-71-013 Henry Wetzel, Jr.--contd.

TESTIMONY

WRITTEN COMMENT

C. A. Kaiser: 1800 Waterston	FOR
Stella Hofheinz: P. O. 1987	FOR
Capitol Investment: P. O. Box 1988	FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman represented the applicant. He stated that the right-of-way requirement is agreeable to his client.

No one appeared in opposition to this request.

Mr. Reeves stated that he does not understand the staff recommendation as there is inadequate right-of-way in this area; the staff explained that this tract abuts a large block of "B" Residential zoning.

Mr. Chamberlain stated that traffic is not heavy in this area.

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. Ten feet of right-of-way is required on Waterston Avenue.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Henry Wetzel, Jr. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1812-1814 Waterston Avenue be GRANTED, subject to ten feet of right-of-way on Waterston Avenue.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-014 Michael Hall Shelby: C to C-2
 1600-1606 San Jacinto Street
 206-214 East 16th Street

STAFF REPORT: This application is requested for the use of a tavern on a tract containing 11,776 square feet. The site is within the original City of Austin, and is zoned for "C" Commercial, Second Height and Area

C14-71-014 Michael Hall Shelby--contd.

use. State and University property is located throughout the area. A tavern exists across San Jacinto as well as a music equipment sales company. Three single-family homes are located on the north within this same block. The staff recommendation is to grant the request.

TESTIMONY

WRITTEN COMMENT

W. L. Bradfield: 3400 Northland Drive	FOR
Frank E. Montgomery: P. O. Box 2125	FOR
L. Crackett English: P. O. Box 2125	FOR

PERSONS APPEARING AT HEARING

John Selman (representing the applicant)	
Fritz Strentler: 1608 San Jacinto	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman represented the applicant, who plans to establish a tavern at this site. Similar uses exist in the immediate area and it is felt this use is in keeping with the neighborhood.

Arguments Presented AGAINST:

Mr. Fritz Strentler, 1608 San Jacinto Street, is opposed to this request. The taverns in existence create problems in the area of discarded bottles and cans. Traffic is also a problem on this street. This area is part of the State complex and will be purchased soon when the moneys are appropriated by the Legislature. It is felt that this area should remain as it is.

Arguments Presented in REBUTTAL:

Mr. Selman stated that essential to our American system of democracy is the right of competition. His client has entered into a lease to compete with the two taverns in this area, and has the same rights regarding the use of his property as others in existence, as long as he complies with the laws.

Mr. Reeves stated that he felt the uses in the area set a precedent, and the requested use is proper for the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as compatible with existing zoning.

C14-71-014 Michael Hall Shelby-contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Michael Hall Shelby for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1600-1606 San Jacinto Street and 206-214 East 16th Street be GRANTED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-015 Joe K. Wells, Jr.: A to BB
1801-1803 Sharon Lane

STAFF REPORT: This is a request on a tract of land covering 28,710 square feet for apartment development. "A" Residence zoning with single-family homes characterize this neighborhood. The MoPac Railroad is to the east, but MoPac Boulevard will not directly affect this site. There is no encroachment of spot zoning present. The staff recommendation is to avoid any spot zoning and any intrusions into this single-family residential neighborhood. Sharon Lane has only 30 feet of right-of-way. All streets in this area are substandard, and are not adequate to handle multi-family traffic. The request, therefore, should be denied.

TESTIMONY

WRITTEN COMMENT

Petition with 5 signatures	AGAINST
Stanley T. Donner: 2101 Woodmont	AGAINST
Joanne E. Donner: 2101 Woodmont	AGAINST
Ambrose Gordon, Jr.: 1606 Forest Trail	AGAINST
Mrs. Patricia H. Harris: 2100 Woodmont	AGAINST
Charles R. Hentrich: 2101 Griswold Lane	AGAINST
James W. Heironimus: 1701 Sharon Lane	AGAINST
M. H. Miller: 2007 Griswold	AGAINST
Keith Turne: 2005 Griswold Lane	AGAINST
Frank R. Booth: 2105 Woodmont	AGAINST
Dr. Frank D. Bean: 2100 Sharon Lane	AGAINST
Dr. & Mrs. Oscar F. Wiegand: 2006 Woodmont	AGAINST
Mr. & Mrs. John E. Powers: 2110 Woodmont	AGAINST
Jack W. Voyles: 1705 Sharon Lane	AGAINST
Curtis D. Anderson: 2105 Griswold	AGAINST
Mr. & Mrs. Guy D. Tarlton: 1800 Winsted Lane	AGAINST
Mr. & Mrs. Jerry Keesee: 1905 Winsted Lane	AGAINST
David Nozick: 2008 Griswold Lane	AGAINST
Mary C. Moore: 2006 Griswold Lane	AGAINST
Ronald T. Cannamore: 2104 Woodmont Avenue	AGAINST
Stewart Norris: 2203 Griswold Lane	AGAINST
E. R. Ferris: 1800 Sharon Lane	AGAINST

C14-71-015 Joe K. Wells--contd.

William R. Geise	1615 Sharon Lane	AGAINST
David Earl Holt	1802 Forest Trail	AGAINST
Jim R. Rose	2107 Griswold Lane	AGAINST
Mr. & Mrs. Ernest A. Baker	1704 Winstead Lane	AGAINST
Wayne Packwood	2103 Sharon Lane	AGAINST
James H. Miller	1904 Sharon Lane	AGAINST
Joseph H. Hart	2501 Bridle Path	AGAINST
Mrs. H. L. Klotz	2200 Griswold Lane	AGAINST
Mr. Leon Douglas	2201 Griswold Lane	AGAINST
Mr. & Mrs. Gaynor Kendall	2109 Griswold Lane	AGAINST
Mr. Jact T. Disch	1902 Sharon Lane	AGAINST
Lois F. LaBauve	1708 Sharon Lane	AGAINST
H. E. McKinney	2005 Bridle Path	AGAINST
James W. Macon	1805 Winsted Lane	AGAINST
Jack Lee Claggett	1702 Winsted Lane	AGAINST
Buck Miller	2004 Griswold Lane	AGAINST
Helen Robinson	2006 B. Griswold	AGAINST
Hallette M. McClellan	2102 Woodmont	AGAINST
Mr. & Mrs. Milan Johnson	2009 Sharon Lane	AGAINST
Mr. Curtis L. Smith	2007 Sharon Lane	AGAINST
Mary C. Todd	2201 Woodmont Avenue	AGAINST
Mrs. Ruth R. Schulze	2107 Woodmont	AGAINST
Mrs. Tom Attal	2205 Woodmont Avenue	AGAINST
A. V. Maroaey	1807 Sharon Lane	AGAINST
Jet Bartlett	1625 Forest Trail	AGAINST
Mr. & Mrs. Henry Cain	2102 Sharon Lane	AGAINST
Mr. & Mrs. Sam Castleberry	1802 McCall Road	AGAINST
Mr. & Mrs. M. T. Collins	2003 Woodmont	AGAINST
Mrs. Katherine Hardin	2303 Horn Lane	AGAINST
Dan B. Gardner	2201 Sharon Lane	AGAINST
Wallace H. Scott	2302 Griswold Lane	AGAINST
Mrs. Fred P. Helm	1900 Bemen	AGAINST
Richard Howard	2005 Woodmont Avenue	AGAINST
Mr. & Mrs. William Jackson	1908 Bremen	AGAINST
Dr. & Mrs. R. J. Kaufmann	1516 Forest Trail	AGAINST
Donald W. Littrell	2104 Sharon Lane	AGAINST
Faye S. Pope and John B. Pope	2301 Horn Lane	AGAINST
Malcolm Robinson	2007 Woodmont	AGAINST
Mrs. Ruth C. Scott	2101 Sharon Lane	AGAINST
George Seagert	2003 Sharon Lane	AGAINST
Mr. & Mrs. Roger Shattuck	1607 Sharon Lane	AGAINST
Flo Ann Randle	2315 Bridle Path	AGAINST
Mr. & Mrs. Walter Kieke	2200 Woodmont	AGAINST
Mr. & Mrs. Billy F. Snowden	2202 Woodmont	AGAINST
Susan	2112 Woodmont Avenue	AGAINST
Mr. & Mrs. Richard L. Logan	1906 Sharon Lane	AGAINST
Mr. & Mrs. Leon Cole	2206 Woodmont Avenue	AGAINST
Mr. Robert D. Jones	1900 Winsted Lane	AGAINST
Mrs. Vartan Gregorian	2100 Griswold Lane	AGAINST
Mrs. Myrtle Lee Treadwell	4105 Far West Boulevard	AGAINST

C14-71-015 Joe K. Wells--contd.

