

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- March 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. Kinser, Chairman
M. J. Anderson
Jack Crier
Bill Milstead
Walter Chamberlain
Alan Taniguchi
Fritz Becker

Absent

C. L. Reeves
Jack Goodman

Also Present

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

ZONING

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

Present

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

Also Present

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

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

STAFF REPORT: This tract of 2.79 acres is proposed for the development of apartments. A single-family residential neighborhood is located to the west. That property across Airport Boulevard is City property in use for the airport facilities. Patterson Park and a church are located across Schieffer Avenue. The single-family neighborhood surrounding this site is zoned "A" Residence. The staff recommends this request, as apartment zoning is a good buffer between single-family residences and a major thoroughfare. Consideration should be given to screening along the south and west property lines. There is a twenty-foot drainage easement on the west property line.

TESTIMONY

WRITTEN COMMENT

| | |
|-------------------------------------|---------|
| Wilford Wallin: 4009 Vineland Drive | AGAINST |
| R. F. East: 1814 East 40th Street | AGAINST |
| Mrs. B. Baldwin: 4005 Vinland Drive | FOR |

PERSONS APPEARING AT HEARING

| | |
|---|------------|
| Hubert H. Rossy (representing applicant) | |
| Dr. Jack L. Whitehead, Jr.: 4017 Vineland Drive | AGAINST |
| Vivian Joseph: 1816 East 40th Street | AGAINST |
| G. E. Warren: 4016 Vineland Drive | AGAINST |
| Mr. & Mrs. John Barth: 4008 Vineland Drive | AGAINST |
| Mr. & Mrs. Charles B. Galloway: 4015 Vineland Dr. | AGAINST |
| Mrs. Wayne M. Layman: 1817 East 40th Street | AGAINST |
| Roger Osborn: 4010 Vineland Drive | AGAINST |
| Ross McElroy: 3911 Grayson | AGAINST |
| H. R. Warren: 4003 Vineland Drive | NO OPINION |
| Mrs. Edmund P. Frank: 3313 Hampton Road | AGAINST |
| Harry E. Montandon: 2412 North Interregional | FOR |
| Bob J. Bailey: 2309 Windsor Road | FOR |
| Mrs. Howard Joseph: 4019 Brookview Road | AGAINST |
| Mrs. Ross McElroy: 3911 Grayson Lane | AGAINST |
| Raymond S. Joseph: 1816 East 40th Street | AGAINST |
| Mrs. Bob Bailey: 2309 Windsor Road | FOR |
| Olin Miller | AGAINST |

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Hubert H. Rossy represented the applicants. He stated that this property is under contract of sale pending this zoning for the construction of apartments. This is an ideal location across the street from the airport, and will increase the value of the surrounding property.

Mr. Bob Bailey, the prospective purchaser of the property, displayed pictures of his proposed development. He pointed out that the Planning

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

Department recommends this use for the tract. The heavy traffic on Airport Boulevard precludes single-family development. Mr. Bailey has met with the neighbors and their primary objection is to the trash and litter such development may cause. The twenty-foot drainage easement is a natural barrier at the rear of the tract, and privacy fencing will be provided to the south and west boundaries. This will be a quality development and will be an asset to the area.

Mr. Harry Montandon stated that he represents the sellers of this property and they feel that apartment zoning is the best use for the tract.

Arguments Presented AGAINST:

Mr. Ross McIlroy, 3911 Grayson Lane, presented a petition signed by the area residents opposing this request. He stated that he had bought his property fifteen years ago and was assured that this area would remain single-family residential. The residents oppose this development strongly and feel that the value of their property will be adversely affected if it is approved.

Mr. Olin Miller stated that he, too, was assured that nothing other than single-family residences would be allowed in this area, and that even two-story homes would not be allowed. Mr. Schieffer himself made this promise. The residents have a substantial investment and feel that this development should not be permitted.

Mr. Roger Osborn, 4010 Vineland Drive, stated that he is acquainted with the applicants and knows their need to make better use of this property. However, he feels that several objections to this plan should be made. The applicants plan to provide one and one-half parking spaces per unit; this will not be adequate and will result in on-street parking on the nearby residential streets. It is felt that 38 1/2 Street will bear the brunt of the traffic from the proposed development. This street is already overloaded and this will create an additional hazard for Maplewood School. This development will greatly increase the moving traffic on the narrow streets in the area. There are no other apartments in the immediate area; the nearest such development is at Airport Boulevard and Interstate 35 and this development has a severe problem with the trash pickup and parking in the neighborhood. Mr. Osborn feels that the plans for this development are not clear. Additionally, this development will probably influence the use of the property across Schieffer Avenue to the north, which abuts the park but is not part of the park. The tract is much needed for recreational use for this area.

Mr. Raymond S. Joseph, 1816 East 40th Street, stated that Mr. Emmet Schieffer personally assured him that this area would remain single-family. He pointed out that from 38 1/2 Street to Interstate 35 only two commercial uses exist and the remainder of the land use is for single-family dwellings. He stated that Mr. Schieffer was a man of integrity and if he were alive today the residents would not be faced with this proposal.

CL4-71-006 H. Morris Stevens and Jean Schieffer--contd.

Dr. Jack L. Whitehead, Jr., 4017 Vineland, stated that he had recently purchased his property. He was assured by the former owner that this area would remain residential. If our society is going to exist, verbal committments should be honored. The density planned for this development is much too high and will cause spillover into the neighborhood, making it an undesirable place to live. Many times in apartment construction, the minimum investment is used, is depreciated as soon as possible to get a tax write-off and the surrounding area is harmed. Dr. Whitehead stated that he has a substantial committment to this area, as his last mortgage payment is due in the year 2001; we should prepare to live in the twenty-first century and should be able to trust other people and believe in them.

Arguments Presented in REBUTTAL:

Mr. Bailey stated that this tract of land is not part of the Schieffer addition. The traffic on Airport Boulevard has increased greatly in the past few years, changing the character of the area. This location is ideal for an apartment house from the standpoint of handling of traffic.

Mr. H. Morris Stevens, one of the applicants, stated that Mr. Schieffer died in 1959; at that time, it was felt that all of the area would have to be developed as single-family residential. Conditions in the area have changed drastically since that time.

Mr. Reeves requested information on the density planned for the tract; Mr. Bailey stated that one hundred units will be constructed, with one hundred and sixty parking places. Mr. Goodman stated that the seven driveways on Airport Boulevard as planned is undesirable, with traffic conditions so heavy.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a buffer between residential development and Airport Boulevard, subject to privacy fencing where the tract abuts single-family residential development and that no more than two curb breaks be permitted on Airport Boulevard.

At the Commission meeting, the staff reported that the applicants have submitted a site plan for this tract, with request for consideration of three curb breaks on Airport Boulevard. The Commission then

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 GRANTED, subject to privacy fencing where the tract abuts single-family residential development, and the restriction of no more than three curb breaks on Airport Boulevard.

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

C14-71-025 David B. Barrow: Int. A, Int. 1st to GR, 1st
3571-3593 Far West Boulevard
7053-7077 Village Center Street

STAFF REPORT: This application is on 2.5 acres of land to be used as permitted by the said zoning. "GR" General Retail is pending at the southwest corner of Village Center Street and Far West Boulevard. "GR" General Retail zoning is established at North Hills Drive and Village Center Street. The surrounding area is "Interim A", Interim First Height and Area. A church and a nursery are located just across Village Center Street to the west. The staff recommendation is to grant this request as consistent with existing zoning in the area.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

David Barrow, Jr. (applicant)
Charles F. Stahl (architect for Northwest Hills Development Company)

SUMMARY OF TESTIMONY

Mr. Charles F. Stahl, architect for Northwest Hills Development Company, spoke for this request. This is the first phase of the community center planned for this site. This is part of the plan for the development of this area which has the approval of the Planning staff.

