

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- July 30, 1963

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

Present

Dr. B. Barrow, Chairman
Howard E. Brunson
Ben Hendrickson
Edgar E. Jackson
S. P. Kinser
Barton D. Riley
Emil Spillmann

Absent

W. Sale Lewis
W. A. Wroe

Also Present

Alfred R. Davey, Assistant Director of Planning
E. N. Stevens, Chief, Plan Administration
Paul Jones, Assistant City Attorney

MINUTES

Minutes of the meeting of July 2, 1963, for approval.

The following zoning change requests were considered by the Zoning Committee at a meeting of July 23, 1963:

ZONING

Cl4-63-40 Howard D. Halliburton: B and 1 to B and 2
1714 Enfield Road

STAFF REPORT: The site contains one single-family and has an area of 13,005 square feet. The surrounding area is developed residential with single-family, two-family and several multi-family dwellings predominantly along Enfield Road. The applicant proposes to build apartments. In the Austin Development Plan, low density residential development is proposed for the subject area. The proposed height and area will permit a maximum of eight regular units or seventeen efficiency or apartment hotel units. An identical request was made by the applicant in 1962 and was denied by City Council July 19, 1962.

One written comment was received and two people appeared at the hearing in favor of this change. Mr. Miles Hutchens appeared on behalf of the applicant and stated that the owner cannot sell the small family dwelling on the site in its present condition without extensive and costly repairs. He desires this zoning classification to warrant an investment comparable with other property in the neighborhood.

The Commission felt this change of zoning would permit too high a density for this low residential development and it therefore unanimously

VOTED: To recommend that the request of Howard D. Halliburton for a change of zoning from "B" Residential, First Height and Area to "B" Residential, Second Height and Area for property located at 1714 Enfield Road be DENIED.

C14-63-84 Jack T. Brown & Hiram D. Elliott: LR to C-1
305 East 30th and 2911-2913 San Jacinto Boulevard

STAFF REPORT: The site contains a single-family dwelling and covers an area of 5,574.60 square feet. The applicant proposes off-premise sale of beer in a drive-in grocery. There is a service station across the street to the southwest with commercial zoning. To the east is a commercial shopping center. The surrounding area is developed residential with one, two and multi-family dwellings and apartments. To the west across Speedway, between West 27th and 29th Streets, is the Presbyterian Theological Seminary. San Jacinto has 120 feet of right-of-way with 56 feet of paving and is classified as a secondary thoroughfare with a car count of 64,440 vehicles. East 30th Street has 60 feet of right-of-way with 30 feet of paving and is classified as a minor collector street.

One favorable written comment was received and four people were present at the hearing in favor of this change. Appearing in behalf of the applicant, Mr. Carl Jung stated that a wide right-of-way with ample parking will be provided. They feel this drive-in will be an asset to the neighborhood.

The Commission felt this change of zoning was in keeping with the policy of the Commission to grant "C-1" Commercial zoning in a well established commercial area. It was therefore unanimously

VOTED: To recommend that the request of Jack T. Brown and Hiram D. Elliott for a change of zoning from "LR" Local Retail to "C-1" Commercial for property located at 305 East 30th and 2911-2913 San Jacinto Boulevard by GRANTED.

C14-63-85 Carl W. Goericke, et al: A to C
Alice Avenue and West 39th Street

STAFF REPORT: The area is developed with four single-family dwellings along Alice Avenue. The additional area is developed with two single-family dwellings. To the south at the corner of West 38th Street is existing commercial zoning developed residentially. The surrounding area to the west and north is residential and to the east, along Lamar Boulevard has extensive commercial development. The area immediately to the west is undeveloped and was recently zoned "O" Office to permit medical office development. The applicant proposes a wholesale surgical supply operation.

Two replies to notice were received favoring this request and one in opposition.

Several nearby property owners were present at the hearing stating they were in favor of the change.

The Commission regarded "C" Commercial zoning as too intensive and felt that general retail zoning is better suited for the subject property and additional area and that this zoning should be granted because it is considered a logical extension of a developing retail area. It was therefore unanimously

C14-63-85 Carl W. Goericke, et al--contd.

VOTED: To recommend that the request of Carl W. Goericke for a change of zoning from "A" Residential to "C" Commercial for property located at Alice Avenue and West 39th, including the additional area, be DENIED but that "GR" General Retail zoning should be GRANTED.

DISQUALIFIED: Mr. Barton D. Riley

C14-63-86 H. C. Risch: A to C
 South 1st and Ben White Boulevard

STAFF REPORT: The site is undeveloped and has an area of 30,000 square feet. The surrounding area to the north and south is zoned "A" Residential and is in various stages of development. There is a liquor store and drive-in grocery store across South 1st Street from the site. Across Ben White Boulevard is a nursing home and service station. Ben White Boulevard is a primary thoroughfare with 200 feet of right-of-way and a traffic count of 2,955 vehicles. South 1st Street is a collector street with an adequate 80 feet of right-of-way and a traffic count of 4200 vehicles. The 23 feet of width shown on the site plan abutting South 1st Street was purchased by the City for widening of South 1st Street when they surveyed this land, and forms part of the 80 feet street right-of-way. The applicant proposes a filling station.

No written comment was received and one person appeared at the hearing in favor.

Mr. H. G. West represented the applicants at the hearing and presented the following information. This property is to be used for major super-service station having a \$45,000 improvement value. This is a potential commercial area and the land costs are such that it no longer lends itself to residential development. We ask that you grant zoning which will permit the development of a filling station on the property.

The Commission felt that "GR" General Retail was more appropriate zoning than "C" Commercial and would reflect more properly the proposed use of the land. It was therefore unanimously

VOTED: To recommend that the request of H. C. Risch for a change of zoning from "A" Residential to "C" Commercial for property located at South 1st and Ben White Boulevard be DENIED but to GRANT "GR" General Retail zoning.

