

CITY PLANNING COMMISSION

Austin, Texas

Regular Meeting -- March 8, 1978

The meeting of the Commission was called to order at 5:45 p.m. in the Electric Building Auditorium.

Present

Miguel Guerrero, Chairman  
Leo Danze  
Freddie Dixon  
Mary Ethel Schechter  
Sally Shipman  
Bernard Snyder  
Bill Stoll

Also Present

Richard Lillie, Director of Planning  
Duncan Muir, Planner  
Marie Gaines, Planner  
Ellie Malone, Planner  
Theresa Ramirez, Clerk A  
John Meinrath, Legal Department  
Bill Lowery, Urban Transportation Department  
Ouida W. Glass, Senior Secretary

Absent

Sid Jagger  
James G. Vier

ZONING

C14-77-061	Provident Development Company and Larry O. Jackson, Interim "AA" (by Robert L. Davis) McCarty Lane and Old Fredericksburg Rd.	to A (Tracts 1, 2, 3, and 8), B (tr. 5), 0 and LR (Tr. 7), GR (Trs 4 and 6), 1st (as amended)
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Mr. Duncan Muir of the Planning Department presented the staff report which recommended all of the request with the exception of Tracts 4 and 5. Zoning for a neighborhood shopping center was approved due South of Tracts 4 and 5 in 1975. It was determined that that shopping center would serve the immediate needs of the anticipated neighborhoods within a one-mile radius. It was considered preferable to have all neighborhood shopping facilities in one unified center rather than spreading it out over four corners. In order to minimize the precedent setting effect of that zoning and to insure that the proposed center would not detract from residential amenities of surrounding lands, a conceptual site plan was developed and reviewed. The staff cannot recommend the requested "GR" zoning for Tract 4 as it is inconsistent with the strong zoning precedent set by the neighborhood shopping center case reviewed earlier. The requested "B" residence on Tract 5 is in the middle of a developing low-density neighborhood at the fringe of the city. It does not lend itself readily to the higher density permitted by the "B" Multi-family residential district. Those tracts easily could be developed as low-density residential. The staff, therefore, recommends that "A" Residence, 1st H & A be granted on Tracts 1, 2, 3, and 8; "LR" Local Retail, 1st H & A be granted on the easternmost 165 feet of Tract 7, "O" Office, 1st H & A be granted on the remainder of Tract 7, and that "GR" General Retail, 1st H & A be granted on Tract 6 as requested, but that "GR" General Retail, 1st H & A and "B" Residence, 1st H & A be denied on Tracts 4 and 5, respectively.

**PERSONS APPEARING IN FAVOR**

Robert Davis, representing applicant  
Jim Mills, 8509 Millway

**PERSONS APPEARING IN OPPOSITION**

Jim Mackinnon, 6901 One Oak Road  
Jack Lewis, 7107 Fenceline Drive  
Rosemarie Burkett, 7011 Bent Oak Circle  
Betty L. Lewis, 7107 Fenceline Drive  
W. A. Burkett, 7011 Bent Oak  
Olla Belle Dahlstrom, 7003 Western Oak Boulevard  
Mrs. Marvin Soward, 6904 One Oak Road  
Janet P. Mackinnon, 6901 One Oak Road  
Wara Brock, 7105 Fenceline Drive  
Janice Thurman, 7104 Fenceline Drive  
J. N. Smith, 6907 Western Oak Boulevard

C14-77-061 Provident Development Company and Larry O. Jackson (continued)

Katherine H. Miller, 7106 Fenceline Drive  
Nancy A. Evans, 6902 One Oak Road  
Louise Harney, 7001 Treaty Oak Circle  
Jennifer Jennings, 4705 Woodcreek Road  
Linda S. True, 6904 Treaty Oak Circle  
Phil Evans, 6902 One Oak Road  
Craig Weems, 4900 Woodcreek Road  
James R. Miller, 7106 Fenceline Drive  
Alan Ford, 4701 Circle Oak Cove  
Marvin Soward, 6904 One Oak Road  
Albert Kuhl, Jr., 7004 Bent Oak Circle

## COMMISSION ACTION

Applicant indicated he was trying to do a master plan type zoning before all the tracts are sold and then the people know what will be there. He indicated he was willing to provide some buffer on William Cannon Drive, a 25-foot strip of green area with some limited access points. There was discussion of William Cannon Drive and how it would be routed. Opposition felt this was strip commercial zoning; pointed out there was too much traffic now; and that Tracts 4 and 5 would set a undesirable zoning precedent. It was stated that this is a developing residential neighborhood and there was no need for additional retail in the area. Mr. Danze felt that the need for an additional the shopping center should first be established, and then consider the zoning. Applicant was asked if he would consider LR on Tract 4, and he indicated he would be willing to do so.