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.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of David B. Barrow 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 3571-3593 Far West Boulevard and 7053-7077 Village Center Street be GRANTED.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-026 James W. Strain: A to BB
4708-4710 Avenue H

STAFF REPORT: This tract contains 9,375 square feet and is proposed for apartment development. "A" Residence zoning predominates this area. There are no intrusions of zoning or land use in this single-family residential neighborhood. The staff recommendation is to deny this request as an intrusion.

TESTIMONY

WRITTEN COMMENT

Lt. Bradshaw: 4711 Avenue H
 Mrs. Estelle Harkleroad: 4713 Avenue G

FOR
 AGAINST

PERSONS APPEARING AT HEARING

Joe Robertson (representing applicant)
 Gertrude Hodde: 4704 Avenue G

NO OPINION

SUMMARY OF TESTIMONY

Mr. Joe Robertson, attorney, represented the applicant. This request is for the purpose of placing a duplex on the property. There are numerous duplexes in the area. One structure is already in existence on this tract and the applicant does not wish to connect the other structure. The staff explained to Mr. Robertson that although there are three 25 foot lots in this tract, they are substandard lots and do not contain the front footage or area necessary for three units.

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 denied as an intrusion into a single-family residential neighborhood.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of James W. Strain for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4708-4710 Avenue H be DENIED.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-027 J. C. Enterprises: A to BB
405-407 Swanee Drive

STAFF REPORT: This proposal covers an area of 12,150 square feet to be used for a six-unit apartment development. "BB" Residence is an established zoning within this neighborhood, which is surrounded by "A" Residence zoning. Commercial and more intense multi-family zoning exist at the intersection of Guadalupe Street and Airport Boulevard and along Kenniston Drive one block to the south. Single-family residences and apartments exist in this area. There is a pending request next door on the west, which the staff recommended to grant. Swanee Drive is a dead-end street. The staff recommendation is to grant this request as consistent with existing zoning, subject to five feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Mary Patzelt: P. O. Box 443 Los Fresnos, Texas AGAINST
E. B. Webb: 403 Swanee Drive AGAINST

PERSONS APPEARING AT HEARING

Stanley W. Johnson: 7404 Brookhollow FOR
Thomas W. Caffey (applicant)

SUMMARY OF TESTIMONY

Mr. Tom Caffey stated that this property was purchased two years ago. The applicants wish to develop six units on this tract.

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. This recommendation is subject to five feet of right-of-way on Swanee Drive.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of J. C. Enterprises for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 405-407 Swanee Drive be GRANTED, subject to five feet of right-of-way on Swanee Drive.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman.

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C14-71-028 Pete Sosa: A to C
307 Cumberland Road
2701-2705 Wilson Street

STAFF REPORT: This request is for the establishment of a plumbing shop on a tract containing 6,000 square feet. "A" Residence zoning is the predominant zoning in this single-family residential neighborhood; however, an apartment project zoned "B" Residence is located across the intersection. Commercial and apartment zoning cease several hundred feet west of Congress Avenue. The small lot of "C" Commercial to the west is undeveloped. This site was recently owned by the City, who in 1968 submitted a zoning application on this site. The recommendation at that time was for "B" Residence, First Height and Area zoning. It is recommended that this request be denied as an encroachment into a residential neighborhood, but to grant "B" Residence, First Height and Area zoning, subject to five feet of right-of-way on Cumberland Road.

TESTIMONY

WRITTEN COMMENT

I. S. Fredericks

AGAINST

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 the request should be denied as an encroachment into a residential neighborhood, but recommend the granting of "B" Residence, First Height and Area, subject to five feet of right-of-way on Cumberland Road.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Pete Sosa for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 307 Cumberland Road and 2701-2705 Wilson Street be DENIED, but recommend the granting of "B" Residence, First Height and Area, subject to five feet of right-of-way on Cumberland Road.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

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C14-71-029 William Dale Dodson: A to GR
4418 Barrow Avenue
511-515 East 45th Street

STAFF REPORT: A used car lot is proposed on this tract containing 6,000 square feet. Both mixed and intense zoning exist in this area. Duval Street at 45th Street is developed with a laundromat, appliance sales, service station and single-family residences. A pending zoning case is located across 45th Street to the north. "GR" General Retail, Second Height and Area was recommended on the Duval Street frontage and "B" Residence, Second Height and Area was recommended on the rear portion which is directly across 45th Street from the subject property. Only 3,450 square feet will remain after the required twenty feet of right-of-way on 45th Street and five feet of right-of-way on Barrow Avenue are dedicated. The staff's recommendation is to deny this request, as re-zoning would create a substandard lot. Also, this would be the first site off Duval Street of a commercial nature.

TESTIMONY

WRITTEN COMMENT

Bruce H. Deatherage: 1700 Flintridge Road
Togie Baylor: 5908 Manor Road

NO OPINION
FOR

PERSONS APPEARING AT HEARING

William Dale Dodson (applicant)

SUMMARY OF TESTIMONY

Mr. Dale Dodson stated that this tract should be used commercially, due to the heavy traffic in this area.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that commercial use is proper for this tract, even though it will be substandard in size. The applicant can build to within 5 feet of the property line.

The Committee reviewed the information and concluded that this request should be granted as proper zoning for this area, subject to twenty feet of right-of-way on East 45th Street and five feet of right-of-way on Barrow Avenue.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of William Dale Dodson for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 4418 Barrow Avenue and 511-515 East 45th Street be GRANTED, subject to twenty feet of right-of-way on East 45th Street and five feet of right-of-way on Barrow Avenue.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-030 Donald B. Witzke: B, 2nd to O, 2nd
604 Pressler Street

STAFF REPORT: The applicant plans to use this site for a consulting firm office. This lot is an area of 5,607 square feet. This single-family residential neighborhood is zoned "B Residence, Second Height and area, with "O" Office, Second Height and Area zoning existing in similar points of several adjacent blocks. "C" Commercial zoning exists across West Sixth Street to the south. The staff recommends against the change as an encroachment into this residential area with inadequate streets.

TESTIMONY

WRITTEN COMMENT

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| Mrs. M. E. Watson: 1400 West 6th Street | AGAINST |
| Robert Hamby: 704 Winflo Drive | AGAINST |
| Raymond Tubbs: 1202 East 30th Street | FOR |
| J. Louis Meyerowitz: 1402 West 6th Street | AGAINST |
| Regina J. Braunig: 6125 Dillingham; Shreveport, La. | FOR |
| Rose Dorothy Neizberg: 4210 Waynar; Memphis, Tenn. | FOR |
| W. S. Benson, Jr.: P. O. Box 1866 | AGAINST |
| Jane Smoot: 1316 West 6th Street | AGAINST |
| William B. Hawkins: 5109 Duval | AGAINST |
| Mr. & Mrs. H. B. Dunagan: 701 Brownlee Circle | AGAINST |

PERSONS APPEARING AT HEARING

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|---|---------|
| Donald B. Witzke (applicant) | |
| Mrs. Jane Smoot: 1316 West 6th Street | AGAINST |
| Mrs. Edwin Alley | AGAINST |
| J. Louis Meyerowitz: 1402 West 6th Street | AGAINST |
| Don Gillam | AGAINST |

SUMMARY OF TESTIMONY

Mr. Donald Witzke stated that he would like to use this location as an office until his business grows larger and requires more space. This agency serves schools, businesses and government groups, helping them plan better organization. Clients rarely come to this office, so that minimal traffic will be created.

