

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- April 13, 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
Jack Crier
Bill Milstead
Fritz Becker
Walter Chamberlain
M. J. Anderson
Jack Goodman

Absent

Alan Taniguchi
C. L. Reeves

Also Present

Richard Lillie, Director of Planning
Wayne Golden, Planning Coordinator
Walter Foxworth, Supervising Planner
Mike Wise, Associate Planner
Roy Headrick, Associate Planner
Evelyn Butler, Chief, Advanced Planning
Dan Davidson, Deputy City Manager
John German, Assistant Director Traffic and Transportation
Joe Ternus, Director of Traffic and Transportation
Jerry Harris, Assistant City Attorney
Caroline Schreffler, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of April 5, and 6, 1971.

Present

Jack Goodman, Acting Chairman
Fritz Becker
C. L. Reeves
S. P. Kinser

Also Present

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

C14-71-045 C. T. Schneider: A to B
5702 Adams Avenue

STAFF REPORT: This application is on an area of 12,261 square feet, to be developed with a ten-unit apartment project. Single-family residences exist along Adams Avenue. Commercial businesses such as a service station, lumber company, finance company, etc., are developed along Burnet Road to the west. The commercial zoning along Adams Avenue terminates three lots to the south. A request for "O" Office zoning across Adams Avenue several lots to the south is to be considered this month. Recently the Planning Commission and the City Council denied a request for "B" Residence one block to the east on Clay Avenue. The staff recommendation is to deny this request as an intrusion into a single-family residential area. If granted, ten feet of right-of-way on Adams Avenue is required.

TESTIMONY

WRITTEN COMMENT

Jon W. M. Intire: 7206 Grand Canyon #1	FOR
Mr. & Mrs. W. D. Taylor: 5704 Adams Avenue	AGAINST
Viola Hoffman: 5703 Adams Avenue	AGAINST
C. O. Boyd: 5705 Adams Avenue	AGAINST

PERSONS APPEARING AT HEARING

C. T. Schneider (applicant)

SUMMARY OF TESTIMONY

The applicant was present but had nothing to add to the staff report.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that this area has narrow streets and is congested, with on-street parking from the commercial development to the west.

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of C. T. Schneider for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5702 Adams Avenue be DENIED.

C14-71-046 Austex Development Company, Ltd.: Int. A, Int. 1st to C, 1st
5100-5124 Springdale Road

STAFF REPORT: The applicant proposes to build a shopping center on this tract of 2.88 acres. "GR" General Retail zoning exists across the proposed ninety-foot East 51st Street. A single-family residential subdivision is developed immediately to the north of this tract, with seven residential structures abutting this property. "A" Residence zoning exists to the north, west and east. The staff recommends the denial of "C" Commercial zoning and the granting of "LR" Local Retail or "GR" General Retail zoning, excepting the west 109 feet, subject to a building setback and six-foot privacy fencing on the north property line. Subdivision of this tract is also required.

TESTIMONY

WRITTEN COMMENT

Mickey J. Wilson: 5209 Basswood Lane	AGAINST
Captain David L. McFarland: 5211 Basswood Lane	AGAINST
Jack Wymer: 5205 Basswood Lane	AGAINST
Watt Schieffer: 1011 East 40th Street	FOR

PERSONS APPEARING AT HEARING

Bill Williams (representing applicants)	
Troy G. Ross: 5217 Basswood Lane	AGAINST
Rudolf Sartena: 5214 Basswood Lane	AGAINST
Reginald L. Burda: 5213 Basswood Lane	AGAINST
Mrs. Omar R. Hendrix: 5207 Basswood Lane	AGAINST
David L. McFarland: 5211 Basswood Lane	AGAINST

SUMMARY OF TESTIMONY

Mr. Bill Williams represented the applicants. This tract was omitted from the subdivision for the specific development of a shopping center, due to its location abutting two streets which will be developed as major thoroughfares carrying heavy traffic, making this tract unsuitable for residential use. The property across the street is zoned "GR" General Retail, and it is felt that the logical extension of this zoning includes the tract under consideration. The westernmost portion of this tract abuts Highbury Lane, which is a fifty-foot residential street. The staff has recommended the retention of "A" Residence on this portion, but the applicants feel that a more intense use, such as "BB" Residence would be more suitable. The applicants would prefer a narrow building setback; the other staff requirements are agreeable.

Mr. Reginald L. Burda, 5213 Basswood Lane, stated that he objects to any change in zoning on this tract.

C14-71-046 Austex Development Company, Ltd.--contd.

Mr. Troy Ross, 5217 Basswood Lane, suggested that this tract could be developed with residential homes, using Highbury Lane for ingress and egress. While a six-foot privacy fence exists between this tract and the residential development, the backyards are visible due to the slope of the land. Commercial development has been proposed on Springdale Road in this area, but has not been developed because it would not be profitable.

Mr. Rudolf Sartena, 5214 Basswood Lane, stated that he opposes this change in zoning.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves pointed out that this tract is considerably lower than the residential development behind it; "GR" General Retail zoning would be more suitable for the tract than "C" Commercial zoning, and a building setback is needed adjoining the residences. The portion of the tract which abuts Highbury Lane is a 12,000 square foot lot suitable for "BB" Residence zoning.

Mr. Kinser stated that the buffer zone abutting the residential development should be a service alley only, with no parking allowed. Mr. Reeves feels that such a buffer zone should be large enough for parking, as a parking lot will be well-maintained, while an alley is used primarily for garbage collection.

Mr. Kinser suggested that no ingress-egress be allowed on Highbury Lane, as it is a fifty-foot street, and to discourage further zoning.

The Committee concluded that this request should be denied, but recommend the granting of:

One foot of "A" Residence zoning abutting Highbury Lane;
"BB" Residence on the westernmost 108 feet of the tract; and "GR" General Retail zoning on the remainder of the tract. This recommendation is subject to subdivision of the tract.

At the Commission meeting it was determined that the north half of 51st Street had not been dedicated, but is owned-outright by the City of Austin. Dedication by the City of Austin is needed for access in this area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Austex Development Company, Ltd., for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 5100-5124 Springdale Road be DENIED, but recommend the granting of: one foot of "A" Residence zoning abutting Highbury Lane; "BB" Residence on the westernmost 108 feet of the tract; and "GR" General Retail zoning on the remainder of the tract. This recommendation is subject to subdivision of the tract.

C14-71-047 Austex Development Company, Ltd.: Int. A, Int. 1st to GR, 6th
2305-2311 Wheless Lane

STAFF REPORT: This tract contains 2.07 acres, with proposed use the construction of a community shopping center. The tract adjoins a single-family residential subdivision on the west. This area is all "A" Residence zoned, excepting a tract of "GR" General Retail at the corner of Wheless Lane and Northampton Drive, which is developed with a grocery store, and a tract zoned "B" Residence directly across Wheless Lane. Shopping facilities should be established at major street intersections or at established commercial locations. Wheless Lane is a 70-foot residential collector street, and this is a residential area. The staff recommends the denial of this application, but would not be opposed to "BB" Residence zoning with a setback and a fence on the northwest property line.

TESTIMONY

WRITTEN COMMENT

Mr. & Mrs. E. S. Frost: 2200 Lockwood Cove AGAINST

PERSONS APPEARING AT HEARING

Bill Williams (representing applicants)	
Mr. & Mrs. Edward S. Frost: 2200 Lockwood Cove	AGAINST
Mrs. Louis V. DiDonato: 5804 N. Hampton	AGAINST
Betty Roberts: 5806 North Hampton	AGAINST
Clarice F. Bohls: 5900 North Hampton	AGAINST
Mr. & Mrs. C. H. Shimfessel: 2202 Lockwood Cove	AGAINST
Joseph A. Oppie: 5712 Coventry Lane	AGAINST
James E. Berryman: 5810 North Hampton	AGAINST
Mr. & Mrs. J. W. Arendall, Jr.: 2203 Lockwood Cove	AGAINST
Roy Campia	AGAINST
Bill Hopkins	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Williams pointed out the triangular shape of this tract, which creates a problem for the development of this tract as residential. This site is being considered for the location of a day care center or kindergarten, which requires "GR" General Retail zoning without a special permit. An electric power line easement crosses the western portion of the tract, further hampering development. The developers feel that this tract is not suitable for residential development and wish to be able to use this tract.