PERSONS APPEARING AT HEARING

Frank R. Booth	2105 Woodmont	AGAINST
Mrs. Oscar F. Wiegand	2006 Woodmont	AGAINST
Ronald T. Cannamore	2104 Woodmont	AGAINST
John E. Powers	2110 Woodmont	AGAINST
James W. Heironimus	1701 Sharon	AGAINST
Sharon Heironimus	1701 Sharon	AGAINST
Mr. & Mrs. Jerry D. Keesee	1905 Winsted Lane	AGAINST
Curtis D. Anderson	2105 Griswold	AGAINST
Mary McConnell	2101 Tower Drive	AGAINST
Michael F. Collins	2003 Woodmont	AGAINST
Jim R. Rose	2107 Griswold	AGAINST
Victoria R. Hentrich	2101 Griswold	AGAINST
Mrs. Frank R. Booth	2105 Woodmont	AGAINST
Mr. & Mrs. Guy Tarlton	1800 Winsted	AGAINST
Dr. Frank D. Bean	2100 Sharon	AGAINST
Mrs. Patricia H. Harris	2100 Woodmont	AGAINST
W. R. Geise	1615 Sharon	AGAINST
Mrs. Jack Voyles	1705 Sharon	AGAINST
Mrs. Ernest Baker	1704 Winsted	AGAINST
Mary Jane Bode	2600 Bridle Path	AGAINST
David Earl Holt	1802 Forest Trail	AGAINST
Mr. & Mrs. Stewart K. Norris	2203 Griswold	AGAINST
Mr. & Mrs. Stanley T. Donner	2101 Woodmont	AGAINST
Ambrose Gordon:	1606 Forest Trail	AGAINST
Richard Ferris	1800 Sharon Lane	AGAINST
M. H. Miller	2004 Griswold Lane	AGAINST
David Nozick	2008 Griswold	AGAINST
Turner Keith	2005 Griswold	AGAINST
Mrs. Mary Moore	2006 Griswold	AGAINST
Ralph Robinson	2006 B. Griswold	AGAINST
James H. Miller	1904 Sharon	AGAINST
Joseph H. Hart	2501 Bridle Path	AGAINST
Mrs. H. L. Klotz	2200 Griswold	AGAINST
Mrs. Leon Douglas	2201 Griswold	AGAINST
Mr. & Mrs. G. Kendall	2109 Griswold	AGAINST
Mr. & Mrs. Jack T. Disch	1902 Sharon	AGAINST
Lois F. LaBauve	1708 Sharon	AGAINST
H. E. McKinney	2005 Bridle Path	AGAINST
James W. Macon	1805 Winsted	AGAINST
Jack Lee Calgett	1702 Winsted	AGAINST
Buck Miller	2004 Griswold	AGAINST
Helen Robinson	2006 B. Griswold	AGAINST
Hallette M. McClellan	2102 Woodmont	AGAINST
Mr. & Mrs. Milan Johnson	2009 Sharon	AGAINST
Mr. Curtis L. Smith	2007 Sharon	AGAINST
Mary C. Todd	2201 Woodmont	AGAINST
Mrs. Ruth R. Schulze	2107 Woodmont	AGAINST
Mrs. Tom Attal	2205 Woodmont	AGAINST
A. Maroaey	1807 Sharon	AGAINST

C14-71-015 Joe K. Wells--contd.

Jet Bartlett	1625 Forest	AGAINST
Mr. & Mrs. Henry Cain	2102 Sharon	AGAINST
Mr. & Mrs. Sam Castleberry	1802 McCall	AGAINST
Mr. & Mrs. M. T. Collins	2003 Woodmont	AGAINST
Mrs. Katherin Hardin	2303 Horn	AGAINST
Mr. & Mrs. Dan B. Gardner	2201 Sharon	AGAINST
Wallace H. Scott	2302 Griswold	AGAINST
Dr. & Mrs. Fred P. Helm	1900 Bremen	AGAINST
Richard Howard	2005 Woodmont	AGAINST
Mr. & Mrs. William Jackson	1908 Bremen	AGAINST
Dr. & Mrs. R. J. Kaufmann	1516 Erest Trail	AGAINST
Faye S. Pope and John B. Pope, Jr.	2301 Horn	AGAINST
Malcolm Robinson	2007 Woodmont	AGAINST
Donald W. Littrell	2104 Sharon	AGAINST
Mrs. Ruth C. Scott	2101 Sharon	AGAINST
George Seagert	2003 Sharon	AGAINST
Mr. & Mrs. Roger Shattuck	1607 Sharon	AGAINST
Flo Ann Randle	2315 Bridle Path	AGAINST
Mr. & Mrs. Walter Kiekee	2200 Woodmont	AGAINST
Mr. & Mrs. Billy F. Snowden	2202 Woodmont	AGAINST
Susan Frost	2112 Woodmont	AGAINST
Mr. & Mrs. Richard L. Logan	1906 Sharon	AGAINST
Mr. & Mrs. Leon Cole	2206 Woodmont	AGAINST
Mrs. Robert D. Jones	1900 Winsted	AGAINST
Mrs. Vartan Gregorian	2100 Griswold	AGAINST
Mr. & Mrs. Wayne Packard	2103 Sharon	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Joe K. Wells, Jr., stated that his primary intention is to increase the value of this property. The present structures, a duplex and a garage, detract from this lovely neighborhood and would be removed. Apartments would be constructed which would be architecturally designed and an asset to the neighborhood. The increased tax value and utility use will benefit the City. A duplex exists across the street and "B" Residence zoning exists to the south of this tract on Sharon Lane. The right-of-way requirement is agreeable to the applicant.

Arguments Presented AGAINST:

Mr. Frank Booth, 2105 Woodmont Avenue, stated that he had obtained eighty-six signatures of area residents opposed to this application. He pointed out that forty-five residents of the immediate area were present at this meeting in opposition to this application. They feel that this decision will set a precedent for apartment zoning, which would destroy the neighborhood.

Mr. John Powers, 2110 Woodmont Avenue, stated that the applicant does not at this time maintain this property. He read from the City Ordinances

C14-71-015 Joe K. Wells--contd.

and pointed out that this application is in violation of the best interests of the majority of the residents of the area.

Mr. Ronald Cannamore, 2104 Woodmont Avenue, stated that the quality of life in the City is very important. He has two children, and there are fifteen children on the block. The children use Sharon Lane to reach the park; Sharon Lane is narrow and there are no sidewalks. The traffic generated by the proposed development would be very hazardous for them. The residents feel that this area can co-exist with MoPac Boulevard, and do not want their area turned into a commercial and apartment complex.

Mrs. Oscar Wiegand, 2006 Woodmont Avenue, reported that those present represented sixty-one children, who walk to and from Dill School. They wish to keep the streets safe for the children.

Mr. Gaynor Kendall, 2109 Griswold Lane, has resided in this area since 1941. He feels that the character of this neighborhood has not changed. In addition, this subdivision is deed-restricted. Granting of this zoning will result in a lawsuit.

Arguments Presented IN REBUTTAL:

Mr. Wells stated that traffic from the proposed development would be using Griswold Lane to Winsted Lane and would not pose a hazard to children using the park. Winsted Lane is proposed as an access road to MoPac Boulevard. Off-street parking will be provided for the tenants of this apartment complex. As for the maintenance of this property, having tenants do this work is a problem and it is very difficult to hire someone to keep up the property. The property has been improved and does need further improvement. The requested zoning would allow this improvement. Mr. Wells requested that the residents present confer with him and suggest acceptable alternatives for this tract.