Mrs. Jane Smoot, a nearby resident, stated that she owns several tracts in this neighborhood and is trying to preserve the residential character of the area. The applicant has created traffic in the area, and machinery is used which is very loud at times. The streets in this area are narrow and officially, Pressler Street is not an open-end street. A driveway is used by automobiles into Ninth Street at the north end. Traffic has increased in this area since Sixth Street has been made one-way.

Mrs. Edwin Alley owns property near this tract and objects to the precedent which would be set by this request. Traffic is a problem in the area and more should not be created.

C14-71-030 Donald B. Witzke--contd.

Mr. Louis Meyerowitz and Mr. Don Gillam, nearby property owners object to this change due to the traffic in the area and the existing on-street parking.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Donald B. Witzke for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 604 Pressler Street be DENIED.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-031 Oscar B. Peterson, Sr. A to O
1010 East 39th Street

STAFF REPORT: The applicant proposes office development on this tract of 16,146 square feet, which abuts "C" Commercial in existence along Interstate Highway 35. Motels, service stations, a brick company and other commercial uses are established along Interstate 35. "A" Residence zoning and single-family residences exist in the neighborhood to the west. Office zoning exists to the immediate north of this site. The staff recommends this request as an appropriate buffer between "C" Commercial and "A" Residence, subject to five feet of right-of-way on East 39th Street.

TESTIMONY

WRITTEN COMMENT

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| John Felter: 3008 West Avenue | FOR |
| C. B. Hahn: 1012 East 38 1/2 Street | FOR |
| Watt Schieffer: 1011 East 40th Street | FOR |
| Vada Elizabeth Gaut Baykin | FOR |
| Thomas B. Harris: 3913 Wilbert Road | FOR |

PERSONS APPEARING AT HEARING

Oscar B. Peterson, Sr. (applicant)

C14-71-031 Oscar B. Peterson, Sr.--contd.

SUMMARY OF TESTIMONY

Mr. Oscar B. Peterson, Sr. stated that he wishes to sell his property and get away from the fumes and the noise of the heavy traffic. He feels that the proposed office development will be very suitable for the area.

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 an appropriate buffer between "C" Commercial and "A" Residence zoning, subject to five feet of right-of-way on East 39th Street.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Oscar B. Peterson, Sr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1010 East 39th Street be GRANTED, subject to five feet of right-of-way on East 39th Street.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-032 Liberty Industries: C, 1st to C, 2nd
7100-7104 North Interstate Highway 35

STAFF REPORT: This is a tract containing .027 acre, with proposed use for the erection of a sign. "C" Commercial zoning is established along Interstate 35 and at this point several hundred feet to the west. "DL" Heavy Industrial zoning is established across Interstate 35 to the east, with service stations and a drive-in grocery established at St. Johns Avenue and Interstate 35. A motel exists to the north. Across Interstate 35 there is a freight company and an office. A recent history 360 feet to the south established third Height and Area with the limitation of height from ground level to 70 feet of elevation and not to exceed 790 feet above sea level. Both cases are within the Airport Zoning Board jurisdiction. The Building Inspection Office indicates that the Airport Zoning Board could approve a height limitation of 92.5 feet, but that this case should be subject to Federal Aviation Agency regulations. The staff recommends this request, subject to the necessary approval of the Airport Zoning Board and the Federal Aviation Agency.

TESTIMONY

WRITTEN COMMENT

None

C14-71-032 Liberty Industries--contd.

PERSONS APPEARING AT HEARING

Tom Curtis (representing applicant)

SUMMARY OF TESTIMONY

Mr. Tom Curtis represented the applicant. He stated that the Federal Aviation Agency has been contacted regarding this proposal and no problems are foreseen. The sign will be 53.3 feet high, and is for a motor hotel.

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 appropriate zoning for this tract, but subject to the necessary approval of the Airport Zoning Board and the Federal Aviation Agency.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Liberty Industries for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Second Height and Area for property located at 7100-7104 North Interstate Highway 35 be GRANTED, subject to the necessary approval of the Airport Zoning Board and the Federal Aviation Agency.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-033 C. Darrell Hopkins: Int. A, Int. 1st to C, 1st (Tr.1) and 0,2nd(Tr. 2)
 Tract 1: 2713-2809 U.S.Highway 183; 8809-8920 McCann Drive
 Tract 2: 2804-2814 Thrushwood Drive

STAFF REPORT: Tract 1 is 8.21 acres and Tract 2 is 1.60 acres, and this property is proposed for shopping center and office building development. That property south of Highway 183 is in the City. "C" Commercial zoning is established at the intersection of McCann Drive and Highway 183. A service station is developed across McCann Drive at Highway 183. All the remaining property in this area and abutting this site is zoned "Interim A". A single-family residential neighborhood exists to the south and east, and all of this neighborhood is First Height and Area. The staff recommendation is to deny this request as submitted. It is recommended to grant "GR" General Retail zoning rather than "C" Commercial zoning on the north 400 feet of Tract 1, and "BB" Residence on the southeastern part of Tract 1. Also recommended is the retention of "A" Residence on Tract 2 and the portion of Tract 2 within the Northwest Terrace Preliminary Plan. This Preliminary Plan shows the south portion of Tract 2 and all of Tract 1 as single-family residential. This case is subject to the privacy fencing adjacent to the

C14-71-033 C. Darrell Hopkins--contd.

residential area on the south, a setback line of 95 feet to provide for the proposed widening of Highway 183, and a subdivision.

TESTIMONY

WRITTEN COMMENT

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| Charles R. Mitchell: 8708 Donna Gail Drive | AGAINST |
| Luther M. Basham: 8707 Stillwood | AGAINST |
| Floyd D. Bresenham: 8709 Donna Gail Drive | AGAINST |
| Harry Deutch: 2707 Thrushwood Drive | AGAINST |
| Thomas L. Ausley: 8623 Winding Walk | AGAINST |
| William H. Osborne: 8604 Stillwood Lane | AGAINST |
| Hal J. Harris: 8614 Stillwood Lane | AGAINST |
| Mr. & Mrs. M. A. Campbell: 8705 Stillwood | AGAINST |
| James F. Allen, Jr.: P. O. Box 643 | AGAINST |
| Glastron Boat Company: P. O. Box 9447 | FOR |
| John W. Scoggan: 2700 Kerrybrook | AGAINST |
| James W. Irwin: 8709 Melshire Drive | AGAINST |
| Harvey Kappler: 2711 Thrushwood | AGAINST |
| Sammy Nardicchia: 8710 Donna Gail Drive | AGAINST |
| Lawrence E. Matthews: 8711 Melshire Drive | AGAINST |

PERSONS APPEARING AT HEARING

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|--|---------|
| C. Darrell Hopkins (applicant) | |
| Mrs. Robert Delany: Thrushwood | AGAINST |
| Tom Ousley | AGAINST |
| Gene Matthews | AGAINST |
| Byron Kitt: 2705 Thrushwood Drive | AGAINST |
| Harry Deutch: 2707 Thrushwood Drive | AGAINST |
| Jerry Taylor: 2710 Thrushwood Drive | AGAINST |
| Jim Ferrow | AGAINST |
| Smitty Johnson | AGAINST |
| Mr. & Mrs. Paul Jenks: 2706 Kerrybrook | AGAINST |
| Mrs. Paula F. Belcher: 2707 Kerrybrook | AGAINST |

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. C. Darrell Hopkins presented plans for the development to the Committee members. Mr. Reeves stated that he had no objection to commercial development on the major portion of this tract, but commercial development should not be allowed on McCann Drive at the entrance to the single-family subdivision. The neighborhood should be protected. Mr. Hopkins stated that the ninety-foot setback on Highway 183 was a major consideration for this proposed development. The residents should be buffered from the commercial development. The proposed development is shown on the original site plan, but was not brought into the City until recently, primarily due to tax requirements. Mr. Goodman stated that "GR" General Retail zoning would allow the proposed

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C14-71-033 C. Darrell Hopkins--contd.

uses; Mr. Hopkins explained that the original plans would have required "C" Commercial zoning.

