

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- June 15, 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
Alan Taniguchi
Jack Crier
Fritz Becker
Walter Chamberlain
M. J. Anderson
Jack Goodman

Absent

Bill Milstead
C. L. Reeves

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meeting of June 7 and 8, 1971, 7:00 p.m.

Present

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

Also Present

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

*Present only on June 7, 1971

C14-71-116 Jerry N. Wallace: Int. A, Int. 1st to BB, 1st
1730-1752 Rutland Drive

STAFF REPORT: This is a request on two tracts of land containing 2.05 acres to be used for apartments. These two tracts are within Quail Creek West, Phase 2, Section 5 subdivision. This request for "BB" Residence zoning is in conflict with the proposed subdivision. Quail Creek West, Phase 2, Section 2 located one tract to the south is zoned "BB" Residence and developed as an apartment project, which is also owned by the applicant. There is a large tract owned by the church zoned "A" Residence, located between the subject application and the existing "BB" Residence zoning to the south. The staff reported that the applicant has filed a request to withdraw this application.

TESTIMONY

WRITTEN COMMENT

Jerry N. Wallace (applicant)

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 recommends the acceptance of the withdrawal of this application, as requested by the applicant.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Jerry N. Wallace 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First Height and Area to "BB" Residence, First Height and Area for property located at 1730-1752 Rutland Drive be WITHDRAWN.

C14-71-117 George Kuempel Estate, Henry Kuempel Administrator: A to O
1001 East 14th Street
1307-1311 Waller Street

STAFF REPORT: This request is for zoning which would permit an art gallery on a tract of land containing 9,000 square feet. Single-family and duplex development predominate this area, which is zoned "A" Residence. Transportation Enterprises withdrew an application for "C" Commercial zoning to the immediate south of this tract, but "GR" General Retail zoning has been granted, for the purpose of a dinner theater, one block to the north. Both of these cases occurred within the past year. The Transportation Enterprises application was not recommended because the application was for "C" Commercial and permitted the parking of busses within this neighborhood. This application

C14-71-117 George Kuempel Estate--contd.

for "O" Office zoning lies between these two cases. There is "O" Office zoning existing one block to the west as well as an apartment house. The staff recommends that this request be denied, as it is inconsistent with development in the area.

TESTIMONY

WRITTEN COMMENT

Mrs. Thomas A. Forter: 4107 Ramsey	FOR
Jimmy R. Moody: 1005 East 13th Street	AGAINST
H. H. Hanson: 910 East 14th Street	AGAINST
Lillian Free: 902 East 14th Street	AGAINST
Elsie B. Anderson: 1008 East 14th Street	FOR
Robert Lee Batts: 1011 East 14th Street	AGAINST
Eloise B. Scott: 1308 Navasota Street	AGAINST
Elizzie E. Latson: 1308 Navasota Street	AGAINST
Nan Elkins for Chester C. Cameron: P. O. Box 13085	FOR
Marie Basey: 908 East 14th Street	FOR
Blanche Starrett: 1005 Durman Avenue	FOR

PERSONS APPEARING AT HEARING

Bill Brooks (representing applicant)	
Hazel Wiginton: 3210 Hampton Road	FOR

SUMMARY OF TESTIMONY

Mr. Bill Brooks represented the applicant. The existing improvements on this tract are substandard; this zoning will allow the highest and best use for this property. The proposed development will serve as a buffer to the residential development to the east and will not create excessive traffic in the area. The applicant plans an art gallery on this tract, with the existing building to be upgraded. This use will be compatible with the area and with the zoning pattern which is established.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The staff explained that the property across the street from this tract is within the area proposed for an interchange of the Crosstown Expressway and Interstate Highway 35. This project does not have priority and is not funded at this time. Waller Street is not programmed to be widened and will be widened only as zoning changes occur.

The Committee reviewed the information and were of the opinion that this area is changing. The streets are to be widened, and "GR" General Retail and "O" Office zoning exist near this tract. They concluded that this

C14-71-117 George Kuempel Estate--contd.

request should be granted, as proper zoning for the tract, subject to five feet of right-of-way on 14th Street and right-of-way to be determined on Waller Street by the Public Works Department.

At the Commission meeting, Mr. Kinser pointed out the previous applications in this area which have not been recommended by the Planning Commission.

The Commission then

VOTED: To recommend that the request of the George Kuempel Estate for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1001 East 14th Street and 1307-1311 Waller Street be GRANTED, subject to five feet of right-of-way on East 14th Street and right-of-way to be determined by the Public Works Department on Waller Street.

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

NAY: Mr. Kinser

ABSENT: Messrs. Milstead and Reeves

C14-71-118 F. A. Cantu, Jr.: A to C
3208 Lyons Road

STAFF REPORT: This application is for an appliance repair shop and two mobile home units on an area of land containing 11,928 square feet. This site is located across Lyons Road from a large area of land zoned "D" Industrial, which is developed with a bakery. A recent application for industrial zoning was granted a church tract to the west for the manufacture of artificial limbs. There is also a service station existing four lots to the west of this site. Several single-family homes are established on either side of this site. An auto body shop is now existing on this property. The staff recommends that this request be denied as this site is within an area of several single-family residences. The applications that have been granted in this area north of Lyons Road have either concerned the entire length of a block, or a corner of a block. The staff feels that this application would be an intrusion into a single-family residential area.

TESTIMONY

WRITTEN COMMENT

Cora Prado: 1115 East 8th Street

FOR

PERSONS APPEARING AT HEARING

John T. Schneider (representing applicant)

Cl4-71-118 F. A. Cantu, Jr.--contd.

SUMMARY OF TESTIMONY

Mr. John T. Schneider represented the applicant. The present use of this tract as a automobile body shop has existed since 1951. The applicant purchased this property for this use and desires to conform with the City Ordinance.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves pointed out that this tract is across the street from "D" Industrial zoning and two lots from "C" Commercial zoning. The Committee reviewed the information and concluded that this request should be granted, as consistent with existing zoning in the area, subject to ten feet of right-of-way on Lyons Road.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of F. A. Cantu, Jr. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 3208 Lyons Road be GRANTED, subject to ten feet of right-of-way on Lyons Road.