Mr. Taniguchi stated that it is possible to use property in "A" Residence zoning as duplex development. In this neighborhood, it would seem that the only suitable replacement for sub-standard housing is either single-family or duplex development. This is a viable single-family residential area, and the residents seriously intend to maintain the neighborhood.

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.

At the Commission meeting, the staff reported that a request will be made to withdrawn this application at the City Council hearing.

C14-71-015 Joe K. Wells--contd.

The Commission then

VOTED: To recommend that the request of Joe K. Wells, Jr. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1801-1803 Sharon Lane be DENIED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-016 Jane R. Lund: A to O
1705 Koenig Lane

STAFF REPORT: This request is on a tract of land containing 7,102 square feet to be used for an insurance business office. Several "O" Office zoning requests have been granted along Koenig Lane in this area and "LR" Local Retail as well as "C" Commercial zoning is established across Koenig Lane to the east. The character of Koenig Lane from Burnet Road to Woodrow Avenue is changing to more intensive use. The staff and the Planning Commission have been recommending the granting of "O" Office zoning requests in this area, subject to 15 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Nellie Martin: 1703 Koenig Lane
Glen E. Lewis: 3406 Red River

FOR
FOR

PERSONS APPEARING AT HEARING

Sheldon Smith (representing applicant)

SUMMARY OF TESTIMONY

Mr. Sheldon Smith represented the applicant. The character of the neighborhood is changing, and this development will be an asset to the area. The area is predominately "O" Office zoning, with some "LR" Local Retail zoning across the street. The applicant plans to construct a life insurance office, with parking in the rear.

No one appeared in opposition to this 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. Fifteen feet of right-of-way is required on Koenig Lane.

C14-71-016 Jane R. Lund--contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Jane R. Lund for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1705 Koenig Lane be GRANTED, subject to fifteen feet of right-of-way on Koenig Lane.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-017 J. K. Dismukes: A to C
1306-1404 Wheless Lane

STAFF REPORT: This tract of land contains 1.71 acres to be used for the development of a miniature golf course. "GR" General Retail zoning is developed with a shopping center across Wheless Lane. "BB" Residence and "LR" Local Retail zonings exist to the east. An apartment project exists to the east within 700 feet of the subject site on Wheless Lane. This site contains over 340 feet of frontage on Wheless Lane and over 560 feet of frontage on Highway 290. Single-family structures zoned "A" Residence exist across Wheless Lane to the south. "GR" General Retail zoning appears to be more appropriate zoning for this tract, but due to the frontage on a major expressway, the Department recommends that this request be granted.

TESTIMONY

WRITTEN COMMENT

Sherman R. Lawson: 1507 Wheless Lane
Mrs. Beulah Majors: 1505 Wheless Lane

AGAINST
AGAINST

PERSONS APPEARING AT HEARING

J. K. Dismukes (applicant)
Mr. & Mrs. Ray Freeman: 1509 Wheless Lane
Mrs. Beulah Majors: 1505 Wheless Lane

AGAINST
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. J. K. Dismukes stated that he plans to develop two or three businesses on this tract, with the largest being a miniature golf course in the center. He feels that the location of this property dictates that it be developed for commercial use.

Arguments Presented AGAINST:

Mr. Ray Freeman, 1509 Wheless Lane, stated that due to the nature of the traffic pattern to the access road to Highway 290, Wheless Lane is used

C14-71-017 J. K. Dismukes--contd.

as the primary route to Berkman Drive and the access road underpass to Reagan High School. Traffic on Wheless Lane is unusually heavy, and many students walk on this street to and from school. Recently two apartment units have been constructed on this street. The residents feel that a miniature golf course, with its appeal to teenagers and the resultant fast traffic, will create an impossible situation. As traffic cannot enter this tract from Highway 290, the entire traffic flow would be through Wheless Lane. This is a 50-foot street, with the normal on-street parking.

Arguments Presented in REBUTTAL:

Mr. Dismukes stated that access to this tract will be from Highway 290, with absolutely no access on Wheless Lane, and with ample off-street parking provided. A privacy fence will be constructed and the area will be landscaped.

Mr. Reeves stated that all ingress and egress should be prohibited from Wheless Lane.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "C" Commercial, First Height and Area should be granted on this tract, except for one foot along the southern boundary abutting Wheless Lane, which is to be retained "A" Residential. This recommendation is subject to ten feet of right-of-way on Wheless Lane, and privacy fencing on the southern boundary of this tract.

At the Commission meeting, Mr. Kinser stated that he felt that the property should be fenced on the east side, rather than the south side. The Committee explained that the applicant had volunteered this requirement, as the nearby residents had objected to problems with litter and noise. Mr. Kinser stated that this type of fence deteriorates and becomes an eyesore. Mr. Becker stated that hedges are not desirable fencing, unless well maintained.

The Commission then

VOTED: To recommend that the request of J. K. Dismukes for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1306-1404 Wheless Lane be GRANTED, except for one foot along the southern boundary of the tract abutting Wheless Lane, which is to be retained "A" Residential, and subject to 10 feet of right-of-way on Wheless Lane.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-018 Cordelia A. Lenthe: A, 1st to C, 5th
900 West 37th Street

STAFF REPORT: This tract of land containing 6,250 square feet is proposed for improvements as allowed by "C" Commercial zoning. "C" Commercial, Fifth Height and Area zoning is established along Lamar Boulevard while "GR" General Retail and "LR" Local Retail, First Heights and Areas exist to the north and east of the tract. An insurance office, office supply, parking lot, service station, and apartments as well as single-family homes exist in the area. This area is in transition to more intensive use, and the staff recommends the request be granted, subject to five feet of right-of-way on West 37th Street, as being consistent with existing zoning. The Committee should consider the possibility of requiring a short form subdivision to connect this lot to the lot to the west, as both are under the same ownership.

TESTIMONY

WRITTEN COMMENT

John H. Johnson: 502 East 41st Street
Mrs. Gus Winke: 907 West 37th Street

FOR
FOR

PERSONS APPEARING AT HEARING

Steve Price (representing applicant)

SUMMARY OF TESTIMONY

Mr. Steve Price was present on behalf of the applicant. The right-of-way requirement and the request for short form subdivision are agreeable to the applicant.

No one appeared in opposition to this request.

Mr. Foxworth of the staff explained that the short form subdivision is requested to allow for controlled driveway access for a larger area, rather than separate driveways on 37th Street. The other tract is presently zoned "C" Commercial.

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. Five feet of right-of-way is required on West 37th Street, and a short form subdivision to connect this lot to the lot on the west is required.

C14-71-018 Cordelia A. Lenthe--contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Cordelia A. Lenthe for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Fifth Height and Area for property located at 900 West 37th Street be GRANTED, subject to a short form subdivision connecting this lot to the lot on the west and five feet of right-of-way on West 37th Street.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-019 Conrad Blevins: A to GR
924-928 Atkinson Road
6901-6903 Bennett Avenue

STAFF REPORT: This is a request for a carpet and floor covering shop on 16,400 square feet. This site borders the south end of the St. Johns Addition. Nine single-family residences and thirteen vacant lots exist in this block. The large Scarbrough tract zoned "C" Commercial is across Atkinson Road to the south. "C" Commercial and "B" Residence also exist to the west. Several applications, none within the past three years; for "O" Office and "C" Commercial zoning have been granted in the interior of the St. Johns Addition. If this zoning is granted, there will be no opportunity to protect this area in the future. The staff recommends that this request be denied, as rezoning considerations should be limited to the establishment of "BB" or "B" Residence zoning as a buffer between the "C" Commercial zoning and the residential neighborhood to the north. If the request were to be granted, it will be subject to 10 feet of right-of-way on Atkinson Road and five feet of right-of-way on Bennett Avenue.