Arguments Presented AGAINST:

Mrs. Robert Delany, who lives on Thrushwood Drive, presented a petition opposing this request signed by fifty-one area residents. She feels that commercial development on Thrushwood Drive is an encroachment and will increase the traffic considerably. Apartment development on this tract would be preferable to the commercial development, from the standpoint of the safety of the children. Mr. Reeves pointed out that apartments would generate more traffic; Mrs. Delaney objects to the type of people who hang around commercial areas. This is a nice residential area and should be protected.

Mr. Tom Ousley stated that many of the homes in the area have been built within the past twelve months; the residents expected more intense development along Highway 183, but expected Thrushwood Drive to remain residential. Consideration should be given to a buffer of "B" Residence zoning between the "A" Residence and the commercial development. The original proposal is not in keeping with the approved preliminary plan for Northwest Terrace.

Mr. Gene Matthews stated that he had his home in this area built five months ago; it is custom built and is all brick. The majority of the homes in this subdivision are all brick and represent a substantial investment. He is in agreement with the buffer as suggested and feels that "C" Commercial development should not be allowed on the tract. He does not object to "LR" Local Retail or "GR" General Retail zoning for the area adjacent to Highway 183.

Mr. Byron Kidd, 2705 Thrushwood Drive, pointed out that many school children use these streets to walk and bicycle to the elementary school. For their safety, access to commercial development should not be allowed on Thrushwood Drive.

Mr. Harry Dutch, 2707 Thrushwood Drive, feels that too many shopping centers are being built in the City. Several of these centers are unused, and the empty buildings create problems.

Mr. Jerry Taylor, 2710 Thrushwood Drive, stated that he does not object to a shopping center, or to apartments, if a buffer is provided for the single-family residences and access to Thrushwood Drive is prohibited. There have been several accidents at the corner of Highway 183 and Burnet Road; this proposed development will increase this problem.

Mr. Jim Ferrow, a resident of this neighborhood, requested that nothing higher than First Height and Area be considered for this development. He also feels that no commercial development should be allowed on Thrushwood Drive, as the value of the property in the area would be adversely affected. Mr. Ferrow lives near apartments which do not have a setback requirement; he feels this setback should be required on any apartment development.

C14-71-033 C. Darrell Hopkins--contd.

Mr. Goodman stated that the City Council could waive setback requirements, particularly if the right-of-way is needed for the widening of Highway 183.

Mr. Lillie explained that the setback is a private deed restriction which the developer agrees to and becomes a matter of record with the issuance of building permits.

Mr. Taniguchi pointed out that fencing will be required where any commercial usage is adjacent to residential development.

Mr. Smitty Johnson stated that the homes in this area are valued from \$25,000 to \$30,000 and should be protected from traffic generated by commercial development.

Arguments Presented in REBUTTAL:

Mr. Hopkins stated that he is in agreement that no ingress or egress to Thrushwood Drive should be allowed. Protection should be given to the adjoining residences, and a setback requirement is agreeable. "C" Commercial should be allowed adjoining Highway 183, and "GR" General Retail is requested for the development of the shopping center.

Mr. Goodman suggested the zoning of the buffer zone be "B" Residence; Mr. Reeves pointed out that changing the zoning will change the financial arrangements while requiring a setback will accomplish what is desired.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as too intensive use of this site, but recommend the granting of the following:

Tract 1 "C" Commercial on north 150 feet;
 "GR" General Retail on remainder of tract.

Tract 2 "GR" General Retail on north 146 feet;
 "A" Residence on remainder of tract.

This recommendation is subject to a fifty-foot building setback from "A" Residence property lines and six-foot privacy fencing where property abuts "A" Residence zoned residential subdivision.

At the Commission meeting, the members briefly discussed the proposed widening of Highway 183. No definite information is available at this time on this proposal.

C14-71-033 C. Darrell Hopkins--contd.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of C. Darrell Hopkins for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area on Tract 1 and to "O" Office, Second Height and Area on Tract 2 on property located at 2713-2809 U.S. Highway 183 and 8809-8920 McCann Drive, Tract 1 and 2804-2814 Thrushwood Drive, Tract 2 be DENIED, but recommend the granting of "C" Commercial, First Height and Area on the north 150 feet and "GR" General Retail, First Height and Area on the remainder of Tract 1, and recommend the granting of "GR" General Retail, First Height and Area on the north 146 feet and "A" Residence, First Height and Area on the remainder of Tract 2. This recommendation is subject to a seventy-foot setback line from U.S. Highway 183; a fifty-foot building setback from "A" Residence zoned property lines; and six-foot privacy fencing where property abuts the residential subdivision.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-034 Wiley N. Wheeler: A to GR
1418-1420 Fort View Road

STAFF REPORT: The applicant proposes the development of a five-unit mobile home park on this tract of 21,750 square feet. There are several histories granting small mobile home parks and "GR" General Retail zoning in this immediate vicinity. Commercial and office zoning also exist along Fort View Road. Single-family homes exist to the rear and to the west of this site. A grocery store, a lumber business and other commercial uses exist nearby. The staff recommends this request.

TESTIMONY

WRITTEN COMMENT

| | |
|--|---------|
| William and Hilda Gage: 4505 Packsaddle Pass | AGAINST |
| Phil S. Crawford: 1407 Eva Street | FOR |
| Buford Stewart: 1219 South Lamar Boulevard | FOR |
| Truman H. Montandon: 2412 North I.H. 35 | FOR |

PERSONS APPEARING AT HEARING

Douglas Ferris (representing applicant)

SUMMARY OF TESTIMONY

Mr. Douglas Ferris represented the applicant. It is felt that this will be the best use of this vacant land, with the limited resources available.

C14-71-034 Wiley N. Wheeler--contd.

This will be a separate mobile home lot and will require a special permit, which will be considered by the Planning Commission this month.

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 it is consistent with existing zoning in the area.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Wiley N. Wheeler for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1418-1420 Fort View Road be GRANTED.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-035 Emile Jamail: A to O
1104 Lambie Street

STAFF REPORT: This application covers 10,400 square feet of land for use consistent with said zoning. "C" Commercial zoning exists along Interstate Highway 35 abutting this site. "A" Residence zoning is predominant on the remaining property surrounding this site. Single-family residences are developed in this neighborhood. There is a case pending "LR" Local Retail, First Height and Area several lots to the east across Waller Street. The Geriatrics Center is east of that tract. The staff recommends the change as a buffer between "C" Commercial zoning and "A" Residence zoning, subject to five feet of right-of-way on Lambie Street.

TESTIMONY

WRITTEN COMMENT

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|--|---------|
| Mrs. Dora Johnson: 58 Waller Street | AGAINST |
| Maria L. Cantu, Sr.: 56 Waller Street | AGAINST |
| Louis C. Page: P. O. Box 2004 | FOR |
| Louis Southerland: P. O. Box 2004 | FOR |
| Mrs. Fred P. Savage: 3939 Balcones Drive | FOR |
| Bernice B. Nunez: 1102 Lambie Street | FOR |

PERSONS APPEARING AT HEARING

| | |
|--|-----|
| Richard Baker (representing applicant) | |
| Bernice B. Nunez: 1102 Lambie Street | FOR |

C14-71-035 Emile Jamail--contd.