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

ABSTAINED: Mr. Kinser

ABSENT: Messrs. Milstead and Reeves

Cl4-71-119 La Quinta: C, 1st to C, 2nd
7106 North I. H. 35

STAFF REPORT: This application is being requested for the construction of a 50-foot sign on 840 square feet of land. An application for a similar purpose was recently granted to the north. There is a service station located several hundred feet to the north. The existing zoning along Interstate Highway 35 is "C" Commercial on the west and "DL" Light Industrial on the east. The staff recommends that this request be granted, in conformance with existing zoning.

TESTIMONY

WRITTEN COMMENT

Mobil Oil Company: P. O. Box 1901 San Antonio, Tex. FOR
James W. Crow: P. O. Box 99 FOR

PERSONS APPEARING AT HEARING

Applicant

C14-71-119 La Quinta--contd.

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

The Committee reviewed the information and concluded that this request should be granted, for the area of the sign only.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of La Quinta for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Second Height and Area for property located at 7106 North Interstate Highway 35 be GRANTED, for the area of the sign only.

C14-71-120 Betty Smith: C to C-2
 901 West 24th Street

STAFF REPORT: This request is on a tract of land containing 8,508 square feet to be used for a tavern. This site is within the University area, and the predominant zoning is "C" Commercial and "B" Residence. The Hardin North medium-rise apartment complex is located next door to the site on the east, while fraternity and sorority houses are located directly across West 24th Street. A dry cleaning station exists next door on the west, and grocery stores, offices and apartments are established throughout the area. The staff does not feel that this predominantly multi-family residential area is suitable for a tavern, and recommends the request be denied.

TESTIMONY

WRITTEN COMMENT

Alpha Gamma Delta Sorority: 807 West 25th St.	AGAINST
Robert Lee Moore: 904 West 23rd Street	AGAINST
Betty Smith (applicant)	
Betty Slaughter: 909 West 23rd Street	FOR
Lula Barrett: 906 West 23rd Street	FOR
Sybil Dickinson: 2001 Exposition Boulevard	AGAINST
Texas Federation of Women's Club: 2312 San Gabriel	AGAINST

PERSONS APPEARING AT HEARING

Mrs. D. B. Tanner: 906 West 23rd Street	AGAINST
T. J. Holman (representing applicant)	

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C14-71-120 Betty Smith--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. T. J. Holman represented the applicant. It is felt that this use of a tavern will be compatible with the varied uses in the area.

Arguments Presented AGAINST:

Mr. James Price represented several residents of this area who oppose this change. The residents of the area are under-age college students, who are not proper clientele for a tavern; in addition, the proposed use is not in keeping with other retail uses in this area.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves questioned the amount of parking space which could be provided on the tract; the staff reported one space per patron or the City Council may waive all off-street parking requirements in this area. The staff also reported that the applicant can open a restaurant and serve mixed beverages as a secondary activity.

The Committee members reviewed the information and were of the opinion that this use would be detrimental to the area and would not be in keeping with the land uses in the immediate vicinity; they recommend that this request be denied.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Betty Smith for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 901 West 24th Street be DENIED.

C14-71-121 R. Wayne Moore: Int. A, Int. 1st to DL, 1st
3418-3458 Steck Avenue
8201-8319 Balcones Drive

STAFF REPORT: This request is for a warehouse or office building on a tract of land containing 10.42 acres. This ten-acre site is within an area designated for Manufacturing and Related Uses by the Austin Master Plan. The MoPac Boulevard right-of-way will affect this property as approximately one hundred fifty feet of right-of-way will be needed from the western portion of this site. There is "D" Industrial zoning established across the railroad tracks to the east. The staff recommends that this request be granted, as compatible with the Master Plan, subject to ten feet of right-of-way on Steck Avenue and necessary right-of-way for MoPac Boulevard.

C14-71-121 R. Wayne Moore--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

W. Amon Burton, Jr. (representing applicant)

SUMMARY OF TESTIMONY

Mr. W. Amon Burton, Jr., represented the applicant. A one-story office building will be constructed on this tract and will be compatible with the area. The applicant is aware that a portion of this property will be needed for the construction of MoPac Boulevard and is agreeable to the right-of-way requirements on Steck Avenue.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee members discussed this tract and the portion which will be needed for the MoPac Boulevard, which should be restricted so that no improvements are constructed in this right-of-way. The applicant pointed out that access is needed through this portion of the tract.

The Committee concluded that this request should be granted, as consistent with the Master Plan for this area, subject to a one hundred and fifty foot building setback on the west property line for the proposed MoPac Boulevard and ten feet of right-of-way on Steck Avenue. Mr. Becker abstained from this case.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of R. Wayne Moore for a change of zoning from Interim "A" Residence, Interim First Height and Area to "DL" Light Industrial, First Height and Area for property located at 3418-3458 Steck Avenue and 8201-8319 Balcones Drive be GRANTED, subject to a one hundred and fifty foot building setback on the west property line and ten feet of right-of-way on Steck Avenue.

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

ABSTAINED: Mr. Becker

ABSENT: Messrs. Milstead and Reeves

C14-71-122 J. V. Riley: A to C
500-502 Atlanta Street
2200 Lake Austin Boulevard

STAFF REPORT: This is a request on 6,500 square feet of land for uses consistent with said zoning. "LR" Local Retail and "GR" General Retail zoning exist on many lots to the west, developed with a washateria, tavern, service stations, etc. The American Legion Hall is zoned commercial and is located to the south of Lake Austin Boulevard. Single-family homes exist along both sides of Lake Austin Boulevard in this area. The subject tract is located at the corner of the block. The area is in transition to higher intensity of use. The staff recommends that the request for "C" Commercial zoning be denied, but that "LR" Local Retail be granted, as it conforms to previous zoning histories in the area, subject to necessary right-of-way to be determined on Atlanta Street.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

J. V. Riley (applicant)
Mrs. Ethel J. McCutcheon: 510 Atlanta
Mrs. F. B. Davenport: 510 Atlanta Street
Mrs. Charles Ermis: 407 Upson

SUMMARY OF TESTIMONY

Mr. J. V. Riley stated that this property is not suitable for other than commercial use.

Two residents of the area were present and requested information as to the proposed use; the staff enumerated the uses allowed under the various zoning classifications. These residents stated that they are not opposed to this change in zoning.

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 zoning as consistent with uses in the area, subject to necessary right-of-way on Atlanta Street to be determined by the Public Works Department.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of J. V. Riley for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 500-502 Atlanta Street and 2200 Lake Austin Boulevard be DENIED, but recommend that "GR" General Retail, First Height and Area be GRANTED, subject to right-of-way on Atlanta Street to be determined by the Public Works Department.