C14-63-87 Smith Properties, Inc.: D and 5 to C-1 and 5
 631-639 Gunter Street

STAFF REPORT: The site is undeveloped and covers an area of 9,000 square feet. The surrounding area is predominantly residential with some commercial development along East 7th Street and large tracts of vacant land in the area. There is a C-1 zoning on 7th Avenue to the northeast of property and C-2 zoning one-half block west. The applicant proposes off-premise sale of beer in connection with a drive-in grocery. This area is designated for industrial use in the Austin Development Plan.

CL4-63-87 Smith Properties, Inc.--contd.

One written comment was received in opposition to this requested change. Four persons appeared at the hearing in favor of this zoning change.

Mr. Odas Jung, the purchaser of the property, stated that ample parking would be provided with a 53 foot paved setback. He felt the drive-in grocery would be an asset to the neighborhood.

The Commission regarded this request as complying with the Commission's policy to grant C-1 zoning in a developed commercial area. It was therefor unanimously

VOTED: To recommend that the request of Smith Properties, Inc. for a change of zoning from "D" Industrial, Fifth Height and Area to "C-1" Commercial, Fifth Height and Area for property located at 631-639 Gunter Street be GRANTED.

CL4-63-88 Harold S. Johnston: A and 1 to C and 2
Kinney Road

STAFF REPORT: The site is level and covers an area of 10,000 square feet. The adjacent area on Kinney Avenue and to the east slopes sharply uphill. The adjacent area to the south slopes less sharply uphill and is traversed by a gulley. The area along Barton Springs Road is developed commercially while the area to the south, east, and west is developed residential with single-family dwellings. There is a pronounced topographic separation between this and other tracts of land along Barton Springs Road and the residential to the south. The applicant proposes construction of a commercial recreation facility and merely requests the zoning change which will be an extension of already zoned "C" Commercial property fronting on Barton Springs.

One written comment was received against this proposed change.

Mr. Carl C. Hardin, Jr. appeared with applicant in support of this request. They stated they felt the proposal would be an asset to Barton Springs Road by improving this property. The project is a batting service for Little Leaguers and parking will be provided on the site. In addition, Mr. Johnston informed the Committee he was following the City Public Works Department recommendation for improvement of the drainage ditch.

The Commission regarded the topographic condition of the land and agreed that the site should reasonably be combined with the adjoining tract zoned "C" Commercial. It was therefore unanimously

VOTED: To recommend that the request of Harold S. Johnston for a change of zoning form "A" Residential, First Height and Area to "C" Commercial, Second Height and Area for property located at 513-515 Kinney Road be GRANTED.

C14-63-89 J. B. Tanner: A to C
Anderson Lane and Watson Street

STAFF REPORT: The site is undeveloped and covers an area of 10,890 square feet. To the south of Anderson Lane are single-family and duplex dwellings for a TV Repair Shop, which is a nonconforming use. The immediate area consists of many older post war dwellings. There is a drive-in theater to the north with a strip of commercial zoning along Anderson Lane. Anderson Lane is a secondary thoroughfare and has a traffic count of 2992 vehicles with 60 feet of right-of-way, which is inadequate. The Capitol Improvement Program will provide for future development in three or four years for Anderson Lane to continue as a thoroughfare street, with 90 feet of right-of-way.

One written comment was received and three persons appeared in favor of this change. Mr. Robert Sneed was present in behalf of the applicant and stated that this case brings into focus one of the constant problems of zoning. Zoning should recognize the changing condition and the development that ultimately takes place. Commercial zoning is the highest and best use of the land, as it is no longer of residential usage. The development of this area has gone into transition of various land uses and Anderson Lane will become a major thoroughfare for the flow of the traffic along this northside of Austin. The zoning should be changed now to plan for the future.

Four persons were present at the hearing in opposition to this request. An adjoining property owner presented the following objections: I purchased my property directly west of subject property for a home site. I built my home to live there the rest of my life and I can't understand why these lots which have been vacant for fifteen or twenty years are now proposed for commercial development. When I built my home I did not see how it could become commercial on the south side of Anderson Lane and felt I was protected from any commercial infringement. Knowing of the future street widening, I built my home 75 feet back in line with the other houses.

The Committee felt this request would not be proper zoning as it would be an intrusion into a residential area at this time and create a traffic hazard on Watson Street and Anderson Lane. They voted to recommend this request be denied.

Mr Robert C. Sneed appeared at the Commission meeting and requested withdrawal of this application. The Commission therefore unanimously

VOTED: To ACCEPT the withdrawal of this application.

C14-63-90 Mrs. C. A. Schutze: C and 2 to C-1 and 2
Red River at East 19th Street

STAFF REPORT: The site is developed with a drive-in grocery and covers an 8,250 square foot area. The surrounding area is developed residentially with single-family dwellings and apartments and zoned "C" Commercial to "B" Residential. To the south is the Little Campus and to the southwest is the University Material Storage Yard, both being unzoned State owned property. There is commercial development along Red River and the University

Cl4-63-90 Mrs. C. A. Schutze--contd.

Junior High School is located opposite to the northwest. Currently, Red River has a traffic count of 11,500 cars and is classified as a primary thoroughfare with 80 feet of right-of-way, which is inadequate. East 19th Street is classified as a secondary thoroughfare with 80 feet of right-of-way and a traffic count of 10,700 vehicles. It is anticipated there will be 35,000 cars a day on 19th Street in this area in twenty years. The applicant proposes the sale of beer to go in connection with the existing drive-in grocery. An identical request was made in 1963 but was withdrawn before being considered by City Council. The Planning Commission's recommendation was the same as in 1961 when application was made for "C-1" Commercial zoning. At that time the Commission felt this was not a well established Commercial area and was not the proper zoning. They also considered the heavy traffic in the area as unfavorable for this type of zoning.