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney, represented the applicant. This property will be combined with the adjacent lot for the construction of an office building which will front on the frontage road of Interstate Highway 35. This lot is needed to satisfy the parking requirements of the Subdivision Ordinance. This development will create a needed buffer, and is consistent with development in the area.

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 a buffer between "C" Commercial and "A" Residence development, subject to five feet of right-of-way on Lambie Street, and a shortform subdivision.

At the Commission meeting, the staff explained that this tract will be used in conjunction with the property abutting Interstate Highway 35, and should be subject to subdivision. The Commission then

VOTED: To recommend that the request of Emile Jamail for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1104 Lambie Street be GRANTED, subject to five feet of right-of-way on Lambie Street and shortform subdivision.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-036 E. A. Price: A to B
 4613-4615 Red River

STAFF REPORT: The applicant has withdrawn this application and notices have been sent to all nearby property owners notifying them of this withdrawal.

COMMENTS AND ACTION BY THE COMMITTEE

This application has been withdrawn and all adjoining property-owners have been notified.

At the Commission meeting, the staff reported that this application was withdrawn and adjoining property owners notified. No action is necessary.

C14-71-037 Trinity Presbyterian Church: B to GR (as amended)
5801-5905 Westminster Drive

STAFF REPORT: This proposal covers an area of 1.92 acres, with proposed use for retail facilities. "B" and "BB" Residence zoning are established to the east and "A" Residence zoning exists to the west. An apartment project is developed to the east along Belmoor Drive and single-family residences exist in the neighborhood to the west and south. A shopping center, zoned "GR" General Retail, is developed across Westminster Drive. "GR" General Retail zoning is established at the southeast corner of Gaston Place and Westminster Drive, and is developed with an ice cream parlor and a service station. The staff is opposed to further development of general retail uses in this block or on the east side of Westminster Drive. Such zoning would be an encroachment on the residential area to the east and south. The denial of "GR" General Retail is recommended, with the retention of "B" Residence, First Height and Area as appropriate zoning. If this request is granted, a buffer of "B" Residence zoning should be maintained on the south property line.

TESTIMONY

WRITTEN COMMENT

| | |
|---|---------|
| Logan H. Friedrich: 1909 Northridge Drive | AGAINST |
| Mrs. G. P. Edwards: 2010 Northridge Drive | AGAINST |
| Mrs. Clancey K. Kaspar: 2007 Northridge Drive | AGAINST |
| J. Frank Cook: 1911 Northridge Drive | AGAINST |

PERSONS APPEARING AT HEARING

| | |
|--|---------|
| Richard Baker (representing applicant) | |
| J. P. Glass: 1904 Northridge | AGAINST |
| Carl Van: 1906 Northridge Drive | AGAINST |
| Travis Raven | AGAINST |
| Mrs. Logan Friedrich: 1909 Northridge | AGAINST |
| Mrs. John L. Milder: 1907 Northridge Drive | AGAINST |

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney, represented the applicant. The church membership has outgrown the present structure, and it is planned to relocate and build larger facilities. The church also owns the tract of land immediately to the north, and plans to sell it in conjunction with this tract for future development. It is felt that if the tract under consideration is developed, the adjacent lot with the church structure will be more readily salable. This tract is just to the south of a major intersection and this request is merely an extension of the "GR" General Retail zoning which exists on the four corners of this intersection. Across the street is an active shopping center. The land in this area has recently been re-evaluated by the City Tax Department, with worth placed at from \$.85 to \$1.25 per square foot, justified by its possible use for commercial purposes. This request is consistent with the existing zoning in the immediate area as the shopping center across the street is very successful and there is a

C14-71-037 Trinity Presbyterian Church--contd.

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demand for the type of service proposed for this site, which will be small residential service stores. The tract with the church structure will logically be requested to be zoned for general retail use; however, a church can exist in any zoning classification. This proposal would be the highest and best use of this property at this time. The applicant proposes to establish a buffer for the abutting residential property, as has been done by the shopping center location across the street. The area immediately to the east of this tract is "B" and "BB" Residence use, and establishes a buffer for the "A" Residence property further east and is consistent with the gradation theory advocated by the Planning Department and used by the Planning Commission in consideration of orderly development of the City. This tract is more suitable for retail use than for apartment use, due to the development in existence in the immediate area.

Arguments Presented AGAINST:

Mr. J. P. Glass, 1904 Northridge, pointed out the existence of an elementary school at the intersection bordering the shopping center; school children use the streets in the area going to and from school. Northridge Drive is a blind corner at Westminster Drive, and several accidents have occurred there. Zoning of this nature should be for the service of the community, and not strictly for the purpose of making money. The commercial development in the area is more than adequate for the needs of the residents, and there is room in the present shopping center location for expansion. The present development creates problems of trash in the area, particularly on windy days. It is not in the best interest of the neighborhood to add to this problem.

Mr. Carl Van, 1906 Northridge Drive, stated that his property would make a fine service station, but his respect for his neighbors would certainly keep him from developing it as such. Westminster Drive is a normal residential-width street, presently carrying heavy traffic. The shopping center across the street from the proposed zoning change is only half developed; the community does not have a need for more such development. The church now uses the street and the shopping center across the street for parking; this portion of their property should be utilized for parking rather than sold for retail development.

Mr. Travis Raven, who owns rental property in the area, opposes this zoning change because of the severe traffic problems in the area. He also feels that there is more than enough retail development in existence to serve the needs of the residents. Mr. Raven feels that the church should use this property for expansion of the present structure, and for paved parking, which would eliminate the use of the street and the shopping center area by the members. He requested more specific information on the proposed development, such as the type of business, and the style and placement of the buildings.

C14-71-037 Trinity Presbyterian Church--contd.

Arguments Presented in REBUTTAL:

Mr. Baker stated that the fact that the predominant zoning in the immediate area is general retail prohibits the use of this property as residential. The traffic on this minor arterial is heavy, particularly at certain times of the day, which is a City-wide problem on streets serving large residential areas. The proposed use for this tract is an extension of the surrounding zoning, and as a small retail shopping center, would not appreciably increase present traffic, which it will be serving. Such development will not increase traffic as much as apartment development, and will not constitute a danger to the schoolchildren. The prospective purchasers of this tract feel that the area does need additional retail development. This proposal is not an intrusion into a residential area, but an extension to the outer limits the retail uses which already predominate this area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members agreed that the land is not suitable for residential use, but felt that the residential property adjoining the tract should be protected.

They reviewed the information and the majority concluded that this request should be denied as an encroachment, but recommended the retention of "B" Residence on the south fifty feet of this tract as a buffer, and "GR" General Retail on the remainder, subject to six-foot privacy fencing on the south and east property lines abutting residential development.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Trinity Presbyterian Church for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5801-5905 Westminster Drive be DENIED, but that "B" Residence, First Height and Area be RETAINED on the south fifty feet of the tract, and "GR" General Retail, First Height and Area be granted on the remainder of the tract, subject to six-foot privacy fencing on the south and east property lines. (as amended)

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

CL4-71-038 Edward B. Reeves: A to BB
1500-1504 Morgan Lane

STAFF REPORT: The tract under consideration covers 43,296 square feet and is to be used for apartments. "A" Residence zoning and single-family residences exist along Morgan Lane with no intrusions. "O" Office, GR" General Retail, and "C" Commercial zoning developed with mobile home parks and commercial uses exist to the south on Fort View Road and Ben White Boulevard, but have not extended into the Morgan Lane area. The staff recommends the denial of this application as an intrusion into a single-family residential neighborhood. If this request is granted, it should be subject to five feet of right-of-way on Morgan Lane.