## COMMISSION VOTE

Mrs. Schechter moved to Grant "A" Residential on Tracts 1, 2, 3, and 8, "LR" Local Retail on easternmost 165 feet of Tract 7; "O" Office on the remainder of Tract 7; and "GR" General Retail on Tract 6 (as amended); but to Deny "GR" General Retail and "B" Residential on Tracts 4 and 5; but to grant "A" Residential on Tract 4 and the southwestern portion of Tract 5 to line up with Tract 4, and to grant "AA" Residential on the remainder of Tract 5. Mrs. Shipman seconded the motion.

AYE: Messrs. Danze, Guerrero and Stoll.  
Mmes. Schechter and Shipman.  
NAY: Mr. Stoll.  
ABSENT: Messrs. Dixon, Jagger, Snyder and Vier.

THE MOTION PASSED BY A 4-1 VOTE.

C14-77-0159 James K. Eichelberger, Jr., and Mrs. Lester Annie Cantwell:  
(by Roane Puett and A.S. Duncan) Interim AA, 1st to BB, 1st  
4300-4365 Duval Road

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the subject tract, as well as the undeveloped land on the west and east was designated in the master plan by the City Council

C14-77-0159 Eichelberger, Jr., and Cantwell (continued)

for manufacturing and related uses prior to annexation into the city limits. Although low-density residential subdivisions are developing in this area, the staff recommends that the commitment to more intensive land use on subject tract be honored. Approximately one-half of the right-of-way, 35 feet, to extend Duval Road is necessary along the south boundary. One-half the additional right-of-way, five feet, is also needed along the existing alignment of Duval Road to expand it to a 60-foot street. These dedications should be handled by subdivision. The staff recommends that "BB" Residence, 1st H & A, be granted subject to dedication of five feet of right-of-way on Duval Road and approximately 35 feet for the proposed extension of Duval Road.

## CITIZEN COMMUNICATION

## PERSONS APPEARING IN FAVOR

A. S. Duncan, representing owner

## PERSONS APPEARING IN OPPOSITION

Donna Chapman Karp, 17726 Santa Cruz

Richard Davis

W. T. Johnson, 4324 Duval Road

Bill Farrel, 11721 Santa Cruz

## WRITTEN COMMENTS IN FAVOR

None

## WRITTEN COMMENTS IN OPPOSITION

Susie E. Gatliff, 9126 Jollyville Road

Richard Davis

## COMMISSION ACTION

Owner indicated willingness to dedicate the right-of-way. Area residents discussed the congestion on 183; could not understand how or why an apartment complex would be feasible so far away from the city. There was discussion regarding traffic and safety for the children, pointed out there is a railroad and a quarry which would also be dangerous. Schools are overcrowded. Commissioners were urged to consider the value of the homes in the area. Applicant stated this area was zoned industrial through the Master Plan before it was annexed into the city. Staff was urged to research the possibility of rolling back the industrial classification on other undeveloped tracts in this area.

## COMMISSION VOTE

Mr. Stoll moved to approve "BB" Residence, 1st H & A, subject to five feet of right-of-way on existing Duval Road and approximately 35 feet for proposed extension of Duval Road. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Guerrero, Snyder and Stoll.

Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-015      H. C. McGary: Interim AA, 1st to C, 1st  
                     620 Applegate Road  
                     also bounded by Moteral Drive

Mr. Duncan Muir of the Planning Department presented the staff report. He stated the staff cannot recommend the requested change as it is inconsistent with zoning action on the north. The outside storage of equipment existing on the tract on the south will have to cease within 10 years after annexation unless nonresidential zoning is approved. If zoning is approved on subject lot it will become more difficult to find a proper termination point. The staff recommends that "C" Commercial be denied.