TESTIMONY

WRITTEN COMMENT

John M. Fuller: 6916 Carver	AGAINST
Mr. & Mrs. Alberto Richardson: 3015 East 16th	FOR
G. W. Pitts: 3019 East 13th Street	FOR
Richard C. Kouri: 1505 Larkwood	AGAINST

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

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C14-71-019 Conrad Blevins--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into this neighborhood.

At the Commission meeting, Mr. Kinser stated that this request may be premature, but he foresees the time when this area is commercial to Cameron Road. The Commission then

VOTED: To recommend that the request of Conrad Blevins for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 924-928 Atkinson Road and 6901-6903 Bennett Avenue be DENIED.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-020 Pi Kappa Chapter of Alpha Omicron Pi Corporation: B, 1st to GR, 3rd
2219-2223 San Gabriel Street (As Amended)
 911-915 West 23rd Street

STAFF REPORT: This is a tract of land containing 25,311 square feet to be used for construction of a multi-story retail and residential complex. The University area is comprised of many combinations of residential and commercial zoning. The University Village tract one block to the east is zoned "C" Commercial, Fourth Height and Area. Second Height and Area is located to the north, south and west. Apartments are also established in every direction. A women's club and retail commercial uses exist to the west and north along 24th Street. The staff recommendation is to deny "C" Commercial, Fourth Height and Area as this zoning is too intensive for the small area. "C" Commercial, Fourth Height and Area permits no building setback and unlimited density. The character of the surrounding area, while zoned for apartments, is restricted in density. The University Village complex will include several blocks of land, and this was one of the considerations in that zoning request. Unlimited zoning would be a detriment to the adjoining development. The staff therefore recommends that this request be denied, but suggests consideration of "B" Residence, Second or Third Height and Area.

TESTIMONY

WRITTEN COMMENT

Mrs. E. F. Hatherly: 908 West 23rd Street	AGAINST
Lois E. Slaughter: 909 West 23rd Street	AGAINST
R. L. Moore: 904 West 23rd Street	AGAINST
Lula Barrett: 906 West 23rd Street	AGAINST
Mrs. Elizabeth J. McIntyre: 2102 Stamford Lane	FOR

PERSONS APPEARING AT HEARING

William O. Doctorman (representing applicants)

C14-71-020 Pi Kapp's Chapter of Alpha Omicron Pi Corporation--contd.

Grace Thiele:	AGAINST
Dan Schoolfield	NO OPINION
Jim Price: 912 West 22nd Street	AGAINST
Mr. & Mrs. E. F. Hatherly: 908 West 23rd	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. William O. Doctorman represented the applicants, who amended this request to "C" Commercial, Third Height and Area at this time. The applicants are seeking to obtain the highest use of this land in relation to the land values in the area. This property is on the market for sale for \$150,000, which represents \$5.93 per square foot. The more intense zoning is requested to secure an investor to purchase the property.

Arguments Presented AGAINST:

Grace Thiele, a nearby resident, opposes this application, as all the streets in this area are narrow, with severe traffic problems in existence. This request would add more cars to the heavy traffic.

Mr. Dan Schoolfield, who owns property in the area, stated that he did not oppose the change of zoning, but would like information as to the intended use of this tract. Mr. Doctorman stated that no plans were firm, but tentative plans are for retail stores on the ground floor, with apartments on the other floors. Mr. Schoolfield stated that the area is changing, but is still predominately residential. The streets in this vicinity are narrow and carry very heavy traffic; the existing street pattern would not serve a commercial development on this tract. Further, immediately across the street to the west is a building of historic value to the City, the Cochran Home.

Mr. Jim Price, 912 West 22nd Street, spoke in opposition to this request. He presented a letter to the Committee from Mr. E. F. Hatherly, 908 West 23rd Street, who also opposes this application. It is felt that "B" Residence, Second Height and Area would be in accord with the zoning in this area, which is predominately student housing in residences and apartment houses. The requested zoning would damage the historic site across the street. The apartments across the street for this proposed development provide a good example of the use toward which this area is moving, which is fairly high density housing for University students. Traffic is a problem in this area, with on-street parking the normal procedure. This area to Lamar Boulevard is entirely a residential area; this request will set a bad precedent in the density uses which destroy the pleasant atmosphere now enjoyed by the residents. Austin has for many years provided a comfortable setting of trees and lawns for its University students. This setting should be preserved. The reasonable use for this tract is for medium density living accommodations for students. The commercial zoning on 24th Street provides ample services to the residents of this area. More commercial zoning will be detrimental to the existing development. Enrollment limitation is being enforced on the University, and it is estimated that only 10,000 more students will

C14-71-020 Pi Kappa Chapter of Alpha Omicron Pi Corporation--contd.

be allowed. The full development of the areas already commercially zoned and their extension down the major arterial streets should more than supply the needs of the area. The concentration of population in this area should be discouraged in order to maintain the environment. Newspaper ads show that many apartment vacancies exist.

Arguments Presented IN REBUTTAL:

Mr. Doctorman pointed out that additional right-of-way is not needed in this area. While there is sixty feet of right-of-way, only twenty-eight feet of paving exists. The streets can be widened if needed. It is felt that the land values in the area will not support low-density apartment development.

Mr. Reeves stated that he felt that "C" Commercial zoning is too intense a use for this tract. The staff reported that unlimited apartment density would be allowable under "C" Commercial zoning as opposed to "GR" General Retail zoning. Mr. Reeves stated that the parking requirements will control density. The differences between the type of development allowed in "C" Commercial and "GR" General Retail zoning was discussed; basically, the "C" Commercial zoning allows wholesale and storage uses. Mr. Doctorman stated that possibly the purchaser would desire to construct a parking garage, which requires "C" Commercial zoning.

Mr. Taniguchi stated that commercial development is more desirable in this area for large tracts of land, whereas this tract is quite small and could not effectively support multi-use. Parking for apartment facilities is permitted under "B" Residence zoning, while a parking garage is classified as a commercial enterprise.

Mr. Goodman stated that "GR" General Retail would seem to be better suited to this tract and would allow shops and living quarters.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as too intense for this tract, but recommended the granting of "GR" General Retail, Third Height and Area.

At the Commission meeting, the staff reported that the applicant has amended this application to "GR" General Retail, Third Height and Area. The Commission then

VOTED: To recommend that the request of Pi Kappa Chapter of Alpha Omicron Pi Corporation for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, Third Height and Area (as amended) for property located at 2219-2223 San Gabriel Street and 911-915 West 23rd Street be GRANTED.

AYE: Messrs. Kinser, Milstead and Becker

NAY: Messrs. Taniguchi and Crier

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-021 Carlton Buske: A to BB
Rear of 3633-3723 Manchaca Road

STAFF REPORT: The tract under consideration covers an area of 5.2 acres, with intended development as apartments. The land north and south is zoned "A" Residence, with "O" Office zoning also to the south and west. A single-family residential subdivision is developed to the north. Several homes exist along Manchaca and Clawson Roads on very large deep lots to the south. A pending case for "BB" Residence exists on Clawson Road to the immediate east. Fleetwood Drive is proposed to be extended through this tract. The applicant plans to use this tract and the area to the west to Manchaca Road as one site for apartment use, retaining duplex density on the subject tract. The question of extending Fleetwood Drive should be answered prior to rezoning. Valley View Road exists to the south and the tract zoned "O" Office to the south provided space for the street when it was developed. The deep tracts in the area require better access for future development. The staff recommends the granting of this request subject to a special permit and subdivision on the subject tract including the tract zoned "O" Office to the west providing for extension or termination in a cul-de-sac of Fleetwood Drive. If Fleetwood Drive is terminated, the applicant should provide an east-west connection between Manchaca Road and future extension of Valley View Road.

Mr. Reeves stated that the area to the south will need access other than Clawson Road as development occurs. The eventual use of that property will be other than residential. Fleetwood Drive and Valley View Road should be extended to provide needed access to this area.