TESTIMONY

WRITTEN COMMENT

Wiley N. Wheeler: 1504 Fort View Road

FOR

PERSONS APPEARING AT HEARING

Carl Hardin, Jr. (representing applicant)

Dan Davidson: 1600 Grayford Drive

AGAINST

John Garcias: 1601 Grayford Drive

AGAINST

SUMMARY OF TESTIMONY

Mr. Carl Hardin, Jr. represented the applicant. This tract lies between two major streets, Clawson Road to the west and Bannister Lane to the east. To the east is a large undeveloped tract, and just beyond along Southridge Street is a large apartment and duplex development. This is a large tract, with one very old building in existence. The applicant wishes to clean it up and utilize it, with approximately six or eight apartment units, and sufficient parking. This development will not contribute greatly to the traffic in this area, and will provide good living accommodations. This area is in transition, with much rental property and the construction of apartment developments nearby. It is near Ben White Boulevard with its commercial development.

Arguments Presented AGAINST:

Mr. Dan Davidson, 1600 Grayford Drive, opposes this request, as it would change the character of the neighborhood and add greatly to the traffic in the area. There may not be adequate plumbing facilities in this area to handle this additional development. This development may increase the taxes on the surrounding property and will certainly set a precedent for more such requests. More information is needed on the number of units, parking to be provided and the setback requirements. Mr. Taniguchi explained that "BB" Residence zoning allows approximately twenty-three units per acre, with setback requirements of twenty-five feet.

Mr. John Garcias, 1601 Grayford Drive, stated that his property is adjacent to this proposed development. He feels that apartments on this tract will destroy his privacy, and that the increase in traffic will be a problem.

C14-71-038 Edward B. Reeves--contd.

Arguments Presented in REBUTTAL:

Mr. Hardin stated that the applicant plans to build a better than average apartment development, and will submit his plans for approval by the City. All parking will be off-street, with ingress and egress on Morgan Lane. This development will be an asset to this area, not a detriment.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that, although commercial uses exist to the south on Fort View Road, this request should be denied as an intrusion into a single-family residential neighborhood.

At the Commission meeting, there was brief discussion of the information. Mr. Chamberlain stated that he feels that this large tract is suitable for other than "A" Residence zoning use. Mr. Lillie of the staff explained that several residents to the north opposed this application as an intrusion. There were no objections received from the residents on Morgan Lane. Mr. Crier requested information on the density proposed; the staff reported that the requested zoning would allow twenty units. The Commission then

VOTED: To recommend that the request of Edward B. Reeves for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1500-1504 Morgan Lane be DENIED.

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

C14-71-039 Edward B. Reeves: A, 1st and C, 2nd to C, 2nd
 2015-2021 South Lamar Boulevard

STAFF REPORT: This application is on an area of 43,470 square feet to be utilized as warehouse development. "C" Commercial zoning is established along South Lamar Boulevard on both sides. "A" Residence zoning is established to the rear of Lamar Boulevard. The International and Great Northern Railroad is located approximately 200 feet south. Commercial businesses and shops are developed along Lamar Boulevard, with a service station next door to this tract. This area is in transition and the request is consistent with existing zoning, and is recommended by the staff.

TESTIMONY

WRITTEN COMMENT

Henry Wire: 2032 South Lamar Boulevard FOR

PERSONS APPEARING AT HEARING

Carl Hardin, Jr. (representing applicant)

C14-71-039 Edward B. Reeves--contd.

SUMMARY OF TESTIMONY

Mr. Carl Hardin, Jr. represented the applicant. The front portion of this lot is presently zoned "C" Commercial. There is a bluff at the rear property line of this tract, making access impossible except from the front of the property.

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.

At the Commission meeting, Mr. Becker pointed out the topography of this tract, which prohibits access from the rear. The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Edward B. Reeves for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2015-2021 South Lamar Boulevard be GRANTED.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-040 W. H. Bullard: C to C-2
2005 Airport Boulevard

STAFF REPORT: This tract contains 3,750 square feet, with the proposed use a package store. It is located within a shopping center zoned "C" Commercial. A single-family residential neighborhood is located across Airport Boulevard and is zoned "A" Residence. "C-2" Commercial zoning exists on one part of the shopping center at the present, and was zoned approximately one year ago. The staff recommends the request, subject to a letter from the applicant withdrawing his previous case of "C-2" Commercial zoning in this shopping center.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

W. L. Morris: 1504 East 13th Street
Mrs. F. W. Wilkins: 2946 Higgins
Mr. & Mrs. Leroy Kelly: 2950 Higgins

AGAINST
AGAINST
AGAINST

C14-71-040 W. H. Bullard--contd.

SUMMARY OF TESTIMONY

No one was present on behalf of this request.

Mr. W. L. Morris, 1504 East 13th Street, stated that the residents of this area object to the development of this liquor store. This is a fine Christian neighborhood and they fear this development will bring trouble to the area.

Mrs. Rowena Kelley, 2950 Higgins Street, spoke in opposition to this request. This is a quiet neighborhood, with a church nearby, and with many children living there.

Mr. Reeves explained to those objecting that this zoning classification is in existence, and this request is to move it to another part of the shopping center.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to a letter from the applicant withdrawing his previous application for "C-2" Commercial zoning in this shopping center.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of W. H. Bullard for zoning change from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 2005 Airport Boulevard be GRANTED, subject to the withdrawal by the applicant of his previous application for "C-2" Commercial, First Height and Area zoning in this shopping center.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-041 John McPhaul: Int. A, Int. 1st to BB, 1st
Rear of 9700-9808 Dallum Drive

STAFF REPORT: This area of 6.33 acres is to be used for development consistent with the requested zoning. The property across Middle Fiskville Road to the west is in the County. Commercial zoning is established at the corner of Rundberg Lane and Interstate Highway 35 and is developed with a grocery store, a service station and a milk company. A salvage company and several single-family homes exist across Middle Fiskville Road. A power substation and a warehouse exist between the subject site and Middle Fiskville Road. This site is a part of the North Cape final Subdivision Plat which is still pending. Part of this 6.33 acre tract was included in an application heard by the Planning Commission last month, along with the larger 17.4 acre tract to the immediate west and south. At that time the applicant agreed

C14-71-041 John McPhaul--contd.

to amend his original request of "C" Commercial zoning on the larger tract to "C" Commercial along Middle Fiskville Road and "BB" Residence zoning adjoining the residential development and withdrawal of the subject land. The applicant has amended his subdivision as requested and this application is in conformance with the new plat. The staff recommends this request subject to approval of the subdivision and privacy fencing on the east and north sides, which are adjacent to single-family residences.

TESTIMONY

WRITTEN COMMENT

| | |
|---|---------|
| Charles W. Davis: 9713 Dallum Drive | AGAINST |
| Anthony J. Stautzenberger: 9711 Dallum Drive | AGAINST |
| Sterling Anderson: 9806 Middle Fiskville Road | FOR |

PERSONS APPEARING AT HEARING

| | |
|--|---------|
| John McPhaul (applicant) | |
| Mr. & Mrs. Roy Wohl: 9712 Dallum Drive | AGAINST |
| Tom Stephens: 9606 Dallum Drive | AGAINST |
| Mr. & Mrs. Bert Crowson: 9705 Dallum Drive | AGAINST |
| Mr. & Mrs. D. M. Dawson: 9702 Dallum Drive | AGAINST |

SUMMARY OF TESTIMONY

Mr. John McPhaul stated that this proposal is in accordance with the orderly development of this area, and conforms to the recommendations of the Planning Department staff.

