

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- April 7, 1964

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
Edgar E. Jackson
W. A. Wroe
S. P. Kinser
W. Sale Lewis
Barton D. Riley
Emil Spillmann

Absent

Howard E. Brunson
Ben Hendrickson

Also Present

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

MINUTES

Minutes of the meetings of March 10 and March 12, 1964 for approval.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of March 3, 1964:

C14-64-37 Charles and Walter Wendlandt: A to C
1173-1189½ Harvey Street

STAFF REPORT: The site covers an area of 6.98 acres. The area to the east of the site is developed commercially. The area to the north and west is developed residentially, although the property to the north is zoned commercially. Subject property fronts on an undeveloped portion of Harvey Street. Poor access from the dead-end street creates problems for commercial development. The applicant proposes to use the property for commercial use.

One written comment in favor of the change was received.

The applicants were present at the hearing and advised there is no street serving this property. Harvey Street does not exist on the ground and actually no street exists on this side of the property. This property ties in with their property on Airport Boulevard, and they have negotiations for this piece of property with the frontage on Airport Boulevard. They propose to use this property in conjunction with the commercial property fronting on Airport Boulevard. They have no plans for immediate development of the subject tract.

C14-64-37 Charles and Walter Wendlandt--contd.

The Commission was of the opinion that the property could be put to good use as access off Airport Boulevard was possible. They felt that this would be a logical and reasonable extension of "C" Commercial zoning along Airport Boulevard. It was therefore unanimously

VOTED: To recommend that the request of Charles and Walter Wendlandt for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area, for property located at 1173-1189½ Harvey Street, be GRANTED.

C14-64-38 Karl B. Wagner: A to GR, 1 to 5
8700-8842 Research Boulevard,
1901-1931 Peyton Gin Road and
1700-1762 Ohlen Road

STAFF REPORT: The site covers approximately 23 acres of land. It falls approximately three percent to Research Boulevard and is undeveloped. The area south is developed with single-family dwellings. The area to the north and west is undeveloped. The applicant proposes a general retail development. The development of this property should be related to the neighborhood, as it extends deep enough to affect quite a few residential lots, both developed and proposed. Protection of the developed residential area is a major concern in this zoning request. Ohlen Road has 80 feet of right-of-way, Research Boulevard has 160 feet of right-of-way and Peyton Gin Road has 50 feet of right-of-way.

There was one written comment in favor and one in opposition received.

The applicant was present at the hearing and stated he has tried for months to make an effective use of the land in this neighborhood. Involved in this was the opening of Ohlen Road. They studied this property and feel that it will become either industrial or commercial. They feel that because of the zoning already established in the neighborhood, a commercial use would be the better of the two.

Eight property owners in the area appeared in opposition to the change and stated when they purchased their property, they understood that commercial useage would be limited to U. S. Highway 183 frontage. They feel the traffic would increase and be a hazard to the children, and that the commercial development would tend to reduce the residential value of the property. Adequate general retail facilities already exist in the neighborhood.

The Committee recommended the requested change except for a 100 foot buffer zone for protection of the residential development south of Ohlen Road from the commercial zoning. "O" Office was recommended for this buffer.

At the Commission meeting, the staff advised the Commission that the property under consideration has not been annexed to the City of Austin. The staff then advised the Commission that the Legal Department has given an opinion to the Planning Department to the effect that the Planning Department cannot accept applications for zoning change requests where the property is located outside the City, and that any hearing held by the Commission on property that is not within the City would be an invalid hearing. Since such an opinion

C14-64-38 Karl B. Wagner--contd.

has recently been received by the Department, it is requested that this application for a change of zoning be dismissed by the Commission as it is an improper application at this time. In view of the circumstances outlined above, the Commission then

AGREED: To DISMISS the request.

C14-64-39 Nelson Puett, Jr.: A to C
1208-1216 Anderson Lane

STAFF REPORT: The site covers an area of 36,600 square feet and is undeveloped. The surrounding area is developed primarily with single-family dwellings. The Longhorn Theatre is east of subject property. The applicant proposes to build a retail lumber yard. Anderson Lane has inadequate right-of-way. The Austin Development Plan proposes 80 feet of right-of-way, and the alignment will require 10 feet from the subject property.

Four written comments in favor and one against were received. There were two persons in favor of the change at the hearing.

Mr. Nelson Puett, Jr. was present at the hearing and stated there has not been a home built in that area for 7 or 8 years and the land is impossible to use for building homes. If the property is not zoned for commercial use, it will remain vacant. An H. E. B. Store is going to come into this area. The trend is for commercial development all along Anderson Lane.

Four nearby property owners appeared in opposition. They informed the Committee they have tried to keep this area residential and do not want to depreciate their property. There is a school in the area close to the subject tract, and they do not want to see a lot of traffic close to the school. They object strongly to having a lumber yard right in the midst of the residential area.

The Commission was of the opinion that because of inadequate right-of-way on Anderson Lane, the request should be denied. However, they would favor "LR" Local Retail at such time as Anderson Lane has adequate right-of-way. It was therefore unanimously

VOTED: To recommend that the request of Nelson Puett, Jr. for a change of zoning from "A" Residential, First Height and Area, to "C" Commercial, First Height and Area, for property located at 1208-1216 Anderson Lane, be DENIED.

C14-64-40 The Nickell Corporation: BB to B, 1 to 2
2908-2193 West Avenue

STAFF REPORT: The site consists of three lots and covers an area of 21,000 square feet. The site is developed with two-single-family dwellings and a two-family dwelling. The lot adjacent to the site on the south is included for consideration as additional area. It is developed with a single-family dwelling. West 29th Street east of West Avenue and Guadalupe Street are developed commercially, while the surrounding area is developed with single-family and two-family dwellings. The proposed zoning will allow a maximum of 28 apartment hotel units on the site. The proposed zoning will allow no more than a three-family

C14-64-40 The Nickell Corporation--contd.

dwelling on the additional area. Most of the area was zoned "BB" Residential as a result of a 1961 Planning Commission Area Study. West Avenue has a right-of-way of 52 feet, which is inadequate.