CITIZEN COMMUNICATION

Persons Appearing in Favor

W. W. Dornberger, Jr., 5812 Trailridge Drive

H. C. McGary, applicant

PERSONS APPEARING IN OPPOSITION

Kathleen Hall, 2107 Thames Circle

W. H. Bullard, P. O. Box 1800

COMMISSION ACTION

There was discussion of the surrounding area and the uses; single family neighborhood. It was pointed out that the deed restrictions on subject tract required a single-family residence. It was suggested that Motheral serve as a buffer to the residential area to the East. Mr. W.H. Bullard stated he owned lots in the area and intended to develop them as single family residences; that there were deed restrictions on all the lots requiring single family residences to be built. Mr. Danze discussed this request with another case that had earlier been heard in this area and felt the situation should be left alone and not jeopardize what had been established.

COMMISSION VOTE:

Mr. Stoll moved to deny "C" Commercial, "1st" H & A. Mr. Danze seconded the motion.

AYE:            Messrs. Danze, Dixon, Guerrero, Snyder and Stoll.

                 Mmes. Schechter and Shipman.

ABSENT:       Messrs. Jagger and Vier.

THE MOTION PASSED BY A 7-0 VOTE.

C14-78-018      Austin Industries, Incorporated: D, 1st to D, 2nd  
                     (by Phil Mockford)  
                     4501 Burleson Road

Mr. Duncan Muir of the Planning Department presented the staff report. He stated this request is for a small 10-foot by 30-foot area for a proposed sign which would exceed the 35-foot height limitation of the 1st H & A District. Zoning for large advertising devices has generally

C14-78-018 Austin Industries, Inc. (continued)

not been recommended in recent years, except under unusual circumstances. Proposed developments requiring increased H & A zoning have been recommended if set back from property lines sufficiently that adjacent properties are not adversely impacted. If the requested area for the sign were set back a minimum of 100 feet from property lines, the staff would recommend approval. The staff recommends that "D" Industrial 2nd H & A be denied.

PERSONS APPEARING IN FAVOR

Phil Mockford, representing applicant

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

There was discussion to show that this request was in order that the sign could be seen from Burleson Road and Ben White Boulevard; also that existing electrical outlets, etc., are already established. Mr. Guerrero stated he had a problem with it; did not want Ben White to be another Burnet Road.

COMMISSION VOTE

Mr. Snyder moved to approve "D" Industrial, "2nd" H & A. Mrs. Schechter seconded the motion.

AYE: Messrs. Dixon, Snyder and Stoll.

Mrs. Schechter.

NAY: Messrs. Danze and Guerrero.

Mrs. Shipman.

ABSENT: Messrs. Jagger and Vier.

THE MOTION PASSED BY A 4-3 VOTE.

C14-78-019 The Calcasieu Lumber Co./Austin Industries, Inc.: Interim AA, 1st  
 (by Phil Mockford) to GR, 1st  
 12949-12951 Research Boulevard

Mr. Duncan Muir of the Planning Department presented the staff report. He explained that this zoning case concerns the undeveloped portion of a tract adjoining the northwest city limit line. The established zoning policy for U.S. 183 is "GR" General Retail, as evidenced by the existing zoning in this area. The request for "GR" is consistent with the established zoning policy, therefore, the staff recommends that "GR" General Retail, 1st H & A be granted.

COMMISSION VOTE

Mr. Dixon moved to grant "GR" General Retail, 1st H & A. Mrs. Shipman seconded the motion.

Cl4-78-019 The Calcasieu Lumber Co./Austin Industries, Inc. (continued)

AYE: Messrs. Danze, Dixon, Guerrero, Snyder and Stoll.  
Mmes. Schechter and Shipman.  
ABSENT: Messrs. Jagger and Vier.

THE MOTION PASSED BY A 7-0 VOTE.

Cl4-78-021 C. C. Cook, et al: LR, 1st to GR, 1st  
1801-1811 Rutland Drive

Mr. Duncan Muir of the Planning Department presented the staff report. The staff recommends that "GR" General Retail, 1st H & A be granted on that portion of the tract facing "GR" on the north side of Rutland Drive, but that "GR" be denied on the eastern portion facing the neighborhood.

PERSONS APPEARING IN FAVOR

C. C. Cook, part owner of tract  
Chester Brooks, 11900 Arabian Trail

PERSONS APPEARING IN OPPOSITION

None

COMMISSION ACTION

There was discussion of putting in a car wash adjacent to a convenience store, the utility connections, and probable costs involved. There was discussion as to how the property could be used as desired through the special permit method and not change the zoning. The applicant was encouraged to put the car wash on the western part, or request a special permit for this use on the eastern part.

