

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- January 15, 1963

The meeting of the Commission was called to order at 7:00 p.m. in the Council Room, Municipal Building:

Present

D. B. Barrow, Chairman  
Howard E. Brunson  
Edgar E. Jackson  
S. P. Kinser  
W. Sale Lewis  
Emil Spillmann  
Barton D. Riley  
W. A. Wroe

Absent

Pericles Chriss

Also Present

Hoyle M. Osborne, Director of Planning  
E. N. Stevens, Chief, Plan Administration  
Paul Jones, Assistant City Attorney  
Charles R. Sanders, Administrative Assistant to City Manager

MINUTES

Minutes of the meeting of December 18, 1962, were approved as submitted.

ZONING

The following zoning change requests were considered by the Zoning Committee at a meeting January 8, 1963:

CL4-62-171 Reverend C. J. Smith: A to GR  
Blessing Ave. and E. St. Johns Ave.

STAFF REPORT: This is a request for "GR" General Retail in the midst of a residential area with many lots still vacant. The property was annexed in 1951 and the Council did zone four uses in the subdivision as commercial as they were commercially used when annexed, but the remaining area was left residential. A study sketch has been prepared showing the eastward extension of St. Johns Avenue to Cameron Road along which residential development is proposed. A high school is scheduled for construction in 1963-1964. St. Johns had inadequate right-of-way for the present use. The staff feels that there should be a neighborhood center somewhere in this subdivision but this is not the proper location. The Director explained that these people had no bus service and must depend on automobiles for transport; therefore, they have access to Capital Plaza and other nearby shopping facilities. He noted that there are now approximately 300 acres of commercial zoning in this area which is mostly underdeveloped and available for business usage.

Reverend C. J. Smith was present at the meeting and stated that he and his neighbors were for the change to General Retail.

C14-62-171 Reverend C. J. Smith -- contd.

The Commission noted that this would be spot zoning and felt that this would be an intrusion into a residential area. It was recognized that there may be a need for a retail zoning but they agreed however that this is not the proper location. It was therefore unanimously

VOTED: To recommend that the request of Reverend C. J. Smith for a change from "A" Residence to "GR" General Retail for property located on the northeast corner of Blessing Avenue and E. St. Johns Avenue be DENIED.

C14-62-172 Robert B. Thrasher: A to C  
 5091-511 West Live Oak

STAFF REPORT: This is an application for "C" Commercial for two lots on the south side of Live Oak Street one lot removed from South 1st Street. The present "C" Commercial on South 1st Street was so zoned when that was the only classification for commercial provided in the ordinance. Most of the area is developed residentially rather than commercially. These lots are fronting on Live Oak instead of South 1st and this would start zoning along that residential street. If they fronted on South 1st, it could be considered as a part of the South 1st Street commercial area. We feel that since this property is on Live Oak, it would be an encroachment into a residential area and recommend that the request be denied.

Mr. E. Ahlgrimm, agent for applicant, appeared at the hearing and stated that the proposed occupant would use the property for a two-way radio service. He advised that when he previously checked with the Building Inspector's office, he was told that this property was "C" Commercial, but upon further checking found that it was not. He was assured that he would have no trouble in getting it changed. This property is next to a used car lot and a grocery store.

One reply to notice favoring the change was received and one person appeared at the hearing stating his approval for retail use.

Two written objections were received for reasons given as raises in taxes would result from a zoning change.

The Commission felt that this would be a reasonable and logical extension of the present zoning. Mr. Spillman reported that the Committee felt that the creek would make a good boundary for future commercial development and would probably look with favor on other changes in this immediate area. Mr. Barrow questioned the advisability of increasing the present "C" zoning and suggested possibly more restrictive zoning. After further discussion, the Commission concluded that "C" would be the proper zoning for this property. It was then unanimously

VOTED: To recommend that the request of Robert B. Thrasher for a zoning change from "A" Residence to "C" Commercial for property at 509-511 West Live Oak Street be GRANTED.

C14-62-173 George A. Hammond: C-1 to C-2  
1607 (1623) Rosewood Ave.

STAFF REPORT: This is in a "C-1" District. Application for a change to "C-2" Commercial is for approval of a package store. This is the only additional privilege of "C-2" over the existing zone. Rosewood Avenue has been zoned commercially for some time. It has a mixed development which includes duplexes, single-family dwellings, church, photo shop and cafe. There is no "C-2" zoning for about 5 blocks. It is across the street from the Urban Renewal Project area but not within it. We feel that this is a matter of policy, and therefore make no recommendation.

J. Phillip Crawford (attorney) represented the applicant at the hearing, and presented the following arguments for approval.

1. There are very few people in a package store at any one time and no loud noise. People do not linger in this type of business. Customers would take away the liquor purchased, and would not be lingering on the premises.
2. The operation of a package store would not damage surrounding property and might enhance it.

Two written comments in favor were received along with nine written comments against. Three persons appeared at the hearing and presented their arguments in opposition:

1. This is a residential neighborhood with elderly people and children and we would not appreciate a package store in the neighborhood.
2. We feel it would not be a good influence nor safe for children in the neighborhood to have a package store.

At the Commission meeting the question arose as to whether or not this is a well established commercial area. The Director reported that there are scattered commercial uses on the south side of the street, some adjoining the property, and the north side is mostly residential with some small commercial usages and a church. Attention was called to the fact that this area is already zoned "C-1" commercial. It was then agreed that since this is already zoned "C-1" that there is commercial development joining this property, the change would not materially change the character of the development. Therefore, it was unanimously

VOTED: To recommend that the request of George A. Hammond for a change of zoning from "C-1" Commercial to "C-2" Commercial for property located at 1607 Rosewood Ave. be GRANTED

C14-62-174 R. Graham Wilson: A to B, 1 to 2  
 1108 West 22nd St.