One person appeared at the hearing favoring the change. The applicant was also present at the hearing and stated this piece of property is only 50 feet from commercial property. There is no thru traffic in the area. He feels that the area need to be rejuvenated.

The Commission was of the opinion that the "BB", First Height and Area zoning established as a result of the Area Study is proper for this area. It was therefore

VOTED: To recommend that the request of the Nickell Corporation for a change of zoning from "BB" Residential, First Height and Area, to "B" Residential, Second Height and Area, for property located at 2909-2913 West Avenue, and the additional area, be DENIED.

C14-64-41 Walter Carrington: A to B, 1 to 2
2810-2818 Manor Road and 3301-3411 Randolph Road

STAFF REPORT: The site is a 2.652 acre tract and is developed with a single-family dwelling. The area adjacent on the east is zoned "D" Industrial. To the south is commercial zoning, while the remaining area is zoned and developed residentially. The proposed zoning will permit a maximum of 154 units in an apartment hotel. "B" Residential, First Height and Area, zoning will permit a maximum of 77 units in an apartment hotel. Manor Road has 60 feet of right-of-way. The Austin Development Plan proposes 80 feet, which would require 10 feet from subject property. The staff questions the zoning of this property as requested, as it would intrude into the established single-family development. The Zoning Ordinance permits the applicant to build apartment at this location with a special permit under the present zoning. A maximum of 57 unit is permitted.

Three nearby property owners appeared at the hearing - one in opposition and two in favor.

Mr. Richard Baker represented the applicant and presented the following information to the Committee: This tract of land adjoins "D" Industrial zoning. They feel that "B" Residential, First Height and Area, would limit the property from being developed properly. The whole area tends toward "D" Industrial because of the railroad track. Ample parking space will be provided for the apartments. Randolph Road has just recently been paved.

The Commission was of the opinion that "B" Residential, Second Height and Area, was too intensive for the area, and that "B" Residential, First Height and Area, would provide a buffer for the "A" Residential area to the west. It was therefore unanimously

VOTED: To recommend that the request of Walter Carrington for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, Second Height and Area, for property located at 2810-2818 Manor Road and 3301-3411 Randolph Road be DENIED, but to GRANT "B" Residential, First Height and Area.

C14-64-42 Sterling Sasser, Sr.: B to C

709 East 10th Street and 906-910 Interregional Highway

STAFF REPORT: The site covers an area of 8,832 square feet and is undeveloped. To the north are the administrative offices of the school district. Most of the area west of the Interregional Highway is zoned commercial and has been for a number of years. The applicant proposes to use the property for business buildings. East 10th Street has 80 feet of right-of-way but is not a paved street at this time.

No written comment was received and no one appeared at the hearing.

The Commission regarded this as a logical extension of the existing commercial zoning of the area. It was therefore unanimously

VOTED: To recommend that the request of Sterling Sasser, Sr. for a change of zoning from "B" Residential, Second Height and Area, to "C" Commercial, Second Height and Area, for property located at 709 East 10th Street and 906-910 Interregional Highway, be GRANTED.

C14-64-43 A. F. Deloney, et al: A and B to O, 1 to 3

Tract 1: 3701-3735 Alamo Boulevard, 3700-3726 Bailey Lane,
 "A" 1300-1314 West 37th Street, 1301-1419 West 38th
 Tract 2: 3501-3519 Mills Avenue, 3500-3534 Lakeside Blvd.
 "A & B" 1400-1422 West 35th, 1401-1421 West 37th Street
 Tract 3: 3500-3734 Alamo Boulevard, 1421-1435 West 38th Street,
 "A" 3509-3733 Lakeside Boulevard

STAFF REPORT: The site consists of three tracts of land. Each tract contains over two acres of land. The proposed use is for a medical center containing office building and hospitals. The streets bounding the tracts are Mills Avenue with 60 feet of right-of-way, Lakeside Boulevard with 75 feet of right-of-way, West 35th Street with 60 feet of right-of-way, West 37th Street with 60 feet of right-of-way and West 38th with 60 feet of right-of-way.

Eight written comments favoring the requested change were received. Seven persons appeared at the hearing in favor of the change.

Mr. Robert Sneed represented the applicant and presented the following in support of the application: There has been a contract made and entered into for acquiring property for the corporation with Mrs. Mary Deloney and the trustee of the property. More land is being acquired than is included in the application. Contract obligations require them to request rezoning on these tracts now. A seven story medical office building is proposed for Tract 1, which will necessitate third height and area. There is also a convalescent hospital included in the master plan of this development. They have a contract to purchase Tract III from Mr. Deloney, who says he owns the land. They understand the City wants this land for a park. Rather than delay these proceedings by a possible title conflict, they wish to amend the application and delete Tract III. They feel this location is ideal for a medical center as it is served by two thoroughfares. It will have access to the Missouri-Pacific Boulevard, thereby providing people from South Austin with easy access. Medical facilities should go to the people instead of the people coming to them. To the west is a well defined

C14-64-43 A. F. Deloney--contd.

commercial area. Thirty-fourth street is predominantly commercial between Lamar Boulevard and the site. The center will be designed to utilize and enhance the natural beauty of the site. The applicants want it to be one of the finest medical centers in the Southwest.

At the request of the staff, the Committee referred the application to the Commission without recommendation until a more detailed study could be made.

At the Commission meeting, the Assistant Director of Planning presented a schematic of the general area and the subject property. He reviewed the expected traffic generation of the streets in the area, emphasizing the primary need for widening on 38th Street. The present width of West 38th Street is 60 feet and the Development Plan calls for widening to 120 feet. It is necessary to have 90 feet of right-of-way to meet the proposed 120 foot width. It is recommended that 30 feet of this widening be off the subject property. Mr. Davey noted traffic estimates do not include the additional traffic which the proposed medical center would generate. He also outlined the existence of major 24" water and sewer lines running through the property. It has been indicated by the Water and Sewer Department that all lines except the 24" water main along the creek could be moved at the developer's own expense. Certain gas lines must be kept. The sketches indicate the owners have taken these lines into consideration. The question was raised of whether the third height and area request might engender additional high density in the adjoining area. An alternate means if permitting the desired height would be by means of a variance provision which the Commission could permit under special permit for such a complex.