COMMISSION VOTE

Mr. Danze moved to grant "GR" on Tract 1, to deny "GR" on Tract 2.  
Mr. Guerrero seconded the motion.

AYE: Messrs. Danze, Guerrero, Snyder and Stoll.  
Mrs. Shipman.  
NAY: Mr. Dixon.  
Mrs. Schechter.

THE MOTION PASSED BY A 5-2 VOTE.

Cl4-78-022 C. B. Smith, Sr., and C. P. Sanders: A, 1st to LR, 1st  
606-611 Kawnee Street  
608-611 Sawnee Street

Mr. Duncan Muir of the Planning Department presented the staff report. The staff recommends that "LR" be denied on the entire area of Tract 1, but that a 50-foot "O" Office strip be granted along the north, a 65-foot strip of "O" be established along the east, and "LR" Local Retail be granted on the remainder of Tract 1, and that "LR" Local Retail be granted on Tracts 2 and 3.

C14-78-022 C. B. Smith, Sr., and C. P. Sanders (continued)

PERSONS APPEARING IN FAVOR

Sam Perry, attorney representing applicant

PERSONS APPEARING IN OPPOSITION

Laurin C. Currie, attorney representing Thad Brown.

COMMISSION ACTION

It was explained to the Commissioners the transitional nature of this neighborhood and the proposed plans to enlarge and expand the shopping center. Applicant stated he needs to know the zoning before more planning is done, that the staff recommendation was acceptable, and the used to be consistent with the present development. The opposition indicated the need for protection for the residential homes from a use they have been unable to determine; was of the opinion the application is premature, and that other areas were available. There was discussion regarding buffering. Mr. Dixon questioned the persons as to whether or not they had tried to work out a mutual agreement.

COMMISSION VOTE

Mrs. Shipman moved to postpone the application to 6 p.m., March 14, 1978, so the lawyers could meet and try to reach an agreement. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Dixon, Guerrero, Snyder, and Stoll.  
Mmes. Schechter and Shipman.

ABSENT: Messrs. Jagger and Vier.

THE MOTION PASSED BY A 7-0 VOTE.

C14-78-025 Forest M. Cruse, Sr.: A, 1st to C, 1st  
(by Dale Ossip Johnson)  
2612-2614 South First  
600 Cumberland Road

Mr. Duncan Muir of the Planning Department presented the staff report. A zoning case was processed on this tract in 1973 and "C" Commercial was denied and "O" Office was recommended and approved subject to a restrictive covenant providing for a privacy fence. That case was dismissed in 1974 for failure to meet the condition. The staff feels that the "O" Office district provides a reasonable flexibility of use, is more compatible with the remaining homes which adjoin this tract, and is more consistent with recent zoning recommendations. The "O" Office district now provides for privacy fencing adjacent to "A" uses. The staff recommends that "C" Commercial be denied, but that "O" Office be granted.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Dale Johnson, attorney representing applicant  
Steven Deutchman, 2901 South First  
Dominguez Menez



C14-78-025 Forest M. Cruse, Sr. (continued)

PERSONS APPEARING IN OPPOSITION

Frederic Feingold, 804 Cumberland Road

WRITTEN COMMENTS IN FAVOR

Clyde B. Harding, Route 1, Box 467A, Marble Falls

H. C. Reid, 2610 South First

WRITTEN COMMENTS IN OPPOSITION

C. Kenneth Parker, 602 Cumberland

COMMISSION ACTION

Applicant indicated this was a declining area and that no owners had expressed a problem with the request. He stated the change in zoning would not change the character of the neighborhood but the change was required in order to be able to install a contracting business. Steven Doetschman was pretty much in favor of this application, but did request that it be tied to a particular use rather than changing or increasing the zoning. Mr. Feingold, a resident owner in the adjoining neighborhood, stated that this area constitutes middle income persons who wish to have use of city facilities, explained the nature of businesses in the area, and stated his desire not to have commercial zoning in the area. He felt there were other areas better suited for heavy commercial uses.

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial, but to grant "O" Office as recommended. Mr. Danze seconded the motion. Mr. Stoll amended the motion and encouraged the staff to consider "O" zoning along the entire strip rather than "C" Commercial to protect the neighborhood to the west. Mr. Snyder offered a substitute motion to grant "GR" General Retail with a special permit by applicant which would include a site plan showing what would be done and to whom it would be leased. Mrs. Schechter seconded the substitute motion. The substitute motion failed by a tie vote and the Commission then voted on the original motion to

Deny "C" Commercial, but to grant "O" Office as moved by Mrs. Shipman and seconded by Mr. Danze.