STAFF REPORT: An identical application was considered by the Planning Commission September 25, 1962, and was withdrawn from the City Council October 18, 1962. The application is for one lot for the purpose of erecting an apartment house. We feel as we did before that without an area change, it would be a spot zone and that the street pattern is not so designed as to take the additional traffic which would be created from an area change. We recommend that the request be denied.

Mr. Wilson appeared in support of his request and presented the following information: My argument is the same as the last time. There is a considerable amount of multi-unit development in the area and I think this shows clearly that the neighborhood is not primarily residential. These older neighborhoods around the University are problem areas. Others as well as myself who develop small apartments are being penalized. I plan a one-story 4-unit building and will provide off-street parking in front or on the rear next to the alley to meet City requirements. I cannot see how four additional apartments will create a traffic jam here.

Mrs. Maurine Currin, Mrs. L. W. Eaton, and Mr. J. E. Skrivanek, owners of property in this block, appeared in favor of this change, stating that they are faced with an increase in the number of college students and that most of the property is not single-family, with five units being located on the lot adjoining the applicant's property. Mr. Skrivanek said he would like to build a better apartment on his property.

Several owners of property in the area appeared in opposition for the reasons expressed at the previous hearings, and expressed the feeling that the ones who have had homes established for so many years should not be penalized for the benefit of one new owner.

It was reported by the Committee that a majority had felt that the request should be denied since this is spot zoning unless a larger area were zoned. The staff reported to the Commission receipt of a letter from the applicant requesting permission to withdraw this case. The Commission discussed this request and the fact that the elapse of time between the two applications was very short. The Director reported that the City is in the process of preparing a zoning ordinance which might affect this case and suggested that the withdrawal could be accepted in view of this possibility. The Commission agreed to the withdrawal because of the pending ordinance which was felt would have bearing on this case. Therefore, it was unanimously

VOTED: To ACCEPT the withdrawal of this application as requested by the applicant.

C14-62-175 R. Graham Wilson: A to O  
1000-1002 East 32nd Street

STAFF REPORT: This change is for the stated purpose of building doctors' offices across the street from St. David's Hospital. The area has a mixture of uses including Concordia Lutheran College, apartments, doctors' offices and residences. We feel that the uses here blend rather well and this type of zoning is something you expect to find around a hospital. Therefore, we recommend that this application be granted.

Mr. R. Graham Wilson was present at the meeting and stated that he plans 7 units with off-street parking provided.

Three written replies in favor were received.

The Commission felt that the request should be granted as an extension of office locations, particularly for doctors, across the street from the hospital. It was also felt that this entire portion of 32nd Street would eventually be filled completely with doctor's offices. The Commission then unanimously

VOTED: To recommend that the request of R. Graham Wilson for a change of zoning from "A" Residence to "O" Office for property located at 1000-1002 East 32nd Street be GRANTED.

C14-62-176 E. M. Chote, Jr.: A to B, 1 to 2  
Salado and San Pedro Streets

STAFF REPORT: This is a change requested for construction of apartments. Under this zoning a maximum of 22 regular units or 44 efficiency units or 44 units in an apartment hotel would be permitted. In the Austin Development Plan, the area in which the subject property is located is designated for high density residential development (15 dwelling units per acre). The Commission considered a request for a change on this property in 1957 and 1960 and we feel the same now as we did then. We recommend that this application be denied because of the spot zoning, excessive density and because of the narrow streets and traffic problem.

Mr. W. C. Brown appeared for applicant and stated that he felt there is ample space for multiple apartments and that they should be allowed to build apartments. One written reply was received in favor and one person present was in favor. Mr. Brown explained that Mr. Chote, or the new owners, would be willing to give 10 feet for the widening of Salado Street. By having a street in front and back, it would give more street than there is on Rio Grande.

Eleven written comments were received against this requested change and eight persons appeared at the hearing to voice their disapproval. Arguments presented against were as follows:

Cl4-62-176 E. M. Chote, Jr.--contd.

1. What is proposed with "B" Residence and Second Height and Area would make an intolerable situation and violate the spirit of the Zoning Ordinance which provides for the health, safety and general welfare, and for light and air.
2. This situation is bad because of the street pattern. Salado and San Pedro are nearer the size of an alley than a street. San Pedro is 30 feet wide with 20 feet of paving, and Salado would still be bad even if widened by giving more right-of-way. There are only three through streets between Lamar Boulevard and Rio Grande. When the area is ready and the streets made adequate, these people would be willing to see the change.
3. Even with the present traffic on the street there are times when it is difficult to pass another car when cars are parked along the street. If an apartment house is built on these lots, cars of renters will be parked on the street making travel down these streets more difficult and dangerous. San Pedro Street cannot possibly handle the kind of traffic this enterprise would bring.
4. Most of the people in this area are home owners, and we would like for it to remain a nice residential area in which we enjoy living. Some rental property is now owner occupied. We wanted to live here because it is a unique neighborhood with quiet and peaceful atmosphere.
5. We object to spot zoning in this area. The streets are narrow and a traffic problem already exists. We consider spot zoning unfair to the other property owners as it would be for the benefit of a private individual. This zoning is not suited for this area.
6. Large apartments would decrease the value of residential property.

The Director stated to the Commission that this is the third or fourth time the Planning Commission has considered this particular case with the same problems occurring. This is a very limited residential area with single family houses, duplexes and very limited rooming house use with a few students in some homes. This is a question as to the ultimate use of this area. "BB" and First would not cause development to occur; with "B" Residence and First Height Area, development would occur but with a detriment to the area. There is no serious violation in the neighborhood now but a very strong feeling against multiple units.

There was some discussion by the Chairman as to the use of this area since it is close to the University and business district.

A majority of the Commission felt that the request should be denied as it would be a spot zone and to grant it would create too high an increase in traffic. The streets could not be widened and could not handle any additional traffic. Some members felt that this would be the proper use for this area, once the streets are made adequate. It was then

C14-62-176 E. M. Chote, Jr.--contd.