One written comment was received in favor of this change. Two people appeared at the hearing in favor of this request. Mr. Robert C. Sneed appeared in behalf of the applicant and stated that the initial action of this request primarily dealt with opposition because of the vicinity of the University Junior High School. The University have indicated the intention of taking back the Junior High School property. The area has changed to some extent by the development of further apartments. It has been the policy of the City to grant the sale of beer for off-premise consumption in a commercially developed area. There is commercial development on the Interregional and along 19th Street. The grocery store business is changing such that selling of packaged beer is merely a standard practice. We believe this request is in keeping with the policy of the Commission for "C-1" zoning for the sale of beer in connection with this type of store.

The Commission considered their former recommendation for denial, and since the University High School is still in use across the street, they felt the Commission's former action should be reiterated and therefore

VOTED: To recommend that the request of Mrs. C. A. Schutze for a change of zoning from "C" Commercial, Second Height and Area to "C-1" Commercial, Second Height and Area for property located at Red River and East 19th Street be DENIED.

AYE: Messrs. Barrow, Brunson, Hendrickson, Jackson, Riley and Spillman
 NAY: Mr. Kinser
 ABSENT: Messrs. Lewis and Wroe

Cl4-63-91 J. C. Oglesby and J. P. Schneider: B to O
West 30th and Hemphill Park

STAFF REPORT: The site comprises two lots containing two small dwellings and has an area of 11,264 square feet. Immediately to the west is "O" Office, immediately north are "B" and "A" Residence districts having single-family homes. East and south generally are public lands developed with a park, and further to the south is University student housing. To the east is a church, apartments and an office. Hemphill Park is a minor residential street with 60 feet of right-of-way and West 30th has 60 feet of right-of-

C14-63-91 J. C. Oglesby and J. P. Schneider--contd.

way with a 6500 car count and is classified as a secondary thoroughfare. There is an extensive amount of public owned land in the area. The applicant proposes to utilize the property for custom dress making.

Mrs. Charles Bradford appeared at the hearing for the applicants and stated she would operate the dress-making establishment, which would be for high quality custom-made clothes and alterations. Mrs. Bradford pointed out that an office is located immediately to the west with a nursery and piano studio across the street. The owners will improve the property with this type of establishment. Parking would not be a problem, as there would only be one or two customers at any one time.

Two written comments were received against this change and four nearby property owners appeared at the hearing and voiced their opposition, which is summarized as follows: Aldridge Place is a beautiful residential addition and the property owners are anxious to keep it that way. The building of a business establishment on the specified location would not only lower the value of our property but would let the bars down for other business in our residential area. Hemphill Park should be preserved for people to enjoy. There is already a parking problem, and this would increase the traffic. We need protection from further encroachment.

The Commission regarded this request as a logical extension of existing zoning and it was therefore unanimously

VOTED: To recommend that the request of J. C. Oglesby and J. P. Schneider for a change of zoning from "B" Residential to "O" Office for property located at West 30th and Hemphill Park be GRANTED.

C14-63-92 Walter Barnes: O to LR
West 34th and King Streets

STAFF REPORT: The site contains a single-family dwelling and has an area of 6,523 square feet. There is "C" Commercial zoning from King Street to Grandview Street south of the subject property. The surrounding area is developed with single-family dwellings with the exception of several commercial uses along 34th Street. Traffic in the area is heavy with a traffic count of 5500 vehicles on West 34th Street, which is a commercial collector having an inadequate right-of-way of 60 feet. King Street is classified as a minor residential street with 27 feet of right-of-way. The property south of West 34th Street was zoned "BB" Residence, First Height and Area as the result of a Planning Commission Area Study in 1961. The applicant proposes the erection of a sign over a sidewalk area.

One written reply to notice was against this change and two were received in favor.

Mr. R. G. Mueller appeared with the applicant at the hearing and stated that the house has been converted by the addition of a studio to the front. This zoning change is requested for "LR" Local Retail to erect a 3' x 7' sign for the studio. The sign will comply with the Ordinance and the neighbors do not object. The sign will be located in the walkway at the southeast corner of the lot so that it may be seen by approaching traffic.

C14-63-92 Walter Barnes--contd.

The Committee considered this requested change would be spot zoning and an intrusion into a well defined office district, and it was voted to recommend that the request of Walter Barnes for a change of zoning from "O" Office to "LR" Local Retail for property located at West 34th and King Streets be denied.

The applicant, Mr. Barnes, appeared before the Commission to clarify his request for a sign. After viewing photographs presented and discussing the aspects of this zoning change, the Commission concluded that although they had no objection to the proposed sign, they felt the zoning change was not good planning. Mr. Stevens suggested the applicant could apply for a special permit for erection of the sign. The applicant therefore requested his application for this zoning change be withdrawn. The Commission then

VOTED: To ACCEPT the withdrawal of this request.

C14-63-93 Josephine Alff Nendell and Alfred Noack: A to C
1805-1809 Poquito Street

STAFF REPORT: The site is developed with a single-family dwelling and has an area of 36,900 square feet. The surrounding area is developed predominantly with single-family dwellings. There is a mixture of commercial and residential development along East 19th Street. Adjacent to the north is a cafe, cleaners, and beauty shop. East 19th Street is a primary thoroughfare with an inadequate right-of-way of 60 feet with 40 feet of paving. Poquito Street has 60 feet of right-of-way with only 30 feet paved. The applicant proposes the erection of an apartment on the site. Consideration should be given to the type use and density of residential development permissible under the requested zoning.