TESTIMONY

WRITTEN COMMENT

Petition with 24 names	AGAINST
Thomas Robertson: 2608 Winfield Cove	AGAINST
F. D. Badger: 3608 Clawson Road	AGAINST
Carl W. Cole: 3504 Clawson Road	AGAINST

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)	
Barnett Lew: 3613 Winfield	AGAINST
Mr. & Mrs. James F. Durkin: 3612 Winfield	AGAINST
Mr. & Mrs. Harold W. R. Wardlaw: 3610 Winfield	AGAINST
Mr. & Mrs. John T. Boyd: 3605 Fleetwood Drive	AGAINST
Mrs. Carlton Wainscott: 3607 Fleetwood	AGAINST
Clarence M. Menzel: 1901 Larchmont	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney, represented the applicants. This property is under option for purchase, subject to the requested change in zoning. Mr. Sneed

C14-71-021 Carlton Buske--contd.

introduced an architectural drawing of the proposed development. The tract under consideration will be developed with apartments which will be limited to duplex density. This zoning change is necessary as the buildings will be other than duplexes. All buildings will be setback fifty feet from the adjacent residential development, a shielding fence will be erected along the property line, and it is proposed that no access be permitted to Fleetwood Drive. These conditions will be tied into the special permit and will be a legal covenant. A subdivision will be filed to tie this tract to the tract immediately to the west and all ingress and egress will be limited to Manchaca Road. The developers will build and operate this apartment project, which will be three and four-bedroom units for family occupancy on the rear of the tract, with smaller apartments on the front portion. A greenbelt will exist on the tract. Regarding access problems in the area, Clawson Road will need to be widened and the primary consideration in planning this development has been the prevention of traffic spillage into the residentially developed areas. If Fleetwood Drive is extended it will be through property zoned "O" Office, which would put semi-commercial or multiple-housing traffic through the residential neighborhoods. The developers feel that this plan offers the greatest protection possible to the residential area.

Mr. Reeves stated that he was familiar with the developers, and their work was of a very high quality. However, Clawson Road cannot be widened in certain areas because of the terrain and access must be provided to this area south to Ben White Boulevard. In granting the recent zoning on Clawson Road, one of the considerations was that these streets would be extended. This application is not in agreement with the overall pattern for traffic in this section of the City. Mr. Goodman stated that he felt that this development would not put traffic on Clawson Road; this proposal seems to offer a good solution to the problems of apartment development traffic in the residential neighborhood. Mr. Reeves stated that within twenty years this area will be heavily developed; it is the responsibility of the Planning Commission to plan for this development. Traffic on Fleetwood Drive would be more desirable than on Clawson Road. In answer to question from Mr. Taniguchi, the staff reported that it is preferred that Fleetwood Drive be ended in a cul-de-sac to prohibit access, and to require an east-west street to connect the northerly extension of Valley View Road back to Manchaca Road. This would require this developer to provide a public street on the south boundary of the property.

Arguments Presented AGAINST:

Mr. Clarence Menzel, 1901 Larchmont, stated that his street is an access road to Manchaca Road. As there are many small children living in this neighborhood, it would be better to restrict access to Fleetwood Drive.

Mr. Barnett Lew, 3613 Winfield Cove, read a petition from the area residents objecting to this change of zoning for the following reasons: maintenance of residential property; avoidance of increased traffic and noise; the lowering of property values and the safety of their children. This is a beautiful wooded area and should remain as residential use. Mr. Goodman pointed out

C14-71-021 Carlton Buske--contd.

that the applicants plan to restrict this development to duplex density on the portion under consideration.

Mr. John Boyd, 3605 Fleetwood Drive, feels that the zoning should not be changed, as present zoning will allow duplex development. He favors the termination of Fleetwood Drive.

Mr. Harold Wardlaw, 3610 Winfield Cove, stated that the residents are concerned that old buildings will be moved onto this tract, as is being done on Manchaca Road. They would like assurance that this tract will be developed in keeping with the homes in the area.

Mr. Reeves pointed out that with the existing "O" Office zoning on the front portion of this property, a developer could construct a driveway to Fleetwood Drive and construct two hundred units.

Mrs. Carlton Wainscott, 3607 Fleetwood Drive, made the following statement to the Committee:

"As owners of adjacent property to the proposed zoning change we would like to submit the following comments for consideration:

Our area was developed residential--we who bought homes in this area did so because we wanted to live and raise our families in a residential area. We supposed as the area developed it would also be residential--but instead, we are notified of a request for zoning change to "BB" Residential. The City Planning Department tells us this is for apartments and could go as high as thirty-five feet. We presume this would be up to three stories high.

Apartment house living attracts young adults. Young adults make for greater activity, more parties, more cars, and more traffic.

At this time the only existing entrance to said area is via Larchmont Drive or Fleetwood Drive. We can hardly see how the Planning Commission can approve of a five-acre apartment development with only this accessibility. We certainly would be opposed to this amount of traffic on our short street, which is only one block long.

In many cases that we have inquired about there is usually not sufficient parking allotted around apartment dwellings to adequately service the folk who live there. Therefore the overflow of cars and other vehicles are in the neighborhood.

Most areas developed for apartments are completely cleared of trees. This area has lovely trees that are certainly an asset to the neighborhood and the City of Austin.

With these comments and those received by the Commission from other adjacent property owners we hope the Commission will give them serious consideration and not approve of the zoning change."

C14-71-021 Carlton Buske--contd.

Arguments Presented in REBUTTAL:

Mr. Sneed stated that the developers plan to incorporate the beautiful old trees into this project as an enhancement. If these two tracts are not tied together, there will be no way to control access to Fleetwood Drive. This will result in semi-commercial development traffic on this street. The plan of the developer would provide the needed protection. The developer will agree that all construction will be new, rather than the moving in of used houses.

Mr. Reeves felt that ingress-egress to Fleetwood Drive should be controlled by zoning, either by cul-de-sac or deadend street. He further suggested that a higher density, such as tri-plex units, be allowed to give the developer enough return on his investment to pay for a street which would eventually connect with Valley View Road. The future development of the area to the south of this tract must be considered.

Mr. Taniguchi stated that since "O" Office zoning exists to the west of the subject property with access to Fleetwood Drive, and could be developed with higher density than is proposed on the tract under consideration, the developer should be commended for this plan for the protection of the area residents. The zoning requested will give the developer the flexibility to utilize the site amenities, rather than chopping the tract into lots.

Mr. Foxworth stated that the **staff feels that the provision for a continuation** of Valley View Road is a necessity for the future orderly development of this area. Originally, Valley View Road was to connect with Fleetwood Drive, but with the advent of apartment development, it is felt that the traffic should be directed to Manchaca Road and away from the residential subdivision.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, with the following conditions:

1. A sixty-foot street is to be provided by the developer from Manchaca Road to the southern edge of the property.
2. A subdivision of the property providing the termination of Fleetwood Drive into a cul-de-sac, with the retention of one foot of "A" Residence zoned property around this cul-de-sac, which requires fencing.
3. A special permit will be required.

At the Commission meeting, the staff explained that this tract will be developed in conjunction with the adjacent tract fronting on Manchaca Road. A street will be provided by the developer which will eventually connect with Valley View Road to handle the apartment development traffic and protecting the residential development. Mr. Kinser stated that if traffic could move in several directions, there is relief of congestion. The staff reported that the primary objection of the area residents is to the apartment-generated traffic.

C14-71-021 Carlton Buske--contd.

