

CITY PLANNING COMMISSION
Austin, Texas
November 7, 1979

The City Planning Commission meeting was continued from November 6, 1979, and was called to order at 5:45 p.m. in the City Council Chambers.

Present

Miguel Guerrero, Chairman
Leo Danze
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Jim Vier

Also Present

Evelyn Butler, Supervising Planner
Aliece Minassian, Planner
Betty Baker, Planner
Terry Irion, Legal Department
Jim Gotcher, Building Inspection Department
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Sid Jagger
Bill Stoll

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The Planning Commission considered the following items on a consent motion:

SPECIAL PERMITS

C14p-79-049 Mrs. Sam Silberstein: Additional seating for Wylies's and
 (by Andrew G. Pelton) on-premise consumption of alcoholic
 400 E. Sixth Street beverages

C14p-79-052 Mary Taylor: A nightclub
 (by Dan E. Cain)
 404 Colorado

C14p-69-054 C. B. Francis: A shopping center called "NORTHGATE PLAZA"
 (by David Wolters)
 11042-11104 U.S. 183
 11019-11039 Old U.S. 183

HISTORIC ZONING

C14h-79-019 Bosche Building: "C-2", 4th H&A to "C-2-H", 4th H&A
 (by Michael J. Kuhn)
 804 Congress Avenue

On a consent motion by Mrs. Shipman and seconded by Mrs. Schechter, the Commission approved the above in accordance with staff recommendations and ordinance requirements, with the further notation for Case C14h-79-019 that Criteria (a), (b), (c), (d), (f), (h), (i), (k) and (l) has been met.

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

THE CONSENT MOTION PASSED BY A VOTE OF 6-0.

(The record will show that Mr. Vier abstained on C14p-79-054.)

ZONING

C14-79-220 Alice Burrows Holmes: "O", 1st H&A to "LR", 1st H&A
 (by Jack Wayne Borders)
 1023 West 24th Street

Betty Baker explained the staff would recommend to deny "LR", 1st H&A. The use could be obtained through the special permit procedure. The applicant was not present.

COMMISSION VOTE

Mr. Vier moved and Mr. Snyder seconded the motion to deny "LR", Local Retail 1st H&A.

C14-79-220 Alice Burrows Holmes (cont'd)

AYE: Danze, Guerrero, Shipman, Snyder, Vier.
 ABSENT: Dixon, Jagger, Stoll
 OUT OF ROOM: Schechter

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-221 Bronislaw Puschman & Rose Puschman: "A", 1st H&A to "O" Office
 (by Larry Niemann) 1st H&A (as amended)
 412-418 Stassney Lane

SPECIAL PERMIT

C14p-79-051 Bronislaw & Rose Puschman & Autotronic Systems, Inc.:
Shopping Center called "STASSNEY SQUARE"
 416-610 Stassney Lane and
 bounded by S. First Street

Betty Baker explained this request is to change the "A" Residential buffer to "O" Office. The staff would recommend to deny "O" Office, but could support the request if a lesser amount of land as a buffer could be retained to protect the residential development to the north.

Aliece Minassian discussed the special permit request to allow a shopping center on a 5.605-acre tract of land that is currently zoned "GR", "O" and "A", 1st H&A. The special permit would apply only for that portion that is currently zoned "O" and "A". Access to the site is proposed from two driveways off South First Street and three driveways off Stassney Lane. The application is in compliance with the planning criteria check list and the staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

PERSONS APPEARING

Larry Niemann, representing applicant

COMMISSION ACTION

Mr. Guerrero discussed the placement of the fence and maintenance of the buffer. Larry Niemann, representing the applicant and the developers, stated the neighbors involved are happy with the agreement and have expressed no opposition. He requested the zoning be granted subject to the special permit and site plan. A copy of the agreement will be placed in the file of the Planning Department. He stated they have no problems with any of the departmental requirements. He requested flexibility of moving the kiosk to a location that is satisfactory with Urban Transportation Department. He also expressed concern for the recommendation of the Planning Department pertaining to the landscaping of the internal islands on the parking lot and requested they not be required to do so.

C14-79-221 and C14p-79-051 (cont'd)

COMMISSION VOTE

Mrs. Shipman moved to grant "O" Office, 1st H&A as amended by the applicant, noting there will be approximately eight feet of landscaped buffer along the north property line. Mr. Vier seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Vier.

ABSENT: Dixon, Jagger, Stoll

THE MOTION PASSED BY A VOTE OF 6-0.