C14-71-047 Austex Development Company, Ltd.--contd.

Arguments Presented AGAINST:

Mr. James Berryman, 5810 Northhampton Drive, objects to this change of zoning. He stated that the residents of this area were assured that this tract, which is presently used as a stable, would be developed residentially. The purchasers of this property were aware of its odd shape when they bought it, and the power line easement should not be used as an excuse for commercial development. The residents feel that townhouse development would be permissible on the tract.

Mrs. Edward Frost, 2200 Lockwood Cove, feels that the re-zoning of this tract will set an undesirable precedent for the undeveloped land to the south and east. Northampton Drive is used by children going to the elementary and high school in this area and has very heavy traffic at the present time, which should not be increased.

Mr. J. W. Arendall, Jr., 2203 Lockwood Cove, stated that this is not a logical extension of existing zoning, as the street serves as a buffer to this tract. There is sufficient land already zoned commercial across the street for this type of development.

Mr. C. H. Shimfessel, 2202 Lockwood Cove, asked that the Committee give serious consideration to the precedent which will be set by the re-zoning of this tract. If this tract and the undeveloped land to the east are used commercially, the value of the homes in the residential subdivision will be substantially lowered.

Mrs. Louis V. diDonato, 5804 Northhampton Drive, stated that the value of the surrounding property should not be reduced merely to benefit the owner of this tract. The residents were led to believe this tract would be developed residentially; it is felt that the developer should leave the property as it was zoned when he bought it.

Mr. Roy Campia requested that his opposition to this request be made a matter of public record.

Mr. Joseph A. Oppie, 5712 Coventry Lane, stated that the total impact of this re-zoning has not been considered and requested that other alternatives for development be considered.

Mrs. Betty Roberts, 5806 Northampton Lane, feels that this planned development will adversely affect the taxes on the property in the area, and the resale value. Wheless Lane is a narrow lane which will require widening for this intensity of development. Many accidents occur with the existing traffic. The proposed development is not compatible with the area.

Mr. Bill Hopkins stated that Wheless Lane presently has 22 feet of paving and is not suitable for commercial development. Sutherlin Road is a deadend street, which was to be developed through to Wheless Lane to give this area needed access. The developer should be required to provide the needed street development and widening.

C14-71-047 Austex Development Company, Ltd.--contd.

Arguments Presented in REBUTTAL:

Mr. Williams pointed out the proximity of "GR" General Retail zoning to this tract. This tract does not lend itself to single-family residential use and another zoning classification is needed for the utilization of this property. Development of this tract will not lower property values in the area, but will make the surrounding property more valuable.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information. They agreed that this property is not suited for single-family development and that a building setback from the existing residences is needed. They concluded that this request should be denied as too intense a development for this neighborhood, but recommend the granting of "BB" Residence, First Height and Area, subject to a 60-foot building setback and privacy fencing on the northwest property line.

At the Commission meeting, the staff presented a letter from the developer, requesting re-consideration of the setback requirement. The applicants are negotiating with adjacent property-owners for the sale of the two tips of this triangular tract, and may wish to subdivide the tract into smaller parcels, which would be prevented by the proposed setback requirement. The staff recommends the deletion of this requirement if the property is so developed.

The Commission then

VOTED: To recommend that the request of Austex Development Company, Ltd., for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, Sixth Height and Area for property located at 2305-2311 Wheless Lane be DENIED, but recommend the granting of "BB" Residence, First Height and Area, subject to a 60 foot setback and privacy fencing on the northwest property line; however, if the applicant subdivides the tract into smaller parcels, it is recommended that this setback requirement be deleted.

C14-71-048 John Reynolds: A to C
8015-8027 North Lamar Boulevard

STAFF REPORT: This is a tract of land containing 3.29 acres, which is to be used for a community shopping center. This tract of land is surrounded by commercial zoning. There are also commercial uses established along Lamar Boulevard. West Powell Lane is located to the north. "C" Commercial zoning conforms with the existing zoning and development of this area, and therefore the staff recommends that this request be granted.

C14-71-048 John Reynolds--contd.

TESTIMONY

WRITTEN COMMENT

Doren R. Eskew: 510 West 15th Street
Jack McCreary: 510 West 15th Street

FOR
FOR

PERSONS APPEARING AT HEARING

Bill Williams (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bill Williams was present on behalf of the applicant and had nothing to add to the staff report.

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 and development in this area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of John Reynolds for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 8015-8027 North Lamar Boulevard be GRANTED.

C14-71-049 Austex Development Company, Ltd.: Int. A, Int. 1st to O, 1st
3401-3411 Manchaca Road

STAFF REPORT: The staff reported that this tract of land is for office use and contains .75 acre. "B" Residence, "LR" Local Retail, and "O" Office zonings exist along Manchaca Road. "A" Residence zoning is still the predominant zoning on the east side of Manchaca Road, as single-family homes are developed along Edgeware Drive and Larchmont Drive. The staff therefore recommends that this request be denied as an intrusion into a single-family residential subdivision and feels that rezoning would result in future expansion of zoning, on the three large lots adjoining the subject tract.

TESTIMONY

WRITTEN COMMENT

Frank Wagner: 1915 Edgeware Drive
Rodger E. Balton: 1819 Anderson Lane

AGAINST
FOR

C14-71-049 Austex Development Company, Ltd.--contd.

PERSONS APPEARING AT HEARING

Bill Williams (representing applicants)

Gary Brown: 1909 Larchmont

Frank M. Rinehart: 1913 Larchmont

AGAINST

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Williams stated that this tract is surrounded by residential uses, which exist from the time this area was annexed by the City. Immediately to the west on Manchaca Road to Lamar Boulevard, "O" Office, "C" Commercial and "GR" General Retail zoning exists. This area is rapidly changing, and it is anticipated that the property directly across the street will soon be requested for "LR" Local Retail or "GR" General Retail zoning. The applicants feel that residential use for this area is inappropriate at this time.

Arguments Presented AGAINST:

Three residents of the area appeared before the Committee and objected to this proposed change of zoning. They stated that the agent had promised that this area would be developed with residential homes and that such development will cause the area to be unsuitable for residential use. This change will set an undesirable precedent for the surrounding property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and discussed the influence of the re-zoning of this tract upon the predominantly residential neighborhood, which has fifty-foot streets. The majority of the Committee felt that this tract is no longer "A" Residence property and concluded that this request should be denied, but recommend the granting of "BB" Residence, First Height and Area, subject to departmental requirements.

At the Commission meeting, the majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of Austex Development Company, Ltd., for a change of zoning from Interim "A" Residence, and Area to "O" Office, First Height and Area for property located at 3401-3411 Manchaca Road be DENIED, but recommend the granting of "BB" Residence, First Height and Area, subject to departmental requirements.

C14-71-050 W. T. Patton: Int. A, Int. 1st to C, 1st
7102-7314 U. S. Highway 290

STAFF REPORT: This tract of land is proposed for uses consistent with the requested zoning and contains 15.23 acres of land. "B" and "BB" Residence zonings exist on the north, either in pending or final form and "GR" General Retail and "C" Commercial exist to the south. There is a trailer park on the western portion of this site. Because of the existing zoning pattern, the staff recommendation is to grant "C" Commercial on that portion west of the proposed extension of Northeast Drive, and "B" Residence on the remainder, as this would allow the continued use of the existing trailer park without a special permit. It is also recommended that "GR" General Retail zoning be granted on the portion east of Northeast Drive fronting onto U. S. Highway 290. This is to be subject to a subdivision and new field notes.

