

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--October 20, 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
Howard E. Brunson (Mr. Brunson left at 9:30 p.m.)
Ben Hendrickson
Edgar E. Jackson
S. P. Kinser
Barton D. Riley
Emil Spillmann
W. A. Wroe

Absent

W. Sale Lewis

Also Present

Hoyle M. Osborne, Director of Planning
Alfred R. Davey, Assistant Director of Planning
E. N. Stevens, Chief, Plan Administration
H. Glenn Cortez, Assistant City Attorney
Jack Polson, Associate Planner

MINUTES

Minutes of the meeting of September 22, 1964 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of October 13, 1964.

C14-64-147 Lucien Dean: C to C-1
1501-1507 East 7th, 611-619 Onion Street

STAFF REPORT: The site contains an area of 12,600 square feet and is developed with a vacant service station. The applicant proposes the sale of package beer for off-premise consumption in a combination grocery store and filling station. The area west of the subject property is developed with mixed commercial and residential. The area south is developed commercially and the area east is mixed commercial and residential. A State cemetery is across East 7th Street from the site. East 7th Street has 80 feet of right of way and is classified as a primary thoroughfare with a proposed right of way of 120 feet. Onion Street is a minor residential street with 60 feet of right of way.

One written comment was received in favor of the change. A nearby property owner appeared at the hearing in opposition.

C14-64-147 Lucien Dean: C to C-1--contd.

Mr. E. H. Smartt represented the applicant and supported the application as follows: The filling station on the site has operated at this location for many years. We would like to sell beer for off-premise consumption as a service to our customers. "C-1" zoning on the entire site is requested, rather than just the building, in order to deliver beer to the car. If the "C-1" zoning is confined to the building site, we would be in violation of the state law by transacting the sale outside the building.

The Committee reviewed the information and concluded this request should be granted for the following reasons:

1. The site is in a well defined commercial area.
2. It is the policy of the Commission to grant "C-1" zoning in a well defined commercial area.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Lucien Dean for a change of zoning from "C" Commercial, Second Height and Area to "C-1" Commercial, Second Height and Area for property located at 1501-1507 East 7th and 611-619 Onion Street, be GRANTED,

C14-64-148 Franklin W. Denius: Tract 1 - BB to C

Rear of 4543-4575 Fredricksberg Road

Tract 2 - C to BB

Rear of 4563-4603 Fredricksberg Road

Tract 3 - C to BB

Rear of 4500-4508 Tejas Trail

STAFF REPORT: Tract 1 contains .33 acre, Tract 2 contains .42 acre, and Tract 3 3.05 acres. The applicant proposes apartment and commercial development. The subject property was annexed to the City July 2, 1964. The original subdivision plan proposed West Gate Boulevard farther west than is now proposed. The State Highway Department requested the boulevard be relocated. As a result of the relocation a long, narrow commercially zoned tract is created. The applicant is requesting "BB" zoning on part of this tract since it is not suitable for commercial development. He also requests that a portion of the area now zoned "BB" be zoned "C" to create an area of such size and shape that it can be developed as a shopping center; Tract 3 proposes change to "BB" to provide a buffer between the commercial area north of Western Trails and the residential subdivision south of Western Trails Boulevard. The subdivision plan proposes a 25 foot rear building setback line on Tract 3.

Two written comments were received against the proposed change.

C14-64-148 Franklin W. Denius--contd.

Mr. Nolan Purser appeared on behalf of the applicant and stated they were requesting the changes to conform with the zoning which existed in the approved preliminary plan.

The Committee reviewed the information and concluded this request should be granted for the following reason: The requested zoning would provide a better zoning pattern for the area and a buffer zone adjoining the residential area.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Franklin W. Denius for a change of zoning from (Tract 1) "BB" Residential, First Height and Area to "C" Commercial, First Height and Area, (Tracts 2-3) "C" Commercial, First Height and Area to "BB" Residential, First Height and Area, and for property located at (Tract 1) Rear of 4543-4575 Fredericksberg Road, (Tract 2) Rear of 4563-4603 Fredericksberg Road and (Tract 3) Rear of 4500-4508 Tejas Trail be GRANTED.