The Commission then voted on the request for the special permit. Mrs. Shipman moved to approve the special permit, noting that the kiosk could be moved to a place agreeable with Urban Transportation Department and also noting that the site plan that is being approved is the one before the Commission and also noting the landscaping to the north, south, and east. Mr. Vier seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Vier.

ABSENT: Dixon, Jagger, Stoll

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-222 LBP 11 Strip Center Joint Venture: "D", 1st H&A to "C-1" 1st H&A
(by Roy Beard)
11005 F.M. 1325 (Suite 116 and 118)

Betty Baker explained the staff recommends to deny "C-1", 1st H&A. It is inconsistent with surrounding uses and the staff has consistently recommended against such zoning in close proximity to schools.

PERSONS APPEARING

Roy Beard, representing applicant

COMMISSION ACTION

Roy Beard, representing the applicant, explained this would be an outlet for a liquor store if the zoning is granted. He discussed having talked with school officials and pointed out the shopping center strip will be more than 300 feet away. He stated he also had contacted A.I.S.D. He showed slides of the tract in relation to the school and stated that any signs would be placed on the building and would not face 1325. The school children are delivered by bus or private cars.

C14-79-222 LBP 11 Strip (cont'd)

COMMISSION VOTE

Mrs. Shipman moved to support staff recommendations and to deny "C-1" 1st H&A due to the proximity to a school; it would be inconsistent to do otherwise. Mrs. Schechter seconded the motion. Mr. Vier felt the circumstances regarding the request should be considered and offered a substitute motion to approve the zoning. Mr. Danze seconded the substitute motion.

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

THE SUBSTITUTE MOTION PASSED BY A VOTE OF 4-2.

C14-79-223 Jose and Viola Benavides: "A". 1st H&A to "LR", 1st H&A
4412 Gillis

Betty Baker discussed the zoning in the area and stated the staff recommendation is to protect the residential integrity of the neighborhood. There is a computer service in the structure and the staff would recommend denial of the change of zoning for the "LR" use.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Viola Benavides, owner of the property
Diane Whipkey, P.O. Box 72
Elizabeth M. Doescher, 4134 Gillis
Baranovicht Swank Acbora, 411 Tilbury Lane
Paula Blaker, 1917 Hearthstone, No. 104
Joyce Allen, 4607 Lasso Path
Charlotte Dunagin, 2321 Aldford Drive
Mary Frances Gannon

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

C. E. Allen, 4015 Manchaca

WRITTEN COMMENTS IN OPPOSITION

A. C. Hollifield, 4401 Gillis

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C14-79-223 Jose & Viola Benavides (cont'd)

COMMISSION ACTION

Viola Benavides, applicant, explained they were operating a key punch service in the front portion of a duplex and requested the zoning be changed to accommodate the use. She agreed to roll back the zoning to residential if they decided to sell and explained that they now are living in the back portion of the structure. She did not think that parking is a problem and stated they do not bother the neighborhood, pointing out there is no one present in opposition. She discussed deterioration of the area and stated she employed individuals who lived in the area and could not obtain employment elsewhere. Persons appearing in favor of the request were working for her and discussed, in their opinion, the need for the change of zoning. Mr. Snyder asked how many employees and Mrs. Benavides provided information which indicated the service runs seven days a week around the clock and involves approximately 15 employees. She informed the Commission that she had the only key punch service in south Austin. Mr. Guerrero asked how long she intended to stay at that location and Mrs. Benavides indicated indefinitely.

COMMISSION VOTE

Mrs. Schechter moved to deny "LR" Local Retail, 1st H&A. It would be spot zoning. Mr. Vier seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-225 Robinson, Felts and Starnes: "O", 2nd H&A to "LR", 2nd H&A
(by Mark D. Swanson) (as amended)
Portion of 1806 Rio Grande

Betty Baker explained the request has been amended to "LR", 2nd H&A in order for applicant to install a sign for which the 2nd H&A is necessary because of setback requirements. The staff would recommend approval.

PERSONS APPEARING

Mark Swanson, agent

COMMISSION ACTION

Mr. Vier asked about the height of the sign. Mr. Swanson, agent for the applicant, explained 68 inches will be needed and agreed to limit the sign to that area.

COMMISSION VOTE

Mr. Vier moved and Mr. Snyder seconded the motion to grant "LR" Local Retail 2nd H&A, as amended by applicant and that the height be limited to six feet for the sign.