C14-71-123 Slaughter and Bradfield et al: B, 1st and 2nd to GR, 3rd
 907-915 West 23rd Street
 910-914 West 22 1/2 Street
 2213-2223 San Gabriel Street

STAFF REPORT: This application for a multi-story complex of retail and residential uses is on two tracts of land containing 1.6 acres. The seven lot site is located within the University area to the immediate southwest of the Hardin North complex. Two of these lots were within an application for "C" Commercial, Fourth Height and Area zoning in the past year. The staff recommended denial of the "C" Commercial, Fourth Height and Area zoning but recommended the granting of "B" Residence, Second Height and Area zoning on those lots. The City Council approved "B" Residence, Second Height and Area zoning. The area is in transition from low to medium density residential use. The staff recommendation on this request is to deny the "GR" General Retail, Third Height and Area zoning, as not compatible with the residential area and to retain "B" Residence, Second Height and Area zoning.

TESTIMONY

WRITTEN COMMENT

A. L. Haynes: 908 A West 22 1/2 Street	AGAINST
Kitowski, et al: 908A West 22 1/2 Street	AGAINST
Grace Thielb: 909 West 22 1/2 Street	AGAINST
Robert Lee Moore: 904 West 23rd Street	AGAINST
Daniel R. Schoolfield: 926 Sam Hill; Irving Texas	AGAINST
Lula Barrett: 906 West 23rd Street	AGAINST
Betty Smith: Box 181, Lohn, Texas	FOR
E. H. Hawkes: Route 2	FOR
Betty Slaughter: 909 West 23rd Street	FOR
Josephine Schmied: 1013 West 23rd Street	AGAINST
Texas Federation of Women's Club: 2312 San Gabriel	AGAINST

PERSONS APPEARING AT HEARING

William Doctorman (representing the applicants)	
Mrs. D. B. Tanner: 906 West 23rd Street	AGAINST
W. R. Long, Jr.: 916 West 23rd Street	AGAINST
Jim Price: 912 West 22nd Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. William Doctorman, attorney, represented the applicants. This application consists of property owned by five individuals and is an enlargement of the previous application. The property will be placed on the market for sale by the individual owners. It is felt that this is a reasonable application as the area is large, with access from three streets.

C14-71-123 Slaughter and Bradfield et al--contd.

Arguments Presented AGAINST:

Four residents of the area spoke in opposition to this request. They feel that the established use in this area is University housing, which is needed and should be maintained. They feel this application is a "block-busting" tactic, as non-residential uses have not penetrated into this area. The commercial uses existing on 24th Street are more than adequate to serve the needs of the residents; this proposed change will lower the value of the area as residential and add greatly to the present heavy traffic and on-street parking problems. The proposed use is not in keeping with the character of the neighborhood and is strongly opposed by the majority of the property-owners in the area.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves explained that residential density requirements are the same under "B" Residence, Second Height and Area zoning and "GR" General Retail, Second Height and Area zoning. Also, off-street parking is required under both these classifications. The staff pointed out that this application is in an area where the City Council may waive all off-street parking requirements.

The Committee reviewed the information and a majority concluded that this request should be denied, as not in keeping with the character of the neighborhood. The dissenting member felt that the proposed development would not generate as much traffic as apartment development.

The Commission members briefly discussed the heavy traffic in this area, Mr. Becker stated that these streets are narrow. Mr. Kinser stated that apartment development would be preferable to general retail development in this area. The Commission then

VOTED: To recommend that the request of Slaughter and Bradfield for a change of zoning from "B" Residence, First and Second Heights and Areas to "GR" General Retail, Third Height and Area for property located at 907-915 West 23rd Street; 910-914 West 22 1/2 Street; and 2213-2223 San Gabriel Street be DENIED.

C14-71-124. H. C. Bell, Jr.: A to C
2001-2007 Montopolis Drive
6301-6303 Riverside Drive

STAFF REPORT: This is a request for a gasoline service station on 20,988 square feet of land. The application was filed in 1969 for "LR" Local Retail zoning, recommended against and consequently withdrawn at that time. A drive-in theater exists across Riverside Drive to the north with commercial zoning on the east side of Montopolis Drive to the north. "GR" General Retail zoning has been established on various lots along Montopolis Drive to the north. The staff recommends that "C" Commercial be denied, but that "LR" Local Retail or "GR" General Retail zoning be

C14-71-124 H. C. Bell, Jr.--contd.

granted, subject to ten feet of right-of-way on Montopolis Drive and right-of-way on Riverside Drive to be determined by the Public Works Department. A building setback line should be established on Riverside Drive if the right-of-way cannot be purchased within a reasonable time.

TESTIMONY

WRITTEN COMMENT

Stella Sprouser: 2013 Montopolis Drive FOR
E. L. Wunneberger: 2101 Montopolis Drive FOR

PERSONS APPEARING AT HEARING

Arthur E. Pihlgren (representing applicant)

SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, attorney, represented the applicant. The previous application on this tract was withdrawn because the owner felt that excessive right-of-way was required. The property is now under contract of sale contingent upon the requested zoning. It is felt that commercial zoning is compatible with the pattern of zoning established in this area.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Taniguchi stated that the proposed use as a service station is permissible under "LR" Local Retail or "GR" General Retail zoning.

Mr. Reeves stated that granting "C" Commercial zoning on this tract would set an undesirable precedent for the undeveloped property in the area. The Committee members discussed the right-of-way requirements and were of the opinion that the City should purchase excessive right-of-way requirements on a major arterial street such as Riverside Drive. They concluded that this request should be denied as too intense for the projected development of this area. They recommend the granting of "GR" General Retail zoning, subject to ten feet of right-of-way on Montopolis Drive.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of H. C. Bell, Jr. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2001-2007 Montopolis Drive and 6301-6303 Riverside Drive be DENIED, but recommend to GRANT "GR" General Retail, First Height and Area, subject to ten feet of right-of-way on Montopolis Drive.