One written comment was received and seven people appeared at the hearing in favor of this request. Mr. Purser, on behalf of the applicants, stated that the present plan is to construct thirty units on the eastern portion of the lot which will be two bedroom apartments of low rent. We feel that "B" Residential, Second Height and Area zoning will be sufficient for their purpose and would be acceptable. The proposed apartments will be modern and attractive. In order for us to rent units in the low price range of \$59.00 to \$63.00 monthly, we would need to construct a minimum of twenty-seven units. This will solve some of the housing problem in the area and will be an asset to the neighborhood.

Four written comments were received expressing opposition to this change. Their objection was that there is not enough parking in the area and this would add to the congestion. There is heavy traffic off 19th Street and garages and parking spaces should be provided for these apartments.

The Commission felt that "B" Residential, Second Height and Area zoning would be more appropriate and would act as a buffer between lesser and more restrictive zoning in this area. It was therefore unanimously

VOTED: To recommend that the request of Josephine Alff Nendell and Alfred Noack for a change of zoning from "A" Residential to "C" Commercial for property located at 1805-1809 Poquito Street be DENIED but to GRANT "B" Residential, Second Height and Area.

Cl4-63-94 Jack Adams: A to C

Anderson Lane, Purnell and Wonsley Drive

STAFF REPORT: The site contains 12 acres of undeveloped land north of Anderson Lane. The surrounding area is undeveloped to the north and west. The area to the east is developed with a Lutheran Church and the area to the south with a Seventh Day Adventist Church and elementary school. Immediately to the west is approximately 40 acres of commercially zoned land. Part of the tract to the northwest of the subject tract contains a junk yard which would be a permissive use under the proposed zoning classification. This particular zoning case constitutes a good example of strip zoning through an area, which has rather impressive institutional uses. The applicant requests commercial zoning with no indication of any specific purpose.

One written comment was received in favor of this change. Mr. John E. Allen appeared at the hearing for applicant and stated that this zoning request is the by-product of the development of Anderson Lane from an 80 foot width street to 200 foot highway. Mr. Adams would not permit other than good commercial development. We have contacted the Austin Independent School District and the Lutheran Church and they have not indicated any opposition.

The Commission considered that "GR" General Retail zoning would be more appropriate zoning for the acreage involved in this tract except for 160 x 132 foot piece facing on Wonsley Drive which should remain residential with no change occurring at this time. They regarded the property, with the exception noted, favorable for general retail use and felt that this zoning would cover the uses necessary for the proper development of this land. It was therefore unanimously

VOTED: To recommend that the request of Jack Adams for a change of zoning from "A" Residential to "C" Commercial for property located at Anderson Lane, Purnell and Wonsley Drive be DENIED but to GRANT "GR" General Retail with the exception of the 162 x 130 foot strip facing on Wonsley Drive.

Cl4-63-95 Lawson Ridgeway: (Tract 1) B and (Tract 2) C to A

Tract 1: 2700-2716 Anderson Lane

Tract 2: Rear of 8016-8042 Burnet Road

STAFF REPORT: The site is undeveloped and covers an area of 7.78 acres. Tract 1 was zoned B in connection with the overall plan of Gulf Mart Shopping Center. The plans have been changed to develop single-family lots, including the narrow strip of Tract 2 across Ashdale Drive. The surrounding area is developed commercially along Burnet Road. There is some residential development to the extreme east and northwest. In the Development Plan, Anderson Lane is classified as a secondary thoroughfare with a proposed right-of-way of 90 feet. The subdivision of Northtown West, Section 3, provides for one-half of the additional right-of-way. Consideration should be given of Ashdale Drive terminating into the commercial property on Burnet Road. This commercial property and the property in question are generally under the same ownership and the development of Ashdale should be clarified.

C14-63-95 Lawson Ridgeway--contd.

No one appeared at the hearing in support of this request.

At the Commission meeting, Mr. Stevens stated that the extension and development of Ashalde Drive is a condition for final approval of the pending subdivision plat of Northtown West Section 3.

The Commission viewed this change of zoning as a logical request and proper use of the land. It was therefore

VOTED: To recommend that the request of Lawson Ridgeway for a change of zoning from "B" Residential for Tract 1 and "C" Commercial for Tract 2 to "A" Residential for both tracts for property located at 2700-2716 Anderson Lane and the rear of 8016-8042 Burnet Road be GRANTED.

C14-63-96 Anna Gardner: B to C-1
East 30th Street and Speedway

STAFF REPORT: This tract of land is undeveloped and covers an area of 5,400 square feet which fronts onto 30th Street. The surrounding area is developed residential with single-family, duplex and multi-family dwellings with some commercial development along San Jacinto Boulevard. East 30th Street has 60 feet of right-of-way with 30 feet of paving and Speedway has 90 feet of right-of-way with 36 feet of paving. The applicant proposes a drive-in type grocery store.

Mr. Sam Perry appeared at the hearing in behalf of the applicant and presented the following information: There is a filling station which required "C" Commercial zoning not too far from the property in question and we feel this area is in a stage of transition from residential to commercial usage. There is very little "A" Residential in the area and we feel this request would be a logical use of the land.

Two written comments were received in opposition to this change. One adjoining property owner appeared at the hearing stating he was opposed to this type operation because it would not be an asset to the neighborhood.

The Commission felt this change would be an intrusion into an area which is residential in nature and would cause traffic congestion and create hazards. It was therefore

VOTED: To recommend that the request of Anna Gardner for a change of zoning from "B" Residence to "C-1" Commercial for property located at East 30th Street and Speedway be DENIED.