C14-79-225 Robinson, Felts (cont'd)

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Vier
ABSENT: Dixon, Jagger, Stoll

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-229 Glen Hamilton: "A", 1st H&A to "BB", 1st H&A (as amended)
416 West Alpine

Betty Baker explained applicant had amended the request to "BB". Staff recommends the "BB" zoning be granted. Duplex development would require a subdivision and variance from the Board of Adjustment. Lower density apartment development would be consistent with surrounding area.

COMMISSION ACTION

There was discussion of the density that had been granted across the street. The applicant was not present. Mrs. Shipman moved to table the issue until information could be supplied regarding density. Later in the evening Mrs. Schechter moved and Mr. Snyder seconded the motion to remove the item from the table for consideration.

Evelyn Butler discussed the 17 units per acre had been granted for the special permit across the street. The subject tract, however, is not wide enough for two duplex lots. The applicant was not present to discuss the proposed plans.

COMMISSION VOTE

Mr. Vier moved to continue to December 4 at 7 p.m. and applicant be present to show the layout of the site, the topography, trees, and a site plan for the 12 units.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14 -79-231 Iva Bell Fleming: "A", 1st H&A to "O", 1st H&A
(by Larry D. Landreth and J.B. Goodwin)
1912 Jackson Avenue

Betty Baker stated the staff would recommend to deny "O" Office, 1st H&A. If more permissive zoning is recommended, three feet of right-of-way will be required for Jackson Avenue with no access to 35th Street.

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C14-79-231 Iva Belle Fleming (cont'd)

PERSONS APPEARING IN FAVOR

Larry Landreth, representing applicant
Betty Landreth

PERSONS APPEARING IN OPPOSITION

None

WRITTEN COMMENTS IN FAVOR

John Whatley, 1908 West 35th St.

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Larry Landreth, representing the applicant, explained he had contacted all owners of property along the street and all would like to have the zoning request approved. They were of the opinion this change would be good for the area. He discussed the heavy traffic and noise on 35th Street as well as widening of 35th Street and whether or not right-of-way would be needed. Betty Landreth stated she had received numerous telephone calls from people interested in buying this for an investment for commercial zoning. No opposition has been shown.

COMMISSION VOTE

Mrs. Shipman discussed the impact this would have on the entire block as well as the need for residential housing in the area. She pointed out the property is adjacent to MoPac and moved to deny "O" Office, 1st H&A. Mr. Danze seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14-79-235 Ron Chitsey: "A", 1st H&A to "BB", 1st H&A
5107 Leralynn Street

Betty Baker explained the staff would recommend denial of "BB". The tracts could be subdivided and used for duplex lots. If more permissive zoning is granted, the staff would recommend an additional five feet of right-of-way in order to widen the street.

PERSONS APPEARING IN FAVOR

Ron Chitsey, owner
Bill Shieb

PERSONS APPEARING IN OPPOSITION

Thomas H. Porter, 4518 Depew Street
Mr. Glassbrook

WRITTEN COMMENTS IN FAVOR

Fred W. Morgan

WRITTEN COMMENTS IN OPPOSITION

Petition - 18 signatures
Sharon F. Porter, 4518 Depew Street
Charles Hansanflow, 5203 Leralynn

COMMISSION ACTION

Ron Chitsey explained he was disappointed with the recommendation of the staff and requested the zoning change in order to be able to build condominiums. He offered a restrictive covenant limiting the use to condominiums, discussed the tract as well as the immediate area. He stated this is a desirable, active rental area and distributed a map showing rental units. Bill Shieb, owner of the property next door, stated the area is primarily rental and felt it would be suitable for condominiums. He thought it was a good idea and would improve the neighborhood. Speaking in opposition, Thomas Porter presented a petition containing 18 signatures in opposition to the requested change of zoning. He explained this is a single-family dwelling type neighborhood and a number of property owners are still living in the area. He discussed the traffic congestion, and the noise problem and pointed out this would create additional on-street parking. Mr. Glassbrook stated opposition, multi-unit housing would disrupt the nature of the neighborhood and increase the traffic problems.

COMMISSION VOTE

Mrs. Shipman stated this is surrounded by "A" Residential and moved to deny "BB", 1st H&A. Mr. Vier seconded the motion and asked what had happened to the ordinance for condominiums in "A" zoning. Evelyn Butler stated that

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Keith Kiesner, attorney representing applicant, explained this lady is a senior citizen operating a custom drapery workshop out of her home. There is no

C14-79-246 Robbie Gibson (cont'd)

customer relationship and no outside advertisement. He presented letters in favor of the request and explained area residents were in favor of the requested zoning change.