C14-71-125 H. E. Henson: A to B
4501-4503 Avenue F
200-202 East 45th Street

STAFF REPORT: This is a request on 13,600 square feet of land to be used for apartments. This application is one block to the east of two other applications which will also be under consideration this month. The site is at the corner of Avenue F and East 45th Street with "BB" and "B" Residence zoning existing on many lots to the south of 45th Street, on various parcels abutting 45th Street, and on either side. The staff recommends that this application be granted, as consistent with the 1967 area study for lots abutting 45th Street, subject to five feet of right-of-way on Avenue F, with the necessary right-of-way for the widening of 45th Street to be taken from the south side.

TESTIMONY

WRITTEN COMMENT

Morey, Sterzing and Walker, Inc.: 1106 Newning Avenue FOR
Truman H. Montandon: 2412 North I. H. 35 FOR

PERSONS APPEARING AT HEARING

Roane Puett (representing applicant)

SUMMARY OF TESTIMONY

Mr. Roane Puett represented the applicant. This lot will be developed in conjunction with an adjacent lot for an apartment project.

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 in conformance with existing zoning in the area. This recommendation is subject to five feet of right-of-way on Avenue F.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of H. E. Henson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4501-4503 Avenue F and 200-202 East 45th Street be GRANTED, subject to five feet of right-of-way on Avenue F.

CL4-71-126. Texaco Oil Company: C, 2nd to C, 3rd
810-818 East 7th Street
701 North Interstate Highway 35

STAFF REPORT: This request is for an 80-foot sign for Texaco Oil Company on 1,875 square feet of land. The field notes for the sign location are on file with the Planning Department. An existing service station is established on this lot, and "C" Commercial zoning is developed along Interstate Highway 35 with restaurants, service stations, and grocery stores. The staff recommends that this request be granted in conformance with existing zoning in the area.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted for the area of the sign, in conformance with existing zoning.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Texaco Oil Company for a change of zoning from "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 810-818 East Seventh Street and 701 North Interstate Highway 35 be GRANTED, for the area of the sign.

CL4-71-127. John Treadwell, D.V.M.: C, 6th and A, 1st to C, 1st
340-400 Bastrop Road

STAFF REPORT: There is an existing veterinary clinic on this site of 1.41 acres. The purpose of this zoning change and special permit is to enlarge this existing non-conforming facility. "C" Commercial zoning exists on the front portion of this property and Interim "A" Residence zoning exists to the rear of this property. A drive-in grocery is established between a portion of this site and the Bastrop Road. A service station, cafe, and beauty shop are developed along the Bastrop Highway in this area. The staff recommends that this request be granted, as in conformance with the existing zoning and development along the Bastrop Road, subject to five feet of right-of-way on Valdez Street, subdivision and special permit.

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C14-71-127 John Treadwell, D.V.M.--contd.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Chris Crow (representing applicant)

SUMMARY OF TESTIMONY

Mr. Chris Crow represented the applicant. This use has existed for nineteen years and the applicant wishes to bring the total area into conformance with the Ordinance. Valdez Street, while dedicated, does not exist on the ground.

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 in conformance with existing zoning and development in this area, subject to subdivision and a Special Permit for a veterinary clinic.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of John Treadwell, D.V.M. for a change of zoning from "C" Commercial, Sixth Height and Area and "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 340-400 Bastrop Road be GRANTED, subject to subdivision and a Special Permit for a veterinary clinic.

C14-71-128 Gladys G. Bowman: A to LR
2900 Hampton Road

STAFF REPORT: This request on 5,880 square feet of land is for uses consistent with said zoning. The University of Texas School of Law is located to the south, across East 26th Street from this site. Hemphill's Book Store is established two lots to the east on Red River Street. A small shop is located directly across Hampton Road from this site, as well as several single-family homes developed on Hampton Road to the north. "LR" Local Retail zoning exists on the southern portion of the block to the east across Hampton Road. "A" and "B" Residence zoning exist to the west of this site along East 26th Street. Eastwood Park is located to the north and west of Walnut Creek, west of the site. The staff does not recommend further extension of commercial zoning on 26th Street. The staff recommends that

C14-71-128 Gladys G. Bowman--contd.

the request for "LR" Local Retail, First Height and Area zoning be denied, but that "B" Residence zoning on this site be granted, as consistent with zoning to the west, subject to 10 feet of right-of-way on Hampton Road. The staff reported that the applicant has requested that the application be withdrawn.

TESTIMONY

WRITTEN COMMENT

Randolph H. Warren:	1500 West 29th Street	NO OPINION
Mrs. H. Clay Perkins:	807 Leonard Street	AGAINST
T. J. Farr, Jr.:	1600 Avenue N, Apt. 210	FOR
	South Houston, Texas	
Bernice Peacock:	Box 12031 Capital Station	AGAINST
Mr. & Mrs. William L. Garrard:	2914 Hampton	AGAINST
Dennis B. DuPriest:	2909 Beanna	AGAINST
Leonard Paul Gastinger:	810 East 26th Street	AGAINST
Letter representing 18 people		AGAINST
Petition with 19 signatures		AGAINST

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)	
John C. Miller:	2905 Beanne
Leonard Gatinger:	810 East 26th Street
Mr. & Mrs. Dennis DuPriest:	2909 Beanna
Mrs. Rebecca K. Gray:	2911 Beanna
Vincent Mayer:	2908 Beanna Street

FOR
AGAINST
AGAINST
AGAINST
AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney, represented the applicant. It is requested that this application be withdrawn, which will restrict its being re-filed for six months.

Arguments Presented AGAINST:

Four nearby property owners spoke in opposition to this request. A petition has been circulated, showing that 85 per cent of the property owners on this block object to this change. This is a residential area, with narrow, quiet streets, which are used by University students for parking during the day. Pictures of the quality homes in the area and the prevalence of on-street parking were presented to the Committee. The widening of 26th Street has not destroyed the residential character of the area, but has relieved the area of noise and traffic congestion. There are adequate facilities to serve the needs of the residents within walking distance; this change would be detrimental to Eastwoods Park, which is heavily used, and would be detrimental to the property values and the worth of the area

C14-71-128 Gladys G. Bowman--contd.

as residential. The residents strongly oppose this change as an intrusion and as spot zoning.

Fourteen citizens were present who opposed this request.

Arguments Presented IN REBUTTAL:

Mr. Robert Sneed stated that this application is in conformance with the rules and regulations of the City. It is requested that this application be withdrawn, particularly in view of the strenuous opposition of the neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be withdrawn, as requested by the applicant.