AYE: Messrs. Barrow, Brunson, Hendrickson, Jackson, Riley and Spillman

NAY: Mr. Kinser

ABSENT: Messrs. Lewis and Wroe

C14-63-97 Tennie Taylor: A to C
1103 East 52nd Street

STAFF REPORT: The site is undeveloped and covers an area of 19,920 square feet. The area to the west along Cameron Road is developed commercially while the area to the east is developed with multi-family dwellings. The area south of subject property is developed predominantly with single-family dwellings. East 52nd Street has a 50 foot right-of-way with 30 feet of paving. This tract is quite deep with limited frontage on East 52nd Street which makes commercial usage questionable. There is generally a large amount of traffic due to the apartments in the area. The applicant proposes general commercial development with no specific use specified.

Three written comments were received in favor of this change. Mr. Sam Perry appeared in behalf of applicant and stated that this property is in the midst of commercial development and there is a liquor store and lounge in the immediate vicinity. This change of zoning is a natural extension of commercial development along Cameron Road and East 52nd Street.

The Commission discussed the mixed development in the area and the zoning pattern. They considered the 50 feet of right-of-way and the utilization of frontage off East 52nd Street.

The Commission concluded that "BB" Residential zoning would be the most appropriate zoning for the land considering the width of the street and the zoning pattern of the area. It was therefore

VOTED: To recommend that the request of Tennie Taylor for a change of zoning from "A" Residential to "C" Commercial for property located at 1103 East 52nd Street be DENIED but to GRANT "BB" Residential.

AYE: Messrs. Barrow, Brunson, Jackson, Kinser, Riley and Spillman

NAY: Mr. Hendrickson

ABSENT: Messrs. Lewis and Wroe

C14-63-98 Capital National Bank, Trustee: (Tract 1) A and 1 and C and 5
(Tract 2) A and 1 to (Tract 1) C-1 and 5 and (Tract 2) C and 5
 Tract 1: Rear of 610-710 St. Johns Avenue
 Tract 2: 404-608 St. Johns Avenue

STAFF REPORT: These two tracts of land total 15 acres, and the only nearby development is south of Tract 1 at the intersection of Saint John's and Interregional Highway where there is a drive-in grocery and service station. To the south there is "C" Commercial zoning on a 175 acre tract with a small portion developed. To the west along Saint John's Avenue is single-family development and some commercial development across the Interregional Highway to the east. This is the question of access for adjoining residential property adjacent and to the north of Tract 2. Duval Street, Avenue G and Martin Streets on the north boundary of this property dead-in into the over-all tract. There is no access to this residential area except by means of the Interregional Highway. The logical street extension would be Duval

C14-63-98 Capital National Bank, Trustee--contd.

through to Saint John's. The proposed use of the tracts is for construction of a major motel and restaurant with the sale of beer on-premise in the restaurant.

One written comment was received and one person appeared in favor of this zoning change. Mr. W. H. Bullard presented the following comments in support of this request. We are asking for "C" Commercial zoning for development of a major motel of an initial 150 units with restaurant. We request "C-1" zoning for 300 feet of the area for a restaurant with the sale of beer consistent with other motels of this type. With regard to the dedication of 50 feet of right-of-way for Duval, the owners would be willing to give the land necessary and the residential lots will back to this street. We are acquiring a 25 foot strip along the highway and north of the subject tract and ultimately plan 300 units. Adequate utilities are available and we feel this will be a major improvement of the land.

A nearby property owner stated his objections as follows: There is no street development planned for an outlet between these two additions. It would affect our residential area to the north and we need a street. The City cannot accept a street without dedication and there is no street outlet for this long established residential area.

The Committee was inclined to favorably view the overall usage for this development but felt that "C-1" zoning should be restricted to the location involved and that the subdivider should provide a through north-south street. They felt the staff should make further study and recommendation on the dedication of Duval Street. It was therefore voted to refer this request to the Planning Commission without a recommendation.

Mr. Stevens read a letter to the Commission from Mr. R. A. Wormley. Mr. Wormley is a property owner to the north and recommends that Duval Street be extended through the subject tract to St. John's Street to facilitate reasonable access to the St. John's Addition.

Mr. Bullard stated that the original subdivision included this property and closed off Duval Street to the north. At that time, sewer was not available so the subdivision was not completed. A subdivision plan was later approved coming to the southerly prolongation of Duval Street but not providing for it. After further discussion of development for Duval as an access street, Mr. Bullard stated that he will offer to the Council 50 feet of right-of-way to dedicate Duval Street through Tract 2 to St. John's Avenue. In addition, Mr. Bullard agreed to limit the "C-1" zoning for the specific location of the restaurant on Tract 1, and orally amended his application to such location. The Commission therefore

VOTED: To recommend that the request of Capital National Bank, Trustee, for a change of zoning from "A" Residential, First Height and Area and "C" Commercial, Fifth Height and Area to "C-1" Commercial, Fifth Height and Area for Tract 1 as amended and "A" Residential, First Height and Area, to "C" Commercial, Fifth Height and Area for Tract 2 be GRANTED.

C14-63-99 W. R. Neans: B to O
South 1st and Clarke Street

STAFF REPORT: The site is developed with a nursing home and contains an area of 9,909 square feet. The surrounding area is developed predominantly residential with the exception of commercial development at Ben White and South 1st and at Radam Lane and South 1st Street. South 1st Street has 80 feet of right-of-way with 40 feet of paving and Clarke Street has 50 feet of right-of-way with a gravel surface. The applicant proposes refurbishing and expansion of the existing nursing home.

Five written comments were received and two people appeared at the hearing in favor of this request. Mr. W. J. Willman, 2nd, represented the applicant and outlined the following. The structure in the back of the lot is to be replaced by a new building for additional patients. The area generally lends itself to office and commercial zoning. The former owner had let the home run down. The present owner is trying to make a good establishment. The State Health Department requires a certain amount of space within the area, with which we will comply.