TESTIMONY

WRITTEN COMMENT

Watt Schieffer: 1011 East 40th Street

FOR

PERSONS APPEARING AT HEARING

Herbert Smart (represented applicant)

Mrs. Nina Parnett Wiesner: 1911 Larchmont Drive

AGAINST

SUMMARY OF TESTIMONY

Mr. Herbert Smart represented the applicant. He stated that this property has been brought into the City during the past two or three years, with the development in existence at that time. The Patton Courts, a cafe and several filling stations are developed. Northeast Drive is proposed to be developed through the property to connect with Coronado Hills Drive. The mobile home park on this property has existed for ten years and is a non-conforming use. No development is planned at this time for the property east of the extension of Northeast Drive, which has a natural barrier to the east in Little Walnut Creek. The "C" Commercial zoning is requested to bring the existing use into conformance with the Zoning Ordinance of the City. The staff pointed out that "GR" General Retail zoning would require that the applicant request a Special Permit for the existing use of a mobile home park. Mr. Smart stated that there is no objection by the applicant to the staff recommendation.

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 too intense for this area, but recommend the granting of "C" Commercial on that portion west of the proposed extension of Northeast Drive; "GR" General Retail on that portion east of Northeast Drive which fronts on U.S. Highway 290; and "B" Residence on the balance of the tract. This recommendation is subject to field notes and subdivision.

C14-71-050 W. T. Patton--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of W. T. Patton for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 7102-7314 U. S. Highway 290 be DENIED, but recommend the granting of "C" Commercial, First Height and Area on that portion west of the proposed extension of Northeast Drive; "GR" General Retail, First Height and Area on that portion east of Northeast Drive which fronts on U. S. Highway 290; and "B" Residence, First Height and Area on the balance of the tract, subject to field notes and subdivision.

C14-71-051 Dewey G. Mears: A to GR
1800 West 6th Street
600-604 Patterson Avenue

STAFF REPORT: This tract of land is proposed for a photographic studio and contains 8,575 square feet. "A" Residence zoning and single-family residences exist throughout this area. "C" Commercial zoning exists across West 6th Street, and one block east of West 6th Street, there was a request for "GR" General Retail zoning which was denied in 1970. The land use and zoning pattern in the area have not changed, which would justify rezoning. The staff therefore recommends that this request be denied as an intrusion into a single-family residential area but recommends that "BB" Residence or "B" Residence zoning be granted, subject to 5 feet of right-of-way on Patterson and 6th Streets.

TESTIMONY

WRITTEN COMMENT

Mrs. H. B. Norris, Jr.: 9001 Patterson Apt. 62 Richmond, Va.	AGAINST
Ethel Willhite: 701 Patterson Avenue	FOR
May Mathews: 1808 West 6th Street	FOR
Mrs. H. L. Berry: 1709 Francis Avenue	FOR
G. B. Knape: 607 Theresa	FOR
Mrs. J. Carl Hurley: 309 West 38th Street	FOR

PERSONS APPEARING AT HEARING

Dewey Mears (applicant)

SUMMARY OF TESTIMONY

Mr. Dewey Mears stated that he wishes to combine his three locations to have his complete photographic studio at one location. He is a commercial photographer, with most of his business conducted over the telephone, and three to four visitors a day. He plans to replace an old building at this location with a masonry building for a darkroom. Trucks will deliver items to be photographed approximately four times a month and off-

C14-71-051 Dewey G. Mears--contd.

street parking will be provided. Mr. Mears displayed architectural drawings of the proposed development.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Kinser stated that this area will be used commercially upon the completion of MoPac Boulevard. The staff pointed out the property in the area which will be used for the MoPac Interchange. All property presently zoned commercial will be acquired, leaving the subject tract, if rezoned, the only non-residential tract in this area. Access to this tract will be one-way westbound. Mr. Kinser stated that this property will not be suitable for a residence. Mr. Goodman stated that this is a logical request in view of the fact that the University will construct 400 apartments on the Confederate Home tract in the area.

The Committee concluded that this request should be granted, as the future construction of MoPac Boulevard will cause this tract to be unfit for single-family residential development. This recommendation is subject to five feet of right-of-way on Patterson Avenue and five feet of right-of-way on West 6th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dewey G. Mears for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1800 West Sixth Street and 600-604 Patterson Avenue be GRANTED, subject to five feet of right-of-way on Patterson Avenue and five feet of right-of-way on West 6th Street.

C14-71-052 James H. Arnold: Int. A, Int. 1st to C, 1st
 Tract 1: 8617-8625 Research Boulevard
 Tract 2: 8547-8553 Research Boulevard

STAFF REPORT: This application consists of two tracts of land with 20,000 square feet contained in each. The proposed use is for development consistent with requested zoning. An old pending case of "GR" General Retail zoning exists to the east and a current case of "GR" General Retail zoning exists to the south. "GR" General Retail zoning is established across Research Boulevard as well as "O" Office zoning. The staff recommends that this request be denied, as too intensive, but that "GR" General Retail zoning be granted in conformance with existing zoning in the area, subject to subdivision.

C14-71-052 James H. Arnold--contd.

TESTIMONY

WRITTEN COMMENT

Thomas M. Rodgers: 8510 Remington Lane

AGAINST

PERSONS APPEARING AT HEARING

James Arnold (applicant)

SUMMARY OF TESTIMONY

Mr. James Arnold requested information on "GR" General Retail zoning. Mr. Goodman explained that such zoning excludes outside storage and warehousing facilities. Mr. Arnold plans to have an electrical wholesaler on this tract, which would require "C" Commercial zoning. Mr. Arnold pointed out that many firms are retail and wholesale together. The staff reported that plumbing and automotive firms are allowed under "GR" General Retail, without outside storage. Mr. Arnold stated that he has had difficulty getting water and sewer service to this tract and he feels that any development will be an asset to 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 extension of existing zoning in the immediate area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of James H. Arnold for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area for property located at 8617-8625 Research Boulevard (Tract 1) and 8547-8553 Research Boulevard (Tract 2) be GRANTED, subject to subdivision.

C14-71-053 Mrs. E. H. Miranda: B to O
914 West 22 1/2 Street
2213-2217 San Gabriel Street

STAFF REPORT: This tract of land contains 8,404 square feet and is for the use of an office. Multi-family and commercial zoning exist throughout this area. "B" Residence, Second Height and Area zoning is predominant. The Hardin North Student Housing and parking garage complex exists in the block to the northeast. The recent application of William Doctorman, immediately to the north, was not recommended by the staff. The application was granted "B" Residence, Second Height and Area by the Council. The staff recommendation on this request is to deny "O" Office zoning, as an intrusion into a residential area.

C14-71-053 Mrs. E. H. Miranda--contd.

TESTIMONY

WRITTEN COMMENT

Isabel A. Holladay: 1004 West 22nd Street
 Lula Barrett: 906 West 23rd Street
 Lois E. Slaughter: 909 West 23rd Street

AGAINST
 AGAINST
 FOR

PERSONS APPEARING AT HEARING

Mrs. E. H. Miranda (applicant)
 James H. Price: 912 West 22nd Street
 Grace Thiele: 909 West 22 1/2 Street

AGAINST
 AGAINST

Arguments Presented FOR:

Mrs. E. H. Miranda stated that her husband wishes to establish a small photographic studio in a building on their property which is presently rented. Most of his orders are by telephone and this use would be less noisy and create less traffic than the present use. The immediate neighbors do not object to this change.

Arguments Presented AGAINST:

Mr. James H. Price, 912 West 22nd Street, represented the resident across the street from this location, who objects to this proposed change. He pointed out that this zoning would allow a five-story office building on this tract and feels that such use is highly inappropriate for the area. There is no other zoning of this type in the area, except for Hardin North, which is completely self-contained.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that a request to withdraw this application has been received. The Commission then unanimously

VOTED: To recommend that the request of Mrs. E. H. Miranda for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 914 West 22 1/2 Street and 2213-2217 San Gabriel Street be DENIED.

C14-71-055 Victor U. Sosa: A to BB
3701-3711 Clawson Road

STAFF REPORT: An apartment development is the proposed use for this 3.12 acre tract of land. "BB" Residence zoning has been granted across Clawson Road to the north on two pieces of property and to the east and south on Southridge Drive is a self-contained subdivision. The remaining neighborhood is "A" Residence and several single-family residences exist across

C14-71-055 Victor Sosa--contd.

