

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 3, 1971
10:00 A.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll call:

Present: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Absent: Councilman Friedman

The Invocation was delivered by REVEREND DOUGLAS SANDERS, United Campus Christian Life.

APPROVAL OF MINUTES

Councilman Nichols moved the Minutes of the Regular Meetings of May 20 and May 27, 1971, and the Special Meeting of May 22, 1971, be approved. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

PROCLAMATION

Mayor Butler read a proclamation designating June 15, 1971, as "Magna Carta Day" in Austin, and presented it to Mrs. McElroy Smith.

AUSTIN HIGH SCHOOL BASEBALL TEAM
DESIGNATED AS OFFICIAL REPRESENTATIVES OF THE CITY OF AUSTIN

Councilman Dryden recognized the Austin High School baseball team who were the 1971 Champions, and representatives of the City of Austin. Councilman Dryden moved the Council adopt a resolution designating the AUSTIN HIGH SCHOOL BASEBALL TEAM exemplary citizens to be the official representatives of the citizens of Austin in Saltillo, Mexico, June 11th and 12th. The motion carried by the resolution being signed by all members of the Council.

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 2:00 P.M., June 17, 1971, to consider annexing the following:

22.85 acres of land out of the William Cannon League - proposed BATTLE BEND SPRINGS, SECTION THREE. (requested by owner's representative)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler

Noes: None

Absent: Councilman Friedman

EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

Two (2) sanitary sewer easements out of Lot 7 of Chevy Chase Center/Austin, provided for in an instrument of record in Volume 2403 at Page 507 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler

Noes: None

Absent: Councilman Friedman

Councilman Nichols moved the Council adopt a resolution authorizing the release of the following easement:

A portion of a public utilities easement out of Lot 38, Block A, QUAIL CREEK WEST, PHASE TWO, SECTION ONE.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler

Noes: None

Absent: Councilman Friedman

CONTRACT AWARDED

Councilman Love moved the Council adopt a resolution awarding the following contract:

FMC CORPORATION - Fifty (50) tons Sodium Hexametaphosphate -
\$10,530.00.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

SALE OF STRUCTURES

Councilman Dryden moved the Council approve the sale of structures in Brackenridge Urban Renewal Area, Tex. A-11-1, as follows:

Parcel 10-10 and Parcel 10-11	1601 Sabine	Cullen & Cox	\$1,001.55 (to be moved)
Parcel 32-4	403 East 13th Street	Cullen & Cox	\$1,001.55 (to be moved)

The motion, seconded by Councilman Nichols, carried by the following vote:
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

ACQUISITION OF RIGHT OF WAY - MO PAC

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of the following land for the MoPac Expressway:

2202-2212 Newfield Lane Lota M. Spell (6 parcels - partial
\$2,375. takings)

The motion, seconded by Councilman Love, carried by the following vote:
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of the following land for the MoPac Expressway:

1703 Winsted Lane John R. Duren et ux (partial taking) \$690.

The motion, seconded by Councilman Love, carried by the following vote:
Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

JOSKE'S - UTILITIES COLLECTION AGENT

Councilman Love moved the Council adopt a resolution authorizing a contract with Joske's Highland Mall Store as a Collection Agent for utility

bills for the City of Austin. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

REIMBURSEMENT OF ELECTRIC UTILITY RELOCATION COSTS

Councilman Nichols moved the Council adopt a resolution authorizing the agreement with the Texas Highway Department for the reimbursement of the electric utility relocation costs along portions of Interstate from 39th Street to 12th Street, in the amount of \$58,000 reimbursement to the City. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 40 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Proposed Crystalbrook Section One, portions of Decker Lake Road, Ed Bluestein Boulevard and other unplatted land)

The ordinance was read the first time and Councilman Nichols moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

AUSTIN TRANSIT CORPORATION - APPROPRIATION

The City Manager gave a resume of the April operations and the financial statement indicating the amount due from the City was \$13,109.32. After discussion, the Council asked for more detailed information from the Austin Transit Corporation. Councilman Love then moved the Council table this item until more complete details were presented. The motion, seconded by

Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Handcox, Mayor Butler
Noes: None
Absent: Councilman Friedman
Not in Council Room at the roll call: Councilman Lebermann

SECTION 1.9 OF CODE - AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1-9 OF THE AUSTIN CITY CODE OF 1967 SO AS TO DISPENSE WITH THE REQUIREMENT THAT ALL ORDINANCES OF THE CITY COUNCIL BE READ ON THREE SEPARATE DAYS OR THREE TIMES ON THE SAME DAY UPON A VOTE OF FIVE MEMBERS OF THE CITY COUNCIL; DECLARING AN EMERGENCY AND AN EFFECTIVE DATE.