Mr. Robert Sneed informed the Commission that the applicants will tender adequate right-of-way for the widening on 38th Street and probably 34th Street also. For proper development of the property, it is necessary to have the street as wide as feasible. It is requested that Tract III be left out of the zoning request because nothing will be built there. This will be used for beautification of the area with a park.

The Commission agreed to withdraw Tract III from the zoning request and were of the opinion this was proper zoning for Tracts I and II, provided adequate right-of-way is provided as indicated. It was therefore unanimously

VOTED: To recommend that the request of A. F. Deloney, et al, for a change of zoning from "A" Residential, First Height and Area, to "O" Office, Third Height and Area, for property located at (Tract 1) 3701-3735 Alamo Boulevard, 3700-3726 Bailey Lane, 1300 1314 West 37th Street, 1301-1419 West 38th Street; (Tract 2) from "A" and "B" Residential, First Height and Area, to "O" Office, Third Height and Area, for property located at 3501-3519 Mills Avenue, 3500-3534 Lakeside Blvd., 1400-1422 West 35th Street, 1401-1421 West 37th Street, be GRANTED.

C14-64-44 Francis L. White: A to C
407-411 Cumberland Road

STAFF REPORT: The site covers an area of 12,144 square feet and is developed with a corrugated iron structure. The surrounding area is developed predominantly residential with the exception of the commercial along South 1st

C14-64-44 Francis L. White--contd.

and South Congress Streets and the bedding company to the south, which is a non-conforming use. The applicant proposes to use the property for a plumbing shop or other future commercial development. Cumberland Road has 60 feet of right-of-way.

There was one written comment received in favor and one in opposition to the change.

Mr. A. F. White represented the applicant and informed the Committee there is a corrugated iron structure on the site which was built prior to annexation to the City for the purpose of a cabinet shop for the construction of the houses within the subdivision. It has been in operation ever since and Mr. White stated he did not feel that it would hurt the neighborhood.

Mr. and Mrs. C. H. Dailey of 2701 Stacey Lane appeared at the hearing in opposition to the change. They object to commercial development in a residential neighborhood. Their home is less than a block from the subject property.

The Commission was of the opinion that the zoning would be inconsistent with the zoning pattern already established in the neighborhood. It was therefore unanimously

VOTED: To recommend that the request of Francis L. White for a change of zoning from "A" Residential, First Height and Area, to "C" Commercial, First Height and Area, for property located at 407-411 Cumberland Road, be DENIED.

C14-64-45 Robert C. Leech: A to B, 1 to 2
 1200-1206 West 12th Street and 1200-1204 Windsor Road
 Additional Area: 1208-1212 West 12th Street and
 1201-1205 Shelley Avenue

STAFF REPORT: The site covers an area of 25,500 square feet, and the additional area covers 29,100 square feet. The north half of the block is zoned "BB" Residential and is developed with apartments. West of Shelley Avenue is "B" Residential, First Height and Area. The streets surrounding the site are West 12 with 60 feet of right-of-way, Windsor Road with 60 feet of right-of-way, and Shelley Avenue with 50 feet of right-of-way. The proposed zoning would allow a maximum of 34 units in an apartment hotel, and "B" Residence, First Height and Area, would allow a maximum of 17 units in an apartment hotel. Under the proposed zoning, the additional area could have 38 units in an apartment hotel or with a "B" Residential, First Height and Area, 19 units in an apartment hotel.

Six written comments in favor and one in opposition to the zoning change were received.

Three persons favoring the change were at the hearing. Mr. J. Q. McCoy represented the applicant and stated Mr. Leech planned to build apartments and will provide at least one parking space for each bedroom. This would be a benefit to the neighborhood.

C14-64-45 Robert C. Leech--contd.

The Commission was of the opinion that second height and area is an excessive density at this location, but they favored extending "B" zoning to subject property. It was therefore unanimously

VOTED: To recommend that the request of Robert C. Leech for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, Second Height and Area, for property located at 1200-1206 West 12th Street and 1200-1204 Windsor Road, and the additional area located at 1208-1212 West 12th Street and 1201-1205 Shelley Avenue be DENIED, but to GRANT "B" Residential, First Height and Area, including the additional area.

C14-64-46 Johnny Escobedo and E. D. Kieke: A to LR
62-66 Comal Street

STAFF REPORT: The site covers an area of 16,146 square feet and is developed with three single-family dwellings. There is commercial zoning at the intersection of Holly and Comal Street. The surrounding area is developed predominantly residential. The applicant proposes to operate a beauty shop. The site fronts on Comal Street which has a right-of-way of 60 feet.

There were two written comments favoring the change and one against.

The applicant was present at the hearing and stated that his wife wants to be able to hire someone to help her in the beauty shop.

The Commission felt that "LR" Local Retail is too intensive and that "O" Office zoning would provide a buffer and be sufficient gradation between the existing "C" Commercial to the south and the "A" Residential. It was therefore

VOTED: To recommend that the request of Johnny Escobedo and E. C. Kieke for a change of zoning from "A" Residential, First Height and Area, to "LR" Local Retail, First Height and Area, for property located at 62-66 Comal Street be DENIED, but to GRANT "O" Office, First Height and Area.

C14-64-47 Roy Braun: O to C
501 East 13th Street and 1207-1211 Neches Street
Additional Area: 503-505 East 13th Street

STAFF REPORT: The site covers an area of 13,040 square feet and the additional area covers 9,040 square feet. The surrounding area has mixed residential and commercial zoning and development. The applicant proposes to construct a letter and stationary shop. East 13th Street is undeveloped at subject property. Waller Creek occupies a large portion of the site.