Clawson Road. The staff recommends that this request be denied, in conformance with previous recommendations relating to intrusion into a residential area and inadequate streets in this area. If this were to be granted, it would be subject to 10 feet of right-of-way on Clawson Road.

TESTIMONY

WRITTEN COMMENT

O. R. Rogers: 3708 Clawson Road	AGAINST
F. D. Badger: 3608 Clawson Road	AGAINST
Mrs. C. W. Saathoff: 3704 Clawson Road	FOR
Jewel Fleming: 3800 Clawson Road	AGAINST

PERSONS APPEARING AT HEARING

H. D. Motzenbocker (representing applicant)	
Victor Sosa (applicant)	
A. N. Fleming: 3800 Clawson Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. H. D. Motzenbocker represented the applicant. This is a large tract which is economically unfeasible to develop as a single-family residence. Mr. Motzenbocker pointed out the location of the "BB" Residence zoning which has been granted across Clawson Road to the north on two tracts and the locations to the east and south on Southridge Drive.

Mr. Victor Sosa spoke for his request, stating that he had purchased this property three years ago and the changes in the area have made the tract unsuitable for a residence.

Arguments Presented AGAINST:

Mr. A. N. Fleming, 3800 Clawson Road, stated that he has lived in this area for thirty years. There are many fine homes in this neighborhood on large lots. The residents are very unhappy about the recent apartment development in the area. The traffic on Clawson Road is presently very heavy and speeding drivers present a hazard on this narrow and hilly street. This street cannot accommodate more traffic. Mr. Fleming stated that the drainage in this area is not adequate. He feels that apartments on the tract in question would be subject to flooding during heavy rains. If this development is allowed, adequate drainage should be provided and the street should be widened. Taxes are high, and it is not wrong to make money on property, but this should be balanced against the many long-time residents who wish to maintain their property. Intensive apartment development often creates slum areas. The residents feel that duplex development would be more in keeping with the neighborhood.

C14-71-055 Victor Sosa--contd.

Arguments Presented in REBUTTAL:

Mr. Motzenbocker stated that all City Codes and Ordinances will be complied with in the development of this tract, insuring adequate drainage and street facilities.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that this street is in very poor condition and additional apartment development will make it extremely hazardous. In addition, the present overflow during heavy rains covers the street.

Mr. Becker stated that some use should be made of these large tracts. Development will provide the proper drainage and the widening of the street.

Mr. Reeves pointed out that if the City brought Clawson Road up to City standards, the terrain of this area would still create hazardous driving conditions. He feels that duplex development is suitable for this tract. A precedent should be set to discourage intensive use in this area.

The Committee concluded that this request should be denied, due to the hazardous street conditions in this area.

At the Commission meeting, the majority of the members concurred with the Committee recommendation. The Commission then

VOTED: To recommend that the request of Victor U. Sosa for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3701-3711 Clawson Road be DENIED.

AYE: Messrs. Crier, Milstead, Becker, Anderson and Goodman

NAY: Messrs. Kinser and Chamberlain

ABSENT: Messrs. Taniguchi and Reeves

C14-71-056 Noble Smith: A to GR
4317-4319 Gillis Street

STAFF REPORT: This tract of land containing 21,280 square feet is proposed for apartments or a shopping center. "GR" General Retail and "C" Commercial zonings exist along Ben White Boulevard. A cleaners, service station and drive-in restaurant are developed at Gillis Street and Ben White Boulevard. The lot directly across Gillis Street was zoned "GR" General Retail in 1969, as the lots on the immediate north are zoned. The staff recommends that this request be granted, as consistent with existing zoning and as Gillis Street is adequate.

C14-71-056 Noble Smith--contd.

TESTIMONY

WRITTEN COMMENT

Lela P. Mills: 4517 Merle Drive

FOR

PERSONS APPEARING AT HEARING

R. E. Newsom (representing the applicant)

SUMMARY OF TESTIMONY

Mr. R. E. Newsom represented the applicant, stating that small businesses are planned for development.

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. Mr. Foxworth of the staff stated that zoning beyond this point on Gillis Street is to be discouraged.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Noble Smith for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 4317-4319 Gillis Street be GRANTED.

C14-71-057 First United Pentecostal Church: A to B
4113-4115 Avenue D
105-107 West 42nd Street

STAFF REPORT: This is a request for a fraternity meeting house on 12,000 square feet of land. This site is within an area study approving "BB" and "B" Residence zonings where streets are adequate. Avenue D and East 42nd Street are adequate. "B" Residence exists in many locations in this neighborhood, with single-family and duplex residences predominant. The staff recommends that this request be granted, as it is in conformance with the area study and the existing zoning.

TESTIMONY

WRITTEN COMMENT

Petition with 45 signatures
Ira H. Houston: 4110 Speedway
Kay Bonham: 108 West 41st Street

AGAINST
AGAINST
AGAINST

C14-71-057 First United Pentecostal Church--contd.

Elsee Falk: 4213 Avenue D	AGAINST
C. W. Ryden: 4211 Avenue D	AGAINST
Donald A. Khun: 4605 Madrona Drive	AGAINST
Estelle Rolf: 4108 Speedway	AGAINST
George Willms: 4206 Speedway	AGAINST
Mr. & Mrs. James Warren: 4100 Speedway	AGAINST
Mr. & Mrs. Ivan Joe Wiley: 4208 Speedway	AGAINST
A. E. Martin: 4107 Avenue C	AGAINST
? : 110 West St. John Avenue	FOR
Marion Ross: 219 Littlefield Building	FOR
Aubrey G. Page: 4206 Avenue D	AGAINST

PERSONS APPEARING AT HEARING

D. W. Morris (representing applicants)	
Marion Ross: 219 Littlefield Building	FOR
Aubrey G. Page: 4206 Avenue D	AGAINST
Jack Youngblood (representing Pi Lambda Phi)	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. D. W. Morris represented the applicant. He explained that the church has relocated, leaving this building vacant. The 600 members of this church urge that this zoning be granted.

Mrs. Marion Ross, a property-owner in the area, stated that this zoning would improve the area, as off-street parking would be required.

Arguments Presented AGAINST:

Thirty residents of the immediate neighborhood were present at this hearing in opposition to this change of zoning. They presented a petition and requested that the Committee consider the drastic change the proposed use will create in this neighborhood. The residents have investigated areas which presently have fraternity houses and feel that this use will create inordinately loud noise from late parties, traffic and on-street parking which creates litter and disruption. The University officials have no authority over off-campus activities.

This is an older neighborhood with many older residents and families with children. It is felt that this use would destroy the residential atmosphere of the area and drastically reduce the re-sale value of the homes in existence.

Arguments Presented in REBUTTAL:

Mr. Morris stated that it is very disappointing that the residents have signed a petition designed to keep people from living in their neighborhood. This fraternity has only twenty-six members, who are young gentlemen of

C14-71-057 First United Pentecostal Church--contd.

good character. He feels that with more knowledge of this fraternity, the residents would not object to their use of this property. He introduced three officials of the church who were present at this hearing.

Mr. Jack Youngblood represented the Pi Lambda Phi Fraternity. This is a small chapter of this national fraternity, which has been recently organized and wishes to establish a chapter house. Fraternities serve not only as a social group, but in a capacity to guide and direct its members during the educational period. These boys are not degenerate, drop-out hippie types, but are very respectable young men being educated at the University to be businessmen and attorneys. They would certainly be an asset to the neighborhood, and have already made plans to bring this building up to City standards, which will cost in excess of \$17,000. More than adequate paved parking will be provided. The members are closely supervised by their advisors on campus and report directly to a national committee, as well as an alumni committee which is composed of businessmen in Texas. This use will enhance the value of property in the area. These young men will strive to maintain good public relations with their neighbors. Additionally, City Ordinances exist to prevent conduct which is detrimental to the living standards of the City. This chapter has been searching for just such a location as this for several months and it is felt that the neighborhood will be pleasantly surprised regarding their conduct.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves requested information as to the social activity and the supervision of this group. The fraternity has dances and social meetings with the sororities of the University, and a monthly chapter party. Mr. Youngblood stated that the insinuation had been made that illicit activities would be taking place; this is a matter of personal character of the individual and is certainly not condoned by the fraternity. The parties would consist of around fifty-two people, and the police could be called if the noise is disturbing. The University consists of 40,000 people and is a large part of the Austin community. These people should not be condemned by the residents, but given a chance to be good citizens.