The ordinance was read the first time and Councilman Dryden moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: None
Absent: Councilman Friedman

The ordinance was read the second time and Councilman Dryden moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: None
Absent: Councilman Friedman

The ordinance was read the third time and Councilman Dryden moved that the ordinance be finally passed. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: None
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN

CITY CODE OF 1967 AS FOLLOWS: A 6.57 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7102-7224 U. S. HIGHWAY 290, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 8, BLOCK 16, BROADACRES, LOCALLY KNOWN AS 5517 ROOSEVELT, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

REQUEST FOR ADDITIONAL LAND AT BARTHOLOMEW PARK
FOR JUNIOR FOOTBALL LEAGUE

Mr. Tommy Lowe, President of Junior Football League of the Northeast Optimist Club, requested land in the Bartholomew Park Area to fill the needs for another football team. The area requested was a plot of 300' x 185' immediately south of the new Soft Ball Field and the No. 2 Little League diamond. Councilman Nichols moved the Council grant the use of additional land at Bartholomew Park area as requested. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Handcox,
Mayor Butler
Noes: None
Absent: Councilman Friedman

LIQUOR BY THE DRINK CONCESSION AT AIRPORT

Mr. Durwood D. Watkins asked permission to bid on a liquor by the drink concession at Austin Municipal Airport. The City Manager, Mr. Andrews, stated the City had a firm commitment to the present concessionaire for the sale of food and beverages including alcoholic beverages for the next ten years. Mr. Watkins was referred to the Director of Purchasing, Mr. Solon Bennett, to ask him to place Mr. Watkins' name on the bidding list in the future. Mr. Watkins' request was not to use the restaurant, but the grounds around the airport for a garden type restaurant. Briefly discussed was the possibility of the present concessionaire's granting a sub-lease for this concession.

REQUEST TO USE WOOLDRIDGE PARK OR
PEASE PARK JUNE 20TH FOR A SUMMER SOLSTICE CELEBRATION

Mr. John W. McGee, Jr., requested the use of Wooldridge Park for June 20th for a Summer Solstice to which all citizens of Austin are invited. The hours preferred were 2:00 P.M. to 10:00 P.M., and Mr. McGee stated there would be amplified music, and a crowd from 2,000 to 3,000 people. Formerly they had provided a \$10 - \$25.00 bond for cleanup. There would be no admittance charges, and they would not like to post a costly bond, as they would clean up the park themselves. Mr. Dan Davidson, Deputy City Manager, made a report from the Recreation Director of the Solstice two years ago, stating the reaction from the near-by residents was not favorable. Messrs. McGee and Mike Wallick were asked how they were going to control the nearly 2,000 people. Mr. McGee was not positive this group could be controlled. He referred to the number two location -- Pease Park, where there are adequate sanitary facilities.

Councilman Dryden's motion that these gentlemen's request for this particular celebration be postponed until next Tuesday, and that the adjoining neighborhood be notified that the Council is considering granting the use of Pease Park, died for lack of a second.

Councilman Handcox moved the Council consider Pease Park as recommended, from 1:00 P.M. to 8:00 P.M. and to require a satisfactory bond for clean-up and damages. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Nichols, Love, Lebermann, Handcox, Mayor Butler
Noes: Councilman Dryden
Absent: Councilman Friedman

SIERRA CLUB - TREE PRESERVATION

Councilman Nichols reported receipt of a copy of a letter addressed to Mr. Andrews, City Manager, from the Sierra Club reporting that some trees may be killed by work done by the Public Works Department. The City Manager reported that both the Public Works and Recreation Departments had been asked to preserve and protect trees if at all possible, and that they had done a good job.

BOARDS, COMMISSIONS, and ASSOCIATIONS

Councilman Nichols stated he would like for the Council to revive the interest in all of the cityzens' Boards and Commissions, by requesting a status report from the Chairman of each group. He asked that this be done by a letter and the reply to be addressed to the Mayor, with a copy to each Council member. Besides the Boards and Commissions, Councilman Nichols suggested that the Austin Police Association and the International Association of Fire Fighters, Local 975, be included.

SETTING HOUR FOR ZONING HEARINGS

The Council discussed a time for hearing zoning requests, and it was decided to set 10:00 A.M., on the first Thursday of each month for such hearings.

CITIZENS TO BE HEARD

The Council stated any citizen to be heard could be scheduled at 2:00 P.M.

RAW MILK ADVOCATES

Mayor Butler stated the Raw Milk advocates had asked that the Council repeal the ordinance prohibiting the sale of raw milk. It was suggested that this matter be heard also on June 10th while Dr. Sessums was present, and that the interested group, Sierra Club, and others be notified.

SIERRA CLUB - TOWN LAKE WATER SUPPLY

Councilman Lebermann noted receipt of a letter from the Sierra Club raising questions about the waters of Town Lake, and asked that a report from the proper agencies be made and these questions answered in order for the Council to learn the facts. The City Manager stated he would have a full report to the Council next Thursday, June 10th. Dr. Sessums would be present.

At this point COUNCILMAN FRIEDMAN entered the Council Chambers.