Two favorable replies to the zoning change were received in reply to notices sent.

Mr. W. R. Hudson represented the applicant and stated that the request for "C" Commercial zoning is not for the uses permitted, but for the setback waiver provision. Thirteenth Street dead-ends at the creek and this causes a problem

C14-64-47 Roy Braun--contd.

of paving the street. They must be able to put their building on the property line to stay out of the creek.

A nearby property owner appeared in favor of the change and stated that a parking lot would be good to have in the area to benefit the people. He stated that there is a hospital in the area.

The Commission felt that a change to "C" Commercial would be a continuation of the existing zoning pattern in the area. It was therefore

VOTED: To recommend that the request of Roy Braun for a change of zoning from "O" Office, First Height and Area, to "C" Commercial, First Height and Area, for property located at 501 East 13th Street and 1207-1211 Neches Street, including the additional area at 503-505 East 13th Street, be GRANTED.

C14-64-48 E. E. Naumann

900-902 East 11th Street and 1151-1157 Branch Street

STAFF REPORT: The site covers an area of 5,225 square feet and is undeveloped. The area to the north is residential with single-family dwellings. Along East 11th Street there are a number of areas zoned "C-1", "C-2", and "C" Commercial. The applicant proposes to operate a restaurant to serve beer with food. East 11th Street has 60 feet of right-of-way. Branch Street has a substandard 30 feet of right-of-way and is not paved at the present time.

One written comment opposing the zoning change was received.

Mr. E. E. Naumann, the applicant, appeared and stated he plans to operate a barbecue place and wishes to sell beer to the customers. It will not be a beer joint. He has an apartment development right next to the restaurant and he does not wish to jeopardize this investment by operating a tavern.

The Commission was of the opinion that this request is a logical use in a well developed "C" Commercial area. The Committee considered narrow, unpaved Branch Street, but felt that the frontage on East 11th Street is adequate. It is the policy of the Commission to grant "C-1" Commercial in a well defined and developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of E. E. Naumann for a change of zoning from "C" Commercial, Second Height and Area, to "C-1" Commercial, Second Height and Area, for property located at 900-902 East 11th Street and 1151-1157 Branch Street, be GRANTED.

C14-64-49 Curtis D. Quisenberry: A to BB

1211-1217 Hillside Avenue and Rear of 1219-1211 Hillside Avenue

STAFF REPORT: The site contains 72,134 square feet and the additional area has 24,276 square feet. The proposed zoning will permit 36 units on subject property and 12 on the additional area. A maximum of 48 apartment hotel units could be built by special permit.

C14-64-49 Curtis D. Quisenberry--contd.

Of the three replies to notices sent, three were in favor of the change and one was opposed.

Mr. E. H. Smartt appeared in behalf of the application and stated the development of the area lends itself to apartment units. There is over an acre of ground. There is a house on the corner which is not being used at the present time. Along Newning Avenue to the rear of subject property is an apartment project being completed. There is a ravine which runs through these houses.

The Commission was of the opinion that granting this request would be a logical expansion of "B" Residential zoning and would fit the area pattern. It was therefore unanimously

VOTED: To recommend that the request of Curtis D. Quisenberry for a change of zoning from "A" Residential, First Height and Area, to "BB" Residential, First Height and Area, for property located at 1211-1217 Hillside Avenue and the rear of 1219-1221 Hillside Avenue, and the additional area at 1207-1209 Hillside, be GRANTED.

C14-64-50 Mrs. A. E. Franzetti: A to O
2207 Ohlen Road and 8217-8219 Bowling Green

STAFF REPORT: The site covers an area of 8,881 square feet, and is developed with a single-family dwelling in which the applicant operates a beauty shop. Burnet Road is developed commercially. The area north and east is developed residentially. The applicant proposes to hire an employee for the beauty shop. Ohlen Road has a right-of-way of 80 feet and Bowling Green has 52 feet of right-of-way. The staff inquired as to a possible deed restriction in this subdivision which would prohibit a beauty shop.

No replies to notices were received.

Mrs. Franzetti appeared at the hearing in support of her request. She would like to hire someone to work for her so she would not have to live at the beauty shop establishment. As there is commercial zoning across the street from her residence and beauty shop, she feels it should be extended to her property. She stated there is no deed restriction to prevent the operation of a beauty shop.

Some of the members of the Commission favored granting this request because of the already existing commercial zoning in the area, while others felt that granting the request would be an encroachment into a well developed residential neighborhood. A motion to deny the request failed to carry by the following vote:

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

A motion to grant the request was then made, and it was therefore

C14-64-50 Mrs. A. E. Franzetti--contd.

VOTED: To recommend the request of Mrs. A. E. Franzetti for a change of zoning from "A" Residential, First Height and Area, to "O" Office, First Height and Area, for property located at 2207 Ohlen Road and 8217-8219 Bowling Green, be GRANTED.

AYE: Messrs. Barrow, Kinser, Lewis and Riley

NAY: Messrs. Jackson, Spillmann and Wroe

ABSENT: Mr. Brunson and Mr. Hendrickson

C14-64-51 Burke Matthews: A to B, 1 to 2

5005 Lynnwood Street

Additional Area: 5007 Lynwood Street

STAFF REPORT: The site contains 9,000 square feet and the additional area has 9,000 square feet. The site is undeveloped and the additional area has a single-family dwelling. There is commercial development along Burnet Road, and the area to the west and south is developed residentially. The applicant proposes construction of apartments. Lynwood Street has a right-of-way of 50 feet. The proposed zoning would allow a maximum of 12 apartment hotel units or six regular units. "B" Residential, First Height and Area, would allow four regular units.

No replies to notices were received. One person appeared at the hearing in favor of the zoning change, stating the other neighbors did not object.

Mr. Burke Matthews, the applicant, was present at the hearing. He stated there is enough ground to provide for parking area off the street.