Arguments Presented AGAINST:

Mr. Roy Wohl, 9712 Dallum Drive, stated that as several homes on this street are newly built and vacant, those future residents could not object to this proposal. He requested consideration of this tract for a park area. In the event this request is granted, the residents request a fifty-foot setback line from the residential homes. Mr. Reeves explained that privacy fencing will be required where the tract abuts residential development. Mr. McPhaul stated that a forty-foot buffer is planned.

Mr. Tom Stevens, 9606 Dallum Drive, is very much opposed to apartments in the area because such development will create heavy traffic on the streets where many children play. Noise will be created, and the lights from the parking area will be a nuisance. With apartments on this tract, his backyard will become a goldfish bowl, and the property value lowered. When this property was purchased, it was felt that the property adjacent to the Interstate Highway 35 would become commercial, with light industrial uses. This would be preferable to apartment development. Mr. Reeves explained that the requested zoning is the least permissive zoning, and that if industrial zoning is granted, apartment development would be permissible.

C14-71-041 John McPhaul--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as consistent with the plan approved by the Planning Commission, subject to a forty-foot setback for a buffer along the east property line; privacy fencing on the east and north sides of the tract adjacent to single-family residences; and subdivision.

At the Commission meeting, the staff explained that this request is in accordance with the earlier consideration of this area. The Commission then

VOTED: To recommend that the request of John McPhaul 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 the rear of 9700-9808 Dallum Drive be GRANTED, subject to a forty-foot setback for a buffer along the east property line, privacy fencing on the east and north sides of the tract and subdivision.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-042 Joe Russo, Trustee: BB to GR
4501-4705 East Riverside Drive

STAFF REPORT: This large tract of 22.51 acres is proposed for uses consistent with the requested zoning. This site was included in a 176-acre tract annexed to the City and zoned "BB" Residence, First Height and Area in 1969. That property to the west and 500-600 acres to the north is in the County. This site is located south of East Riverside Drive and east of the proposed extension of Pleasant Valley Road. The City Council changed the Master Plan on that property west of this site and the subject site from low-density to medium-density residential in 1969 at the time of rezoning. Riverside Farms, an older suburban residential development, is located to the east. The City is presently undertaking studies to identify the major street needs in this area. Two alternate routes for Riverside Drive are being considered. One route extends Riverside Drive in a southeasterly direction from its Pleasant Valley Road intersection, through the subject tract to intersect with Ben White Boulevard and to further extend in a southerly direction toward the proposed 300-acre State Park facility adjacent to the Williamson Creek sewer treatment plant. The second route follows the existing Riverside Drive right-of-way. The proposed right-of-way will meet arterial standards. The study has been presented to the City's Urban Arterial Committee and a meeting will be held with the Technical Committee made up of the State Highway Department, City of Austin, and Travis County representatives.

C14-71-042 Joe Russo, Trustee--contd.

The staff recommends the requested zoning as appropriate to this location of two major arterial streets subject to working out the major street requirements as they affect the subject tract.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney, represented the applicants. He stated that they are working with the City and are aware that right-of-way will be required; this zoning is requested so that more definite plans can be made.

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 appropriate for the intersection of two major streets, subject to the major street requirements as they affect this tract.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Joe Russo, Trustee for a change of zoning from "BB" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 4501-4705 East Riverside Drive be GRANTED, subject to the major street requirements as they affect this tract.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-043 Austex Development Company, Limited: Int. A, Int. 1st to C, 1st
 Tract 1: 6309-6411 East 19th Street
 4910-4924 Craigwood Drive
 Tract 2: 6419-6503 East 19th Street
 4911-4925 Craigwood Drive

STAFF REPORT: A community shopping center is planned for these two tracts which total 2.82 acres. "GR" General Retail zoning was granted on the site at the northeast corner of Ed Bluestein Boulevard and East 19th Street

C14-71-043 Austex Development Company, Ltd.--contd.

in 1969. Craigwood Subdivision to the south of the subject property was annexed in January, 1969. This subdivision has been approved and recorded and the subject property was designated as commercial at that time. However, the portion of Craigwood Subdivision that is the subject property has not been platted. Therefore, a subdivision is necessary on this portion in order to create legal lots and is necessary for the issuance of a building permit. This subdivision is zoned "A" Residence and is developed with single-family homes. Stone Ridge Subdivision approved preliminary is located north of East 19th Street directly across from this site. Tracor owns that property on the east side of Ed Bluestein Boulevard south of Craigwood Subdivision. The Master Plan designates all the surrounding area to the west, south and east as industrial. The staff recommendation is to deny "C" Commercial, but to grant "LR" Local Retail, subject to subdivision and privacy fencing on the south.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

| | |
|--|---------|
| Bill Williams (representing applicants) | |
| Wilburn F. Houston: 6403 Craigwood Circle | AGAINST |
| Mr. & Mrs. Cecil E. Smith: 6303 Craigwood Circle | AGAINST |
| Wade Walker, Jr.: 6402 Huntliegh Way | AGAINST |

SUMMARY OF TESTIMONY

Mr. Bill Williams represented the applicants. When this subdivision was originally laid out, this location was reserved for commercial development to serve the area residents. If "C" Commercial zoning is considered to be too intense, "GR" General Retail zoning would give the developer much more flexibility in the use of this site. A privacy fence is in existence on the west side of Craigwood Drive, abutting the residential development.

Arguments Presented AGAINST:

Mr. Wade Walker, President of the Craigwood Environmental Council, stated that the residents had not been informed of this proposed change of zoning. Mr. Walker has appeared before the City Council in an effort to obtain street lights and street repairs for this area since it was annexed by the City in 1969. Austin does not need more slums, and the citizens of Craigwood have organized a Council to work for the improvement and protection of their neighborhood. This site is needed by the community as a play area for the children. There is no serviceable fencing between one of the tracts and the residences; the fence in existence has fallen down. Another problem in this subdivision is the drainage from the Tracor development, which drains into the residential area. This has also been brought to

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the attention of the City Council. The homes in this subdivision are \$25,000 to \$30,000 homes. The residents are fighting to maintain the quality of their homes; this proposal will be very bad for the area. This tract is not large enough for commercial development and there is much vacant land to the east which could be used. Severe problems exist in this area with badly maintained streets, heavy traffic moving at high speeds on F.M.969, and confusion over City and County authority where police and fire services are concerned. This proposal can only add to the existing problems and is unfair to the residents of this subdivision. This area is open to anyone who wishes to live there, but it is a Negro neighborhood. It is rapidly becoming a slum, which the residents are desperately trying to prevent. There is no play area for the children in this subdivision. This request will set a precedent in this area, causing more commercial development, bringing more traffic and people into the area. This subdivision has a problem with crime, with many thefts. It is impossible to get police protection, even though the subdivision was annexed by the City. There is much confusion between the City and the County regarding lighting and traffic signs. The people of Craigwood would like to meet with the developers and discuss the proposal.

Mr. Goodman stated that he had reservations about the creation of a park on a main highway. Mr. Reeves stated that this site is a very bad location for a playground, and that this request for a zoning change will not have much effect on the many problems the residents are having.

Mr. Goodman stated that he understood that annexation required that the land be connected with the City; the staff pointed out that an annexed strip across F.M.969 met this requirement. Mr. Reeves stated that a developer must request annexation of his property before subdivision, in order that utility service, etc., can be provided by the City. Mr. Chamberlain stated that if the City annexes property, it should annex a road to it for the protection of the citizens. Mr. Walker stated that garbage, fire and police service is provided by the City.

Mr. Taniguchi stated that the problems as described are cause for great concern, but the matter of the zoning is the primary consideration at this time. It would seem that this area is far from stores, and could use a small service center.

Mr. Walker stated that such development should not be adjacent to the residential homes. If the City took in the highway, they could reduce the speed limit and these tracts could be used for residential development.