In response to an inquiry, Betty Baker stated this is an illegal use, and Jim Gotcher was present for questions relating to that problem. She has three full time and one part time employee. Wilbert Hall explained this is a senior citizen utilizing talents and there is not a lot of margin for profit. He stated there is nothing distasteful to the surrounding neighborhood; they are not in opposition, and discussed problems that would be encountered if forced to move. He pointed out it would cause the business to terminate. Geraldine Kendrick, who is 67 years of age and handicapped, stated she worked with Mrs. Gibson and requested the zoning change be approved. Area residents speaking in opposition discussed this being an older neighborhood that is deteriorating and expressed concern for rezoning for "LR" or "GR". They felt it would lower property values. There also was discussion of traffic problems. There are lots of children in the area. There also was concern for spot zoning. Louis Teasey explained he was not opposed to the use. Some of the older people were handicapped, but stated it would encourage more permissive zoning requests in the area. There was discussion of not being opposed to the use, but to any change of zoning. It was pointed out Mrs. Gibson was not living in the house and that this constitutes more than a home occupation.

Jim Gotcher of the Building Inspection Department explained they had received a complaint and would have to follow through. The business has been there a long time but he could not verify the length of time. The structure has the appearance of a residence house but "GR" zoning is required to permit the use to legally continue.

COMMISSION VOTE

Mrs. Shipman explained the request for "GR" is totally surrounded by other uses which are "A" uses. This would be spot zoning. Zoning is a land use issue and the Planning Commission is obligated to uphold the zoning laws. She moved to postpone indefinitely and that the Urban Transportation staff look into the issue of pavement width. Mr. Danze stated that perhaps under the circumstances, the best decision is no decision. Mrs. Schechter was in agreement and seconded the motion. Terry Irion of the City Legal staff, pointed out that other complaints would come up and questioned the wisdom of postponing indefinitely. Mr. Gotcher stated that a complaint had been filed and they must follow through. He explained the procedure for filing charges on illegal uses. Mrs. Shipman withdrew her motion. Mrs. Schechter moved to deny "GR" General Retail, 1st H&A since it would be spot zoning. Mr. Danze seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

HISTORIC ZONING

C14h-79-020 Montgomery House: "B", 2nd H&A to "B-H", 2nd H&A
 (by Malcolm & Carolyn Bucknall)
 808 West Avenue

Betty Baker explained this item could be taken by consent motion

COMMISSION ACTION

Mrs. Shipman asked why the request for second height and area and Carolyn Bucknall, owner, explained the house exceeds 35 feet at the highest point.

COMMISSION VOTE

Mrs. Schechter moved to grant "B-H", 2nd H&A since the structure meets Items (a), (c), (f), (h), (i), (k), and (l) of the criteria for historic zoning. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

C14h-79-024 Southgate-Lewis House: "B", 2nd H&A to "B-H", 2nd H&A
 (by Ada Simond)
 1501 East 12th Street

Betty Baker recommended a consent motion for this request.

COMMISSION VOTE

Mrs. Shipman moved to grant "B-H", 2nd H&A, noting the structure meets criteria (c), (g), (h), (i), (k), (l) and (m) and commending the applicant for restoration of the property. Mrs. Schechter seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

Eve McArthur, Assistant Director of the Center, explained that the Austin Association of Builders has agreed to build a new facility. It is now in the planning stage and they are looking forward to relocating by next Spring. She requested renewal of the special permit be approved. Mr. Snyder asked and was told that the City had not brought the building up to code standards. Fred Sackett explained that he was not opposed to the program; it is a fine program. He discussed that each year there is a request for a one-year extension of the lease. The neighbors have suffered from having the facility there and he felt the credibility of the Planning Commission and of the City Council also has suffered. He commended Austin Association of Homebuilders for what they are doing. There was discussion of the property being sold; it is substandard. Dorothy Mendoza stated she is in favor of the center and understands the need. She discussed problems with the facility, the condition of the property, acoustics, fire hazard, noise, and requested that something be done about it. She felt the City has been deceptive in extending the lease and requested assurance that this will be terminated.

C14p-77-009 The Center for Battered Women (cont'd)

COMMISSION VOTE

Mr. Vier moved and Mrs. Schechter seconded the motion to approve the special permit in accordance with staff recommendations and ordinance requirements.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder, Vier.