OPERATION SUNSHINE CAMP

Mr. G. E. Williams, Executive Director of the Austin Association of Retarded Children, stated that for a number of years the Sunshine Camp for retarded children had been operated, and the City had provided \$3,000 a year. This year, with an increased enrollment, it is necessary to ask for \$4,000 additional for the operation in 1971. Mr. Ralph Sheer said this is a ten (10) week program serving 100 children, many of whom are from the Model City neighborhood. Mr. Sheer, in giving a resume of the program, pointed out the teen agers would be included. Mayor Butler asked the City Manager what could be done. Mr. Andrews explained the \$4,000 could be taken out of the ending balance. He stated the City had been approved for \$62,000 summer program, and it may be that part

of this fund could be used for this program. Mr. Sheer stated funds were used only for the operation of the camp, transportation and a counsellor. Councilman Nichols moved that the City Manager be instructed to either find the \$4,000 or take it out of this summer fund, as this is a good program and it is essential that it be carried out. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

APPLICATION TO TEXAS CRIMINAL JUSTICE COUNCIL

Mr. Beverly Laws, Assistant Chief of Police, in his presentation stated if permission were granted for improvements to the Police and Courts Building, there would be almost double the space now occupied. Each division should have adequate facilities to properly operate for at least 10 years, keeping in mind police personnel and changes in police procedures. Mayor Butler inquired about making longer ranged plans. It was explained that with these improvements, the building would have reached its maximum capacity, and a separate building would have to be considered. Discussion was held on purchase of land. The City Manager was asked to make a further study concerning the purchase of the discussed land and bring a report back to the Council as to the timing for such purchases.

Councilman Love moved the Council adopt a resolution authorizing the City Manager to make an application to the Texas Criminal Justice Council for an addition to the Police and Courts Building in the amount of \$291,595. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

It was stated there are \$600,000 available in Bond funds.

SAN ANTONIO RIVER AUTHORITY AGREEMENTS

MR. HOMER REED, Executive Administrator, stated that on one of the City's contracts on which there was 30% grant -- the line going into Shoal Creek -- there may be a possibility of qualifying for retroactive increase in the grant from 30% to 55%. The machinery under the constitutional amendment had been approved and the State would buy the Municipal bonds. In this case the bonds have been sold. The City Manager recommended authorizing these agreements. The Council deferred discussion until 2:00 P.M.

Later in the afternoon session, the Council brought up for further consideration the agreements concerning execution of agreements with San Antonio River Authority and the S.A.R.A. for sewer plant additions.

MR. R. M. DIXON, Consulting Engineer, spoke in opposition to any approval of designs for the crosstown sewer. He listed costs of such a project to begin at \$19,000,000 to \$20,000,000 ending at \$30,000,000. The agenda item under consideration was concerned with agreements with San Antonio River Authority for sewer plant additions, and not with the crosstown tunnel.

The City Manager stated the Crosstown Interceptor preliminary design and report could be made the following Thursday, and suggested that Mr. Dixon be notified.

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a certain memorandum agreement with the San Antonio River Authority, for the construction of that certain sewer and sewage treatment project designated at WPC-TEX-823. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to enter into a certain memorandum agreement with the San Antonio River Authority, for the construction of that certain sewer and sewage treatment project designated as WPC-TEX-824. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

HEARING DEFERRED

Public hearing was deferred on the following annexation:

99.9 acres of land out of the Theodore Bisses Survey -
proposed CHERRY CREEK, PHASE II, SECTION FOUR; THE
VILLAGE, SECTION ONE; THE VILLAGE, SECTION TWO; THE
VILLAGE, SECTION THREE; and unplatted land.

PARKING ON EAST SIDE OF GUADALUPE

The report on the elimination of parking on the east side of Guadalupe Street adjacent to the University of Texas improvement area, was postponed until June 10, 1971.

APPEARANCE POSTPONED

The appearance of Mr. Ernest J. Schmidt regarding the use of Town Lake on July 24th through the 28th was postponed until June 10th, 1971.

CODE AMENDMENT POSTPONED - SILENT ALARM SYSTEMS

The subject matter of silent alarm systems which automatically initiate calls to the Police or Fire Departments - the prohibition of these - was briefly discussed and it was then decided to postpone this case until 2:00 P.M. in order to give commercial enterprises an opportunity to review this matter and to present the Council with certain suggestions.

At 2:00 P.M. this matter was re-scheduled for hearing on June 10, 1971.

ZONING REQUESTS

The Mayor opened the zoning hearings scheduled for 2:00 P.M. and the Council publicly heard the proponents and opponents present to present their opinions on both sides; and the Council, after much consideration, GRANTED the following zoning applications and instructed the City Attorney to draw the necessary ordinance to effect the zoning:

JAMES K. EICHELBERGER JR. C14-71-091	6800-6810 Twin Crest Drive 6701-6703 Brenda Drive 302-332 Huntland Drive	From "B" Residence To "O" Office RECOMMENDED by the Planning Commission subject to no access to Brenda Drive or Twin Crest Drive
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Councilman Nichols moved the change be granted to "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

JESSIE G. BATY C14-71-094	7401 Riverside Drive	From Interim "A" Residence 1st Height & Area To "LR" Local Retail 1st Height & Area RECOMMENDED by the Planning Commission subject to a special permit for a mobile home park
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Councilman Nichols moved the change to "LR" Local Retail 1st Height and Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN, TEXAS

N. B. JENKINS
By George T. Wall
C14-71-085

1406 Koenig Lane

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission
subject to 15' of right
of way on Koenig Lane