Mr. Reeves stated that he owns property near the former home of this fraternity, and while from a zoning standpoint, this classification would not be an intrusion into this neighborhood, the intended use will create noise, traffic and riotous parties.

The Committee concluded that this request should be denied, due to the impact the intended use would have on this residential neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of the First United Pentecostal Church for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4113-4115 Avenue D and 105-107 West 42nd Street be DENIED.

C14-71-058 Kirk E. Williamson: Int. A, Int. 1st to GR, 1st
 1504-1516 Brandt Drive
 1525-1547 Highway 71

STAFF REPORT: This tract is an area of 1.1 acres to be developed to correspond to adjoining zoning. "B" and "BB" Residence and "GR" General Retail zoning are established on the large tract to the east to the rear of Brandt Drive. "GR" General Retail zoning exists immediately across Brandt Drive. Interim "A" zoning exists to the rear and west of the subject site. A dozen single-family homes are developed and well-maintained along Brandt Drive to the immediate north. Bergstrom Air Force Base exists across Highway 71 to the south and east. The staff recommends this request as consistent with existing commercial zoning on a major highway.

TESTIMONY

WRITTEN COMMENT

Nearby property owner

FOR

PERSONS APPEARING AT HEARING

Bill Riley (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bill Riley represented the applicant and had nothing to add to the staff report.

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 in conformance with existing zoning; subject to six-foot privacy fencing along the north property line adjoining the single-family residential development. Mr. Becker abstained from this motion.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Kirk E. Williamson 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 1504-1516 Brandt Drive and 1525-1547 Highway 71 be GRANTED, subject to six-foot privacy fencing along the north property line adjoining the single-family residential development.

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

NAY: None

ABSENT: Messrs. Taniguchi and Reeves

ABSTAINED: Mr. Becker

C14-71-059 Tito Villegas: A to GR
3904-3908 East 12th Street
1200 Luna Street

STAFF REPORT: The applicant wishes to develop a restaurant with food to go on this tract of 7,280 square feet. Single-family residences predominate this "A" Residence zoned subdivision. Two lots of "C" Commercial zoning, which are developed with a duplex and a single-family structure, exist across Luna Street. These lots were zoned in 1952 and remain residentially developed. A pending case of "BB" Residence zoning exists across East 12th Street. Undeveloped property and a City park exist across 12th Street to the south. The staff recommendation is to deny as an intrusion into a single-family residential area. If granted, the request is subject to ten feet of right-of-way on 12th Street and five feet of right-of-way on Luna Street.

TESTIMONY

WRITTEN COMMENT

Mrs. Thelma Anderson: 1204 Luna Street

FOR

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

Mr. Kinser stated that he feels that this request should be granted, due to the "C" Commercial zoning in the area. This use would be compatible with the park in the area.

Mr. Reeves stated that this area is one of the few residential areas in this section of the City and should be protected. The Committee discussed the undeveloped "C" Commercial zoning in existence across the street and the residential character of this neighborhood. A majority concluded that this request should be denied as an intrusion into a stable residential environment.

A majority of the Commission members concurred with the Committee recommendation and

VOTED: To recommend that the request of Tito Villegas for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 3904-3908 East 12th Street and 1200 Luna Street be DENIED.

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

NAY: Mr. Kinser

ABSENT: Messrs. Taniguchi and Reeves

C14-71-060 Fred W. Arldt: A to O
 5617 Adams Avenue

STAFF REPORT: This tract of 14,550 square feet is proposed for office use. Single-family residences are developed along Adams Avenue and zoned "A" Residence. The commercial zoning that extends north on Clay Avenue from Burnet Road terminates one lot to the south. A pending case is before the Committee on this date for "B" Residence across Adams Avenue several lots to the north. A recent history one block to the east on Clay Avenue was both recommended for denial by the staff and the Commission and denied by the Council. The staff recommendation is to deny this request in conformance with the existing land use and current recommendations. If granted, this tract is subject to ten feet of right-of-way on Adams Avenue.

TESTIMONY

WRITTEN COMMENT

Jon W. M. Intire: 7206 Grand Canyon #1	FOR
Viola Hoffman: 5703 Adams Avenue	AGAINST
C. O. Boyd: 5705 Adams Avenue	AGAINST

PERSONS APPEARING AT HEARING

Roger Plowman (representing applicant)

SUMMARY OF TESTIMONY

Mr. Roger Plowman represented the applicant. He stated that this tract has been sold to Mr. Walter Carrington, who plans to develop office uses. It is felt that this is an extension of the existing office use which is one block to the south.

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 it does not conform to existing uses in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Fred W. Arldt for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 5617 Adams Avenue be DENIED.

C14-71-061 Edgar S. Daugherty: A to B
6208 Burns Street

STAFF REPORT: Apartment development is the proposed use for this tract of 7,500 square feet, which is one block southeast of Lamar Boulevard. The zoning and land use on Lamar Boulevard is "C" Commercial. "A" Residence zoning developed with single-family residences exists to the east, with apartment development zoned "B" Residence existing on the north. Cases of "B" Residence and "C" Commercial zoning have been granted as recently as 1968. The staff recommendation is to grant, subject to five feet of right-of-way on Burns Street.

TESTIMONY

WRITTEN COMMENT:

William J. Scudder: 800 West Avenue

FOR

PERSONS APPEARING AT HEARING

Edgar S. Daugherty (representing applicant)

Schieber: Nearby property owner

FOR

SUMMARY OF TESTIMONY

Mr. Edgar Daugherty was present on behalf of his request and had nothing to add to the staff report.

A nearby property-owner, Mr. Schieber, presented pictures to the Committee showing the applicant's use of an adjacent tract for the construction of temporary buildings. Mr. Schieber does not object to the development of apartments, but feels that the use for construction of temporary buildings is an eyesore and should not be allowed.

Mr. Daugherty assured the Committee that this tract will be used for apartment development only.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, as it is in conformance with existing zoning in the area and subject to five feet of right-of-way on Burns Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Edgar S. Daugherty for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6208 Burns Street be GRANTED, subject to five feet of right-of-way on Burns Street.

C14-71-062 R. E. Austin Corporation: Int. A, Int. 1st to O, 3rd
 830-836 U. S. Highway 183

STAFF REPORT: This tract is an area of 3.02 acres, which the applicant proposes to develop with an office building to a height of seventy feet. The City Limit line is the north property line of this tract. A 1969 pending zoning case of "GR" General Retail, First Height and Area zoning exists one hundred feet to the east. Across U. S. Highway 183 on the south is existing "D" Industrial zoning. The Texas Highway Department's District Office is located on the adjoining tract to the north. The staff recommendation is to deny the request for "O" Office, Third Height and Area and to grant "O" Office, Second Height and Area. The additional ten feet of building height needed can be accomplished through the Board of Adjustment.

TESTIMONY

WRITTEN COMMENT

Woodrow W. Patterson	FOR
Watt Schieffer: 1011 East 40th Street	FOR

PERSONS APPEARING AT HEARING

Mike Godfrey (representing applicant)

SUMMARY OF TESTIMONY

Mr. Mike Godfrey represented the applicant. Third Height and Area is needed to conform to their plans to construct two office buildings from five to six stories high, with ten feet needed for the air conditioning cooling tank which will be on top of the buildings. The buildings will be in harmony with other development in the area. It is felt that such development will be needed with the continued growth of the City, and as this area is thus far sparsely developed, this will not constitute an encroachment.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman stated that this planned development is very intense compared to the surrounding development, and would conflict with existing development. The Committee discussed this application and the majority concluded that this request should be granted, subject to departmental requirements.

At the Commission meeting, the staff explained that their recommendation is for Second Height and Area, with Board of Adjustment action on the additional ten feet for the air conditioning cooling tank.