The Commission felt that because of the neighboring single-family residential development, the density permitted by second height and area is excessive. They did favor the establishment of apartment zoning, however. It was therefore unanimously

VOTED: To recommend that the change of zoning for Burke Matthews for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, Second Height and Area, for property located at 5005 Lynwood Street be DENIED, but to GRANT "B" Residential, First Height and Area, including the additional area at 5007 Lynwood Street.

C14-64-52 Mrs. N. J. Hirsh: Tract 1 - C to C-1, 6 to 6

1147½-1149 Airport Boulevard

Tract 2 - A to C, 1 to 6

3313-3315 Oak Springs Drive

C14-64-53 Mrs. N. J. Hirsh: Tract 3 - C and 6, A and 1 to C and 6

1143-1/8-1147½ Airport Boulevard and

3317-3331 Oak Springs Drive

STAFF REPORT: The site consists of three tracts of land. Tract 1 contains 15,000 square feet, Tract 2 contains 12,750 square feet, and Tract 3 contains 3.43 acres of land. Tract 3 is developed with a trailer court. Large lots back to Tract 3, fronting on Gunter Street, and are developed predominantly residential. The applicant proposes to use Tract 1 for a drive-in grocery

C14-64-52 Mrs. N. J. Hirsh--contd.

C14-64-53 Mrs. N. J. Hirsh--contd.

store and Tracts 2 and 3 are to be used for related commercial uses. Oak Springs is a neighborhood collector street with 60 feet of right-of-way. Airport Boulevard has 120 feet of right-of-way. Mr. Hirsh has a proposal to subdivide part of this property which will include dedication of 5 feet for widening of Oak Springs Drive. Since, the subdivision has not been submitted we must bring up the widening with the zoning request. The recommended right-of-way for Oak Springs is 70 feet.

Three written comments favoring the change were received. Mr. C.N. Avery, Jr., appeared in behalf of the applicant and stated they would certainly cooperate with the City on dedicating their portion of the necessary land for widening Oak Springs Drive.

The Committee was of the opinion that this would be proper zoning for property providing Oak Springs Drive has adequate right-of-way.

The staff read a letter to the Commission from the applicant offering dedication of five feet for widening of Oak Springs Drive.

The Commission agreed that since adequate right-of-way had been provided for Oak Springs Drive, this change of zoning was proper zoning for the property; It was therefore unanimously

VOTED: To recommend that the request of Mrs. N. J. Hirsh for a change of zoning from Tract 1: "C" Commercial to "C-1" Commercial, Sixth Height and Area; Tract 2: "A" Residential First Height and Area to "C" Commercial, Sixth Height and Area; Tract 3: "C" Commercial, Sixth Height and Area and "A" Residential, First Height and Area to "C" Commercial, Sixth Height and Area for property located at Tract 1: 1147½-1149 Airport Boulevard; Tract 2: 3313-3315 Oak Springs Drive, Tract 3: 1143-1/8 - 1147 ½ Airport Boulevard, and 3317-3331 Oak Springs Drive, be GRANTED.

C14-64-54 Thomas Black: Tract 1: A and 1 to LR and 5, Tract 2: A to C-1

Tract 1: 6809-6815 Berkman Drive and 6825-6837 U.S. Hwy. 290

Tract 2: 6801-6807 Berkman Drive

STAFF REPORT: Tract 1 covers an area of 23,278 square feet and Tract 2 covers 16,385 square feet. Both tracts are undeveloped. The surrounding area is largely undeveloped, with the I.I. Nelson Stadium to the north across U.S. Highway 290 and some residential development to the east. The applicant proposes to use Tract 1 for a service station and Tract 2 for a drive-in grocery store. U.S. Highway 290 has a right-of-way of 120 feet and Berkman Drive has 60 feet of right-of-way. The staff noted that if the State takes part of this land for widening of U.S. Highway 290 that it will have an effect on Tract 1.

Two written comments favoring the change and two in opposition were received. Mr. Thomas Black the applicant appeared and stated he owned the property at the present time, but has a contract to sell. The buyer is under contract to lease Tract 1 to a filling station, and Tract 2 will be used for a drive-in grocery.

C14-64-54 Thomas Black--contd.

The State has informed Mr. Black that they do not intend to take any of this land. This property is located on a major highway and is not suitable for residential use.

The staff noted it would check with Public Works to see if the State plans to take any of this land.

The Committee was of the opinion that it should make no recommendation until the staff determines the right-of-way for Berkman Drive and Highway 290.

The staff reported to the Commission that the State does not need additional right-of-way for U.S. 290 at this location. However, there is a need for the widening of Berkman Drive to 70 feet. Berkman Drive is 60 feet at subject property, and an additional 10 feet off the east side is needed to make the alignment coincide with the right-of-way south of Patton Lane.

In addition, the staff called attention to the need for planning from Berkman Drive to Mira Loma Lane in this area.

Mr. Thomas Black was present at the Commission meeting and presented a letter offering 5 feet of right-of-way on Berkman Drive.

Mr. Stevens stated that a check should be made with the Public Works Department for an engineering determination of proper street alignment for Berkman Drive at this point.

The Chairman was opposed to zoning these individual tracts as he felt the whole area should be considered. However, the other members felt that commercial zoning was the proper zoning for the property, provided that Berkman Drive is widened to the recommended right-of-way. It was therefore

VOTED: To recommend that the request of Thomas Black for a change of zoning from "A" Residential to "LR" Local Retail, Fifth Height and Area, for property located at Tract 1: 6809-6815 Berkman Drive and 6825-6837 U.S. Highway 290 and Tract 2: "A" Residential to "C-1" Commercial for property located at 6801-6807 Berkman be GRANTED.

C14-64-55 David B. Barrow: GR and 1 to GR and 5
3825-3835 South Interregional Highway

STAFF REPORT: The site covers an area of 18,750 square feet and is undeveloped. The surrounding area is undeveloped except for the Internal Revenue Service Building to the North. The applicant proposes to erect a service station with a sign 45 feet high. Fifth Height and Area permits a maximum height of 45 feet.