After the Director of Planning, Mr. Lillie, reviewed the application, Councilman Nichols moved that the change to "LR" Local Retail be granted as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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FIRST UNITED
PENTECOSTAL CHURCH
By D. W. Morris
C14-71-057

4113-4115 Avenue D
105-107 West 42nd Street

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

The Director of Planning stated this tract is 12,000 square feet, and the "B" Residence zoning would permit 40 units per acre. The purpose of the application was to permit a fraternity on the site formerly used as a Church. In 1967 there was an area study of the Hyde Park area and a recommendation that apartment zoning be granted where street were adequate between 30th and 35th, Speedway to Guadalupe. A petition in opposition was filed under Section 31B of the Zoning Code. Mr. Morris, represented the First United Pentecostal Church which found it necessary to sell this property for its highest and best use. Mr. Jack Youngblood represented the fraternity, stating it had estimates made of renovation of the premises and update the building for a fraternity, and of paving the parking lot. There are 30 members of the fraternity, but not all would be living there. Mr. Troy Harrell, a property owner in the area, expressed opposition in behalf of the group to this zoning. Mrs. Leroy Peterson and others voiced strong opposition in that a fraternity would be detrimental to the neighborhood, composed mostly of elderly or retired people, and to the property values.

After discussion, Mr. Morris withdrew the application of the Petecostal Church for "B" Residence zoning. Councilman Nichols' motion, to grant Mr. Morris permission to withdraw his application, was withdrawn.

Councilman Nichols moved the Council grant "BB" Residence on the subject parcel with the contingency that no fraternity be permitted for the use of the premises. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

BAKER-JONES-CROW
By Richard Baker
C14-71-115

8401-9205 Loop 360
North

From Interim "A"
Residence 1st
Height & Area
To "B" Residence 1st
Height & Area for
Tracts 1, 2 & 3;
"LR" Local Retail
1st Height & Area
for Tract 5
Withdraw - Tract 4
RECOMMENDED by the
Planning Commission
subject to final sub-
division approval

Mr. Lillie gave a resumé, and in this case it complies with the Master Plan. Councilman Love moved the change to "B" Residence 1st Height and Area for Tracts 1, 2 and 3, and "LR" Local Retail 1st Height and Area for Tract 5 be granted as recommended by the Planning Commission, and Tract 4 be withdrawn. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced that the change had been granted to "B" Residence for Tracts 1, 2 and 3, and "LR" Local Retail for Tract 5 and the City Attorney was instructed to draw the necessary ordinance to cover.

ALTHENHEIM, A Division 4013 Avenue H
Lutheran Social
Service, Inc.
By Rolf A. Normann
C14-71-076

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the change to "B" Residence be granted. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced the change to "B" Residence had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

FRANK W. McBEE
By J. Al Bauerle
C14-71-090

909-913 West Mary
Street

From "B" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the change to "GR" General Retail be granted. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN CASHIN
By Roy O. Howard
C14-71-087

807 & 809 East 32nd
Street

From "A" Residence
To "O" Office
NOT Recommended by the
Planning Commission

The Director of Planning gave a resumé of the two lots stating the land use west of Red River is stable as single family residential area. There are changes in land uses on Red River.

MR. JOHN SELMAN represented the applicant, stating an office complex would fit into the neighborhood, and would be an extension of the "O" Office zoning existing next door. The Doctors' offices would be used only during the day. This zoning would be a good buffer for the rest of the neighborhood. Mr. Selman answered questions from the Council about the operation.

Opposition was expressed by Mr. Larry Craddock, Dr. George Fancher, Mrs. George Fancher and Mr. Larry Craddock, Sr.

After discussion, Councilman Dryden moved the change be granted to "O" Office. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Noes: Mayor Butler

At this point, Councilman Lebermann asked that the record point out it is the City's responsibility to notify property owners within 200' of an area to be considered for rezoning, but as a courtesy, those property owners within 300' are notified, and he thought that was good to have those in the affected neighborhood to share their interests with the Council.

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

HELEN D. NOHRA
By W. R. Cavett
C14-71-075

4209-4215 Avenue G
301-303 East 43rd Street

From "A" Residence
To "O" Office
NOT Recommended by the
Planning Commission
RECOMMENDED "B"
Residence

The Director of Planning, Mr. Lillie, stated this property was in the Hyde Park area, and pointed out in this over-all study, the area between 38th and 45th Streets and Duval and Speedway was recommended to be retained as "A" Residence although there is commercial zoning at 43rd and Duval. He stated there was no "BB" Residence zoning in the area.

MR. JOHN SELMAN represented the applicant, stating this was a large house with 17 rooms and 8 baths and that the neighborhood indicated it would go along with a "BB" Residence zoning.

Opposition was expressed by Mr. Miguel Gonzales, Miss Lillian Rhodes, Mr. Counts, and others.

Mr. Selman stated a restrictive covenant would be filed covering the privacy fence.