At the Commission meeting, Mr. Lillie of the staff reported that this case has been placed upon the City Council agenda for June 17, 1971, for withdrawal. The Commission then

VOTED: To recommend that the request of Gladys G. Bowman for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 2900 Hampton Road be WITHDRAWN.

C14-71-129 John Byram: GR, 1st to GR, 5th
9300-9334 North Lamar Boulevard

STAFF REPORT: This request on 3.3 acres of land is for the development of a food store. "GR" General Retail, First Height and Area zoning exists on the site and on the large tract to the west and south. The staff recommendation is to grant this request, subject to ten feet of right-of-way on Lamar Boulevard and a short form subdivision.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney, represented the applicant. The subject property is under contract of sale subject to this zoning change; it is to be the site of a new Safeway, Inc. grocery store. This development will be compatible with this area.

C14-71-129 John Byram--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 in conformance with zoning and use in this area, subject to short form subdivision and ten feet of right-of-way on North Lamar Boulevard.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of John Byram for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 9300-9334 North Lamar Boulevard be GRANTED, subject to short form subdivision and ten feet of right-of-way on North Lamar Boulevard.

C14-71-130 Dr. Mark Kleiman, Blossom Podolnick and Harry High: Int. A, Int. 1st
3515-3607 Spicewood Springs Road to BB, 1st

STAFF REPORT: This is a request for 30 two-bedroom apartments on 1.71 acres of land. "A" Residence zoning exists to the north and south of this site. "LR" Local Retail zoning is pending on a large tract to the north across Spicewood Springs Road. A single-family residential subdivision is located across and to the north of Spicewood Springs Road. The site will be influenced by the interchange at MoPac Boulevard and right-of-way requirements for Spicewood Springs Road. This application is recommended, subject to right-of-way to be determined by the Department of Public Works and a subdivision.

TESTIMONY

WRITTEN COMMENT

William H. Jackson, Jr.:	3517 Starline	AGAINST
Don DeLaney:	3402 Ocean Drive, Corpus Christi	FOR
Kathryn Weakly:	4123 Honeycomb Rock	FOR

PERSONS APPEARING AT HEARING

John Selman (representing the applicants)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney, represented the applicants. A lovely apartment project is planned for this tract, which is on a hill. Severe topographical changes, trees and Spicewood Springs Road serve as buffers from the surrounding development in this area. The tract has good access and it is felt that the proposed use is ideal.

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C14-71-130 Dr. Mark Kleiman, Blossom Podolnick and Harry High--contd.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that he felt this tract should be zoned "GR" General Retail.

The Committee reviewed the information and concluded that this request should be granted as proper zoning for this site, subject to subdivision and right-of-way on Spicewood Springs Road to be determined by the Public Works Department.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Dr. Mark Kleiman, Blossom Podolnick and Harry High 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 3515-3607 Spicewood Springs Road be GRANTED, subject to subdivision and right-of-way on Spicewood Springs Road to be determined by the Public Works Department.

C14-71-131 Milton Dowd: A, 1st to B, 2nd
4503-4511 Speedway

STAFF REPORT: This request on 27,725 square feet of land is for apartment development. The site is between two other applications being considered at this time for "B" Residence, First Height and Area zoning and "B" Residence, Second Height and Area zoning. An existing eight-unit apartment complex zoned "B" Residence, First Height and Area exists to the south of this tract and abutts this site. This tract and the abutting apartment project are jointly owned. Several applications of "BB" and "B" Residence zoning have been granted on either side of and along 45th Street. The Area Study recommends zoning along 45th Street but not on land north of 45th Street which does not have frontage on 45th Street. The only way the staff can recommend this request is to require the land be joined with the lot under the same ownership on 45th Street. Once internal lots off 45th Street are zoned, there is no place to terminate future requests. The area north of 45th Street is a neighborhood of older homes and has experienced no zoning encroachments. If recommended by the Committee, this request should be subject to five feet of right-of-way on Speedway, short form subdivision, and an access drive to 45th Street with no access to Speedway.

TESTIMONY

WRITTEN COMMENT

Truman H. Montandon: 2412 North I. H. 35

FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

C14-71-131 Milton Dowd--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, attorney, represented the applicant. The applicant owns the lot adjoining these under consideration, so that access will exist to 45th Street. There are several apartment uses in this immediate area and this is felt to be an extension of existing zoning. This tract has a natural buffer of a creek to the north, and is in effect an island. This area is ideal for apartment development, with good access and a park nearby. It is requested that access be allowed on both 45th Street and Speedway, to facilitate circulation and parking for this project.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves pointed out that the policy of the Commission has been to deny applications for other than single-family residential use north of 45th Street, unless access to the tract was from 45th Street, in order to protect the residential area from apartment traffic. A firm policy statement is needed regarding depth to be allowed in this zoning.

Mr. Goodman stated that it is not desirable to flood 45th Street with apartment project traffic. Mr. Taniguchi concurred with him.

Mr. Reeves stated that this is an older, low-income neighborhood, with the majority of the residents owning their homes, which are well kept.

The Committee members reviewed the information and discussed this area at length. The majority of the Committee concluded that this request should be denied, but recommend the granting of "B" Residence, Second Height and Area on the two southern lots only, subject to the following: five feet of right-of-way; no access to Speedway; an access drive for these tracts to 45th Street; and short form subdivision.

At the Commission meeting, Mr. Kinser stated that he had looked at this property. The creek is a natural barrier, making this an ideal tract for apartment development. A seven-unit apartment project exists across the street from this tract.

Mr. Chamberlain stated that he opposed the Committee recommendation because he felt that access should not be limited to 45th Street.

Mr. Lillie of the staff stated that the area study approved by the Commission in 1967 for this area specified that all land north of 45th Street, without access to 45th Street, should remain "A" Residential. Approval of this application will set an undesirable precedent for the area.

Mr. Kinser and Mr. Chamberlain cited existing apartments beyond this point and stated that the precedent has previously been set.

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C14-71-131 Milton Dowd--contd.

The Commission then

VOTED: To recommend that the request of Milton Dowd for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4503-4511 Speedway be GRANTED, subject to five feet of right-of-way on Speedway and short form subdivision.

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

NAY: Messrs. Taniguchi and Crier

ABSENT: Messrs. Milstead and Reeves

C14-71-132 Bruce Kuemmel: A, 1st to B, 2nd
6605-6607 Guadalupe Street

STAFF REPORT: This is a request on 11,200 square feet of land for uses consistent with said zoning. Commercial development lies to the north across the intersection from this site. The neighborhood, however, is zoned "A" Residence and is developed predominantly as single-family. It is an older neighborhood but has had no zoning encroachment. The staff recommends that this request be denied as an encroachment into this residential area.