VOTED: To recommend that the request of E. M. Chote, Jr. for a change in the zoning plan from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property at 2810-2816 Salado and 2811-2817 San Pedro Streets be DENIED.

AYE: Messrs. Barrow, Brunson, Jackson, Lewis, Riley and Spillmann

NAY: Messrs. Kinser and Wroe

ABSENT: Mr. Chriss

C14-62-177 William F. Zidell: A to C  
2600-2606 Manor Road

STAFF REPORT: This is a request for a change from "A" Residence to "C" Commercial. The stated purpose is for construction of multiple unit dwellings. Subject property has 60,000 square feet and would permit 120 units. Adjoining additional area included for hearing would permit 164 units, or a total of 284 units on a three and one-half acre area. The property along Manor Road is something other than residential, but we feel that the zoning of "C" for apartment development is too intense. Because of influence on surrounding property, we recommend "B" Residence and First Height and Area.

Two written comments were received in favor of the request. Mr. Alvis Vandygriff, attorney for the applicant, appeared at the hearing and presented the following statements. Mr. Zidell was also present.

1. We feel that even though there is commercial on Manor Road, the area surrounding is residential and these apartments would not be an asset to the neighborhood.
2. Some type of separation, fence or other structure would have to be built in the rear of these apartments in order to protect adjoining residences against possible maintenance problems. (Applicant agreed that if it becomes necessary, some type of separation, fence or other structure would be provided.)

The Commission felt that this type of structure is the logical use of the land and the change would tend to fill out the zoning pattern in the neighborhood. They agreed, however, that the zoning should be changed to "B" and First, which would have a tendency to be a buffer zone between the "C" Commercial and residential zoning. Therefore, it was unanimously

VOTED: To recommend that the request of William F. Zidell for a change of zoning from "A" Residence to "C" Commercial for property at 2600-2606 Manor Road be DENIED; but that a "B" Residence and First Height and Area classification be established for this property, and also for the additional area at 2500-2510 Manor Road.

DISQUALIFIED: Mr. Lewis

C14-62-178 Nelson Puett, Jr: Tract 1: Interim A and Interim 1 to LR and 1  
Stoneway Drive and Great Northern Blvd.  
Tract 2: Interim A and Interim 1 to C-1 and 1  
Stoneway Drive and Great Northern Blvd.  
Tract 3: Interim A and Interim 1 to LR and 1  
6805-6825 Great Northern Blvd.

STAFF REPORT: This property was subdivided in 1962, annexed to the City and classified as Interim "A" Residence. An application on this property was considered in August of last year, and property to the east was included for a change to "B" Residence. The City Council denied that application and also a request for a change to "B" Residence on Mohawk Drive on the south. Because of the previous action by the Planning Commission and Council and the subdivision consideration of the property which showed subject property as proposed for commercial use, the staff has no recommendation on this application.

Isom Hale appeared for the applicant and presented the following arguments:

1. This is the same application we had before and only change is omitting the request for "B" Residence on the adjoining property. Since the previous action, there has arisen a discussion regarding the development of Mr. Puett's property to the north which involves a proposed secondary thoroughfare as an extension eastward of Hart Lane. In the meantime, we have submitted a residential subdivision plan on that property showing lots and regular city streets, taking into consideration arguments of people in the area. This will be considered by the Planning Commission next week. This existing subdivision is developed with only a 60-foot road (Stoneway Drive).
2. The character change which would result from development to the north makes this a new case as this is now a major intersection at Great Northern Boulevard and Stoneway Drive, Great Northern Boulevard being proposed to extend northward and run under the interchange at the thoroughfare. The pattern is set by Hart Lane extension, which we and the people on Pegram Avenue did not want.
3. This is a small neighborhood shopping center and there will be beer sold for off-premise consumption in a 7-Eleven type grocery store on Tract 2. We are in favor of cross-town roads and this would provide one, and the traffic problem has been taken out of the present subdivision and will be on Hart Lane. Mr. Puett owns all of the property within 300 feet of this property. (The staff reported that notices had been sent to several owners of large tracts in the surrounding area and to persons appearing at the Zoning Committee public hearing on the previous request.)

Nine written comments were received from people who were against this application. Four persons were present at the hearing in opposition. The following reasons were given:



Cl4-62-178 Nelson Puett, Jr. -- contd.

1. The residents of the Allandale Terrace section do not want commercial areas at our very door steps. There are hundreds of children in this area, especially at Gullet School on Treadwell Blvd., and we do not want our children subjected to the heavy traffic, the beer stores, the trucks and so forth that commercial zones attract.
2. Must we, the residents of this area, constantly have to be on guard to fight this matter of rezoning from Residence to Commercial? Wasn't the action of the City Council proof enough when they turned down your last recommendation for rezoning this area? The facts and circumstances have not changed -- the area is the same size -- the lack of need for a shopping center still exists -- the increased traffic associated with shopping centers still is a deadly hazard. It is still not good planning to have a spot commercial zone in the middle of a Class A residential area. Property values surrounding a commercial zoned area still are materially reduced -- it's still a fact that city taxes are not reduced with a loss in property market value.
3. We do not think extending Hart Lane will change the arguments previously brought out or that it would change the character of the neighborhood to justify the change inasmuch as we have the large shopping centers nearby. We still have the same problem and effect on the school.

The Director presented the following report to the Commission: There is no indication that commercial zoning on this property is mandatory because of the proposed extension of Hart Lane. Our tentative plans are that there will be an overpass at the railroad crossing. The terrain of the land would create a grade of from 12 to 14 percent, which we consider excessive for a thoroughfare. This does not make this property undesirable from a residential standpoint. We are acquiring a large amount of land for the thoroughfare -- more than we think will be used in the final development. We are concerned with a screening for the residential area. The interchange can be landscaped to present a better appearance. A study by Mr. Cotton (consultant) and work we have done with other departments both indicate that Great Northern Blvd. will continue to be a collector street and is not designed as a thoroughfare. There are ways to develop this property residentially without affecting the residential area. The housing would in effect face into Great Northern Blvd. but lots could be designed to side onto this street. This is not a basic consideration of whether or not it should be zoned commercially. The Chairman noted that this issue of the effect of Great Northern Blvd. on the property was not considered in connection with the previous application. The Commission felt at that time that the proposed development was proper planning and zoning without considering the Boulevard.