The Commission then

VOTED: To recommend that the request of Carlton Buske for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at the rear of 3633-3723 Manchaca Road be GRANTED, with the following conditions:
A sixty-foot street provided from Manchaca Road to the southern edge of the tract.
A subdivision providing the termination of Fleetwood Drive into a cul-de-sac, with the retention of one foot of "A" Residence zoned property around this cul-de-sac.
A special permit for this development.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-022 Effie Smith Bennett: A to B
2005-2014 West Lake Drive

STAFF REPORT: This tract of land is proposed for apartment development. The area consists of 7.02 acres, and the subject property falls on both sides of West Lake Drive west of Lake Austin. The western portion of this tract follows the 504.9 foot elevation or City limit line. Several single-family homes exist along Lake Austin to the north and south of this tract. The history to the north was granted "B" Residence with the staff and Commission recommending against it. Zoning has not been recommended or granted west of West Lake Drive because of possible conflict with the city limit line of Austin and West Lake Hills. Commercial zoning has been granted on two separate locations to the south, on the east side of West Lake Drive. The staff recommendation is to deny the request, but grant "B" Residence on the east side of West Lake Drive in conformance with zoning granted on the adjacent tract.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed represented the applicant. He requested that this application be amended at this time to include only that property to the east of West Lake Drive. Property to the south is zoned "C" Commercial and the property to the north is pending "B" Residence zoning. It is felt that this application is in keeping with previous actions of the Planning Commission and the City

C14-71-022 Effie Smith Bennett--contd.

Council. Sewer line and utilities are available for this property. The development will consist of a limited number of apartments, each with a boat dock. Probably some filling of the lake will be necessary.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman requested information concerning the flood plain in this area; this line is set by the United States Geologic Survey and is included in the Building Codes of the City. These apartments will be elevated above the flood line, with boat docks underneath. This amended application covers approximately three acres, with density allowed of forty units per acre; however, the staff feels that character of the site will limit density of development.

The Committee reviewed the information and concluded that this request should be granted, as amended, on the portion of the property east of West Lake Drive, as consistent with zoning in the area.

At the Commission meeting, the staff explained that as the city limit line of Austin and West Lake Hills is technically the 504.9 elevation, but is unclear; the Planning Commission has not been asked to act on zoning of property west of West Lake Drive, as this could create a dispute with the city of West Lake Hills. The area in question west of the road is a slough and is mostly under water. The adjoining property owners in the city of West Lake Hills were notified of this application. The Commission then

VOTED: To recommend that the request of Effie Smith Bennett for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2005-2014 West Lake Drive be GRANTED, as amended, on the portion of the property east of West Lake Drive.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-023 Joe Gilbreth: Int. A, Int. 1st to BB, 1st
2701-3021 Parker Lane

STAFF REPORT: This is a request to construct fourplexes on 5.02 acres. Parker Lane is proposed to be extended south adjacent to this tract within the Greenbriar Subdivision. Two pending zoning cases for "B" Residence and "O" Office are located to the north along Parker Lane. Interim "A" Residence zoning exists to the north and land in the County is to the south and east of the site. "BB" Residence and "B" Residence zonings exist to the east on Burleson Road. A pending zoning case for "BB" Residence is located immediately to the west. This site was included in a 28-acre annexation on November 19, 1970. The new Metcalfe Elementary School is under construction

C14-71-023 Joe Gilbreth--contd.

to the east. The staff recommends that this request be denied. The developer should provide the zoning and use buffer between his apartment project to the west and anticipated low-density development around the school. "A" Residence zoning will permit duplexes and townhouses. The interior of this area should continue to develop with low density as is the existing development in Greenbriar and Mission Hills. The existence of the elementary school will require families with children. Higher density of use generates families with fewer children and should be discouraged in this area.

TESTIMONY

WRITTEN COMMENT

Petition with 7 signatures	AGAINST
Petition with 28 signatures	AGAINST
Charlie B. Metcalfe: 665 South Xenon Court	FOR
Mr. & Mrs. Tracy Metcalfe	FOR
Charles M. Goodnight: 4700 South Congress	FOR

PERSONS APPEARING AT HEARING

Tom Watts (representing applicant)	
Roger Bengtson: 2511 Glen Springs Way	AGAINST
Carroll C. Sanders: 2501 Candlewood Court	AGAINST
James Mersinger: 1715 Alleghany Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Thomas Watts stated that the purpose of this application is for the construction of fourplexes along the east side of Parker Lane. "BB" Residential has been recommended on a large tract nearby, and another tract nearby will be developed with duplexes. Within the next few days a plat is to be submitted to the City, dedicating Parker Lane and Royal Crest Drive out to Interstate Highway 35. The area to the south of this tract which has not been annexed by the City will be used for apartment development. This fourplex development is a gradation which is compatible with existing and planned development. The proposed streets in the area will be more than adequate to handle this development. The use of this area for higher density housing is logical in view of the proximity to Interstate Highway 35 and the established zoning. Fourplex development of this tract will allow a greater efficiency of land use, with twenty-one lots proposed on this tract.

Arguments Presented AGAINST:

Mr. Roger Bengtson, 2511 Glen Springs Way, read and presented two petitions opposing this change of zoning signed by a majority of the residents of the Greenbriar Addition. These residents oppose the creation of small residential areas completely surrounded by large areas of apartment dwellings. There

C14-71-023 Joe Gilbreth-contd.

is a creek in the area, which should not be destroyed. The proposed traffic pattern does not afford adequate access to the school from the Greenbriar Addition. Mr. Bengtson requested that if the zoning is granted, a restrictive covenant be made, limiting the development to fourplexes.

Mr. Carroll Sanders, 2501 Candlewood Court, stated that Metcalfe Road has only fifteen feet of paving in some sections, and is not adequate to handle present traffic. With the extension of Parker Lane to the Internal Revenue Service facilities, very heavy traffic will flow through the area. This proposed development will add much traffic on this street. Burleson Road and Metcalfe Road are not adequate to handle present traffic, and Parker Lane will receive the bulk of the traffic from Riverside Drive to Ben White Boulevard. This traffic will be hazardous to the children in the area and will lessen the value of the residential property.

Mr. James Mersinger, 1715 Alleghany Drive, stated that the residents strongly oppose this zoning and requested information as to the procedure for appearing before the City Council to oppose the zoning which is pending on the tract to the south of this area. The staff advised him of the proper procedures.

Arguments Presented IN REBUTTAL:

Mr. Watts stated that the creek in the area would be fully protected. Sidewalks have been required on both sides of Parker Lane for the protection of the school children. The traffic on Parker Lane is inevitable, regardless of the zoning of this tract. Mr. Watts personally has observed that more and more families with children reside in apartments, and it is predicted that this will become more commonplace in the future. This tract is not suitable for single-family development because of the projected traffic on Parker Lane. Fourplex development can be made very attractive. Metcalfe Road is an old County Road which is worn out, but the right-of-way is in existence.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Becker stated that the proposed development with twenty-one driveways on Parker Lane, which will have very heavy traffic, is not desirable. Mr. Taniguchi proposed that the lots back up to this thoroughfare. Mr. Foxworth of the staff stated that the Subdivision Committee had recently required that two lots share a driveway in such instances.

Mr. Becker proposed that a Curb Break Ordinance be imposed, with no curb breaks allowed on a fifty-foot street, or this requirement could be enforced by subdivision. Driveways on busy streets create a serious traffic hazard.

Mr. Chamberlain requested explanation of the difference between apartment and townhouse construction. The staff explained that townhouses have a common wall, but are separate lots, with implied separate ownership, rather than rental.

C14-71-023 Joe Gilbreth--contd.

The row houses in Baltimore and Georgetown are an example of such townhouse development.

Mr. Goodman suggested that as this lot is shallow and abuts a collector street, it should be zoned "A" Residential and the development of townhouses recommended to the applicant.

The Committee reviewed the information and concluded that this request should be denied as too intensive use for this tract, but the granting of "A" Residence, First Height and Area is recommended for the development of townhouses.

At the Commission Meeting, Mr. Kinser stated that he felt that this area will be used as "B" and "BB" Residence zoning in the very near future, due to the proximity of the Internal Revenue Service facilities and other uses in the area. Mr. Lillie of the staff pointed out the existing single-family development in the area and the large undeveloped tracts which are expected to be developed as single-family residences. This development will support the elementary school which is presently under construction. Approximately one-fifth the number of students are generated by apartment development as opposed to single-family development. It is the responsibility of the Planning Commission to designate land uses. Mr. Kinser stated that this property is valuable and should not be restricted as to its highest use. The location of this property and the extensive apartment development in the area would seem to dictate higher density use for this tract.