After discussion, Councilman Dryden moved the change to "BB" Residence be granted. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced that the change to "BB" Residence had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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RUNDBERG LANE
PROPERTIES
Brian P. Schuller
By Hale & Associates
C14-71-105

510-600 East Rundberg
Lane

From Interim "A"
Residence 1st
Height & Area and
"GR" General Retail
1st Height & Area
To "GR" General Retail
1st Height & Area
RECOMMENDED by the
Planning Commission
subject to 20' of right
of way on East Rundberg
Lane and final subdivi-
sion approval

The Planning Director discussed this application, stating the owners wanted to combine the immediate area to the west and the "C" Commercial area to the east as a small shopping center under one ownership. It was approved by the Staff and Commission, subject to right of way.

MR. BRIAN SCHULLER, representing Hale and Associates, was agreeable to

provide the right of way, but would like for the zoning to be passed without the requirement of a subdivision. In the future they would have to subdivide the land for development, but not at this time. Mr. Lillie stated the subdivision merely would set up the form the land was in, without its being a jumble of tracts.

Councilman Handcox moved the change to "GR" General Retail be granted as recommended. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

TRINITY PRESBYTERIAN
CHURCH
By Richard Baker
C14-71-112

5803-5927 Westminster
Drive

From "B" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission
subject to 6' privacy
fencing and a 25' build-
ing setback along the
south property line

Mr. Baker represented the applicant, who elected to sell the property, asking for "B" Residence zoning. He stated the restrictive covenant had been filed satisfying the conditions imposed. The Council discussed this property with Mr. Baker and Colonel Mann.

After discussion, Councilman Lebermann moved the change to "GR" General Retail be granted subject to the privacy fence and the 25' building setback as recommended. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONING WITHDRAWN

F. L. CONNER
C14-71-077

3201 East 14th Street
1301-1307 Airport
Boulevard

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

Mr. Lillie reported the Commission had recommended that this request be denied. The property is on Airport Boulevard north of East 12th Street, and immediately to the east there is a cemetery. The applicant wishes to place a used car lot on the tract. The setback lines and size of the tract leave no room for a structure. The Staff was not encouraging the rezoning of the tract for commercial, but suggested possibly that the church might be interested in the tract. The church had indicated purchasing the lot and vacating the street, creating a much larger lot.

MR. F. L. CONNER spoke in his own behalf, stating he wanted to use the lot for a used car lot. It was pointed out that "C" Commercial would permit many uses.

Opposition was expressed by Mrs. O. E. Brown.

After discussion, Mr. Conner withdrew his application and was going to contact the church in reference to purchasing the lot.

Councilman Dryden moved the Council accept the withdrawal of the application. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

ZONING REFERRED BACK TO THE PLANNING COMMISSION

CATER H. JOSEPH
By Harry Joseph
C14-71-088

1200-1204 East 51st
Street

From "A" Residence
To "C-2" Commercial
NOT Recommended by the
Planning Commission
RECOMMENDED "BB"
Residence

Mr. Tom Curtis represented the applicant, stating they did not get a full hearing before the Planning Commission, and asked for an opportunity for such hearing.

Councilman Dryden moved this case be referred back to the Planning Commission for a full hearing. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

ZONING APPLICATIONS DENIED

The Council publicly heard the following zoning applications; and after thorough discussion and presentations on both sides of the question, voted to deny the following zoning requests:

EDWARD B. REEVES 1500-1504 Morgan Lane
C14-71-038

From "A" Residence
To "BB" Residence
NOT Recommended by the
Planning Commission

Mr. Hardin represented the applicants, stating his clients would dedicate any right of way required. After extended discussion, Councilman Nichols' motion to grant died for lack of a second. Councilman Love moved the zoning application be denied. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox
Noes: Councilman Nichols, Mayor Butler

The Mayor announced that the change had been DENIED.

C. T. SCHNEIDER 5702 Adams Avenue
By W. R. Coleman &
Associates
C14-71-045

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

The Planning Director described this residential area, and stated the access to this property is substandard. Should the zoning be granted, the rights of way would have to be made adequate. The Commission suggested that the staff make an area study of this neighborhood. During the discussion, Councilman Nichols suggested that the applicant withdraw the case, and that he not be penalized for a year by the zoning's being denied. Councilman Love moved the Council uphold the recommendation of the Planning Commission and not grant the zoning. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox, Mayor
Butler
Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

MILTON BLACKMORE 8407-8413 Pecan Drive
C14-71-089

From "A" Residence
To "LR" Local Retail
NOT Recommended by the
Planning Commission

Mr. Lillie stated this zoning was in the north central portion of the City. It is a single-family residential area with no other zoning encroachments. The applicant wishes to put in a mobile home park, and both the Staff

and Commission felt this use was not appropriate.

Mr. Blackmore was not present. Mr. Charles Lee, 413 Oertli Lane, had just moved a home in there and would like the area to remain residential.

Councilman Dryden moved the Council deny the zoning request. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced the change had been DENIED.