C14-64-149 Earl J. Moore: A to O

1804-1806 Wheless Lane, 6200 Linda Lane

STAFF REPORT: The site contains 9,680 square feet. The applicant proposes operating a beauty shop. The area north of Wheless Lane is developed with single-family residences. To the south is an elementary school. Commercial zoning is established south of Wheless Lane. There is a shopping center one block south of subject property. A deed restriction on the property states the lot shall not be used for other than residential purposes. Wheless Lane is a neighborhood collector street with 60 feet of right of way. Linda Lane has 50 feet of right of way and is classified as a minor residential street.

One written comment was received in favor of the change and one in opposition.

Mrs. L. D. Cooksy represented the applicant and offered the following information in support of this request: The subdivider is willing to remove the deed restriction on this property if 50 per cent of the property owners are in favor. I want to build a new building to accommodate six stations. My customers want me to remain in the area.

Mr. Bill Joseph appeared in opposition to the zoning change in the interest of adjacent property owners. He stated when they purchased adjacent property there would be no more commercial development. They would like the area to remain residential and feel the proposed zoning would be an intrusion.

C14-64-149 Earl J. Moore: A to O

The Committee reviewed the information and concluded this request should be denied for the following reasons:

1. The site is in a well maintained residential area, where there is no indication of other than residential usage.
2. The proposed change would be an intrusion into the residential area.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Earl J. Moore for a change of zoning from "A" Residential, First Height and Area, to "O" Office, First Height and Area for property located at 1804-1806 Wheless Lane and 6200 Linda Lane be DENIED.

C14-64-150 Frank Barron: A and Int. A to GR

1402-1420 Atkinson, 6900-7226 Cameron Road,
 1404-1420 Westheimer Drive (proposed)
 1403-1421 Westheimer Drive, 1309-1327 St. Johns Avenue,
 1310-1318 St. Johns Avenue, 1309-1313 Radcliff Drive

STAFF REPORT: The site comprises 5.6 acres and is undeveloped. The applicant proposes selling or leasing the property for a service station, drive-in grocery and washateria. The area extends approximately 1250 feet along Cameron Road from Atkinson Road to Radcliff Drive. This is the proposed commercial tract of the Cameron Park Subdivision, which included the residential layout adjoining to the west. The subdivision plat of Section 2 proposes the north 116 feet of subject property as two residential lots fronting on Radcliff Drive. The proposed commercial zoning of these lots is contrary to the original plan. There is concern for these lots being part of the commercial tract, since Radcliff Drive is designed as a minor residential street. Cameron Road has 70 feet of right of way along part of this property. Provision for widening Cameron Road to 85 feet has been provided in the subdivision plan.

One favorable reply was received in favor of the change and one in opposition.

Mr. Frank Barron was present at the hearing. He advised the entire tract contains 73 acres. The subdivision plan was approved by the Planning Department in compliance with the Master Plan. The residential lots in question on Radcliff Drive are planned for duplexes and would be a natural continuity for the commercial development.

C14-64-150 Frank Barron: A and Int. A to GR--contd.

The Committee reviewed the information and concluded this request should be granted with the condition that Lots 21 and 22 in Block D fronting on Radcliff Drive be deleted, for the following reasons:

1. The subject property with the exception as noted was approved in the preliminary plan for commercial usage.
2. Since Radcliff Drive has been designed as a minor residential street, there should be no commercial zoning on property fronting on the street.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Frank Barron for a change of zoning from "A" Residential, First Height and Area and Interim "A" Residential, First Height and Area, to "GR" General Retail, First Height and Area, for property located at 1402-1420 Atkinson, 6900-7226 Cameron Road, 1404-1420 and 1403-1421 Westheimer Drive, 1309-1327 and 1310-1318 St. Johns Avenue, 1309-1313 Radcliff Drive, be GRANTED, with the exception of Lots 21 and 22 in Block D, Section 2.

C14-64-151 Cecil O. Spray: A to C, 1 to 6
 8001-8003 Burnet Road and 2308-2314 Mahone Avenue
 Additional Area: 8005-8009 Burnet Road

STAFF REPORT: The site contains an area of 7,670 square feet; the additional area contains 7,670 square feet. The applicant proposes commercial development. The additional area is adjacent to the subject property on the north and has been included for consideration. This lot adjoins "C-2" Commercial. There is commercial zoning west and south of the subject property. The area to the east is developed residentially. West of Burnet Road is the Gulf Mart Shopping Center and a large tract zoned "GR" and developed with a service station. Burnet Road is a primary thoroughfare with 120 feet of right of way. Mahone Avenue is a minor residential street with 50 feet of right of way.