Six written comments were received and five people were present at the hearing in opposition to the zoning change. They stated their reasons for objecting as follows: The owners do not have enough room on this property to have a fence, which is necessary for this type of operation. The neighbors object to a nursing home in the area as often they are not properly supervised. The former home should have been condemned.

The Commission felt that change to "O" Office would permit the highest and best use for the property. It was therefore unanimously

VOTED: To recommend that the request of W. R. Neans for a change of zoning from "B" Residential to "O" Office for property located at South 1st and Clarke Street be GRANTED.

C14-63-100 John Joseph, et al: A and 1 and GR and 1 and 2 to C and 5
Waller, Flores and Clermont

STAFF REPORT: The site covers seven lots in a 45,000 square foot area and is developed residential with single-family dwellings. The additional area covers 33,820 square feet. The surrounding area is developed with single-family dwellings to the north and west. Adjacent to the east is the Federal Fish Hatchery, and to the south is park and other development along the Town Lake area. Consideration should be given of General Retail zoning in contrast to "C" Commercial zoning because of the uses permitted and permissive intensity of each district.

One written comment was received and three people were present at the hearing in favor of this change. Mr. Kirkendoff appeared in behalf of the applicant and stated that the purpose of this change is for a motel with a swimming pool and other accommodations. It is believed by the owners that a long term lease can be entered into. This is an under-developed area with several vacant houses. The highest and best use of the land is commercial, and with the opening of the Interregional Highway, it has changed from a residential to commercial area.

C14-63-100 John Joseph, et al --contd.

One written comment was received in opposition to this change. An adjoining property owner stated that the property in the additional area is next to my residence and I do not want to pay commercial taxes on residential property.

Mr. Stevens noted that the property owner on Lot 9, Block E did not sign the application and that the signature is required. This property is located on Clermont and included in the request. The Chairman stated this lot would be included as an additional area.

The Commission felt that General Retail zoning would better conform with good zoning practices and the appropriate development of the land adjoining Interregional Highway. It was therefore unanimously

VOTED: To recommend that the request of John Joseph, et al for a change of zoning from "A" Residential, First Height and Area and "GR" General Retail, First Height and Area and General Retail, Second Height and Area to "C" Commercial, Fifth Height and Area for property located at 36-38 Waller, 1106 Flores and 1101, 1105-1111 Clermont, including the additional area located at 31-39 Interregional Highway, 1104 and 1108-1110 Flores, 1011-1013 and 1103 Clermont and 30-32 Waller Streets, be DENIED but to GRANT "GR" General Retail, Fifth Height and Area.

C14-63-101 Nelson Puett: LR to C-1
1511-1515 Anderson Lane

STAFF REPORT: The site is developed with a vacant commercial store, which building covers a 3700 square foot area. There are houses along Northwest Drive with commercial uses fronting on Anderson Lane. They are single-family residences to the east, two churches, a city playground and school. Generally, there are single-family residences surrounding the area with some strip development to the west along Anderson Lane. The applicant proposes the operation of a drive-in grocery store which will sell alcoholic beverages.

Two written comments were received - one in favor and one in opposition.

Mr. T. H. Worthington appeared in behalf of the applicant and stated that they had had no opposition from anyone associated with the church. They have a proposal from a tenant who would like to put in a drive-in grocery and there are very similar circumstances in locations down the street. They can see no opposition from residents of the area.

The Commission regarded this request as being in keeping with the policy of the Commission to grant the sale of beer to go in a well established commercial area. It was therefore unanimously

VOTED: To recommend that the request of Nelson Puett for a change of zoning from "LR" Local Retail to "C-1" Commercial for property located at 1511-1515 Anderson Lane be GRANTED.

C14-63-102 L. C. Reese and Woodrow White: A to C
404-418 Sterzing Street

STAFF REPORT: The site is developed with two single-family dwellings and covers an area of 50,625 square feet. The additional area adjacent covers an area of 2,120 square feet. The surrounding area is developed with commercial uses and amusement recreation facilities along Barton Springs Road. There are scattered single-family homes in the immediate area. Public land with various municipal facilities is to the north. Ultimately, there is a thoroughfare proposed along Barton Creek. There is a large tract of commercial along Toomey Road and Sterzing but it will not involve the subject property and a question of adequate right-of-way for these streets was raised. Any extensive development would quickly overload these streets. The applicant proposes future commercial development.

The applicant stated that they had not been able to sell the property for residential use and the property immediately to the south and east side of the site have been commercially developed.

The Commission felt this change of zoning would be the highest and best use of the property and a logical extension of "C" Commercial zoning on Barton Springs Road. It was therefore unanimously

VOTED: To recommend that the request of L. C. Reese and Woodrow White for a change of zoning from "A" Residential to "C" Commercial for property located at 404-418 Sterzing Street, including the additional area, located at the rear of 418 Sterzing Street, be GRANTED.

DISQUALIFIED: Mr. Hendrickson

R146 SUBDIVISION COMMITTEE

The Committee Chairman submitted the minutes of the Subdivision Committee Meeting of July 22, 1963. The staff reported that no appeals have been filed from the decision of the Subdivision Committee but that two subdivisions were referred to the Commission without a recommendation.

The Commission therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of July 22, 1963 on the minutes of this meeting.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

C8-63-27 Western Trails, Section 8-Revised
Jones Road and Pack Saddle Pass
C8-63-9 Townlake Plaza
Lakeside Blvd. and Wildwood

C8-63-29 William Bell Subdivision
Tannehill and Samuel Houston

The staff reported that all reports are not complete and recommended acceptance for filing subject to the following:

1. Dedication of 5 feet for the widening of Tannehill
2. Subject to sanitary sewer being available
3. Complete right-of-way for Samuel Huston Avenue

The Commission therefore

VOTED: To ACCEPT the plat of WILLIAM BELL SUBDIVISION for filing subject to completion of the items noted above.