- - - - -

JAGGER AND ASSOCIATES 1203-1305 Woodland
By Walter Embrey, Jr. Avenue
C14-71-095 1800-1900 I.H. 35

From "A" Residence 1st
Height & Area
To Tr.1: "GR" General
Retail 5th Height &
Area
Tr.2: "B" Residence
1st Height & Area
(as amended)

RECOMMENDED by the
Planning Commission
as amended subject to
a subdivision providing
for culs-de-sac at the
ends of Fairmount Ave.
and Fairlawn Lane and
subject to no access
from cul-de-saced
streets to the subject
property and a 6' pri-
vacy fence where the
property abuts "A"
Residence zoned pro-
perty and around the
culs-de-sac.

The Director of Planning described this area on South Interregional Highway at Woodland Avenue on the west side. The area to the west is a very stable single family residential area. There are duplexes, "GR" General Retail, and Apartments. Access to property is primarily from Woodland and from south bound frontage road on I.H. 35. The concern of the staff covered two dead-end streets -- Fairmount Avenue and Fairlawn. The Planning Commission recommended culs-de-sac.

MR. DICK BAKER represented the applicant for change of zoning on a 10 acre tract at the intersection of I.H. 35 and Woodland Avenue. Six and a half acres are referred to as Tract 2. It was recommended by the Commission as amended. He stated the applicant proposed no curb cuts in the cul de sacs, and that a solid 6' fence be constructed adjoining the properties on the west

and south. Jagger and Associates would submit a covenant that there would be only one curb cut on Woodland Avenue to the six acres zoned "B" Residence. On the "GR" General Retail there would be only one curb cut. The development would try to preserve the trees, and the lower section of the creek would be used as a green belt area. He proposed an environmental easement be created 25' on the center line of the existing lower branch of the creek and no trees over 3" in diameter could be cut. He would limit the number of units to 22 or 25 units per acre. The development would be under a special permit.

Speaking in opposition to the zoning and development were MRS. ARTHUR EDWARDS, MR. MARK NOBLE, MRS. ROBERT MATHER, P.T.A. and others.

After lengthy discussion, Councilman Handcox moved to deny the zoning change. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Love, Lebermann, Friedman, Handcox
Noes: Councilmen Dryden, Nichols, Mayor Butler

The Mayor announced that the change had been DENIED.

- - - - -

AUSTEX DEVELOPMENT 2305-2311 Wheless Lane
COMPANY, LIMITED
By W.T.Williams, Jr.
CL4-71-047

From Interim "A"
Residence 1st
Height & Area
To "GR" General Retail
6th Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "BB"
Residence 1st Height &
Area subject to sub-
division of this tract
into tracts for four-
plex use and privacy
fencing on the north-
west property line

The Director of Planning gave a resume of the 2.07 acres and the general area, stating the application was for "GR" General Retail, but had been amended to "BB" Residence, which would permit 20 units per acre. If the tract were developed as one tract for apartment use, a 60' building line along the north property line would be required. If the tract were subdivided, the set-back line would be deleted from the recommendation. A petition of protest was filed under Section 31B of the Zoning Ordinance.

Mr. W. T. Williams, Jr., represented the applicant, stating this was an odd-shaped tract, dipping deep into a large block of land. He described the zoning in the area -- "GR" General Retail which along with the frontage on Wheless Lane would not be conducive to residential development. There is a little sliver between this property and Wheless Lane zoned "GR" General Retail, and a large supermarket immediately across Wheless Lane. He described a proposed development working in a cul-de-sac to permit building on five lots. The

irregular shape of these lots render the land useless for a single family development, and that was why he asked that the set back be waived.

Opposition was expressed by Mrs. Louis V. DiDonato to the "BB" Residence zoning; by Mrs. Edward Frons, Mr. Roy Knippa, each desiring the area to remain residential.

After discussion, Councilman Handcox moved to deny any change at this time. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

VICTOR U. SOSA
C14-71-055

3701-3711 Clawson Road

From "A" Residence
To "BB" Residence
NOT Recommended by the
Planning Commission

The Director of Planning described the area of three acres on which a "BB" Residence zoning was being requested. Twenty units per acre could be developed under "BB" Residence. Mr. H. D. Motzenbocker, representing the applicant, stated this was a lovely piece of property for apartment development, and the terrain was such that it would not be economically feasible to develop single family units. After discussion and review of the application and recommendation, Councilman Friedman moved to deny any change and uphold the recommendation of the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

Not in Council Room when the roll was called: Councilman Nichols

The Mayor announced that the change had been DENIED.

CHARLES C. SPRADLING
C14-71-092

1042 East 43rd Street
4300-4302 Clarkson Avenue

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission
subject to 10' of
right of way on Clark-
son Avenue and 5' of
right of way on 43rd
Street

The Director of Planning explained this application was just north of Hancock shopping center, west of the railroad track. The Staff recommended

the application be denied, both for "O" Office and "B" Residence. The Commission recommended "O" Office as appropriate zoning subject to right of way. There was a petition filed under Section 31B requiring six votes from the Council.

Mr. Spradling was not present.

Opposition was expressed by Mr. George Bradshaw; and Mrs. Judy Dodd, 1036 East 43rd Street, who wanted to maintain the area as residential, as a commercial building would add more traffic. MR. DAN SMITH pointed out there were many retired people in the neighborhood and they were extremely skeptical of this.