No written comment was received.

The applicant was present at the hearing and presented the following comments: This is a small lot facing Burnet Road. I would like to have it zoned "C" Commercial so I could sell or lease the property.

Mr. C. B. Frances of 8007 Burnet Road appeared in opposition to the request. He stated he would be opposed to some types of commercial development, such as a filling station. There is a rest home adjoining the property, and they are concerned with lights or disturbance for people in the rest home.

C14-64-151 Cecil O. Spray: A to C, 1 to 6--contd.

The Committee reviewed the information and concluded this request should be granted for the following reasons:

1. The proposed zoning is consistent with the existing zoning along Burnet Road.
2. Commercial zoning is proper zoning for the area.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Cecil O. Spray for a change of zoning from "A" Residential, First Height and Area, to "C" Commercial, Sixth Height and Area, for property located at 8001-8003 Burnet Road and 2308-2314 Mahone Avenue, including the additional area located at 8005-8009 Burnet Road, be GRANTED,

C14-64-152 W. R. Long, Jr.: B to B, 1 to 2
 914 West 23rd Street and 2301-2305 San Gabriel

STAFF REPORT: The area contains 8,256 square feet and is developed with a residence. The applicant proposes building apartments. The proposed zoning would permit five regular apartment units. The area is developed with mixed single-family dwellings, apartments, fraternity and sorority houses. The property along San Gabriel and West 24th Street has mixed zoning of "O", "LR", "C" and "B" zoning. Second Height and Area zoning is established both north and south of West 24th Street. Subject property is the southern half of a through lot fronting on both West 23rd and West 24th Streets. The northern half is zoned "C" Commercial. The applicant plans to utilize part of this property along with the southern half of the lot for a tract large enough to allow 12 apartment hotel units to be built. Most of the block is zoned first height and area as is most of the block across San Gabriel, immediately west of subject property. Consideration should be given to the feasibility of extending the surrounding second height and area zoning to this area, and whether or not it should be accomplished piecemeal.

Three replies were received against the change.

The applicant was present at the hearing and stated: It is proposed to build a 12 unit apartment house for undergraduate students. There is a need to provide housing for students in the area. This property is within one block of five fraternity houses and within five blocks of the University. We will provide 14 off-street parking places. We feel this is the best use of the property.

The Committee reviewed the information and concluded this request should be granted for the following reasons:

1. The neighborhood has become a high density area.
2. The proposed zoning fits the zoning pattern of the area.

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C14-64-152 W. R. Long, Jr: B to B, 1 to 2--contd.

The Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of W. R. Long Jr. for a change of zoning from "B" Residential, First Height and Area to "B" Residential, Second Height and Area for property located at 914 West 23rd Street and 2301-2305 San Gabriel Street, be GRANTED.

C14-64-153 G. D. Spillars: C and 5 and A and 1 to C, 5 and 1 (Tract 1)
C-1 and 1 and 5 (Tract 2)

Tract 1: 6001-6017 Interregional Highway and 922-1010 Clayton Lane
 Tract 2: Rear of 6007-6015 Interregional Highway

STAFF REPORT: The area contains 117,175 square feet, with 215 feet frontage on the Interregional Highway. This 215 foot frontage by 150 foot depth is zoned "C" Commercial and the remaining 395 foot frontage on Clayton Lane is zoned "A" Residential. The proposed use is for the operation of a modern restaurant of the Night Hawk class with auxiliary services. Consideration should be given to confining the "C-1" zoning to the building area rather than the entire 2.68 acres. Clayton Lane does not have adequate right of way. The right of way has been established at 70 feet, which will require 20 feet from the subject property.

One written comment was received for the change.

Mr. F. S. Pearson represented the applicant and advised the Committee as follows: It is their intention to build a restaurant and sell beer and wine with food. The property will be resubdivided; as a result of the resubdivision, 15 feet along the north line of Clayton Lane will be dedicated to the City for right of way. He stated the 15 feet was agreed on in February, and contracts and plans drawn on that basis. He is unwilling to dedicate another five feet.

Mr. Pearson amended the area of his request to a 14,400 square foot tract in the western portion of the larger tract. He agreed to provide field notes describing the area prior to the hearing by the full Commission. He requested "C" Commercial zoning on the remainder of the tract.