SUBDIVISION PLATS - CONSIDERED

C8-63-11 Martinshaw Subdivisio, Resub of Part of Lot 1
Shaw Lane South of Burleson

The staff reported that all reports have been cleared and approval is recommended. The Commission therefore

VOTED: To APPROVE the plat of MARTINSHAW SUBDIVISION, RESUBDIVISION OF PART OF LOT 1.

C8-63-26 University Hills Section 2, Phase 5
Lehigh Drive and Roanoke Drive

The staff recommended disapproval for the reasons that additional easements are required and all departmental reports have not been completed. In addition, Mr. Stevens reported that the preliminary plan was approved with 25 foot setback on Lot 28, Block S. The final plat shows only a 10 foot setback for this lot.

Mr. Thomas Watts, engineer for the developer, stated that the 25 foot setback will be complied with.

The Commission therefore

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS, SECTION 2, PHASE 5, and authorized the staff to poll the members upon the completion of additional easements, departmental reports and set-back requirements.

C8-63-28 Lanier Terrace, Section 4
Lanier Drive and Shadowood

The staff recommended disapproval of the plat pending required fiscal arrangements, completion of departmental reports and further study in the change of intersection at Bowling Green and Lanier Drive in order to determine the consequence of this shift of the street. The Commission therefore

VOTED: To DISAPPROVE the plat of LANIER TERRACE SECTION 4, pending completion of fiscal arrangements, departmental reports and further study of the intersection noted, and authorized the staff to poll the members upon completion.

C8-63-25 Highland Village Section 4
Placid Place and West Market

The staff recommended disapproval of this plat pending completion of the required fiscal arrangements, additional easements and departmental reports. The Commission therefore

VOTED: To DISAPPROVE the plat of HIGHLAND VILLAGE SECTION 4 pending the completion of fiscal arrangements, additional easements and departmental reports required.

C8-63-30 Northtown West Section 3
Stillwood Lane and Steck Ave.

The staff recommended disapproval of this plat pending the required fiscal arrangements, additional easements, departmental reports and the complete development of Ashdale Drive to Burnet Road in keeping with a prior agreement with the Northtown Company. Said agreement pertained to the requested development with the subdivision of the balance of this property. The Commission therefore

VOTED: To DISAPPROVE the plat of NORTHTOWN WEST SECTION 3, pending the completion of fiscal arrangements, additional easements, departmental reports and complete development of Ashdale Drive to Burnet Road.

C8-63-13 Barton Oaks
Manchaca Street South of Lightsey

The staff recommended disapproval of this plat pending completion of fiscal arrangements, additional easements, departmental reports and the return of the preliminary plan for checking final compliance. In addition, there is the necessity of vacating two existing streets and providing an easement through Lot 22 in Block A. The Commission therefore

VOTED: To DISAPPROVE the plat of BARTON OAKS pending the necessary reports, street vacations, easement, and returning the preliminary plan and fiscal arrangements, as noted.

C8-63-3 Balcones West
Starline Drive and Balcones

The staff reported that all reports have been cleared and approval is recommended with the authorization to hold the plat for the first reading of the annexation ordinance and clearance of the reserve area by the Legal Department. The Commission therefore

VOTED: To APPROVE the plat of BALCONES WEST and authorized the staff to hold the plat for first reading of the annexation ordinance and clearance of the reserve area.

SHORT FORMS - FILED

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

VOTED: To ACCEPT the following plats for filing.

C8s-63-100 Manana West
Pierce and Manana Roads
C8s-63-102 Gatliff Resub of Tract 3 of Lindy Huber Sub.
Old U. S. 183

C8s-63-103 Walter L. Davis Subdivision
Willow and Clara Street

The staff recommended acceptance for filing this subdivision and consideration of a variance from the lot width requirement. This subdivision proposes eight lots, four of which front on East 1st Street, Lots 3 and 4 having houses on them. The house locations dictate the location of the common lot line between the two lots and if approved to meet the Subdivision Ordinance, would cause a violation of the Zoning Ordinance. Lot 4 has frontage both on East 1st Street and Clara Street, said frontage on Clara Street being 15 feet wide. The Clara Street frontage results from this area having been used in the past for alley purposes though not dedicated as such and therefore is required to be incorporated into Lot 4. For these reasons, and as there are other lots in the immediate neighborhood having similar lot sizes in regard to 46 foot width, the staff recommends the granting of the necessary variance to accept the plat for filing. The Commission for the reasons outlined above therefore

VOTED: To ACCEPT for filing the plat of the WALTER L. DAVIS SUBDIVISION, granting the necessary variance from the lot width requirement.

SHORT FORMS - CONSIDERED

C8s-63-84 Holly and Naumann Subdivision
East 5th and Tillery

The staff reported that this subdivision has been cleared by the necessary City departments with the exception of the Building Inspector's office reporting that there is a small accessory building across the north lot line of Lots 2 and 3 as proposed. The approval of this subdivision would create in each instance a violation of the Zoning Ordinance. The staff further reported that this subdivision is located within an area designated in the Austin Development Plan as an industrial area. Each proposed lot has an existing house on it, and from the standpoint of the plan, the staff feels that there are non-conforming uses and that the subdivision should be permitted to allow individual utilities and services to the existing houses. The staff therefore recommends that this subdivision be disapproved until the garage and accessory building referred to above are removed or relocated so as to comply with the Zoning Ordinance requirements. The Commission concurred with the staff report and therefore

VOTED: To DISAPPROVE the plat of HOLLY AND NAUMANN SUBDIVISION pending compliance with the Zoning Ordinance as to the accessory building and garage.