After discussion, Councilman Love moved the zoning change be denied. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

WILLARD C. FINKELSTEIN 2209 Manor Road
By Larry Hargrove
C14-71-099

From "C" Commercial
To "C-2" Commercial
NOT Recommended by the
Planning Commission

The Director of Planning reviewed this tract, stating "C-2" Commercial would permit a package store, beer tavern or lounge. The Commission felt that "C-2" Commercial would be detrimental to the surrounding neighborhood. No one was present representing the applicant.

Opposition was expressed by Mrs. Holloway and others.

Councilman Nichold moved the change be denied. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The Mayor announced that the change had been DENIED.

JOHN D. GIDDINGS 1917 David Street
By Richard Baker
C14-71-113

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

The Planning Director reviewed this application, referring to an area study which set out the area should remain "A" Residence, and pointed out to

to individual cases having been granted "C" Commercial and "O" Office. Mr. Baker pointed out this zoning had been recommended by the Staff and the Planning Commission. Mr. Baker presented a long argument for the zoning to "B" Residence. Opposition was expressed by MR. WILSON KRABE; A. B. CRIER, 1809 David, and others.

Councilman Love moved the change be denied. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

ZONING APPLICATIONS DEFERRED

The following zoning cases were deferred until June 10th, 1971:

T. W. WILSON C14-71-081	405 West 35th Street	From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission subject to 5' of r-o-w on West 35th Street
ASHLEY FLY & L. FRANCIS FLY C14-71-083	2505 Nueces Street 2508-2510 San Antonio	From "B" Residence and "C" Commercial 2nd Height & Area To "C" Commercial 2nd Height & Area RECOMMENDED by the Planning Commission and that the City purchase this property
CHESTER W. LONEY C14-71-093	2001 Koenig Lane	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission subject to 10' of r-o-w on Koenig Lane
E. D. BOHLS By Chris Crow C14-71-096	400-402 Kenniston Drive	From "BB" Residence To "B" Residence (as amended) RECOMMENDED by the Planning Commission as amended
JAY D. HARKINS C14-71-097	1123A-1125A Shady Lane	From "A" Residence To "C" Commercial (as amended) RECOMMENDED by the Planning Commission as amended subject to r-o-w up to 15' on Shady Lane

C. K. JAMISON
By Sneed, Vine,
Wilkerson & Selman,
By John Selman
C14-71-106

402-404 Swanee

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission
subject to 5' of r-o-w
on Swanee

MONTOPOLIS COMMUNITY
CENTER
By Thomas B. Watts
Bryant-Curington, Inc.
C14-71-100

1500 Montopolis Drive

From "LR" Local Retail
To "GR" General Retail
RECOMMENDED by the
Planning Commission

M. D. CUNNINGHAM, SR.
K. C. PETERSON
By C. B. Carpenter
C14-71-101

2525 Tinnin Ford Road

From "GR" General Retail
To "C-2" Commercial
RECOMMENDED by the
Planning Commission
subject to field notes
for the particular site
location

DR. TOM BARNETT
B. T. WEBB
C14-71-102

1819 East Riverside
Drive

From "GR" General Retail
To "C-2" Commercial
RECOMMENDED by the
Planning Commission
subject to field notes
for the location of this
use

JERRY N. WALLACE
C14-71-103

1214-1306 Rutland
Drive

From "BB" Residence on
Tracts 1 & 2
"LR" Local Retail
on Tract 3
To "A" Residence
RECOMMENDED by the
Planning Commission on
Tracts 1, 2 and 3, and
on the additional area
as requested

ZONING APPLICATION TABLED

H. MORRIS STEVENS
MRS. JEAN SCHIEFFER
By Hubert H. Rossy
C14-71-006

4002-4030 Airport
Boulevard

From "A" Residence
To "B" residence
RECOMMENDED by the
Planning Commission
subject to privacy
fencing where the tract
abuts single-family
residential development
and the restriction of
no more than 3 curb
breaks on Airport Blvd.

The Planning Director, Mr. Lillie, discussed the locations, accesses,
and present zoning uses, pointing out Airport Boulevard as a major arterial.

Should the area be developed "A" Residence, there could be 28 units as duplexes, and 14 drive-ways into Airport Boulevard. He mentioned the special permit provision. Mr. Sneed stated his clients would reduce the number of units the zoning would permit to 70 or 80 units.

Opposition

Opposition was expressed by Mr. Raymond Joseph, who had looked forward to a long standing residential development when he purchased his home, said an apartment complex would destroy the neighborhood and ruin the investments. Mr. M. Elroy suggested other development -- a branch library, small offices, or duplexes. Mr. Robert Osborne, on Vineland, pointed out the parking spaces provided would not care for the apartment dwellers, and parking would overflow on to the residential streets. Density near an airport should not be increased. Councilman Dryden stated the traffic would be increased. He said it is important that the neighbors as well as for this Council to know whether there will be 70 or 80 units, as there is a difference of 10 units - 20 cars. Councilman Lebermann felt a verbal agreement should be upheld. Mr. Sneed explained the pattern of degradation of development, and how this would help out.