No replies to notice were received. Mr. Ramsey, represented the applicant and stated the overpass at Ben White Boulevard blocks the visibility of their site. They filed an application earlier for a zoning change to "GR" General Retail and didn't realize that a 35 foot restriction was on first height and area.

C14-64-55 David B. Barrow--contd.

When they realized this, the request was before the Council; and they were not aware the height and area could not be changed then. They were told the matter would have to be re-advertised and acted upon by the Commission. They want to erect a sign that fits in with the surrounding area.

The Commission recognized the visibility limitations to northbound traffic of property fronting on the Interregional Highway between the Internal Revenue Service Center and the overpass at Ben White Boulevard. They were of the opinion that property having this frontage should be zoned Fifth Height and Area for a depth of 150 feet east of the highway right-of-way. The elevation of the overpass does not pose this problem to other property in the area. It was therefore unanimously

VOTED: To recommend that the request of David B. Barrow for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 3825-3835 South Interregional Highway be GRANTED.

DISQUALIFIED: Mr. Barrow

C14-64-56 Austex Development Company Ltd: Int. A to C, Int. 1 to 6
5600-5632 Springdale Road and 3401-3533 Rogge Lane

STAFF REPORT: The site is an 8.1 acre tract which is part of the Windsor Park Hills subdivision. It is undeveloped, and is planned as a commercial center in the overall subdivision plan. There is another planned commercial tract in the south part of the subdivision, at East 51st Street and Springdale Road. (South of East 51st Street). Mr. Gregg Scott has a tract zoned "GR" for which he plans a commercial center. Rogge Lane has a 50 foot right-of-way. It is a collector street requiring a 60 foot right-of-way. This would require five feet from subject property for widening. Springdale Road has an 80 foot right-of-way. The Austin Development Plan classifies it as a primary thoroughfare and proposes a 90-foot right-of-way. This would require 10 feet of right-of-way from subject property.

There were no replies to notices received. Mr. Nash Phillips represented the applicant and stated we are within 300 feet of residential development. We want to have this property zoned commercial in advance of the residential development so that buyers will know that this is a commercial area. Mr. Phillips was asked if this had been annexed yet, and he said that it had not been.

The Commission noted the ruling by the Legal Department that the Commission has no jurisdiction over land which has not been annexed to the city. It was therefore unanimously

VOTED: To DISMISS the request of Austex Development Company, Ltd., for a change of zoning from Interim "A" Residential, Interim First Height and Area to "C" Commercial, Sixth Height and Area for property located at 5600-5632 Springdale Road and 3401-3533 Rogge Lane.

C14-64-57 Net. R. Bateman: LR to C-1

1811 Poquito Street and 2001-2007 East 19th Street

STAFF REPORT: The site covers an area of 16,400 square feet and is undeveloped. The surrounding area is developed predominantly residential with some commercial development along East 19th and Chicon Streets. The applicant proposes the sale of beer and wine in a drive-in grocery. In the Austin Development Plan East 19th is classified as a primary thoroughfare with a proposed right-of-way of 120 feet. The traffic count in this area by 1982 is estimated at 18,400 cars per day. East 19th now has a 60 foot right-of-way. "C-1" Commercial zoning is already established at Chicon and East 19th Street. The staff noted that right-of-way width alignment for East 19th Street has not been decided.

No written comment from nearby property owners was received. Mr. Miller appeared in behalf of the applicant and stated they planned to have something in the nature of a drive-in grocery which will be a package-type store.

The Commission was of the opinion that 19th Street is in transition to a well-developed commercial area and that "C-1" Commercial would be in line with this development. They felt that "C-1" Commercial would have little or no bearing on the traffic or widening of East 19th Street. It was therefore unanimously

VOTED: To recommend that the request of Net R. Bateman for a change of zoning from "LR" Local Retail to "C-1" Commercial for property located at 1811 Poquito Street and 2001-2007 East 19th Street be GRANTED.

PENDING CASE

C14-63-162 T.C. Barnes: A to C

Rear of 5516-5522 Burnet Road

Rear of 5509-5511 Montview

STAFF REPORT: The staff reported the Council had granted "C" zoning on the east 60 feet of the tract and had referred this case to the Commission for further consideration of zoning the west 30 feet. The Council also asked for the Commission's recommendation on rezoning a 90 foot strip adjoining the present "C" zone on the west throughout the entire block. At the Planning Commission meeting of January 14, 1964, the Commission recommended "C" Commercial zoning for the east 60 feet of the site as it is part of the legal lot which is in the "C" Commercial strip zoning along Burnet Road. They felt, however, that the west 30 feet of the site should remain under residential zoning, since it is a part of a legal lot fronting on Montview Street, which is zoned, and developed residentially. The Council, at their meetings of February 6 and 13, 1964 voted to grant the zoning on the east 60 feet as recommended.

The Commission considered the entire block between Burnet Road, Montview Street, Shoalmont Drive and Northland. The commercially zoned lots fronting on Burnet Road average 140 feet deep, while the residentially zoned lots fronting on Montview Street average 280 feet deep. The Commission recognized the need for greater depth for commercial lots. However, they were opposed to extending commercial zoning west onto lots under different ownership having access only from residential Montview Street. They believed the public welfare could best be served in this area by a resubdivision of the entire block which would deepen the commercial lots. Rezoning could then be accomplished on the rear of those lots, and access to them would continue to be limited to Burnet Road. It was therefore

VOTED: To recommend that no commercial zoning be granted on lots fronting on Montview Street between Northland Drive and Shoalmont Drive.

C14-64-14 Robert C. Ammann, Jr.: Interim A to LR
912-1012 Peyton Gin Road

STAFF REPORT: The staff reported the Planning Commission recommended denial of this zoning change at their meeting of February 11, 1964. The City Council heard and granted this request on March 5, 1964. The minutes of that meeting reflect the following:

"The City Attorney called attention to the fact that the property was not in the City limits at the time the application was made nor at the time the hearing was held before the Planning Commission. The zoning might be subject to attack. He said this would be the property owner's risk.