Mr. Chamberlain stated that this property is not suitable for "A" Residence zoning usage because of the highway. This area is a nice area with fine homes, and the City should correct the problems the residents are having. A small group of shops would help the residents.

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Mr. Reeves stated that the City had been negligent in providing lighting for this area; a shopping center would provide such lighting at this intersection. Brief discussion followed concerning the uses allowed in "LR" Local Retail and "GR" General Retail zoning.

Mr. Reeves pointed out that placing commercial development across the highway would create more danger for the residents than would development on the proposed site. It is most unlikely that anyone would buy a residential lot fronting on F.M.969 and the lots are not large enough to provide a park as needed for the number of residents in the area.

Mr. Wilburn Houston, a resident of the area, feels that apartments would be more desirable than commercial development such as service stations. The required privacy fencing is good on principle, but the one which is in existence is down ninety per cent of the time. This fencing is for the Hideaway Club, which is in the County and was there before the subdivision was developed. Mr. Walker stated that the people who use this club contribute to the crime problem and create much litter in the subdivision; he feels that this proposal will increase both problems.

Arguments Presented in REBUTTAL:

Mr. Williams stated that Austex Development Company does not own the property where the tavern is and the requested zoning requested would not permit such a facility. The developers of the subdivision have several vacant homes in the subdivision and do not feel that the requested change will affect the sale of these homes. His clients have stated that this is to be used for a small shopping center, which will be dependent on the tenants obtained. The electric service to this subdivision is by underground cable, and the City has plans to provide street lights, which have been delayed.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied, but recommend the granting of "GR" General Retail subject to subdivision and privacy fencing along the south property line.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Austex Development Company, Limited for a change of zoning from Interim A, Interim First to "C" Commercial, First Height and Area for property located at 6309-6411 East 19th Street and 4910-4924 Craigwood Drive, Tract 1; and 6419-6503 East 19th Street and 4911-4925 Craigwood Drive, Tract 2 be DENIED, but that "GR" General Retail, First Height and Area be GRANTED, subject to subdivision and privacy fencing along the south property line.

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

NAY: None

ABSENT: Messrs. Reeves and Goodman

C14-71-044 Austex Development Company, Limited: BB to LR (as amended)
1635-1649 Rutland Drive

STAFF REPORT: This tract contains .526 acre, with proposed use a community shopping center. The Colonial North Apartments are located across Rutland Drive to the north and zoned "BB" Residence. "B" Residence zoning exists to the west and the County to the east. In 1969 the Planning Commission recommended against "GR", General Retail zoning, but recommended to grant "BB" Residence zoning, establishing the existing zoning on this site. This request would be a spot zoning as this complete area is zoned for single-family and multi-family use. The staff recommendation is to deny "C" Commercial zoning as requested and retain the multi-family character of this neighborhood.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Will Garwood: Rutland Drive

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Williams represented the applicants. He pointed out the zoning in the surrounding area. The applicants feel that the primary reason for the disapproval of the previous application on this tract was due to the large area requested for commercial development. This application is on a much smaller area. It is felt that this development is needed now and will be greatly needed in the future, as multi-family housing is being developed in this area.

Arguments Presented AGAINST:

Mr. Will Garwood, representing Colonial North Apartments and Peyton Gin, Inc., voiced their strong opposition to this request. A lovely apartment project and a subdivision of \$30,000 homes would be adversely affected by commercial development on this tract. The developers have relied upon the zoning established by the Planning Commission and it would be extremely unfair to allow this zoning at this time. The courts have established that if zoning is changed, it must be proven that the conditions in the area have changed; there have been none in this case. This is a prime example of spot zoning, as it is in the middle of residential zoning and development. The Texas Supreme Court recently acted upon a case which was termed spot zoning, and their decision invalidated such zoning.

Arguments Presented in REBUTTAL:

Mr. Williams stated that many tracts of this size have been zoned commercial throughout the City which were not considered spot zoning. The forty-foot buffer zones recommended by the Planning Commission in many cases could

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be looked upon as spot zoning. The buffer for this requested zoning is already established, with "BB" Residence zoning on three sides. Ample protection has been provided to the "A" Residence zoned areas. The applicants own the abutting property and do not feel that the request is detrimental.

Mr. Chamberlain stated that he felt the area is not large enough for commercial development; Mr. Williams pointed out that the request is for a block.

Mr. Reeves stated that this request sets an undesirable precedent for this area. "GR" General Retail zoning exists two to three blocks away. Mr. Goodman stated that the consideration on spot zoning is not the amount of land, but the type of zoning requested in relation to the surrounding development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as spot zoning in this developing residential area.

At the Commission meeting, Mr. Lillie of the staff displayed a large map of the site in question and the surrounding area, and pointed out the zoning in the area. This general area is bounded by North Lamar Boulevard, Research Boulevard, F.M.1325 and two proposed north-south arterial streets. Rutland Drive and the proposed major arterial, Rundberg Lane, run through this neighborhood. To the south, on Research Boulevard and to the west are areas designated for industrial use by the Austin Development Plan. In 1969 several zoning cases in this area were heard; "BB" Residence is the predominant zoning, with twelve acres designated "LR" Local Retail zoning, with approximately twenty-three acres of "GR" General Retail zoning existing along Lamar Boulevard. Previously thirty acres were zoned "GR" General Retail on North Lamar Boulevard to the south of Rundberg Lane. In 1969 Northgate Terrace to the west was subdivided and, with thirty acres zoned "GR" General Retail and forty acres zoned "B" Residence on the north end of the tract. On the subject tract and land to the south an application for "GR" General Retail zoning was submitted, but amended to "BB" Residence zoning and was granted. A later application on this same land was recommended for "GR" General Retail zoning south of Colony Creek Drive and "B" Residence zoning north of Colony Creek Drive to Rutland, with the exception of a 170 foot strip along the east property line adjoining the single-family subdivision; this zoning is pending. The major development completed and planned is single-family residential subdivisions, such as Quail Creek West, Peyton Place, North Meadows, etc. One school is in existence, with the site acquired for another. Just across the street from this application is Colony Creek North, a 240-unit apartment development. The staff recommended in 1969 that the "GR" General Retail zoning be denied, due to the already well-established residential zoning. The Commission has received an amendment on this present application to "LR" Local Retail, but the staff recommendation is that any commercial classification of zoning be denied, as conditions have not changed in this area. In addition, a street is suggested through North Gate Terrace Subdivision to connect to Rutland Drive, giving access for this area to forty acres of "GR" General Retail development within one-half mile. With sixty acres of commercial development on Lamar Boulevard and another sixty to ninety acres of commercial development on Research

Boulevard, there should be sufficient commercial development to serve the internal residential area.

Mr. Kinser stated that he enjoys the convenience of a nearby shopping center, and he feels that with the intensive apartment development being planned for this area, and particularly with the connecting street planned, this tract would be a prime location for a shopping center.

The staff reported that the connecting street will be needed between Rutland Drive and Northgate Boulevard due to the intensive apartment development and as there is a shortage of north-south streets. The existing commercial zoning has not been developed at this time.

Mr. Taniguchi stated that this is an area which will develop into high-density residential use, with excellent access to the west and south to commercially zoned property. This request will set a precedent for commercial development in the interior of a large area of residential use. This would seem to be an applicable situation for a Planned Unit Development. Testimony from residents was heard who object to this development. The Commission then

VOTED: To recommend that the request of Austex Development Company, Limited for a change of zoning from "BB" Residence, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 1635-1649 Rutland Drive be DENIED.

AYE: Messrs. Crier, Chamberlain, Taniguchi and Becker

NAY: Messrs. Kinser, Anderson and Milstead

ABSENT: Messrs. Reeves and Goodman