ABSENT: Dixon, Jagger, Stoll.

THE MOTION PASSED BY A VOTE OF 6-0.

Mr. Vier then requested a staff report regarding the noise, lighting, etc., and the measures to be taken by the City to upgrade the property that had been agreed to prior. Whatever had been agreed, must be obligated to make and requested plans to maintain and to upgrade the facility during the remainder of this special permit, particularly noise and lighting.

C14p-79-012 David Drapela: 100-unit Apartment Project called "WILLIAMSON
(by Wm. T. Schully, Jr.) CREEK APT. COMPLEX"
South First Street & Emerald Wood Drive

Aliece Minassian presented the staff report:

This is an application for a special permit to allow a 100-unit apartment dwelling group on a 7.2386 acre tract of land.

The southern most portion of this tract is zoned "LR", 1st H&A. The remaining portion of the land is zoned "BB", 1st H&A, which allows a maximum density of 24 units per acre. The applicant proposes 13.81 units per acre.

The site plan indicates a total of 68 one-bedroom units and 32 two-bedroom units. The total parking required is 166 spaces and applicant is providing 174 spaces.

The proposed apartment project amenity is one swimming pool in an open area. Access to the site is proposed from one driveway off S. First Street.

The staff recommends approval subject to compliance with ordinance requirements and departmental recommendations.

PERSONS APPEARING IN FAVOR:

Bill Schully, applicant
David Drapela, owner of the tract
A. H. Merchant, engineer representing applicant
Charles Croft, representing applicant

C14p-79-012 David Drapela (cont'd)

PERSONS APPEARING IN OPPOSITION

Sharon Offer, 704 Emerald Wood Drive
Luella F. Edgar, 5101 Aberdeen Drive
Sherwood C. Davis, 4103 Aberdeen Drive
Emett Maliniemi, 5007 Aberdeen Drive
Charles L. Toruella, 708 Emerald Wood Drive
Richard H. Morris, 801 Emerald Wood Drive
Mrs. Johnny Rositas, 711 Emerald Wood Drive
Hubert S. Offer, Jr., 704 Emerald Wood Drive
Mrs. Ward E. Wilson, 5105 Aberdeen Drive
Gail Clingingsmith, 6903 Lunar
Deborah S. Morgan, 708 Emerald Wood Drive
Christian Nielsen, 5003 Aberdeen Drive
Lynn Libby, 4800 S. First Street
Joan Maliniemi, 5007 Aberdeen Drive
David Peterson, 4913 Aberdeen Circle

WRITTEN COMMENTS IN FAVOR - None

WRITTEN COMMENTS IN OPPOSITION

Petition
David L. Bell, P.O. Box 18628
Ward and Juliana Wilson, 5105 Aberdeen Drive
Don Buckmaster, 4909 Aberdeen Circle
Eliseo G. Terrazas, 701 Emerald Wood Drive
Charles and Janet Utzman, 4903 Aberdeen Circle

COMMISSION ACTION

David Drapela, owner of the tract, explained they had been working on this application since April of this year and were of the opinion the site plan was compatible with the property. He discussed having met with area residents and stated some have been pleased, but they are unable to please everyone. He stated all recommendations of City departments have been taken into consideration and have been incorporated into the special permit. There was discussion of the proposed plans for the tract. Speaking in opposition, David Peterson discussed flooding and drainage problems. He showed slides of the area after a two-inch rain and questioned the changing of the drainage channel. He pointed out that single-family residences in the area have been flooded with conditions as they are now. There was discussion of the traffic in the area and the tract was requested for a park. Lynn Libby, representing the Cresthaven Children Center, discussed how this development might affect their center. Christian Nielsen presented a petition in opposition and stated they do not feel the property suitable for an apartment complex. This is a single-family neighborhood and there is no precedent established for apartments. They are of the opinion this is not the appropriate time or property for such development. Deborah Morgan explained they had purchased a home to get away from apartments

C14p-79-012 David Drapela (Cont'd.)

and do not want to see a two-story unit next door. She discussed vandalism, traffic, and noise, and felt they would be an added detriment to the neighborhood. Gayle Clingsmith stated this was promised as a greenbelt-environmental area. The tract is not suitable for development. Mrs. Shipman asked how the homeowners could be assured they would not be flooded. A. H. Merchant, engineer for Bryant Curington and engineer of the project, discussed the flooding conditions on Williamson Creek and how the applicant would handle the drainage problem.