Mr. Goodman stated that the "O" Office, Third Height and Area would allow the construction of a ten-story building which could create a cavern effect on this major thoroughfare. Such zoning will set an undesirable precedent for further development in this area. The Commission members discussed

C14-71-062 R. E. Austin Corporation--contd.

this request and were in agreement that buildings to a height of seventy feet would be permissible, but the extra height allowed under the Third Height and Area classification would be undesirable. They feel that the additional ten feet desired could be handled as a variance by the Board of Adjustment. The Commission then

VOTED: To recommend that the request of R. E. Austin Corporation for a change of zoning from Interim "A" Residence, Interim First Height and Area to "O" Office, Third Height and Area for property located at 830-836 U. S. Highway 183 be DENIED, but recommend the granting of "O" Office, Second Height and Area, subject to departmental requirements, and recommend to the Board of Adjustment the approval of ten feet additional height.

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

C14-71-063 Dora Fritsch Estate: A to B
5517 Roosevelt Avenue

STAFF REPORT: This application is on a tract of 15,000 square feet, with the proposed use for apartment development. Apartments zoned "B" Residence exist to the west on Woodrow Avenue and to the north on Roosevelt Avenue. Apartments zoned "C" Commercial are developed to the south at Grover Avenue and Houston Street. McCallum High School is located across Grover Avenue to the east. Single-family homes are developed in this area. Recent histories on Woodrow Avenue indicate an acceptance of multi-family zoning by the Planning Commission and the City Council for property parallel to this site and for this general area. The staff recommendation is to grant this request as it is consistent with existing development, subject to seven and one-half feet of right-of-way on Grover Avenue.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Bob Bailey (representing applicants)

SUMMARY OF TESTIMONY

Mr. Bob Bailey represented the applicants. This development will have access to both Roosevelt Avenue and Grover Avenue, with parking at both ends of the project. It is felt that such development is compatible with existing development in this neighborhood.

C14-71-063 Dora Fritsch Estate--contd.

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 development in the area, subject to seven and one-half feet of right-of-way on Grover Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of the Dora Fritsch Estate for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5517 Roosevelt Avenue be GRANTED, subject to seven and one-half feet of right-of-way on Grover Avenue.

C14-71-064 Dick Rathgeber: A, 1st to B, 2nd
403 West 38th Street

STAFF REPORT: This application is for the development of apartments on a tract containing 6,050 square feet, excluding right-of-way requirements. This application is within an Area Study approving "BB" and "B" Residence zoning as proper for this area where streets are adequate. Apartment and single-family residences are located throughout this community. A Childrens' Home zoned "A" Residence, First Height and Area exists across 38th Street on the north and commercial retail uses zoned "C" Commercial, Second Height and Area are located along Lamar Boulevard to the west. "B" Residence, Second Height and Area exists to the northeast across 38th Street. The staff recommendation is to grant this application, subject to five feet of right-of-way on 38th Street.

TESTIMONY

WRITTEN COMMENT

Willie G. Clark: 311 West 38th Street	FOR
A. D. Loney, Sr.: 712 Keasbey	FOR
Mrs. J. Carl Hurley: 309 West 38th Street	FOR

PERSONS APPEARING AT HEARING

Dick Rathgeber (applicant)

SUMMARY OF TESTIMONY

Mr. Rathgeber stated that this request is consistent with the zoning in the area, as there is an apartment house on the adjoining lot and commercial use across the street.

No one appeared in opposition to this request.

C14-71-064 Dick Rathgeber--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted in keeping with the Area Study for this section of the City; subject to five feet of right-of-way on West 38th Street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dick Rathgeber for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 403 West 38th Street be GRANTED, subject to five feet of right-of-way on West 38th Street.

C14-71-065 Ken Wendler: A to B
 2209-2211 Blue Bonnet Lane
 Rear of 2209-2211 Blue Bonnet Lane

STAFF REPORT: This tract consists of 1.26 acres to be used with adjoining property for apartment development. "B" Residence zoning exists immediately north and south of this site, and "C" Commercial zoning exists to the rear of the site. There is also a Special Permit request for a public housing project on this property before the Committee this date; this site is the only portion included in this request with inadequate zoning. Single-family homes exist throughout this neighborhood. The staff recommendation is to grant in conformance with existing zoning on the subject property and the additional area.

TESTIMONY

WRITTEN COMMENT

G. Y. Anderson: 3004 Cedarview Drive	AGAINST
Louree Wright: 1903 Frazier Avenue	AGAINST
Mrs. Porfiria Gonzales: 1909 Frazier Avenue	AGAINST
Mr. & Mrs. James Joseph: 1904 Frazier Avenue	AGAINST
Catherine Smothers: 1011 Possum Trot	AGAINST

PERSONS APPEARING AT HEARING

Tom Brown (representing the applicants)	
Mrs. Adcock: 2215 Blue Bonnet Lane	AGAINST
Loula Mae Reeves: 1907 Frazier Avenue	AGAINST
Helen M. Joseph, Sr.: 1904 Frazier	AGAINST
Catherine Smothers: 2300 Blue Bonnet Lane	AGAINST
Lula Wright: 1903 Frazier Avenue	AGAINST
Mrs. Porfiria G. Gonzales: 1909 Frazier Avenue	AGAINST

C14-71-065 Ken Wendler--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Tom Brown represented the applicants. This request will be compatible with development in the neighborhood. The development will consist of duplex and fourplex units.

Arguments Presented AGAINST:

Mrs. Adcock, 2215 Blue Bonnet Lane, stated her objections to this request. She feels that a low-rent housing development next door to her property will be very undesirable, as the tenants will not care for the property. Mr. Reeves pointed out the surrounding zoning and explained that zoning does not regulate the type of people who would rent these apartments.

Mrs. Loula Mae Reeves, 1907 Frazier Avenue, stated that she has a large investment in her property. She feels that the proposed use will be highly detrimental to property values in the area.

Mrs. Helen M. Joseph, Sr., 1904 Frazier, stated that she built her home in this area many years ago and does not wish to live near apartment development.

Catherine Smothers, 2300 Blue Bonnet Lane, feels that the proposed development of forty units is too intense for the tract. Traffic is a problem on Blue Bonnet Lane at the present time, and this development will add to the congestion. Many of the people in this neighborhood own their homes and feel that this development is not compatible with the area.

Mrs. Lula Wright, 1903 Frazier Avenue, stated that she opposes this proposed development.

Arguments Presented in REBUTTAL:

Mr. Ken Wendler stated that he purchased a portion of the property which is included in this development after it had been zoned for apartment development. This application is merely to bring this portion into conformance with the surrounding area. The total tract covers six acres. The present zoning on portions of this tract allows the construction of thirty units per acre, for a total of one hundred eighty units. This proposed development will be approximately ten units per acre. The construction will be in keeping with the homes in the area. Mr. Wendler displayed a site plan of the proposed development, showing the units facing on a street which will run through the tract. Three of the units will face on Blue Bonnet Lane, and one unit will face Goodrich Avenue.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman explained to those present that this case is being heard on the merits of the requested zoning, rather than the intended use.

C14-71-065 Ken Wendler--contd.

Mr. Reeves pointed out that if 7,000 square feet is allocated for each unit, this development would be permitted under "A" Residence zoning.

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Ken Wendler for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2209-2211 Blue Bonnet Lane and the rear of 2209-2211 Blue Bonnet Lane be GRANTED.

C14-71-067 James J. Samon: A to GR (Tr. 1) and BB (Tr. 2)
 Tract 1: 5400-5426 Manchaca Road
 Tract 2: Rear of 5400-5426 Manchaca Road

STAFF REPORT: This application covers two tracts, one containing 1.6 acres and the other 1.5 acres. A shopping center and apartment development are proposed. Single-family homes in an "A" Residential zoned neighborhood exist to the immediate north and west. A small shopping center zoned "GR" General Retail is developed at St. Albans Boulevard and Manchaca Road to the north. "C-2" Commercial zoning is located next door on the north side and "GR" General Retail zoning as well as "O" Office zoning are developed directly across Manchaca Road. "GR" General Retail zoning surrounds this tract on all but the northwest side. A service station is located at the intersection of Stassney Lane and Manchaca Road to the south. The staff recommendation is to grant this request as consistent with existing commercial zoning and as a buffer to the single-family development to the west. This recommendation should be subject to a building setback on the north and west sides of this tract.