TESTIMONY

WRITTEN COMMENT

Henry Tumey, Jr.: 8005 Lawndale Drive	FOR
T. W. Caffey: 605 Brentwood	FOR
Stanley W. Johnson: 6700 Guadalupe	FOR

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney, represented the applicant. An older, un-cared for house exists on this tract at present and the applicant wishes to construct apartments, which he feels is a suitable use for this tract. The commercial development across the intersection from the tract and the traffic through this intersection make it unusable for single-family residence use.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that this is a low-income area, whose residents would not rent apartments. He feels that this request is not appropriate at this time.

C14-71-132 Bruce Kuemmel--contd.

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

The Commission members discussed this application and were of the opinion that a use other than single-family residential should be made of the tract. The Commission then

VOTED: To recommend that the request of Bruce Kuemmel for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6605-6607 Guadalupe Street be DENIED, but recommend to GRANT "BB" Residence, First Height and Area, subject to five feet of right-of-way on Canon Street.

C14-71-133 Austin Highland Inc.: A to BB
505-509 Eberhart Lane

STAFF REPORT: This request on 27,235 square feet of land is for uses permitted by said zoning. There are two lots of "BB" Residence zoning established one lot to the east of this site and across South Meadows Boulevard. There is also a small single-family subdivision immediately to the south of this tract. The site was denied an application for "BB" Residence zoning in 1969, as being an intrusion. At that time the application was premature and no zoning pattern had been established in this area. Flournoy's Sweetbriar Preliminary Subdivision is proposed for commercial development and is located directly across Eberhart Lane. The subdivision is not final nor has zoning been granted. Until that pattern is firm, the staff recommends that this request be denied as being consistent with previous recommendations in this area.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman represented the applicant. The previous application on this tract was recommended favorably by the Planning Commission at that time. This tract will serve as a buffer to the residential development to the south from Eberhart Lane, which will be a major arterial.

No one appeared in opposition to the request.

C14-71-133 Austin Highland Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Austin Highland, Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 505-509 Eberhart Lane be GRANTED.

C14-71-134 Terrell Timmermann: A to B
5300-5304 Guadalupe Street
600 North Loop Boulevard

STAFF REPORT: This request is for apartments on 12,187 square feet of land. This area is predominantly zoned "A" Residence and developed with single-family residences. "BB" and "B" Residence zoning have been introduced into this neighborhood at several locations to the north and south. There is a pending application, recommended for denial by the Commission, for "C" Commercial zoning across this intersection to the south, and one block to the east exists "B" Residence and "O" Office zonings. This same lot was submitted for "B" Residence zoning in the past year and recommended by the Planning Commission. The City Council voted 4 to 3 in favor of this application, but the City Attorney determined that Councilman Atkison's vote was invalid; thus the vote was 3 to 3 to grant the request and therefore failed. There was an alternate motion made to postpone the case. At a later time the application came before the City Council again; at that hearing the request received a 3 to 3 vote, and again failed to carry. The staff's recommendation in connection with the original case was to deny, and the area has not changed since that time. The staff therefore recommends that this request be denied as an encroachment into a single-family residential area.

TESTIMONY

WRITTEN COMMENT

Jesus S. Salinas: 605 West North Loop	AGAINST
R. D. Cantes: 503 Nelray Bend	FOR
Phil Mockford: Perry Brooks Building	FOR
J. C. Wright: 1205 W. Avenue M, San Angelo, Tx.	FOR
Nearby property owner	AGAINST

PERSONS APPEARING AT HEARING

John Selman (representing applicant)

C14-71-134 Terrell Timmermann--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, attorney, represented the applicant. There are many duplexes in this area, which is one of the first indications that an area is changing its residential use. Both the North Loop and Lamar Boulevard have varied zonings, and it is felt that this request is in keeping with the area.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that this area is of a different character than the property to the east which is zoned for apartment and commercial use. The homes in this area are well-maintained and should be protected.

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

At the Commission meeting, Mr. Goodman reported that he had inspected this tract and it would appear that it will not be developed with a single-family residence, or a duplex. The tract is located at a busy intersection, and the conditions in the area, with a mixed zoning pattern would indicate that "BB" Residence would be more appropriate zoning for this tract. The members briefly discussed this application and

VOTED: To recommend that the request of Terrell Timmermann for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5300-5304 Guadalupe Street and 600 North Loop be DENIED, but recommend to GRANT "BB" Residence, First Height and Area, subject to ten feet of right-of-way on North Loop and five feet of right-of-way on Guadalupe Street.

C14-71-135. Morgan Pierce: A to LR
Rear of 507-613 Kinney Avenue

STAFF REPORT: This request is for a mobile home park on three acres of land located in a valley below a single-family residential neighborhood on the east and west. Barton Springs Road is located to the north of this site with "C" Commercial zoning abutting it. There is a pending zoning application for "B" Residence, Third Height and Area to the northeast of the site which partially overlaps it. There are two existing mobile homes on this tract. The staff recommends that this request be granted, as appropriate zoning for the lot with adequate buffer for the single-family uses, subject to a special permit for a mobile home park and subdivision.

TESTIMONY

WRITTEN COMMENT

Mrs. M. A. Gary: 609 Kinney avenue

AGAINST

Cl4-71-135 Morgan Pierce--contd.

Mrs. Frances Piland: Route 7, Box 649	FOR
Mr. & Mrs. A. J. Riely: 703 Jessie	AGAINST
C. W. Lock: 702 Jessie Street	AGAINST
Jean R. Cassel: 608 Jessie Street	AGAINST
Howard A. Bailey: 714 Etael Street	FOR
Mrs. Agnes Davis: 613 Kinney Avenue	AGAINST

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)	
D. R. Price (owner of site)	
Four nearby property owners	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney, represented the applicant. The applicant owns the lot at the corner of Barton Springs Road and Kinney Avenue, which will provide access to this property. The proposed use is best for this site, as the terrain prevents development as either single-family or duplex use. The terrain serves as a natural buffer to the surrounding development and the majority of the trees will be incorporated into this development.

Mr. D. R. Price, owner of this property, stated that this property needs to be cleaned up and utilized. The proposed development will be an asset to the area.