C8s-63-93 Royal Oaks, Section 3, Resubdivision, Lot 4, Block B
Winsted Lane and West 10th

The staff reported that all the reports have not been cleared on this subdivision and there are three problems to be considered:

1. A 70 foot street and drainage easement is required next to the proposed Missouri-Pacific Boulevard, which adjoins the subdivision.
2. It appears there is an existing dedication of Dunbar Street into the proposed lots. This street has been dedicated but not opened on the ground and there is a need for this street to be vacated prior to approval of the subdivision. Consideration by the Commission of Dunbar Street vacation is requested by the staff along with this subdivision consideration to permit the subdivision to be approved prior to the Commission's next regular meeting.
3. West 10th Street is not a fully developed street. Actually, there are three lots having dual frontage on West 9th and West 10th Streets and the property owners are using West 10th Street as an access to their garage. With the proposed Lot 2-A frontage on West 10th, it may be requested to have it opened on ground. Public Works Department recommends nothing be done and to leave it as it now exists. If this street does become a maintenance problem, it would have to be paved with the paving cost by assessment to the abutting property owners.

The Commission considered the vacation of the undeveloped Dunbar Street, the necessity of the requested street and drainage easement, and noted development report on West 10th Street and therefore

VOTED: To DISAPPROVE the plat of ROYAL OAKS SECTION 3, RESUB., LOT 4, BLOCK B, pending the street and drainage easement and location of Dunbar Street by the Council.

C8s-63-99 M. H. Flournoy Subdivision No. 2
East 12th Street

The staff reported that all departmental reports have been received. Drainage Department reports need for an easement and fiscal arrangements of \$1315.00 to provide 240 feet of 24 inch cone pipe through the north part of the lots as proposed to connect to existing pipe both to the east and west. The Director of Public Works recommends that no variance from the pipe requirement be granted.

The staff further reported that the two adjoining one acre tracts are required by Ordinance to be a part of this subdivision unless the subject tract was so deeded prior to the Ordinance of 1946. A variance from the filing requirements of the Ordinance is necessary to approve the subdivision without the inclusion of the adjoining property. Mr. Flournoy stated to the Commission that as far as his lots were concerned, there is a natural drainage at the rear. He felt since these lots are very narrow, the drainage is all right as it is and that the value of the lots is so small he cannot afford the 24 inch pipe for the drainage, and therefore requested approval without providing the pipe cost. Mr. Flournoy added that he would be willing to dedicate 10 feet of right-of-way for the widening of East 12th Street in front of his property.

C8s-63-99 M. H. Flournoy Subdivision No. 2--contd.

The Chairman informed Mr. Flournoy that in order to approve this subdivision, the other property owners would have to join in the plat. Mr. Kinser recalled that a variance was given on the adjoining subdivision originally because it was impossible to find out who the property belonged to and he felt Mr. Flournoy could possibly have the same situation. The Chairman advised that the Ordinance requires that the plat be filed by the adjoining property owners and there is no reason to waive this without a basic reason. He felt every effort should be made to find out who these property owners are. Mr. Flournoy stated he was not aware that other property owners needed to sign the plat but that he would try to obtain the required signatures.

The Chairman stated that where the Director of Public Works recommended drainage, it should be provided. He felt the Planning Commission's recommendation should be postponed until an inspection of the site was made, and upon the owner obtaining the required signatures of the adjoining property owners on the plat. The Commission therefore

AGREED: To POSTPONE action on the M. H. FLOURNOY SUBDIVISION NO. 2 pending an inspection of the site by members of the Planning Commission and upon the owner obtaining the required signatures of the adjoining property owners.

ADMINISTRATIVE APPROVAL

C8s-63-101 Ridgetop Gardens, La Fuente Resub. of Part of Lots 4 and 5
East 51st Street

The staff reported that this plat 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 RIDGETOP GARDENS, LA FUENTE RESUB OF PART OF LOTS 4 and 5.

OTHER BUSINESS

C10-63-1(i) STREET VACATION REQUEST
Portion of Old West 38th Street

The staff recommended that the northerly half of this street, as outlined in the location sketch, be vacated, with the remaining portion to be retained for public utility easement. The Commission therefore

VOTED: To recommend that the northerly half of West 38th Street as outlined for this street vacation be GRANTED.

C10-63-1(i) STREET VACATION REQUEST
Evans Avenue from railroad to East 5th Street

The staff reported a letter addressed to the City from the property owners stating that since they own the property on both sides of Evans Street, they are requesting the closing of Evans Street from the railroad to East 56th Street. It is recommended to vacate as requested on condition that a

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C10-63-1(1) Evans Avenue from railroad to East 56th Street

cul-de-sac be provided by the owners at the end of East 56th Street, to facilitate traffic. The Commission therefore

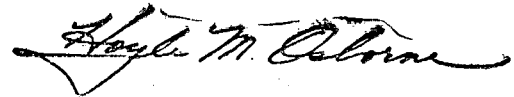
VOTED: To recommend that the request for vacation of Evans Avenue from the railroad to East 56th Street be GRANTED, providing the owners develop a turn-around at the end of East 56th Street

C10-63-1(m) ALLEY VACATION REQUEST

12 foot Alley north of West 11th Street between the railroad and Winsted Lane.

The staff recommended this request be postponed to determine the need of right-of-way for Missouri-Pacific Boulevard development. The Commission therefore

AGREED: To POSTPONE pending further study.



Hoyle M. Osborne
Executive Secretary

APPROVED:


Chairman