TESTIMONY

WRITTEN COMMENT

Colonel James D. Fox: 5413 Fairmont Circle AGAINST
 Mr. & Mrs. George E. Drieg: 5405 Fairmont Circle AGAINST
 Mr. & Mrs. Ernest E. Fannin: 5404 Fairmont Circle AGAINST

PERSONS APPEARING AT HEARING

Harriet Owens (representing applicant)

SUMMARY OF TESTIMONY

Harriet Owens represented the applicant. She expressed agreement with the staff report and explained that a privacy fence exists between this tract and the residential development. There is also a creek on this boundary line which serves as a natural buffer.

No one appeared in opposition to this request.

C14-71-067 James J. Samon--contd.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that a building setback should be wide enough to be used for a parking area. The Committee reviewed the information and concluded that this request should be granted as an extension of existing commercial zoning and as a buffer for the single-family residential development to the west, subject to a forty-four foot building setback on Tract 2 where abutting residential development.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of James J. Samon for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area, (Tract 1) and "BB" Residence, First Height and Area, (Tract 2) for property located at 5400-5426 Manchaca Road, (Tract 1) and the rear of 5400-5426 Manchaca Road, (Tract 2), be GRANTED, subject to a forty-four foot building setback on Tract 2 where abutting residential development.

C14-71-068 Jim O'Neal: Int. A, Int. 1st to GR, 1st
8603-8615 U.S. Highway 183

STAFF REPORT: This area of .72 acre is proposed for the development of a shopping center. "GR" General Retail zoning is pending on the large tract to the east and "O" Office zoning is pending on the tract to the north. "GR" General Retail zoning exists on the tract across U.S. Highway 183, and an electric company and a sign company are located next door on the south. The staff recommendation is to grant this request as consistent with existing zoning, subject to subdivision.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Bill Williams (representing applicant)

SUMMARY OF TESTIMONY

Mr. Bill Williams represented the applicant. He had nothing to add to the staff report.

No one appeared in opposition to this request.

C14-71-068 Jim O'Neal--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The staff explained that the surrounding property belongs to the applicant, and subdivision would combine this property, which is a metes and bounds lot.

The Committee reviewed the information and concluded that this request should be granted in conformance with existing zoning, subject to subdivision.

At the Commission meeting, Mr. Bill Williams pointed out that this tract was to be developed in conjunction with the adjoining larger tract, which has been disapproved for subdivision. The former owner of this tract divided it into illegal lots, which were sold. The present owner is attempting to regain the property and bring it into conformance with the City Ordinance. The staff pointed out that a subdivision will be required in order to obtain a building permit on this tract.

The Commission reviewed the information and unanimously

VOTED: To recommend that the request of Jim O'Neal 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 8603-8615 U.S. Highway 183 be GRANTED.

C14-71-069 Nash Phillips and Clyde Copus: Int. A, Int. 1st to O, 1st
3621-3629 Manchaca Road

STAFF REPORT: This application is on an area of 1.45 acres to be used for the development of offices. "A" Residence zoning exists to the north of this site, with office zoning established on the south and "LR" Local Retail zoning across Manchaca Road to the west. Single-family homes exist on very large lots on the east side of Manchaca Road. A single-family residential subdivision is developed to the northeast. "O" Office zoning exists on the large tract to the immediate south, but is to be developed with apartments as part of the large parcel to the east zoned "BB" Residence. The staff recommendation is to deny "O" Office zoning, but to grant "BB" Residence zoning.

TESTIMONY

WRITTEN COMMENT

Rodger E. Balton: 1819 Anderson Lane
Jerry Alloman: 3503 Fleetwood Drive

FOR
AGAINST

PERSONS APPEARING AT HEARING

Bill Williams (representing applicants)
Nina Parnett Wiesner: 1911 Larchmont Drive
Robert Lehman: 1905 Larchmont Drive
Clarence M. Menzel: 1901 Larchmont Drive

AGAINST
AGAINST
AGAINST

196

C14-71-069 Nash Phillips and Clyde Copus--contd.

SUMMARY OF TESTIMONY

Mr. Bill Williams represented the applicants. It is felt that this request is a reasonable extension of the adjacent "O" Office zoning and the "LR" Local Retail zoning across the street.

Two residents of the nearby subdivision objected to this change of zoning as setting a harmful precedent for the development of the area. They feel that the area is primarily "A" Residence zoning and should be protected.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed the information and were of the opinion that this request conforms to the pattern of existing zoning in the area. They concluded that this request should be granted as proper zoning for this tract, subject to departmental requirements.

The Commission concurred with the Committee recommendation and unanimously.

VOTED: To recommend that the request of Nash Phillips and Clyde Copus for a change of zoning from Interim "A" Residence, Interim First Height and Area to "O" Office, First Height and Area for property located at 3621-3629 Manchaca Road be GRANTED, subject to departmental requirements.

C14-71-070 Saint Edward's University Foundation: Int. A, Int. 1st to C, 2nd 914-994 Ben White Boulevard

STAFF REPORT: Commercial and retail development is proposed on this tract of 7.4 acres. The 400-acre Area Study completed by the Planning Commission and the City Council in 1970 abuts this site on the immediate west. The result of this study was to grant "D" Industrial zoning where streets were adequate. This application lies between Interstate Highway 35 and the industrial property. A golf driving range exists on the subject property at this time. Truck City and a large drive-in theater are developed to the west. The Internal Revenue Service Building zoned "GR" General Retail is located across Interstate Highway 35 to the east. The staff recommendation is to grant this request as consistent with existing zoning.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Sam Perry (representing applicants)

C14-71-070 Saint Edward's University Foundation--contd.

SUMMARY OF TESTIMONY

Mr. Sam Perry represented the applicants. This property is under contract of sale conditioned upon the granting of this zoning. It is felt that this request is in conformance with 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 extension of existing zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Saint Edward's University Foundation for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, Second Height and Area for property located at 914-994 Ben White Boulevard be GRANTED, subject to departmental requirements.

C14-71-071 Frank B. Leggett: B to O
1104-1114 Clayton Lane

STAFF REPORT: This tract of 7.07 acres is to be developed with uses consistent with said zoning. In 1967, "B" Residence, Second Height and Area was granted on this tract. "C" Commercial zoning is established north to Highway 290 and "GR" General Retail zoning exists east on Cameron Road. Apartments zoned "B" Residence exist directly across Clayton Lane. A service station is located at Cameron Road and Clayton Lane. This site is one block north of Capital Plaza Shopping Center. The staff feels this is a good location for an office complex area. At the present time the applicant could construct over 435 apartment units. The requested zoning would produce much less traffic than the present "B" Residence zoning developed with apartments. The staff recommendation is to grant this request, subject to a 64-foot building setback as a buffer, and six-foot privacy fencing along the west property line, and a subdivision.

TESTIMONY

WRITTEN COMMENT

Mrs. E. M. MacPherson: 1120 Clayton Lane	FOR
Texas Hospital Association: 6225 U. S. 290 East	FOR
Ira O. Lauderdale: 1102 Clayton Lane	FOR
Charles O. Betts: 5422 Shoalwood	FOR
Zack L. Dean: 1040 Clayton Lane	FOR

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

C14-71-071 Frank B. Leggett--contd.

SUMMARY OF TESTIMONY

Mr. Richard Baker represented the applicant. There are no objections to the recommendations of the 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 appropriate for this area. A sixty-four foot building setback and privacy fencing are required on the west property line, and subdivision of this tract is required.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Frank B. Leggett for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 1104-1114 Clayton Lane be GRANTED, subject to a sixty-four foot building setback and privacy fencing on the west property line and subdivision of this tract.

C14-71-072 Bill Milburn: O to LR (as amended)
7302-7304 Dubuque Lane
7500-7516 Ed Bluestein Boulevard

STAFF REPORT: This request is on an area of sixty-five square feet for the erection of a sign. "GR" General Retail zoning is established just to the south. An elementary school is also established to the south. "A" Residence zoning exists to the south, with a partially developed single-family subdivision abutting this site. The City Limit Line is on Ed Bluestein Boulevard. The large tract on the north is zoned "B" Residence. The staff recommendation is to grant the request on the needed sixty-five square feet in conformance with the existing "GR" General Retail zoning to the south. Dubuque Lane is adequate.