It was concluded by the Commission that this is the proper location for neighborhood commercial facilities, as shown in an approved subdivision. Therefore, it was unanimously

VOTED: To recommend that the request of Nelson Puett, Jr. for a change in the zoning plan as shown below be GRANTED for the following:

Tract 1: Interim A and Interim 1 to LR and 1  
Stoneway Drive and Great Northern Blvd.

C14-62-178 Nelson Puett, Jr. -- contd.

Tract 2: Interim A and Interim 1 to C-1 and 1  
Stoneway Drive and Great Northern Blvd.

Tract 3: Interim A and Interim 1 to LR and 1  
6805-6825 Great Northern Blvd.

C14-62-179 C. J. Pruitt: LR to C-2  
Banister La. & West Ben White Blvd.

STAFF REPORT: The application requests a change from "LR Local Retail to "C-2" Commercial. There is a building now under construction on this site. The adjoining portion to the east is developed with a drive-in grocery. There is a fire station to the west. The surrounding area is developed residential. The applicant proposes a combination restaurant and lounge. The area covers 400 square feet. Applicant is seeking zoning change to permit sale of beer and liquor. We have no firm recommendation on this application as we feel this is a matter of policy.

Mr. C. J. Pruitt, applicant, appeared at the meeting and stated that the change to "C-2" is necessary if the proposed development is leased. His client would not be interested unless they had this type of zoning. There is a proposal underway for possible construction later of a motel on the vacant area of this tract.

The Director reported to the Commission that when this property was first zoned, it was for a small local retail area primarily serving this very small residential neighborhood. He said this building has been built for some months but has not been occupied. A question was raised as to whether or not this is the proper location for beer and liquor. It was noted that the Planning Commission has considered numerous requests for "C-1" and "C-2" which were denied because development in the area did not justify a change. Mr. Barrow stated that there might be some basis for granting this request if the area becomes a well developed commercial area, but he felt that development in the area at this time does not justify the change. Some members agreed with the Chairman but other members felt that the request should be granted because of the way this property and adjacent property has been developed; and this use is between a fire station and grocery.

A motion to grant the request failed to carry and it was therefore

VOTED: To recommend that the request of C. J. Pruitt for a change in zoning from "LR" Local Retail to "C-2" Commercial for property located at Ben White Blvd., Banister Lane and South First Street be DENIED.

AYE: Messrs. Barrow, Brunson, Kinser, Lewis, Riley  
NAYE: Messrs. Jackson, Spillman and Wroe  
ABSENT: Messr. Chriss

C14-62-180 Ross Terry: GR to C-1  
Airport Blvd. & Manor Rd.

STAFF REPORT: This application is for a change from "GR" General Retail to "C-1" zoning for the purpose of the sale of beer in a drive-in grocery. The site is undeveloped and the area west across Airport Blvd. is developed predominantly residential while the area east along Manor Road is developed commercial. We would raise the question as to access to the property and would need a statement from the applicant as to how they intend to provide access to the site from the two streets.

C14-62-180 Ross Terry -- contd.

Mr. Arthur E. Pihlgren appeared for applicant and stated that they have a prospect for a drive-in grocery store similar to 7-Eleven stores on property which already is zoned "GR" and the only reason for "C-1" is to permit sale of beer for off-premise consumption. The development will be set back on the property. Our site plan proposes access points other than through the highway property at the intersection.

The Commission felt that since this property is in a well defined commercial area the request conforms to the policy of the Commission regarding "C-1" Commercial requests in relation to drive-in grocery stores. Therefore, it was unanimously

VOTED: To recommend that the request of Ross Terry for a change of zoning from "GR" to "C-1" Commercial for property located on the site of Airport Blvd. and Manor Road be GRANTED.

C14-62-181 Mrs. L. W. King, et al: A to BB, 1 to 2  
Cotton Street and Angelina Street

STAFF REPORT: This application was before the Commission in 1958 for a change from "A" Residence to "C" Commercial and was denied. The property fronts 175 feet on Cotton Street and 214 feet on Angelina Street. The proposal is to erect apartments. The property under the requested zoning would permit 49 efficiency units or 24 regular units. The adjoining property to the east was considered in 1961 by the Commission and it was recommended that this property be denied and the Council granted "B" and Second Height and Area. Since that time the Urban Renewal Commission was created and they recommend denial of the property because it is in conflict with their plans. We feel in addition that this is spot zoning. We received the same recommendation from the Urban Renewal Commission on a request by E. E. Naumann on property at Comal and Hackberry Streets and Mr. Naumann withdrew his request.

Mr. Forest Person appeared for the applicant and presented his arguments for the approval of this application.

1. There is one small residence of ancient vintage on one corner of this tract and the remainder is vacant. Development in the area is in poor condition and we felt there is a need for good housing. We have had practically no subdivisions in this area. In submitting our request to the Urban Renewal Commission, it was brought out that there is a need for some type of units in this area but because of cost of development none have been supplied. A multiple unit development is suitable here and we feel that this proposal lends itself to Urban Renewal and meets the needs of the community by establishing the kind of houses these people can economically afford. A representative of Urban Renewal Commission felt that they might have a need for this at some time in the future that is contrary to the use we propose.
2. Angelina and Cotton are 80-foot streets and are the only ones that size in East Austin. Nothing around this has had anything to revitalize it.
3. We do not think it is a spot zone but is putting together some spots that are there. There are several types of zoning in the area.