COMMISSION VOTE

Mr. Danze moved to approve the special permit as submitted, subject to ordinance requirements and departmental recommendations; applicant to meet and come to an agreement with the Parks and Recreation Department or the special permit will be denied. Building No. 4 to be moved if at all possible. He explained the drainage is not a problem the Planning Commission can address, but pointed out applicant is below maximum density. Mr. Snyder seconded the motion.

Applicant explained he is not in agreement with the PARD recommendation for public use. They wanted it for the use of tenants only. Mr. Guerrero stated this is an extension of the hike and bike trail.

AYE: Danze, Guerrero, Schechter, Shipman, Snyder
ABSTAIN: Vier
ABSENT: Dixon, Jagger, Stoll.

THE MOTION PASSED BY A VOTE OF 5-0-1

C14p-79-045 Thomas Q. and Bill Hedrick: 24-Unit Apartment Project called
9209 Northgate Blvd. "NORTHGATE CONDOMINIUMS"

Aliece Minassian recommended this item be considered on a consent motion.

COMMISSION VOTE

Mr. Danze moved and Mrs. Shipman seconded the motion to approve the special permit request in accordance with staff recommendations and ordinance requirements.

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

THE CONSENT MOTION PASSED BY A VOTE OF 6-0.

Kirk Kuykendall, attorney representing applicant, discussed this being used as an outlet to provide petroleum products and accessories to Phillips Service Stations. The site was a filling station, selling gasoline, and is now used as a garage with service bays. He explained they had been notified the operation is in violation of the zoning ordinance. A request for a zoning change had been denied and applicant is now requesting approval of the special permit that would allow continuation of what has been going on for six years. Mrs. Shipman was concerned for wrecked cars on the site and pointed out that is across the street from an elementary school. She discussed the curb cuts and traffic circulation in relationship to the school and also the atmosphere that is created therefrom. Mr. Kuykendall explained that the tenant would be instructed to keep the junk autos off the site or locked so that children could not get into them. He discussed the driveway access off Powell Street and did not think it would

C14p-79-050 and C11-79-009 (cont'd.)

not affect the elementary school. Mrs. Shipman stated the area should be landscaped or buffered. Mr. Kuykendall had no objection to placing shrubs along the back but stated they would prefer Powell Street be left open. He pointed out that the necessary parking spaces are being provided on the site. Kathleen DuBois expressed concerns for the safety of the school children and pointed out that cars are being parked on the sidewalk. Stephen Schmidt discussed trash and debris on the site. He stated it is unsightly and discussed persons trying to improve the neighborhood. He was opposed to the special permit being granted. Mr. Vier asked if the applicant would be willing to put up a barricade on the property line that would preclude cars from being parked on the walk area on Powell Street. Mr. Kuykendall explained that he did not have the authority to make that commitment. Mr. Vier felt the issue should be postponed until an agreement could be reached. Mr. Guerrero was concerned for the use, did not think it is proper. He pointed out there is a school there, and the problem is the same. Mr. Danze discussed conditions that could be placed on the special permit; buffering, landscaping, permanent barricade, the garage is less traffic than the service station. He emphasized that the special permit must be "dressed up". Mrs. Shipman stated the criteria has not been met and the use would still have the same impact on the school.

COMMISSION VOTE

Mr. Vier moved to continue until 5:30 p.m. on November 27, including the request for parking, in order to allow applicant to come back with a site plan addressing the concerns that have been expressed. Mr. Danze seconded the motion.

AYE: Danze, Schechter, Shipman, Snyder, and Vier.

ABSENT: Dixon, Jagger, Stoll.

NAY: Guerrero.

THE MOTION PASSED BY A VOTE OF 5-1.

OTHER BUSINESSR1400 Zoning Rollback

Request of Wayne Gronquist for zoning rollback
for Fairview Park

Wayne Gronquist requested zoning rollback for Fairview Park and stated he would like to continue the process to solidify the residential character of the neighborhood. He requested the rollback be initiated by the City to avoid the cost of the application. He explained the owners had agreed to this in 1975.

COMMISSION VOTE

Mr. Vier moved to waive the fee and the staff to initiate the owner-agreed zoning rollback for Fairview Park. Mrs. Shipman seconded the motion.

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

THE MOTION PASSED BY A VOTE OF 6-0.

The meeting adjourned at 10 p.m.



Richard R. Lillie, Executive Secretary