Mr. Lillie stated that apartment zoning is proper near the major arterial streets, but a gradation of zoning is needed between apartment zoning and the single-family neighborhood and the elementary school. The Commission then

VOTED: To recommend that the request of Joe Gilbreth for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area for property located at 2701-3021 Parker Lane be DENIED, but that "A" Residence, First Height and Area be GRANTED, subject to departmental requirements.

AYE: Messrs. Crier, Taniguchi and Becker

NAY: Messrs. Kinser and Milstead

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-71-024 John McPhaul and Tom Attal: Int. A, Int. 1st to C, 1st on 345'
9431-9811 Middle Fiskville Road (average) and "BB" Residence on the
remaining portion (as amended)

STAFF REPORT: This is a request for the construction of apartments and a shopping center on two tracts of land. Tract 1 contains 4.47 acres and Tract 2 contains 17.4 acres. These two tracts and the subdivision to the east are zoned Interim "A" Residence. The property to the west across Middle Fiskville Road is in the County. Commercial zoning is established at the corner of Rundberg Lane and I. H. 35. A grocery store, service station, and milk company are located in the immediate area, also. A salvage yard

C14-71-024 John McPhaul and Tom Attal--contd.

and several single-family homes exist across from Tract 2 on Middle Fiskville Road. A power sub-station and a warehouse exist between Tract 1 and Middle Fiskville Road. Tract 1 is a part of the pending Northcape Subdivision plat presently in final form. The proposed use of Tract 1 in the subdivision is for single-family use. This area was requested for "BB" Residence zoning last year, but the staff recommended that the request be denied. The request was later withdrawn. The applicant has been informed that if apartment development is desired on Tract 1, there should be no traffic circulation into the interior residential subdivision, and that the proper direct ingress and egress from I. H. 35 should be provided. The applicant has agreed to amending his application as follows: to reduce the size of the "C" Commercial area adjacent to Middle Fiskville Road to a maximum depth of approximately 353 feet on the north and a minimum depth of 330 feet on the south. Furthermore, the remainder of the tracts between the "C" Commercial and the existing subdivision to the east are to be amended to "BB" Residence south of Northcape Drive. Tract 1 will be eliminated from the application with the understanding that another application for Tract 1 will be resubmitted next month. The staff recommends that the request be granted, as amended.

TESTIMONY

WRITTEN COMMENT

Russell Thompson: 9601 Dallum Drive	AGAINST
Sterling Anderson: 9610 Middle Fiskville	FOR
Thomas T. Smith: 811 Capital National Bank Building	FOR

PERSONS APPEARING AT HEARING

John McPhaul (applicant)	
C. W. Davis: 9713 Dallum	AGAINST
Gerald Neely: 9503 Dallum Drive	AGAINST
Don Dickinson: 9405 Hansford Drive	AGAINST
Anthony J. Stautzeberger: 9711 Dallum Drive	AGAINST
Mr. & Mrs. Roy E. Wahl: 9712 Dallum Drive	AGAINST
Mr. & Mrs. James A. Blair: 9808 Dallum Drive	AGAINST
Jaren Current: 1010 Glazier Circle	AGAINST
Mrs. Nancy Sharp: 9715 Dallum Drive	AGAINST

SUMMARY OF TESTIMONY

Mr. John McPhaul explained that his original plan for the development of this site was felt to have inadequate traffic circulation by the staff. Discussion with them has resulted in this amended application; the portion which has been deleted and an additional area will come before the Planning Commission for consideration of change in zoning next month. Mr. McPhaul displayed a site plan of the amended request. Two private drives, as requested by the staff, will be provided for this development.

Mr. Foxworth pointed out that the zoning is subject to the subdivision of this property, as Northcape Drive is not dedicated through this tract.

C14-71-024 John McPhaul and Tom Attal--contd.

Mr. C. W. Davis, 9713 Dallum, represented the residents of this area. It was their understanding that this request would not be recommended by the Planning Department. The amended application should be reviewed by the adjoining property owners, who request that this hearing be postponed for this purpose. The residents are very concerned about the generation of traffic which would be hazardous for their children.

Mr. McPhaul had no objection to the postponement of this hearing until the Planning Commission meeting.

COMMENTS AND ACTION BY THE COMMITTEE

This application is referred to the full Planning Commission to give the area residents an opportunity to review the amended plan.

At the Commission meeting, Mr. John McPhaul explained that this case was referred to the Planning Commission because of the changes made in the application in order to comply with the recommendations of the Planning Department. This request is recommended by the staff and is for "C" Commercial zoning on the west 345 feet (average) of Tract 2 and "BB" Residence zoning on the remaining portion of Tract 2. This recommendation is subject to the subdivision of the property providing for the further development of Northcape Drive and right-of-way on Middle Fiskville Road. In addition, a driveway is to be provided through the commercial property. The property which has been deleted from this application will be resubmitted, along with additional property, for a change of zoning in the near future. Dallum Drive will be connected to Glazier Circle to serve the residential area. The proposed "BB" Residence zoning and the "BB" Residence zoning being requested on this application will act as a buffer between the "C" Commercial zoning and the existing single-family neighborhood to the east. All commercial traffic will be routed away from the residential area. It is felt that this request is in order.

Mr. Gerald Neely, 9503 Dallum Drive, requested that this hearing be postponed for two weeks to allow the area residents to study this proposal further and possibly obtain legal counsel. Mr. Lillie of the staff advised that this application should proceed and will be heard by the City Council on March 4th, at which time the residents can voice their objections. Mr. Neely presented petitions to the Commission signed by the area residents opposing this request. Mr. Lillie explained that these petitions must be notarized before being presented to the City Council to be accepted as evidence. Mr. Neely stated that the residents of this area from Rundberg Lane to Walnut Creek, from Middle Fiskville Road to Dessau Road, an area of 1900 acres, feel that the commercial site requested is strip zoning. The requested "BB" Residence zoning could put as many as two hundred family units on that site, which would be a great burden upon the community, particularly from the standpoint of traffic. Rundberg Lane is the only access to Interstate Highway 35 and is very heavily traveled at the present time. It is in the best interest of the community to maintain this area as residential. This request does not fit into the overall pattern of the area. Nine homes

C14-71-024 John McPhaul and Tom Attal--contd.

are in existence across the street from the proposed commercial use, and this development would essentially force them from their homes.

Mr. Don Dickinson, 9405 Hansford Drive, pointed out that this proposed development is on the northwest corner of the neighborhood, and immediately to the south is the State Farm Insurance complex, with the only buffer being Rundberg Lane. Commercial development will be proposed to the east of this area; the residential area is being surrounded by commercial and apartment development. The homeowners feel that misrepresentations have been made to them and feel that this current proposal does not strengthen their position as owners and taxpayers.

Mr. C. W. Davis, 9713 Dallum Drive, introduced maps of the area designating the residential development. The only commercial development is at Rundberg Lane, Interstate 35 and Middle Fiskville Road. The residents realize that commercial development will occur along Interstate Highway 35, but feel that it should not occur within the residential area. The residents have worked hard to purchase their homes and wish to protect this area.

Mr. McPhaul stated that he owns property in this area and feels that the figure of 1900 acres of residential development is erroneous. It is felt that no misrepresentation has taken place in the development of this area and that this proposal is not harmful to the homeowners. Certainly some commercial development is needed to serve residential areas. This request is merely a continuation of existing zoning. If this land had not been brought into the City limits, it could be used for commercial or industrial as a non-conforming use, such as the junkyard in existence to the east. This property has been brought into the City, streets are being deeded to the City and the requirements of the Planning Department have been met. Mr. McPhaul stated that he does not intend to harm the property in the area; he has subdivided property and built many homes in the City and has always complied with the regulations and with what is best for the City.

Mr. Davis replied that originally the purchasers in the area were assured that an elementary school would be constructed on the State Farm Insurance tract and that only high-quality brick homes would be constructed in this subdivision. The residents do not wish to make a profit, they simply wish to protect their homes. Consideration should be given to the terrain, which is such that if two-story structures are built, the residents will be living in a fish bowl. Another application will be brought in for property in the area next month. The residents feel that they cannot afford an attorney for each of these cases.