AYE: Messrs. Danze, and Stoll.  
Mmes. Schechter and Shipman.  
NAY: Messrs. Guerrero and Snyder.  
ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 4-2 VOTE.

C14-78-027      Austin Professional Audio: A, 1st to "GR" 1st  
                       (by Chester L. Spaw)                                     (as amended)  
                       64 East Avenue also bounded  
                       by Rainey Street and River Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated this application covers a residential lot containing a single-family residence facing I.H. 35 in central Austin. The staff recommends the less intensive "GR" General Retail district for subject location, as it will encourage retail uses consistent with the central business district and will be more compatible with the adjacent residential uses. The staff recommends that "C" Commercial be denied, but that "GR" General Retail, 1st H & A be granted.

## CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Chester Spar, applicant

**PERSONS APPEARING IN OPPOSITION**

Susan Barry, 1600 Royal Crest, No. 140

Sam Hernandez, 75 Rainey

WRITTEN COMMENTS IN FAVOR

None

**WRITTEN COMMENTS IN OPPOSITION**

**Susan Barry**

### COMMISSION ACTION

Applicant indicated he would agree to the "GR" zoning. There was discussion regarding the decline of housing in the area and the shortage of housing in east Austin; residents were afraid of being moved out because of commercial development. There also was discussion of this area being a target area for upgrading. Applicant stated he intended to renovate the property in such a manner as to upgrade the neighborhood.

COMMISSION VOTE

Mrs. Shipman moved to deny "GR" General Retail, 1st H & A as amended.

Mr. Guerrero seconded the motion.

AYE: Messrs. Guerrero and Stoll.

Mmes. Schechter and Shipman.

**NAY:** Messrs. Danze and Snyder.

**ABSENT:** Messrs. Dixon, Jagger, and Vier.

THE MOTION PASSED BY A 4-2 VOTE.

C14-78-029      Marce L. and Armaninto S. Morrow: Interim A, 1st  
                  (by P. M. Bryant)                      to "GR", 1st  
                  5300 Thunder Creek Road

Mr. Duncan Muir of the Planning Department presented the staff report. He explained that since this tract is off U.S. 183 and facing a collector street, the "GR" district is not recommended. The tract should be zoned an intermediate category between the anticipated "GR" on the west and existing "BB" on the east. The staff considers the "O" Office district to be the most compatible. One-half the additional right-of-way, five feet, is necessary to increase Thunder Creek Road to 60 feet. The staff recommends that "GR" General Retail be denied, but that "O" Office, 1st H & A be granted, subject to dedication of an additional five feet of right-of-way on Thunder Creek Road.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

P. M. Bryant, for applicant

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

H. Handall Hood, President, P & H Enterprises

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Applicant explained to the Commissioners he desired to develop a shopping center, on subject tract and another tract fronting U.S. 183, and agreed to dedicate R.O.W.

COMMISSION VOTE

Mrs. Schechter moved to grant "GR" General Retail, 1st H & A, subject to dedication of five feet of right-of-way on existing Duval Road and approximately 35 feet for proposed extension of Duval Road. Mr. Danze seconded the motion.

AYE:      Messrs. Danze, Guerrero, Snyder, Stoll.

          Mmes. Schechter and Shipman.

ABSENT:   Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A VOTE OF 6-0.

C14-78-030Rudolph Williams: A, 1st to B, 1st  
1906 East 18th Street

Mr. Duncan Muir of the Planning Department presented the staff report. He stated this undeveloped lot faces a minor residential street in East Austin and this type of case would not be supported as it is an intrusion into an established neighborhood. "B" Residence was approved in 1970 subject to five feet of right-of-way and this commitment should be recognized. The staff recommends the lower density of "BB" district rather than the requested "B". One-half the additional right-of-way, five feet, is necessary to contribute to street widening which may be needed to accommodate more intensive uses. The staff recommends that "B" Residence be denied, but that "BB" Residence, 1st H & A be granted subject to five feet of right-of-way on East 18th Street.