Arguments Presented AGAINST:

Four nearby property owners spoke in opposition to this request. They feel that this lovely area with many trees will be destroyed by this use. While the tract is not maintained, children do use it for a play area. They feel that this natural area should be protected.

Arguments Presented in REBUTTAL:

Mr. Baker stated that this property should be utilized and, while there will be problems with the terrain in its development, it is felt that the lower part of the area can be utilized for this residential use. The trees will be an integral part of the development.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Goodman stated that the special permit required on this tract will be reviewed by the Planning Commission.

The Committee reviewed the information and concluded that this request should be granted so that this property may be utilized, subject to short form subdivision and a special permit for mobile home park.

C14-71-135 Morgan Pierce--contd.

At the Commission meeting the staff explained that the Committee desired Planning Commission review of the site plan prior to the City Council action on the Zoning Ordinance.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Morgan Pierce for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at the rear of 507-613 Kinney Avenue be GRANTED, subject to short form subdivision and a special permit for mobile home park.

C14-71-136 David Barrow: Int. A, Int. 1st to B, 2nd
3446-3600 North Hills Drive
7001-7003 Village Center

STAFF REPORT: This request is for uses consistent with said zoning on 17.52 acres of land. "LR" Local Retail and "GR" General Retail zonings are established along North Hills Drive to the east and west of this site, as well as directly across North Hills Drive. Large tracts of "B" Residence zoning exist across North Hills Drive. Apartments are developed across North Hills Drive to the southeast and a drive-in grocery, a cleaners, a service station, and an office complex are developed to the northwest of this tract on North Hills Drive. The request is in conformance with Mr. Barrow's plan for Northwest Hills. The staff recommends that this request for "B" Residence, Second Height and Area zoning be denied as too intensive zoning, but recommend that "B" Residence, First Height and Area be granted in conformance with existing zoning and development in the area.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Charles Fall (representing applicant)

SUMMARY OF TESTIMONY

Mr. Charles Fall, architect, represented the applicant. He displayed a map of this area bounded by Spicewood Springs Road, Bull Creek Road, West Loop and the proposed MoPac Boulevard, which is the planning area for Northwest Hills, thus having excellent perimeter circulation. This area will ultimately serve 50,000 people, and will be a satellite city with complete facilities to serve its residents. The commercial center for this area will be the old Sneed gravel pit, with more restrictive zoning radiating out from this use; schools, churches, single and multi-family housing and an efficient circulation pattern will be established.

C14-71-136 David Barrow--contd.

The tract under consideration is a bluff area, with a lovely view. The developer plans four-story units with parking on the first floor, with three-story walkups. This will require up to forty-five feet of height which requires the Second Height and Area. This tract is adjacent to the planned general retail development; the density planned is thirty units per acre which will permit much open space if four-story structures are permitted. This development will be compatible with the total area plan.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Reeves stated that a restriction on density to "B" Residence, First Height and Area would be more suitable for the tract and would prevent over-development.

Mr. Goodman requested information as to the projected development completion; Mr. Fall stated that development is moving slowly, but should increase greatly upon the completion of MoPac Boulevard.

The Committee reviewed the information and concluded that this request should be granted, with density limited to "B" Residence, First Height and Area, for proper utilization of this tract.

The staff indicated that "BB" Residence, Second Height and Area would permit the height requested and the density suggested by the applicant. This would be better than a restrictive covenant.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of David Barrow for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, Second Height and Area for property located at 3446-3600 North Hills Drive and 7001-7003 Village Center be GRANTED, subject to limitation of density to "B" Residence, First Height and Area.

C814-71-002 Venture Development Company: Planned Unit Development
 Tract of land south of Venture Boulevard and east of Marina
 in Point Venture

STAFF REPORT: This application is on a tract of 14.19 acres and is a part of the total preliminary plan for Point Venture located on Lake Travis. Point Venture is located across from Lakeway with access by ferry and through Jonestown from the north. All units within the P.U.D. will be single-family residences to be used as lake homes, not as permanent residences; sixty units are planned.

Arrangements for a sewer system is not shown on the site plan; the State Health Department requires a package plant to serve this development and

C814-71-002 Venture Development Company--contd.

it is presently being designed. A permit from the State Water Quality Board is required for this package plant and should be obtained prior to the release of the Special Permit.

The density breakdown of the development is not on the site plan and should be shown. Mr. Bill Scudder, representing the applicants, stated that this requirement would be met for presentation to the Planning Commission.

The units will be built up above the 714 contour elevation, which is the L.C.R.A. flood easement designation on Lake Travis. This will be placed on the site plan. Also needed on the site plan is the acreage breakdown on area of streets, open space and individual lots.

Venture Boulevard will be a sixty-foot public street; the other streets within the P.U.D. will be private streets, thirty feet wide. The staff pointed out that landscaping might be needed on the western boundary of this development, where it abuts single-family development. Mr. Reeves stated that this area is a canyon with many trees and containing water. There are many trees on this tract.

The staff recommends the approval of this request, subject to the items as discussed:

1. Building Inspector - No comment. Out of City.
2. Director of Public Works - Meets with our approval. Would recommend that the unnamed street off Venture Boulevard be at least 30 feet from curb to curb.
3. Water and Sewer - No water or waste water service is available from the City of Austin at the present time.
4. Electric - Out of service area.
5. Advanced Planning - No objections. Layout is satisfactory and in compliance with submitted development plan of Point Venture.
6. Fire Protection - The Austin Fire Department does not respond to this area and has no facilities within miles of this development.
7. Water and Sewer - No comment.
8. Health - Approved. Subject to waste water system being available.
9. Traffic Engineer - See attached plans and comments.

VOTED: To recommend that the request of the Venture Development Company for a Planned Unit Development for a tract of land south of Venture Boulevard and east of Marina in Point Venture be GRANTED, subject to departmental requirements.

C14-71-078. Gordon Neelley: C to C-2.
1624-A Barton Springs Road

STAFF REPORT: This request is on a .06 acre tract of land for the operation of a liquor store. The case was postponed from last month's meeting for reconsideration by the Zoning Committee in June. Commercial zoning exists on the north side of Barton Springs Road and "A" Residence zoning exists to the rear and south of Barton Springs Road. A barbeque, dry cleaners, barber shop, and gift shop are established along Barton Springs Road. There is a mobile home park and sales company existing to the north of the property. A mobile home park also exists several lots to the east of this site. The staff recommends that this request be granted in conformance with existing commercial zoning and land uses in this area.