C14-62-181 Mrs. L. W. King, et al -- contd.

Three written comments were received against this application and six persons appeared before the Commission presenting arguments against approval of this change. Their arguments can be summarized as follows:

This property is valuable but children are also valuable. We have Kealing Jr. High School, 3 churches, and the Carver Branch Library in this area. We feel multiple units would be objectionable and want single-family development in the area. We are in the midst of Urban Renewal and do not approve apartments where they could rent to anyone wanting to live here. This would not be condusive to junior high school children.

The Director reported the following to the Commission: Our recommendation against the change is based on zoning consideration. We are faced with a spot zone on adjoining property. There was a zoning change request filed on the southeast quarter of this block but was withdrawn. This is a family area. They are some good houses and some substandard and mediocre ones. This is located within the Urban Renewal area. The City Council has requested that any zoning requests in this area be recommended on and report to the Commission by the Urban Renewal Commission. The Kealing Junior High School has grown rapidly and there are no open spaces in the area for recreational use. The Public Schools and Parks and the Recreation Board asked the Urban Renewal Commission for additional facilities. Our plans are to incorporate an additional area to the east for expansion of the school and possibly an area to the west down to Rosewood Avenue for recreational facilities. In doing this and in order to make a unified program will possibly require relocation of streets. This will necessitate establishing a zoning pattern for this area, including the street pattern, public facilities, and public and private development. Home owners within the Kealing Project are interested in keeping this a home area. In the Urban Renewal Plan, some type of apartment development will be considered near Chicon Street, but interest in the area along New York, Pennsylvania and Cotton streets is for single-family use. The Urban Renewal Commission will be presenting a plan to the Commission sometime in the near future and it is premature to propose any type of zoning until these plans are completed. Piecemeal zoning will now affect the Urban Renewal Plan.

The Commission reviewed the Director's report and concluded that, since this property is involved in the Urban Renewal plans for this area which are not complete at this time but expect to be in the near future, the request should be denied. It was felt that "B" zoning is not suitable for this property in permitting too intense development. It was then unanimously

**VOTED:** To recommend that the request of Mrs. L. W. King for a zoning plan change from "A" Residence and First Height and Area to "BB" Residence and Second Height and Area for property located at the southeast corner of Cotton and Angelina Streets be **DENIED**.

C14-62-182 Western Trails: A to C

Pack Saddle Pass &amp; West Ben White Blvd.

STAFF REPORT: This application is for the purpose of maintaining a subdivision directional sign for a subdivision. The sign area is 124 square feet with a front setback of 15 feet. Mr. Stewart had an application before the Board of Adjustment for a special exception to maintain this sign and the Board denied the request since it has an area of more than 64 square feet as it permitted under the Zoning Ordinance. The only way he could then maintain the sign was to have the zoning changed. This is on a corner lot at the entrance into a subdivision of 184 acres. There is a service station across Pack Saddle Pass, which is not in the city limits. The property to the east is residential. It has been interpreted that this sign would require "C" Commercial zoning but I have discussed this with the Building Inspector and he wants to further study the Ordinance on whether or not this use could permit this in "GR" General Retail. We recommend that the request be denied because it is spot zoning.

Mr. Stewart appeared for the applicant, and presented the following argument for this application.

1. We are requesting "C" Commercial because the Building Inspector said that would be necessary to permit the sign. There are other signs in town that are larger than this and located in "A" Residence Districts at the following locations: Anderson Lane and Mullen Drive, Mullen Drive and Pompton Drive, Rogge Land and Westminster Drive, Lansing Drive and Manchaca Road. When this property was annexed, we had deed restrictions but because of an error we failed to delete these two lots at this intersection from the restrictions. Two weeks ago, we started a process of lifting restrictions from these two lots (which requires approval of a majority of the owners in the subdivision.) Out of 52 lots in the subdivision, we have contacted and do have the signatures of 13 owners approving the proposal but two refused to sign and I have not contacted the other 11 owners affected.
2. Mr. Walter L. Butler (4411 Pack Saddle Pass) was present at the hearing and presented the following statement in favor of this application: I am in favor because Mr. Stewart assured me that whoever builds a commercial establishment on the above described property will be required to provide parking so designed that no cars will back out into the public thoroughfare. Then the customer can go and come in a manner as they do from the Texaco station across to the west of this described property.

Mr. Einer E. Juul (4413 Pack Saddle Pass) appeared and stated that he was opposed to this change as there could be other uses here after the zoning is changed and this would constitute spot zoning in his opinion.

The Commission felt that this request should be denied because it would create a spot zone. It was therefore unanimously

VOTED: To recommend that the request of Western Trails by Buford Stewart for a zoning change from "A" Residence to "C" Commercial for property at 4401-4403 Pack Saddle Pass and 2121-2203 W. Ben White Blvd. be DENIED.

CL4-62-183 Mrs. H. K. Shelton -- contd.

STAFF REPORT: This application is for the purpose of erecting apartments on a tract containing about 57,000 square feet. Under the proposed zoning, 76 apartment hotel units would be permitted. The applicant also owns the adjoining property on South Congress Avenue which is zoned "C-1" Commercial. If these tracts are developed together, 125 units could be erected. We feel that the area is zoned, developed and maintained as residential west of the "C-1" zone and that to grant this request would be an encroachment into a developed residential area. For this reason, we recommend that the request be denied.

Mr. John E. Shelton, Jr. (representing Mrs. John E. Shelton, Sr.) and Mr. Frank Meece (representing Mrs. H. K. Shelton) were present at the hearing and presented the following arguments for this application.

1. We propose to build a French chateau luxury apartment house on this property and the rezoning would permit this type of development. We feel that the traffic pattern will in no way jeopardize the area as far as the residences are concerned. This type of apartment has been built in Houston among \$40,000 homes. We propose to spend one-half million dollars.
2. This would be an improvement over existing conditions and would not harm the surrounding homes.