At its March 12, meeting the Council, at the applicant's request, referred the case back to the Commission. This property has since been annexed to the City but in order to make the hearing valid, it is necessary to re-advertise and re-hear the case.

In view of the circumstances outlined above, the Commission

AGREED: To DISMISS the request and instructed the staff to re-advertise the request for another public hearing.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meetings of March 23 and March 30, 1964. The staff reported the written reports have not been completed but that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission.

SUBDIVISION PLATS - FILED

The staff reported that reports have not been received from several departments and recommended that the following final plats be accepted for filing and disapproved pending compliance with departmental reports. The Commission therefore

VOTED: To ACCEPT the following final plats for filing and to DISAPPROVE pending the required departmental reports.

C8-64-14 King's Village, Section 2, Part 2
Howard Lane and Orchid Lane

C8-64-62 Harry C. Lott Subdivision
U.S. Highway 183 and Dalton Lane

C8-64-7 Oak Shores on Lake Austin, Section 1
Pearce Road and Encino Verde

C8-64-60 Lanier Terrace, Section 3
Ohlen Road and Putnam Drive

C8-64-18 Deer Park, Section 3
Manchaca Road and Inverness Blvd.

C8-64-12 Northwest Hills, Mesa Oaks, Phase 1
Mesa Drive and Hart Blvd.

SUBDIVISION PLATS - CONSIDERED

The staff reported all departmental reports have been received and the following plats complied with all requirements of the Ordinance. The Commission therefore

VOTED: To APPROVE the following final plats:

C8-64-16 North Acres, Section 1-A
Walnut Bend Drive and Hollybluff Street
C8-64-64 Lakewood Park, Section 4
Creekbluff Drive and Ledge Drive
C8-64-15 North Lamar Park, Section 3
North Lamar Blvd. and Carpenter Avenue

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 short form plats for filing:

C8s-64-42 Stillwood, Section 2, Resub. of Northtown West, Section 3
Ashdale Drive and Parkdale Drive
C8s-64-45 Giblin's Resub. of Lot 11, Block B, Macmor Acres
Macmora Road
C8s-64-43 Springdale Terrace
Springdale Road and Oak Springs (name change required)

SHORT FORMS - CONSIDERED

The staff reported all departmental reports have been received and the following short form plats complied with all requirements of the Ordinance. The Commission therefore

VOTED: To APPROVE the following short form plats:

C8s-64-38 Dahlstrom and Cook Subdivision
Walnut Ave. N. of 32nd Street
C8s-64-44 Crow Resub. of Part of Lot 7, Block 3
Beaver Street and Georgian Drive
C8s-61-136 Henry W. Hall Subdivision No. 2
Braker Lane West of Interregional Highway

C8s-64-40 Fairey Oaks, Section 1
Rogge Lane and Manor Road

The staff recommended disapproval of this plat pending the required fiscal arrangements, additional easements, and completion of departmental reports. In addition, the situation for a variance required on the signature of the adjoining owner was explained. The north 50 feet of Lot 8 of Section 2 of Fairey Oaks is cut away from the balance of Lot 8 which requires the owner of the balance of the lot to be included in their subdivision. The balance of this portion of Lot 8 was sold with Lot 7 and is now a part of the back yard of the home which has been built on Lot 7. The present owner of Lot 7, which includes this portion of Lot 8, refuses to join in the subdivision. In view of these circumstances, the Commission therefore

C8s-64-40 Fairey Oaks, Section 1--contd.

VOTED: To DISAPPROVE the plat of FAIREY OAKS, Section 1, pending the required fiscal arrangements, addition easements, and completion of departmental reports, granting a variance on the requirement of the signature of adjoining owner.

C8s-64-46 Moton H. Crockett, Jr., Subdivision No. 1
U.S. Highway 290 and Sheridan Avenue

The staff reported all departmental reports have been complied with but a variance is required on showing the balance of property in the subdivision. A sketch of the subdivision was reviewed wherein a 150 foot portion of land located on the southeast corner of Sheridan Avenue and U.S. Highway 290 East is to be sold for a service station site. Highway 290 is designated as a major thoroughfare in the Austin Development Plan with a proposed right-of-way of 200 feet. The State wishes to widen U.S. Highway 290 East and a portion of this property abutting the highway is required for widening. The staff recommends against this proposal as provision must be made for the widening in compliance with the plan. This would involve a triangular portion of Lot 1, 10 feet long and perhaps three or four feet deep at the east line of Lot 1. By approval of Lot 1, Lot 2 becomes a building site which is also affected by the alignment.

Mr. Crockett stated he had no objection to the alignment for Lot 1 and would give the city a letter to that effect. After further discussion, the Commission then

VOTED: To APPROVE the plat of MOTON H. CROCKETT, JR., SUBDIVISION NO. 1 granting a variance from requiring the balance of the property to be included in the plat, subject to submission of a letter by the owner (Mr. Crockett) concerning the right-of-way and the establishment of a building line in connection therewith.

C8s-64-47 Gilroe Subdivision
Kinney Avenue N. of Lightsey

The staff reported consideration for a 90 foot widening of Lightsey Road must be given as it is a secondary thoroughfare in the Austin Development Plan. Lightsey Road is only 50 feet at this point and a minimum of 25 feet would be required from the north side to provide continuation of existing alignment. The staff recommends against this subdivision until the thoroughfare is provided for. The property was split in 1956 but no subdivision approval was given. As a result the corner lot owned by D.B. Phillips and the lot which would be affected by the right-of-way for Lightsey Road is required to be a part of this plat.

Mr. Foxworth read a letter from the owner asking for a variance from this requirement and a letter from Mr. Phillips stating that he did not wish to participate in the plat. In view of these facts, the Commission therefore

VOTED: To APPROVE the plat of GILROE SUBDIVISION, granting a variance on signature requirement of adjoining owner.