## CITIZEN COMMUNICATION

## PERSONS APPEARING IN FAVOR

Rudolph Williams, applicant

## PERSONS APPEARING IN OPPOSITION

Mrs. Myrtle Hunt, 1905 East 18th Street

Georgia Meyers, 1701 Poquito

Lucille Hunter, 2001 East 17th

Edith Nelson, 1701 Poquito

Mrs. Willie Rischer, 1903 East 18th

Willie E. Nelson, 1701 Poquito

Kay Hunter, 1905 East 18th

Mrs. Beckman, 1909 East 18th

## WRITTEN COMMENTS IN FAVOR

Petition - 12 signatures

## WRITTEN COMMENTS IN OPPOSITION

A. G. Benford, 1909 East 18th

## COMMISSION ACTION

Applicant agreed to "BB" zoning and was willing to dedicate the five feet of right-of-way. He stated he wished to build a house and use part of it for office space and that parking would be brought in from the back of the property. There was opposition to the noise and traffic. It was pointed out that this is an old, established east Austin residential neighborhood and area residents wanted it kept that way. Mrs. Schechter moved to grant "B" residence as requested provided applicant was willing to dedicate five feet of right-of-way and that a restrictive covenant be provided indicating a single family dwelling with office space and that is all. Applicant was not agreeable to the restrictive covenant, therefore, the motion was withdrawn.

## COMMISSION VOTE

Mrs. Shipman moved to deny "B" Residence, 1st H & A. Mr. Danze seconded the motion.

C14-78-030 Rudolph Williams (continued)

AYE: Messrs. Danze, Guerrero, Snyder, and Stoll.  
Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-033 Lovdia Jurecka: A, 1st to O, 1st  
(by William L. Swail)  
2003 Montclair

Mr. Duncan Muir of the Planning Department presented the staff report. The staff can support this application principally because it faces more intensive zoning and land use, but only if this lot is short-form subdivided with the adjacent lot abutting Lamar Boulevard. This would provide Lamar Boulevard orientation. An additional fivefeet of right-of-way one-half the additional right-of-way necessary to increase this street to 60 feet is needed to provide for street widening to accommodate more intensive land uses. In the "O" Office district a privacy fence is required next to "A" uses. The staff recommends that "O" Office, 1st H & A be granted subject to dedication of an additional five feet of right-of-way on Montclair Street and a short form subdivision combining this tract with the adjacent tract on Lamar Boulevard.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Bill Swail, for applicant

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Robert P. Fowler, 2103 La Casa Duplex

WRITTEN COMMENTS IN OPPOSITION

Ernest A. Bouchard, 2508 Ann Arbor

COMMISSION ACTION

Applicant indicated he would change this to an office for a doctor and agreed with staff recommendations.

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office, 1st H & A, subject to short form subdivision continuing subject lot with lot on Lamar Boulevard including dedication of five feet of right-of-way on Montclair. Mr. Stoll seconded the motion.

AYE: Messrs. Danze, Guerrero, Snyder and Stoll.  
Mmes. Schechter and Shipman.

ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-034 Charles G. Trenckmann, Independent Executor of the  
Estate of Else Trenckmann, Deceased: A, 1st to C, 1st,  
(by Terry J. Sasser) "GR", 1st and "O", 1st  
801-907 West Ben White Boulevard (as amended)  
also bounded by Radam Lane and James Casey Street

Mr. Duncan Muir of the Planning Department presented the staff report. The staff is concerned with two zoning considerations (1) consistency of the requested district with accepted policy for this section of Ben White Boulevard, and (2) protection of the residential neighborhood to the east and south. The staff recommends that "C" Commercial be denied on the entire tract but that a ten-foot by ten-foot square of "C" be granted at the northeast corner of Tract 1, "GR" General Retail be granted on the remainder of Tract 1, save and except a five-foot strip of "A" along Radam Lane, that a 30-foot strip of "A" be granted adjacent to the "A", and that "GR" General Retail be granted on the remainder of Tract 2, subject to dedication of the additional right-of-way for the extensions of Radam Lane and Emerald Forest Drive

## CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Terry Sasser, for applicant  
Charles Trenckmann, Applicant  
Donald Deed, Georgetown

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

Odas Jung, P. O. Box 668  
Rodger Wilson, 7333 Highway 290 East

**WRITTEN COMMENTS IN OPPOSITION**

None

### COMMISSION ACTION

There was discussion regarding the streets and the right-of-way. Applicant felt it unfair to give up 70 feet of right-of-way when the City does not give any; was concerned of what Emerald Forest Drive would look like. There also was discussion regarding the driveway and curb cuts. The applicant agreed with the staff recommendation, but requested that driveway access to the proposed Emerald Forest to subject tract be insured.