Eight written comments were received against the application. The arguments presented were as follows:

1. All homes in this area were bought for residential purposes and there is no need for apartments in this area.
2. This is a quiet and peaceful neighborhood and we prefer to keep it that way. There would be too much noise and too much traffic if rezoned. Street facilities are not adequate as Eva and Newton are not through streets.

The following information and recommendations were presented by the Director: This is a result of strip zoning and there is a question as to the proper zoning for property abutting these strips. In this area you have beauty shops, grocery store, sewer service, small motel, movie theater, and other small business uses. When you expand this type of area, it is spot zoning. All of the property around this tract was subdivided and developed residentially and the property adjoining the tract is not susceptible to rezoning, thereby eliminating the possibility of further expansion. This is a matter of permitting 125 units on about two acres. If the tract were zoned "B" Residence and First Height and Area, 29 units would be permitted on the tract, in addition to what would be permitted in the portion on South Congress. These older residential areas could be retained and improved for residential use. Apartments would increase the traffic load on Crockett and Newton and Eva Streets in the residential area.

Mr. Spillman called attention to the increase in development along South Congress Avenue and the fact that people are interesting in obtaining large tracts on this

C14-62-183 Mrs. H. K. Shelton -- contd.

street for commercial development. He felt that there might be a need for increasing the depth of the present "C-1" Commercial to provide for future development and/or parking areas. Mr. Barrow said he is influenced some by the type of development on South Congress Avenue and the Interregional Highway and is concerned that something may be done with the property. He felt that with the width of South Congress Avenue, this would be good development and he could not see any other good use for it. He did not consider this a spot zone nor that it cannot be expanded. He was of the opinion that the residential property to the west could not be more affected by this use than by what already exists and noted that none of these streets are highly traveled and could stand additional traffic without injuring any property. The Commission agreed that the zoning should be changed but a majority felt that Second Height and Area would permit too intense development. It was then

VOTED: To recommend that the request of Mrs. H. K. Shelton for a change of zoning from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property at 106-204 Crockett Street be DENIED, but that "B" Residence and First Height and Area be established for the property.

AYE: Messrs. Brunson, Jackson, Lewis, Riley, Spillmann and Wroe  
 NAY: Messrs. Barrow and Kinser (favored Second Height and Area)  
 ABSENT: Messr. Chriss

C14-62-184 Delwood Center, Inc. and Cash Liquor Store No. 2: C to C-2  
3815 East Avenue

STAFF REPORT: This request involves a small interior tract within the Delwood Shopping Center and is for the purpose of permitting the sale of beer and liquor for off-premise consumption in connection with a drug store. We feel that this is a policy question and make no recommendation.

Mr. Richard C. Brune, the applicant, was present, and one written comment was received in favor of this application.

One written comment was received against this application.

It was the opinion of the Commission that this request conforms to the policy in that this is in a well developed community center and the location is a portion of a building which is presently being used for commercial purposes. It was therefore unanimously

VOTED: To recommend that the quest of Delwood Center, Inc. and Cash Liquor Store No. 2 for a change of zoning from "C" to "C-2" Commercial for property located at 3815 East Avenue (Interregional Highway) be GRANTED.

C14-62-185 W. M. Godwin A to GR  
Vargas Road and Felix Avenue

STAFF REPORT: This application is for a change to "GR" General Retail to permit operation of a laundromat on a tract where there is presently located a residence. This area was considered in 1953 for Original Zoning and was zoned "A" Residence except for the grocery store across the street. We feel that since this was subdivided for single-family development and these are graveled streets, and because this would start strip zoning, that this request should be denied.

One written comment was received in favor of the application and W. M. Godwin, the applicant, was present and made the following statement.

Mr. Kinser (as an adjacent property owner) stated that a laundromat or similar use would not injure the neighborhood and that he felt Vargas Road will some day be the main thoroughfare since it is a much better and straighter street than Montopolis Drive.

The Director reported the following to the Commission: The basic principle of zoning and the most suitable use of the land should be considered -- whether or not this actually does promote public health, safety and welfare of the community. This area has been very slow in developing and there are some very large undeveloped sections of land in the area. There is considerable commercial development on the Bastrop Highway and Riverside Drive, and Montopolis Drive is a collector street with commercial development, which has been done by piecemeal zoning. If commercial zoning is needed in this area this is not a suitable location for it and an enlargement of the present commercial spot zone would be encroaching into a residential neighborhood. As shopping centers are established, this type of small business tends to move out.

Some members of the Commission felt that this seems to be sound zoning since it would be small neighborhood development where people would have small and convenient businesses available, and that laundromats have been placed in many residential neighborhoods where they have not hurt but sometimes helped the area. It was suggested that more people live here who walk and conveniences such as this laundromat should be provided, and from a sound economic standpoint, this is a suitable location. Some felt that this would be spot zoning and an encroachment into a residential neighborhood. It was further felt by some that this would set a precedent of establishing strip zoning along both of these streets. The Commission then

VOTED: To recommend that the request of W. M. Godwin for a change in the zoning plan from "A" Residence to "GR" General Retail for property located at the northwest corner of Vargas Road and Felix Avenue be DENIED.

AYE: Messrs. Brunson, Jackson, Lewis and Wroe  
 NAY: Messrs. Barrow, Riley and Spillmann  
 ABSENT: Mr. Chriss  
 DISQUALIFIED: Mr. Kinser



R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of January ~~24~~ 7 1963. The staff reported that no appeals had been filed for review of the Committee's action. The Commission therefore

VOTED: To accept the attached report and to spread the action of the Subdivision Committee of January ~~24~~ 7, 1963, on the minutes of this meeting.