TESTIMONY

WRITTEN COMMENT

Hume Cofer: 1408 Capital National Bank Bldg.	AGAINST
W. R. Coleman: 600 West 28th Street	FOR
Kenneth Wallace: 2603 Rollingwood Drive	AGAINST

PERSONS APPEARING AT HEARING

Hume Cofer: 1408 Capital National Bank Bldg.	AGAINST
Ralph Daugherty (representing applicant)	

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Ralph Daugherty, attorney, represented the applicant. The existence of a package store and a bar in this area indicates that this request is compatible with the area. The applicant has greatly improved this property. The proposed use will not harm the neighborhood and is the best use for the tract.

Arguments Presented AGAINST:

Mr. Hume Cofer, attorney, represented Mrs. John Linn Scott, a nearby property owner. As the Committee members had not been aware of her opposition to this request, it was felt that their favorable recommendation of this request should be reconsidered. Mr. Cofer pointed out that several uses were listed improperly on the staff map. The proposed use is not the highest and best use of this property. Over twenty per cent of the adjacent owners object to this change. The applicant has shown no justification for an additional use of this type in this area; the existing uses more than adequately serve the area residents. A liquor store on this tract would primarily serve the Bee Caves Road and Zilker Park access and would contribute to the existing problem of patrolling the park. Mrs. Scott also feels that her nearby greenhouse will be endangered by the patrons of this business. Mr. Cofer displayed a map for the Committee members

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C14-71-078 Gordon Neelley--contd.

which identified the nearby property owners opposed to this change, and pointed out that this opposition constitutes more than twenty per cent of the adjoining property owners. A petition would require at least six votes of the City Council members to pass this Ordinance.

The Committee members read the letters in the file concerning this case. Mr. Reeves explained that the staff map simply has not been updated, as the uses as shown did exist previously.

Arguments Presented in REBUTTAL:

Mr. Daugherty pointed out that this tract is close to the street and is insulated by the mobile home park. The precedent for this zoning was set many years ago and it is unfair to assume that liquor purchased at this location would be taken into the park area. The applicant has spent in excess of \$20,000 in improving this tract, the proposed tenant is an excellent operator, and opportunity should be given to develop this property to its highest and best use.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted in conformance with existing zoning and land uses in this area.

At the Commission meeting, the staff distributed copies of letters in the file both in favor of and in opposition to this request, for the members' consideration. Mr. Kinser reported that he had received a call from one nearby property owner who was neither for nor against the change, requesting information on the proposed development.

The Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Gordon Neelley for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1624-A Barton Springs Road be GRANTED.

C14-71-084 O. D. Kindricks: A, 1st to B, 2nd
4502 Speedway

STAFF REPORT: This request for apartment development on 7,440 square feet of land was before the Zoning Committee last month and was postponed for reconsideration this month. There is also an application to be considered at this meeting on the rezoning of four lots immediately across Speedway for "B" Residence, Second Height and Area. "B" Residence, Second Height and Area is established south of 45th Street and "B" Residence, First Height and Area zoning is established across Speedway at the northeast corner of 45th Street and Speedway and is developed with an eight-unit apartment complex. Single-family homes and apartments predominate this

C14-71-084 O. D. Kindricks--contd.

neighborhood. The staff recommends that this request be denied, as consistent with previous area studies. The lot between the subject lot and 45th Street is zoned "A" Residence. The Area Study recommends zoning along 45th Street but not on land north of 45th Street which does not have frontage onto 45th. Once internal lots are zoned there is no place to terminate future requests. The area north of 45th Street is a neighborhood of older homes and has experienced no zoning encroachments.

TESTIMONY

WRITTEN COMMENT

Mrs. P. M. Acers: 2800 West 35th Street	FOR
Mrs. George Thomas: 4500 Speedway	AGAINST
Don J. Jackson: 3810 Medical Parkway	FOR
Mrs. Anna G. Schoenert: 4504 Speedway	AGAINST
Dr. U. J. Harrill: 4500 Avenue D	FOR
Truman H. Montandon: 2412 North I. H. 35	FOR

PERSONS APPEARING AT HEARING

Kirk Williamson (representing applicant)

SUMMARY OF TESTIMONY

Mr. Kirk Williamson represented the applicant. This request is an extension of existing zoning in this area north of 45th Street. There are numerous rental units in existence, with an apartment house approximately three blocks to the west. The applicant proposes a tri-plex on this lot and feels that this will be the best use for the tract.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as an extension of existing zoning. The dissenting members felt that this application constitutes an intrusion into a residential area and the request is not in agreement with the Area Study.

The Commission members considered this request and

VOTED: To recommend that the request of O. D. Kindricks for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4502 Speedway be GRANTED, subject to five feet of right-of-way on Speedway.

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

NAY: Mr. Taniguchi

ABSENT: Messrs. Milstead and Reeves

C14-71-114 Don West: Int. A, Int. 1st to GR, 1st
6709-6741 Cooper Lane
6706-6738 South First Street

STAFF REPORT: This request is for uses consistent with said zoning for 11.87 acres of land. This application is within the Buckingham Estates Preliminary Subdivision, designating this area as commercial, and is bordered on three sides by existing and proposed collector and major arterial streets. There is an approved final plat immediately to the south; however, all of the area surrounding this site is undeveloped. The staff recommends that this request be granted as an appropriate location for a small shopping center which is in conformance with the subdivision. This recommendation is subject to final approval of the subdivision.

TESTIMONY

WRITTEN COMMENT

None

PERSONS APPEARING AT HEARING

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney, represented the applicant. The preliminary subdivision plat for the Buckingham Estates designated this tract for use as "GR" General Retail zoning. The property fronts on South First Street, Cooper Lane and the Outer Loop, which are all collector and major streets.

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 being in conformance with the preliminary subdivision, subject to approval of the final subdivision plat.

At the Commission meeting, Mr. Richard Lillie of the staff explained that the third reading by the City Council to complete the annexation of this tract will not be heard until July 29, 1971; therefore, it is requested that this application be postponed until the regular meeting of the Commission in August, 1971. The Commission then

VOTED: To recommend that the request of Don West 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 6709-6714 Cooper Lane and 6706-6738 South First Street be POSTPONED for sixty days.