STAFF NOTE: A field inspection of this property revealed a house on the subject lot and on the corner lot. The house on the corner lot is so situated that the additional 25 foot right-of-way required for Lightsey Road would leave approximately 10 feet of side yard between the house and the north right-of-way line of the street which conforms to the Zoning Ordinance requirements since Lightsey is the side street for this lot.

ADMINISTRATIVE APPROVAL

C8s64-18 Bowling Green, Resub. Lot 16-20, Block B
Bowling Green Drive

The staff reported this short form 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 the plat of BOWLING GREEN, RESUB. Lots 16-20, Block B.

OTHER BUSINESS

C10-63-1(x) ALLEY VACATION
2617 Speedway south of the Presbyterian Seminary

The staff reported this request was postponed by the Commission at their December 17, meeting last year pending an inspection of the site and further study. The owner of the property had requested that portions of the alleyway lying immediately north of Lots 1 and 2, OL 10, Division 10, Moore Addition, be vacated in favor of the adjoining owners abutting this alley. These adjoining owners are Louise C. Harwood, W.R. Cartledge and Robert L. Cartledge. The owners of the properties abutting the rest of the alley to its opening on the east are the Austin Presbyterian Theological Seminary on the north and Mr. Hugh Blocker on the south. Mr. Blocker has stated that he regrets that he is not in a position to join in a request for vacation at this time as it provides present access to his garage apartments in adjoining Lot 3. The University has been contacted and have no objection to the alley vacation. The Fire Department has made an inspection of the alleyway at this location and given clearance. This part of the alley is not developed on the ground at the present time. The staff recommended vacation of this alley with the retaining of the easement for sewer and electric lines. The Commission therefore.

VOTED: To recommend that the alley located at 2617 Speedway south of the Presbyterian Seminary be VACATED, retaining the necessary easements.

C10-64-1(e) STREET VACATION
Portion of East 17th Street from Salina to Chicon Streets

The staff reported a letter from Mr. Irby Carruth, Superintendent of the Austin Independent School District, requesting the vacation of this street. In order to meet the demands for additional site area for the erection of a classroom addition and for playground expansion, the School District has acquired the 1800 Block of East Seventeenth Street. In order that the addition can be related to the school, it is desirable that East Seventeenth Street from Salina Street to Chicon Street be closed and vacated in favor of the School District. The staff recommended this street vacation subject to retaining the necessary easements. The Commission therefore

VOTED: To recommend that the portion of East 17th Street from Salina to Chicon Streets be VACATED, subject to retaining the necessary easements.

C10-64-1(f) STREET VACATION

Portion of North Congress Avenue between East 13th and East 14th Streets

The staff reported the City had received a request from the State for the official vacation of North Congress Avenue south of 14th Streets to the Capitol grounds. This request is in line with the vacation of other various streets and alleys for the Capitol Area Expansion Program in which the State will assume the maintenance and the regulation for these streets.

The Commission therefore

VOTED: To recommend that the portion of North Congress Avenue between East 13th and East 14th Street be VACATED.

C10-64-1(h) ALLEY VACATION

Alleyway between East 20 and East 20½ Street between Interregional Highway and Oldham Street

The staff reported a request from the attorney of Mr. Parker Folse, who has options to acquire all of the property adjoining the 20-foot alleyway running in a westerly direction from the Interregional Highway to Oldham Street. This alley will be included in the development of the adjoining lots. The staff recommends the vacation of this 20 foot alleyway, when Mr. Folse acquires title to all of the property adjoining the alley. The Commission therefore

VOTED: To recommend that the 20 foot alleyway between East 20th and East 20½ Street be VACATED after Mr. Folse acquires title to all of the property adjoining the alley.

REPORTS

C2-64-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT

Request for land use change from industrial to residential of land located between Ben White Blvd. and St. Elmo Road, immediately west of Nuckles Crossing Road

This proposed amendment to the Austin Development Plan was postponed from the last Commission meeting pending further study. The Assistant Director of Planning reviewed the area of industrial designation, outlining the main consideration.

- (1) The need to provide adequate acreage of industrial designated lands in the City to satisfy the anticipated future needs.
- (2) Areas served by railroad tracks and major traffic arteries should be a basis for industrial locations where possible. Industrial development needs relatively flat terrain and stable soils, which is a feature of the subject property.
- (3) Considering land as a resource and attempting to put each parcel to its highest and best use there is concern whether the subject property can become a desirable residential environment, not being of adequate size to sustain related neighborhood amenities (elementary school, park, etc.) and being surrounded by industrial property, having relatively flat topography, proximity to expressways and barren terrain.

C2-64-1(a) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. Temple B. Mayhall of the Austin Independent School District was present at the Commission meeting and informed the Commission when they bought this property four years ago they were not aware it was designated industrial. Their intention was to build an elementary school, junior high school and an athletic field in this general area south of Ben White and east of Inter-regional. They are in need of more property than the 20 acres purchased in order to accomodate the elementary school. They have found some considerable difficulty in the purchase of suitable property and would have located their junior high school site further south, outside the industrial area if they had been able.

Mr. Chester A. Fruend, who owns adjacent tracts of land, stated when the School Board bought the property, it was intended the area would be developed residentially. He felt this was a good area for the school site as it would be accessible to the IRS site and could develop into a nice residential area. In his opinion, there is enough property to be developed industrially and there is a great tax expense in holding land for an extended time period.

Mr. Jackson felt there was ample industrial land available to satisfy the needs for the next 20 years. He did not believe this tract should be cut out of residential zoning.

Mr. Spillman felt that industrial zoning was not good for the school area. Mr. Kinser stated the tract was too small in the middle of an industrial area. He felt the residential area should be large enough to be a self-sustaining community. After further discussion, it was then unanimously

VOTED: To recommend that the AUSTIN DEVELOPMENT PLAN be changed from industrial to residential of all land south of the railroad and east of a north-south line approximately 210 feet west of the school site.

DISQUALIFIED: Mr. Barrow (property owner in the area)

ADJOURNMENT: The meeting was adjourned at 10:10 p.m.

Hoyle M. Osborne
Executive Secretary

Chairman