Mr. McPhaul pointed out that a two-story house can be built in residential zoning and that buildings up to thirty-five feet can be constructed in First Height and Area. It is felt that this application is the highest and best use of the property.

C14-71-024

John McPhaul and Tom Attal--contd.

Mr. Crier requested information as to the setback required on the "BB" Residence zoning which will be adjacent to the residential development. The staff reported that this setback could be as little as five feet; however, the special permit may have the parking area at that property line, which could be a forty to sixty-foot setback.

No time has been set for the widening of Rundberg Lane as right-of-way is needed in certain areas. The total area is considered in a zoning application. It is a policy of the Planning Department to encourage commercial development at intersections of major streets, and to discourage strip zoning along major streets. In this area there is justification for commercial zoning along Middle Fiskville Road, with warehouses and commercial development to the south. A stepdown in zoning is recommended to provide protection for the residential subdivision in existence, as it would be unrealistic to expect the area between Interstate Highway 35 and Middle Fiskville Road to develop other than commercially.

Mr. Kinser stated that the Planning Commission's policy is to graduate the zoning from commercial or industrial to office or apartment development as a buffer for residential areas.

Mr. Taniguchi questioned fencing requirements and the staff explained that such requirements are usually recommended by the Commission to the Council. Often parking areas are used as buffers and privacy fencing is required.

Mr. Milstead stated that the property on the east side of Middle Fiskville Road is not residential property. The salvage yard extends back to Middle Fiskville Road. Mr. Taniguchi stated that he feels that the residents need a buffer between them and the commercial development. This proposal seems to be reasonable for such a buffer. A forty-foot setback should be required along the east property line, which can be used for parking and fenced.

The Commission then

VOTED:

To recommend that the request of John McPhaul and Tom Attal for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area on the west 345 feet (average) of Tract 2; "BB" Residence, First Height and Area on the remaining portion of Tract 2; Tract 1 withdrawn (as amended) on property located at 9431-9811 Middle Fiskville Road be GRANTED, subject to a forty-foot setback along the east property line and departmental requirements.

AYE:

Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY:

None

ABSENT:

Messrs. Reeves, Anderson, Chamberlain and Goodman

C14-70-245 Kerry G. Merritt: A to BB
7800-7806 Northcrest Boulevard
7801-7805 Northcrest Boulevard (as amended)

STAFF REPORT: This is a tract of land covering 3.1 acres proposed for apartment development. Single-family homes are developed throughout the neighborhood to the south and zoned "A" Residence. "C" Commercial and "O" Office zoning exists on the north between the property under consideration and Highway 183. A warehouse is located on U. S. 183 north of this tract. A 60-foot strip of "O" Office zoning was established as a buffer on the adjoining tract to the north and east of the subject property. Therefore, the intended buffer for the further development of the subdivision has been established. This request is part of the original preliminary subdivision proposal that designated this subject property for single-family or duplex use as indicated on the staff report map. Apartment uses should be located on land already zoned "O" Office and "C" Commercial to the north. If this application were approved, traffic generated by multi-family use would have direct ingress and egress to the residential streets on the south. The staff recommendation is to deny this request as an encroachment into an area proposed as low-density development. "A" Residence zoning should be retained.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)	
Duane W. Dobson: 100 Prince Drive	AGAINST
Marlton O. Metcalfe: 2604 Metcalfe Road	FOR
Mr. & Mrs. John C. Wilson: 7705 Eastcrest	AGAINST
Orin E. Metcalfe: 2500 Metcalfe Road	FOR

SUMMARY OF TESTIMONY

Mr. Robert Sneed represented the applicant. He displayed a map of the proposed development, showing Eastcrest Drive connecting to Northway Drive. This is a small tract of land which was left over from the subdivision and commercial development to the north. Northway Drive is the boundary line for deed restrictions to the south restricting commercial or multi-family use. Northcrest Boulevard is developed to U.S. Highway 183 and will continue on as a neighborhood collector street. This requested development will be restricted to fourplex lots, not apartment houses. The Planning Department staff has requested that if rezoned, Eastcrest Drive end in a cul-de-sac to protect the residential development from traffic; the lots abutting this cul-de-sac would remain "A" Residence. Restrictive covenants will be given regulating the size and quality of the duplex and fourplex development to F.H.A. standards.

C14-70-245 Kerry G. Merritt--contd.

The staff explained that the "O" Office zoning existing to the north is a buffer strip required by the Planning Commission when the commercial zoning abutting U.S. Highway 183 was granted. The Planning Department feels that the area included in this request should be "A" Residential as the buffer is already established.

Mr. John Wilson, 7705 Eastcrest Drive, spoke in opposition to this request. When the residents bought homes in this subdivision, Holiday Hills, they were told by the developer, Mr. Walter Carrington, that the subdivision would be completed. A plat was on file at that time, designating the tract under consideration as single-family residential use. When the application for the area adjacent to U.S. Highway 183 was made, the area residents met with the representatives of Armstrong-Johnson Ford, who were to develop a dealership at that location, and worked out the problems. For some reason the dealership was not developed and the land was sold to Bekins Furniture for use as a warehouse under the commercial zoning, which the neighborhood feels is a most unsuitable use. The residents are concerned that this property will be divided into lots and sold to individuals for development and would like some assurance that the quality of the development will be maintained.

In answer to a question from Mr. Goodman, Mr. Sneed explained that for better development, the cul-de-sac should be moved southeast. All lots facing this cul-de-sac would be zoned "A" Residential, with all other lots in the tract "BB" Residence. Northcrest Boulevard is dedicated through the subject tract.

Mr. Wilson stated that he was not aware that the property facing on Eastcrest Drive would be left "A" Residential. This is felt to be a workable solution to the severe traffic problem on this street.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members felt that more consideration should be given to the street pattern and requested that the staff confer with the applicant.

The Committee reviewed the information and referred this application to the full Commission in order to give the applicant time to work with the staff and the objectors to his proposed development for a satisfactory solution.

At the Commission meeting, Mr. Robert Sneed reported that the applicant has conferred with the staff and the area residents concerning this application. In order to solve the problem of multi-family traffic in the single-family residential area, it is proposed that Northway Drive and Eastcrest Drive not be connected, but that Eastcrest Drive end in a cul-de-sac. The lots abutting this cul-de-sac will be restricted by covenant to single-family or duplex development; each duplex will contain at least 2,000 square feet, exclusive of garages; each duplex will be at least fifty per cent masonry and of architectural design; and in addition, the apartment and fourplex development will be of architectural design and contain fifty per cent masonry. It is felt that these stipulations have solved the conflict with the area residents.

C14-70-245 Kerry G. Merritt--contd.

Mr. John Wilson, 7705 Eastcrest Drive, stated that he would prefer single-family development, but feels that the proposed development will offer protection for the residences on Eastcrest Drive as far as traffic is concerned. Many of the residents have converted their garages into bedrooms, which creates on-street parking. He requested that it be stipulated that the rear yards of the duplexes be privacy fenced, as they adjoin the single-family development. He requested that record be made that he does not represent the neighborhood, but represents only himself in this case.

Mr. Duane Dobson, 100 Prince Drive, stated that ideally this area would be single-family residential, but the reality of the development along U.S. Highway 183 must be considered. The proposed plan is an agreeable compromise.

Mr. Taniguchi pointed out that the duplex development is allowable under the zoning in existence and it would not be proper to require privacy fencing under such circumstances.

Mr. Sneed requested that this application be amended by the withdrawal of the westerly 120 feet and the easterly 300 feet of the original application. The Commission then

VOTED: To recommend that the request of Kerry G. Merritt for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 7800-7806 Northcrest Boulevard and 7801-7805 Northcrest Boulevard (as amended) be GRANTED, subject to departmental requirements.

AYE: Messrs. Kinser, Crier, Milstead, Taniguchi and Becker

NAY: None

ABSENT: Messrs. Reeves, Anderson, Chamberlain and Goodman