PRELIMINARY PLANSC8-62-68 Allandale Terrace Sec. 3 (Revised)

Shoal Creek Blvd. South of Pinecrest Drive

The staff reported that this plan has been revised to omit the 11 acres on which the City and the owner are negotiating, and that approval of this revised plan is recommended subject to the conditions stipulated by the Subdivision Committee. The Commission therefore

VOTED: To APPROVE the plan of ALLANDALE TERRACE SEC. 3 (revised) subject to the following condition: Placing of a restriction on the final plat restricting vehicular access to and from the proposed thoroughfare.

SUBDIVISION PLATS - FILEDC8-63-1 White Plains Sec. 4., Phase 2

Wagon Trail

It was reported by the staff that reports have not been received from several departments and that no action on this final plat is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT the plat of WHITE PLAINS SECTION 4, PHASE 2, for filing.

SUBDIVISION PLATS - CONSIDEREDC8-60-7 Southridge West

Clawson Rd. North of Morgan Lane

The staff reported that one tract was omitted from this subdivision and there is a question of whether or not it should be included in the plat. When the preliminary plan was considered, it was requested that this tract be included. There is an existing house, or one under construction, on this tract and the owner has not been contacted regarding his joining in the subdivision. If this tract is not included, the additional right-of-way for Clawson Road widening will not be provided by this subdivision. Also, fiscal arrangements are necessary before final approval is given, and engineering corrections need to be made.

Mr. Thomas Watts (Marvin Turner Engineers) stated that Tract A was omitted since it was cut out of the original property before Mr. Gage purchased it, and they have not contacted the present owner and do not know his attitude. He said Mr. Gage felt that he should not be put in the position of dedicating property which he has never owned.

C8-60-7 Southridge West -- contd.

The Commission felt that some effort should be made to contact the owner and get his signature on the plat if possible as required by the Subdivision Ordinance. It was therefore

VOTED: To DISAPPROVE the plat of SOUTHRIDGE WEST subject to the following conditions:

1. Completion of fiscal arrangements
2. Showing of necessary engineering corrections
3. Receipt of all necessary departmental reports
4. Contact by the subdivider or engineer regarding the signature of the owner of Tract A.

C8-62-30 Highland Hills, Sec. 6., Phase 2-B

It was reported by the staff that all departmental reports have been received. Mr. Bradfield has installed utilities and streets and letters of acceptance have been received from the Drainage Division and the Gas Company but not from the Water and Sewer Department. It was recommended that the staff be authorized to hold the plat until a letter of acceptance has been received from the Water and Sewer Department. The Commission therefore

VOTED: To APPROVE the plat of HIGHLAND HILLS SEC. 6, PHASE 2-B, and to authorize the staff to hold the plat from recording until the letter from the Water and Sewer Department has been received, accepting the installations or until fiscal arrangements have been made.

C8-62-53 Highland Hills Sec. 7, Phase 1  
Hillbrook Drive

The staff reported that this plat satisfies all the standards of the Subdivision Ordinance except for annexation. It was recommended that the plat be approved and the staff authorized to hold it from recording until after the first reading of the annexation ordinance. The Commission therefore

VOTED: To APPROVE the plat of HIGHLAND HILLS SEC. 7, PHASE 1, and to authorize the staff to hold the plat from recording until after the first reading of the annexation ordinance.

C8-62-59 Cherrylawn Sec. 2  
Manor Road and Walnut Hills

This plat was reported by the staff as having satisfied all the standards of the Subdivision Ordinance and was recommended for final approval. The Commission therefore

VOTED: To APPROVE the plat of CHERRYLAWN SECTION 2.

C8-62-65 Brinwood Sec. 4

S. 1st St. and Barton Skyway

The staff reported that several requirements of the Ordinance have not been complied with and that four lots are subject to flooding at this time. The Commission therefore

VOTED: To DISAPPROVE the plat of BRINWOOD SEC. 4 subject to the following conditions:

1. Completion of fiscal arrangements
2. Showing of additional easements required
3. Receipt of all necessary departmental reports
4. Correction of engineering data on the plat
5. Making satisfactory arrangements for the four lots subject to flooding.

C8-62-81 University Hills Sec. 3., Phase 3

Loyola and Packwood

It was reported by the staff that several requirements of the Ordinance have not been complied with, and that the Water District boundary needs to be shown on the plat and clearance to serve the subdivision with utilities obtained from the Water District, and there should be a note on the plat identifying the taxing agencies involved. The Commission therefore

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS SEC. 3, PHASE 3, subject to the following conditions:

1. Completion of fiscal arrangements
2. Showing of additional easements required
3. Receipt of all necessary departmental reports
4. Showing of Water District boundary on the plat and clearance from the Water District to serve the subdivision with utilities
5. Placing of a note on the plat identifying the taxing agencies involved.

## SHORT FORM PLATS - FILED

C8s-63-6 South Congress Square

South Congress and Oltorf

The staff reported that reports have not been received from several departments and that no action on this plat is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT the plat of SOUTH CONGRESS SQUARE for filing.

## SHORT FORM PLATS - CONSIDERED

The following plats were presented under Short Form Procedures and were reported by the staff to comply with all provisions of Section 4 of the Subdivision Ordinance except for the conditions listed under each. The Commission therefore

VOTED: TO DISAPPROVE the following plats subject to the conditions shown:

- C8s-63-1 St. Louis Heights, Resub. Lot 1, Blk. A  
Burnet Rd. and Richcreek Rd.  
(Receipt of all necessary departmental reports)
- C8s-63-3 Goodrich Ave. Baptist Church Addition  
Goodrich Ave.  
(Showing of additional easements required)
- C8s-63-5 Georgian Acres, Resub. Lot 5, Blk. B  
Georgian Drive  
(Receipt of all necessary departmental reports and showing of 5 feet of additional right-of-way for Georgian Drive)

## ADMINISTRATIVE APPROVAL

The staff reported that 3 plats had received administrative approval under the Commission's rules. The Commission therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following subdivisions:

- C8s-62-163 Barton View Sec. 5, Resub. Lots 1-4, Blk. F.  
Stearns La. and Cupid Dr.
- C8s-63-2 Edna O. Blanchard Sub.  
Berkman Dr. at Wheless La.
- C8s-63-4 Bowling Green, Resub. Lots 14-16, Blk. B.  
Bowling Green S. of Colfax

## OTHER BUSINESS

C2-63-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENTS

Ben White Blvd. West of Assumption Cemetery

Mr. Barrow stated that he was disqualified since he owns several tracts of land in this area, on both sides of the Interregional and along Ben White Boulevard. Mr. Kinser then presided during consideration of this discussion.