Councilman Friedman moved the Council table this discussion until alternative uses were presented to the Council by developers, or suggestions other than apartment complexes. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox
Noes: Councilman Nichols, Mayor Butler

The Mayor announced the zoning application had been tabled.

ZONING APPLICATIONS POSTPONED

ANTONIO B. SALAZAR
CI4-71-082

3303 Govalle Avenue

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

The Planning Director stated this area was in the Govalle neighborhood, and totally developed with single family residences. There is a nursing home to the west, relocated from the Urban Renewal Project. The body shop is a non-conforming use.

Mrs. Antonio B. Salazar representing herself, stated they had leased the house from people who had been using it as a garage for their business. They then purchased the lot, thinking it was commercial, and had paid commercial taxes. There was only one electric meter.

Mr. John Selman stated he represented the man who originally owned the property, and he would check with him about the non-conforming use. In order to give Mrs. Salazar and Mr. Selman an opportunity to get affidavits concerning the non-conforming use, Councilman Nichols moved this application be postponed for a month. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

The property owners will be notified.

J. M. SALINAS
By Richard Love
C14-71-098

312 East 16th Street

From "B" Residence 2nd
Height & Area
To "C" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "GR"
General Retail 2nd
Height & Area and
recommend that this tr.
of land be brought to
the attention of the
Urban Renewal Agency for
purchase.

The Director of Planning, Mr. Lillie, stated this tract was within the Brackenridge Urban Renewal Project; however, the Urban Renewal will not acquire this lot. Mr. Salinas proposes an aquarium shop.

Mr. Richard Love stated the shop could be permitted under "GR" General Retail, and he accepted in Mr. Salinas' behalf the "GR" General Retail zoning as recommended. MR. LURIE, Urban Renewal Agency, pointed out the Urban Renewal Plan called for residential district for apartment houses; and that there is a proposed crosstown freeway. Mr. Salinas has been told there were appraisals for his property due to be in the Urban Renewal office this week.

Councilman Nichols moved to postpone this application for one week. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

GUY E. MORGAN
By Richard C. Baker
C14-71-073

Tract 1
4507-4509 North I.H.35
Tract 2
4506-4508 Elwood Road

From "A" Residence
To "O" Office

From "A" Residence
To "B" Residence
NOT Recommended on
Tracts 1 and 2 by the
Planning Commission
RECOMMENDED "O" Office
on west 139.4' on Tr.1
and the retention of "A"
Residence on the remain-
ing portion of Tracts
1 and 2

and

MRS. MARTIN ANDERSON
By Jon N. Coffee
C14-71-080

4501-4503 East Avenue
1104 Fernwood Road

From "A" Residence 5th
Height & Area
To "O" Office 5th
Height & Area
RECOMMENDED by the
Planning Commission

MR. DICK BAKER, representing the applicants, stated that GUY E. MORGAN and MRS. MARTIN ANDERSON (represented by Mr. Joh N. Coffee) could be considered together.

MR. DICK LILLIE, Planning Director, gave a resume of both tracts, stating the area was mostly "A" Residential with a Day Nursery in Mr. Morgan's tract. Commercial zoning exists along I. H. 35, bordering the Anderson property. Improvements to I. H. 35 are involving frontage from the subject lots, bringing the northbound traffic on Elwood Road very close to the residences.

MR. BAKER appeared on behalf of MR. GUY E. MORGAN, requesting "O" Office for Tract 1, and "B" Residence for Tract 2, explaining this is a large tract and when the surrounding area was subdivided, the land was owned by another and was not included in the subdivision, thus not a residential lot within the subdivision. The area is no longer suitable for residential, due to its proximity to I. H. 35. The Day Nursery has operated for years rather than as a single family residence. Mr. Baker stated the proposed use would be for Office along the Interregional, and the remaining portion would be for parking.

Mr. Don Golden represented the owners of property to the south of Mr. Morgan's tract, stating it is under contract. They do plan to construct an office building, but he did not have to much information on the development. He believed the "A" Residential zoning should not be considered. Access was discussed.

Mr. Dan Killen spoke in opposition, stating this would be a spot zone, and called attention to the petition filed with the Planning Commission.

After discussion, Councilman Nichols moved that both applications be delayed until next week, and that the Planning Director be directed to discuss this with the Highway Department concerning the driveway locations. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

ZONING APPLICATIONS DEFERRED

At the request of Mr. Selman, the following zoning applications were deferred until June 10:

R. & J. INVESTMENTS
COMPANY
By John Selman
C14-71-107

5829-5905 Manor Road

From "B" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission
RECOMMENDED "LR" Local
Retail

C. K. JAMISON
By John Selman
C14-71-110

516 East 40th Street

From "A" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "B"
Residence 1st Height &
Area subject to up to
5' of r-o-w on East
40th Street

**EXERCISE OF OPTION ON LAND NEEDED FOR
EAST RIVERSIDE DRIVE RIGHT OF WAY**

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to exercise an existing option on land needed for East Riverside Drive right-of-way, located at East Riverside and South Lakeshore Boulevard. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None

ADJOURNMENT

The Council adjourned at 1:35 A.M.

APPROVED


Mayor

ATTEST:


City Clerk