COMMISSION VOTE

Mr. Snyder moved to grant a ten-foot by ten-foot area of "C", Commercial 1st H & A at the northeast corner of Tract 1; to grant "GR" General Retail, 1st H & A on the remainder of Tract 1 save and except a five-foot strip of "A" along Radam Lane; a 30-foot strip of "A" be retained along the east and south lines of Tract 2, grant a 50-foot strip of "O" Office adjacent to the "A" on Tract 2, and "GR" General Retail on the remainder,

C14-78-034 Charles G. Trenckmann (continued)

as amended, subject to dedication of additional right-of-way for extension of Radam Lane and Emerald Forest Drive; and recommended driveway access from the subject tract to Emerald Forest Drive. Mr. Danze seconded the motion.

AYE: Messrs. Danze, Guerrero, Snyder, and Stoll.  
Mmes. Schechter and Shipman.  
ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-036 S. W. Ruff Land Development Trust: A, 1st to C, 1st  
(by Fred Juby, Trustee)  
7439 North Lamar Boulevard

Mr. Duncan Muir of the Planning Department presented the staff report. He explained that this tract is a small, 10-foot strip of land along a minor residential street which is a part of an undeveloped commercial tract facing North Lamar Boulevard on the west. Subject strip is zoned "A" Residence and this application is to permit commercial access to the residential street. The staff does not recommend this request, as commercial traffic should not be encouraged in the residential area. Sufficient access is permitted from Lamar Boulevard. The staff, therefore, recommends that any zoning change be denied.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Raymond Huff, agent for trustee

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mrs. Ruby E. Saturine, 702 West Crestland Drive

COMMISSION ACTION

There was discussion regarding the intended use of the property and the residential area. Mrs. Shipman felt this to be a residential area and this would be an intrusion as well as poor land use planning.

COMMISSION VOTE

Mrs. Shipman moved to deny "C" Commercial, 1st H & A. Mrs. Schechter seconded the motion.

AYE: Messrs. Danze, Guerrero, Snyder, Stoll.  
Mmes. Schechter and Shipman.  
ABSENT: Messrs. Dixon, Jagger and Vier.

THE MOTION PASSED BY A 6-0 VOTE.

C14-78-037      Carl M. Smith, Incorporated: A, 1st to B, 1st  
3215 Hampton Road

Marie Gaines of the Planning Department presented the staff report. She stated this residential lot faces a minor residential street within an older, low-density neighborhood. The staff considers this requested zoning to be an intrusion into a neighborhood. If this spot request is approved, it will set a precedent for numerous other properties in the area. The staff, therefore, recommends that "B" Residence be denied.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Carl M. Smith, applicant

PERSONS APPEARING IN OPPOSITION

Larry Schaaf, 717 Harris Avenue

Harry Griffith, 709 Harris Avenue

Stanley Baran, 807 East 32½

Rodger Pickney, 3101 Harris Park Avenue

WRITTEN COMMENTS IN FAVOR

None

WRITTEN COMMENTS IN OPPOSITION

Mrs. Dixie Evatt, 508 Harris Avenue

Petition - 66 signatures

COMMISSION ACTION

Applicant stated he wished to make no changes in the area but did intend to operate a bookkeeping-accounting service out of one room and that off-street parking would be provided. Area residents stated this was inappropriate zoning; it was a residential area and they were trying very hard to preserve it as such and that this would constitute spot zoning.

COMMISSION VOTE

Mrs. Shipman moved to deny "B" Residence, 1st H & A. Mr. Guerrero seconded the motion.

AYE:            Messrs. Danze, Guerrero, Snyder.

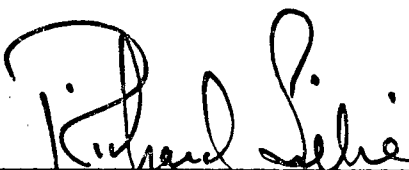
                Mmes. Schechter and Shipman.

ABSENT:       Messrs. Dixon, Jagger and Vier.

OUT OF THE ROOM: Mr. Stoll.

THE MOTION PASSED BY A 5-0 VOTE.

THE MEETING ADJOURNED AT 10:50 P.M.

  
Richard R. Lillie, Executive Secretary