The Director presented requests for an amendment to the Austin Development Plan to permit two subdivisions other than for industrial use in this area which has been set aside in the Plan for industrial development. He then presented the following information regarding the general area:

1. This is an area of institutional, single-family and industrial uses. There have been several considerations of the Plan as it related to this area and one portion was changed to permit single-family use near South Congress Avenue. Approximately 1000 acres are being proposed in the Plan for industrial use in the City. Mr. Doak Rainey (engineer) is now requesting for his clients residential and commercial

C2-63-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENTS -- contd.

development on the north side of Ben White Boulevard west of Assumption Cemetery and there is another request for approval of a schematic plan for single-family use north of that property along Woodward Avenue. A hospital was approved for construction on the south side of Woodward. St. Edwards University is located on a very large tract of land. The balance of the designated industrial area is either in industrial use or undeveloped. On the west side of South Congress Avenue, we have proposed marginal usage -- not particularly industrial but similar to it. We would recommend against any change in the Development Plan in the area requested as we think this is a very suitable area for industrial uses. The land is rolling and flat and utility and retail facilities are nearby. There are about 100 acres here which could be considered vacant and available for industrial development.

2. There is little likelihood that parks and other facilities will be provided for residential development where industrial is designated west of the Interregional. There is a growing demand for industrial land. The greatest problem is that industrial uses are established in spots in residential areas instead of being located in the designated areas, increasing the problem and question of how long land can be held for industrial development.
3. The Internal Revenue Service building east of the Interregional Highway is a light industrial use and compatible with other industrial uses. There are proposals further to the east for single-family development and an elementary school also proposed in this area. We reviewed this site with the Internal Revenue Service before it was selected as being in conformity with the Plan.

Mr. Rainey was present and stated that this area has changed within the last few months and there will be a demand for residences and apartments in this area. He felt that the land next to the cemetery is not suitable for industrial and noted that they propose commercial, apartments, single-family residences, and possibly duplexes in the subdivision. He said a part of this property has been here for 25 years without any development. With regard to the terrain of the property, he explained that there is an approximate drop of 30 feet in the south 300 feet of the property.

Mr. Winsted said he and Mr. Everett Bohls are owners of 28 acres which they purchased since the Development Plan was adopted because of the IRS building which will employ some 750 single people. He said they proposed to build residential structures for these people. He explained that Mr. Greeven, the former owners, has had this tract for sale for industrial purposes for nine years and this indicates some need and desire for something other than industrial uses. Mr. Winsted stated that he is also in the cemetery business in another town and he thinks the cemetery here, the University and the hospital should have quiet around them. He said he would like to see a buffer zone around these uses and did not think there should be an industrial zone separating them.

C2-63-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENTS -- contd.

Mr. Thomas Watts (Marvin Turner Engineers) explained that they have been approached to do a preliminary study for a single-family residential unit on the Penick tract and have worked out several studies. He felt that this area is very similar in character to an area west of South Congress Avenue which was revitalized when they found a tremendous demand for single-family residences. In his opinion, the land was rolling enough that it would cause problems for industrial sites but could lend itself very favorably to residential development.

The Commission felt that this property should be inspected before a recommendation is made, and it was therefore

AGREED: That a field inspection trip be scheduled for 3:30 p.m. Monday, January 21, 1963.

C10-63-1(a) STREET VACATION

W. 22 $\frac{1}{2}$  St. East from Lamar Blvd.

The Director reported that a request has been received from owners abutting West 22 $\frac{1}{2}$  Street east from Lamar Boulevard for the vacation of that portion of this street which has never been opened or developed, and that this request has been approved by the various City departments with the retention of easements. The Director recommended that the street be vacated as it would eliminate another street intersecting Lamar Boulevard. The Commission concluded that this portion of the street is not needed and is unusable because of the steep grade. It was therefore

VOTED: To recommend that the portion of West 22 $\frac{1}{2}$  Street east from Lamar Boulevard as shown on the attached plat be VACATED, with retention of the necessary easements.

R808 DEVELOPMENT PLANS

Ben Fuentes Subdivision  
Richardson Lane

Mr. Stevens submitted proposed subdivision of three lots in order to know the opinion of the Commission before the owner of Tax Parcel 39 proceeds with the preparation of a plat as required. He explained the situation as follows: The owner of the center lot wishes to remove an existing dwelling and to rebuild but this property was divided into two substandard lots before he purchased his lot and he is trying to purchase additional property from Tax Parcel 34 to have the required area in his lot. There are two problems involved. Richardson Lane does not have the required right-of-way. Additional right-of-way was taken on the opposite side of the street when that property was subdivided, but if additional right-of-way is taken from Parcel 39, the area would be reduced below that required, even with the additional land proposed to be added. Culp Street is only 35 feet in width and dead ends at the rear of Parcels 39 and 34, and is much narrower as it intersects Ponca Street. This is an unimproved street which was put in for access to the

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abutting lots and the City does maintain it. Since widening of Richardson Lane could be taken from the south side, we recommend that a variance in street width be granted to permit the owner to properly make the lots conform.

Mr. Ben Fuentes (owner) stated that he proposes to build a better and larger house.

The Commission felt that this re-subdividing of the lots would be acceptable under the existing circumstances and that a plat would be approved when filed.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.



Hoyle M. Osborne  
Executive Secretary

APPROVED:

Chairman