TESTIMONY

WRITTEN COMMENT

None.

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker represented the applicant. He explained that this request is for the location of a sign. The exact location of the sign has not been set at this time. This tract is being used for office development.

C14-71-072 Bill Milburn--contd.

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 amended, for the area of the sign only, as consistent with established zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Bill Milburn for a change of zoning from "O" Office, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for the area of the sign only, for property located at 7302-7304 Dubuque Lane and 7500-7516 Ed Bluestein Boulevard be GRANTED.

C14-71-073 Guy E. Morgan: A to O (Tr. 1) and B (Tr. 2)
Tract 1: 4507-4509 North Interstate Highway 35
Tract 2: 4506-4508 Elwood Road

STAFF REPORT: These two tracts totaling .91 acre are proposed for office development with parking area. "A" Residence zoning surrounds this property on the east side and "C" Commercial zoning exists on the west side. This application is on the perimeter of a single-family residential neighborhood. A day nursery exists on the site at the present time. An apartment project zoned "B" Residence is developed several lots south and abutting Airport Boulevard. The staff wishes to support office and commercial zoning along Interstate Highway 35, but is strongly opposed to office traffic having ingress/egress directly into a single-family residential neighborhood. The staff recommends the application be denied but that the west 139.4 feet of Tract 1 be granted "O" Office zoning, with the remainder of Tract 1 and all of Tract 2 to remain "A" Residence zoning, as consistent with previous recommendations in this area. If granted, five feet of right-of-way is needed on Elwood Road.

TESTIMONY

WRITTEN COMMENT

Petition with 28 signatures	AGAINST
Petition with 23 signatures	AGAINST
Max C. Champie: 1204 Fairwood Drive	AGAINST
Mrs. Wallace Lay: 4509 Elwood Road	AGAINST
Bob Luckett, Jr.: 4502 Elwood Road	AGAINST
Nearby property owner: 4503 Elwood Road	AGAINST
A. J. Holloway: 4513 Elwood Road	AGAINST
Mr. & Mrs. W. L. James: 503 Neches	AGAINST
M. L. Anderson: 3215 East Avenue	FOR
Teddy Riggs: 1210 Fairwood Drive	AGAINST
D. S. McKay, Jr.: 4511 Elwood Drive	AGAINST

C14-71-073 Guy Morgan--contd.

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
Jerry Coleman (representing nearby property owners)	AGAINST
Dan Killian: 4505 Elwood Road	AGAINST
D. S. McKay, Jr.: 4511 Elwood Road	AGAINST
R. E. Chalmers: 2102 Mountain View	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker represented the applicants in this request. This property is under contract of sale contingent upon the approval of this zoning. No deed restrictions exist on this property, as it was not part of the residential subdivision. Construction is now underway for an underpass/overpass on Interstate Highway 35 at this location, which will result in the front door of the present development on this tract being within ten feet of the curb line of the frontage road. The property is not desirable for the present use as a day care center or a residence. It is a problem to find the highest and best use for this tract without seriously damaging the remaining residential development until such time as the land use changes. The intent of the developer is the construction of an office building on the front portion of the tract, with parking to the rear. It is felt that the staff recommendation does not provide for proper development of this tract. While the staff proposes to limit access to the property to Interstate Highway 35, this poses serious difficulty in the planned development. The retention of "A" Residence zoning on a portion of this tract for the development of duplexes is not in keeping with the changed character of the area. The development of office use requires a larger area of land than that proposed by the staff. It is felt that the proper change of zoning is "O" Office on the front two-thirds of the tract and "B" Residence on the back one-third of the tract, with a limitation of ingress/egress to Elwood Road by fencing or other means. The proximity of this tract to the airport and the heavy traffic on Interstate Highway 35 are major influences on this changing area.

Arguments Presented AGAINST:

Mr. Jerry Coleman, attorney, represented several of the residents of this area. He presented two petitions objecting to this request, one from the area residents within two hundred feet of this tract, the other from the neighborhood residents. This tract under consideration is in the Delwood Subdivision and is surrounded on three sides by "A" Residence zoning, which is deed-restricted to single-family residence use. This is a family neighborhood, with many large trees and well-maintained lawns. The only exception in the area is to the south where the Versailles Apartments are developed. The Interstate Highway serves as a barrier to the commercial development to the west. This request is an example of spot zoning and should be denied in its entirety. Approximately one year ago the owners of this property requested "C" Commercial zoning, which was denied by the City Council. There has not been a substantial change in this area

C14-71-073 Guy Morgan--contd.

since that time. The residents of this area wish to maintain their homes and feel that this zoning would materially decrease the value of their property. Mr. Coleman introduced four of the area residents who were present at this meeting.

Mr. Dan Killian, 4505 Elwood Road, pointed out that the commercial zoning existing on the Versailles Apartments tract could never be used, as the State Highway Department will not allow curb breaks at this location. This is a pleasant neighborhood, with organized neighborhood picnics and parades for the children.

Arguments Presented in REBUTTAL:

Mr. Baker stated that this area certainly presents problems and is a changing area, with the proximity of this well-maintained residential area. While the rear portion of this tract could be utilized as residential, it is impossible to use the front portion for residential use. The area will be changing even more in the future, with the further modification of Interstate Highway 35. Relief is needed for this property owner for the utilization of this site.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Kinser stated that the construction of privacy fencing on three sides of this tract would be highly detrimental to the adjoining residences.

Mr. Reeves stated that this residential neighborhood is very well-maintained, with nice homes and is certainly not deteriorating. While the Interstate Highway, Airport Boulevard and the airport are noisy, the area residents do not want their neighborhood to change. The widening of Interstate Highway 35 affects the abutting property, but it has not affected the interior lots.

Mr. Kinser stated that two residential lots could be developed on the rear portion of this property facing Elwood Road.

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-established single-family neighborhood, but recommend the granting of "O" Office, First Height and Area zoning on the west 139.4 feet of Tract 1, and the retention of "A" Residence, First Height and Area on the remaining portion of Tract 1 and Tract 2 for residential development.

At the Commission meeting the members briefly discussed the earlier request for "C" Commercial zoning on this tract and the present staff recommendation.

C14-71-073 Guy Morgan--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Guy E. Morgan for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area, (Tract 1) and "B" Residence, First Height and Area (Tract 2) for property located at 4507-4509 North Interstate Highway 35, (Tract 1) and 4506-4508 Elwood Road, (Tract 2) be DENIED, but recommend the granting of "O" Office, First Height and Area on the west 139.4 feet of Tract 1, and the retention of "A" Residence, First Height and Area on the remaining portion of Tract 1 and Tract 2.

C14-71-074 Tom A. Walker: Int. A, Int. 1st to C, 1st (as amended)
8900 Research Boulevard

STAFF REPORT: The applicant proposes to develop light manufacturing uses on this tract of 3.68 acres. "BB" Residence zoning abuts this site to the south and several pending cases of "BB" Residence zoning exists to the south. A drive-in theatre is located next door and the Southern Pacific Railroad is on the opposite side. The Master Plan designation for this area is Commercial Service and Semi-Industrial. The applicant has amended his request from "DL" Light Industrial to "C" Commercial zoning for the use of a cabinet shop. A cabinet shop is allowed in "C" Commercial zoning if the total floor area does not exceed 3500 square feet and the maximum horsepower of any power machinery does not exceed five horsepower. The staff recommendation is to grant as amended.

TESTIMONY

WRITTEN COMMENT

Murray Family

FOR

PERSONS APPEARING AT HEARING

Ronald Zent (representing applicant)

SUMMARY OF TESTIMONY

Mr. Ronald Zent represented the applicant and expressed agreement with the staff recommendation.

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 amended, in conformance with the Master Plan for this area.

C14-71-074 Tom A. Walker--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Tom A. Walker for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area (as amended) for property located at 8900 Research Boulevard be GRANTED, subject to departmental requirements.