The Committee favored granting "C-1" only to the immediate area of the building and granting "C" to the remainder of the property. The Committee concluded this request as amended should be granted for the following reasons:

- Tract 1: Request for "C" Commercial, First and Fifth Height and Area.
1. It is a logical extension of existing commercial zoning and is needed to provide sufficient depth for commercial development.
 2. As part of the development of the property, the applicant is providing 15 feet for additional right of way on Clayton Lane.
 3. Adequate right of way of Clayton Lane will be determined in the required subdivision of the property.

C14-64-153 G. D. Spillars: C and 5 and A and 1 to C 5 and 1 (Tract 1)
C-1 and 1 and 5 (Tract 2)--contd.

- Tract 2: Request for "C-1" Commercial, First and Fifth Height and Area. The Committee favored passing to the full Commission without a recommendation the request for Tract 2 since adequate legal description was not available, but they favored granting the request when a description is available, for the following reasons:
1. "C-1" zoning is logical and proper for the planned development of the property.
 2. The area has extensive commercial zoning.

The Director of Planning reviewed the development of the area, noting the City owned park and school. He recommended "C" and "C-1" on the property fronting the Interregional Highway and "GR" zoning on the balance. It was his opinion the area would eventually be developed with apartments except for property fronting onto the Interregional Highway.

Mr. Jackson was of the opinion the area would be developed with retail uses in view of the location of Capital Plaza to the south of the site. He felt commercial zoning would be extended from Capital Plaza to the site.

The Commission discussed the right of way on Clayton Lane. They felt that 15 feet of additional right of way on Clayton Lane, as determined originally was adequate dedication by the applicant. After further discussion, it was then unanimously

VOTED: To recommend that the request of G. C. Spillars for a change of zoning from "C" Commercial, Fifth Height and Area and "A" Residential, First Height and Area, for Tract 1: "C" Commercial, First and Fifth Height and Area, for property located at 6001 Interregional Highway and 922-1010 Clayton Lane, be GRANTED; for Tract 2: "C-1" Commercial, First Height and Area and Fifth Height and Area, located at the rear of 6007-6015 Interregional Highway, be GRANTED.

C14-64-154 Lois Tawater and Lillian Parr: A to C
8130-8142 Interregional Highway and 715-727 East Powell Lane

STAFF REPORT: The site contains an area of 39,375 square feet and is developed with a rest home. The applicant proposes erecting an automobile service station. The property fronts the Interregional Highway and adjoins "C" Commercial property to the south. The surrounding area is undeveloped. Streets serving commercial properties should have a minimum right of way of 60 feet. East Powell Lane has only 50 feet of right of way.

One written comment was received in favor of the change. The applicant was present at the hearing and was represented by Robert H. Hatchett. Mr. Hatchett stated that it was their intention to dedicate five feet for right of way on Powell Lane.

Cl4-64-154 Lois Tawater and Lillian Parr: A to C--contd.

The Committee was of the opinion that the proposed use and zoning is proper, but they recognized that East Powell Lane has inadequate right of way for commercial development. They concluded this request should be denied for the following reason: East Powell Lane is a collector street and has inadequate right of way for commercial development.

The staff reported to the Commission that the applicants had submitted a letter to the City Council dedicating five feet for right of way on East Powell Lane.

The Commission reviewed the Committee's recommendation and felt since the objection of inadequate right of way had been removed through the dedication of the right of way by the applicants, this change of zoning was the best use of the property.

It was therefore unanimously

VOTED: To recommend that the request of Lois Tawater and Lillian Parr for a change of zoning from "A" Residential, Sixth Height and Area, to "C" Commercial, Sixth Height and Area, for property located at 8130-8142 North Interregional Highway and 715-727 East Powell Lane, be GRANTED.

Cl4-64-155 William F. Zidell: A to B, 1 to 2
1704-1710 West Avenue

STAFF REPORT: The area contains 35,343 square feet and is developed with a vacant fraternity house. The applicant proposes constructing apartments. The proposed zoning would permit 47 apartment hotel units. The surrounding area is developed with a mixture of apartments and single-family dwellings. The area to the west and south is in a first height and area district, while the area to the east and north is second height and area. There is commercial zoning to the east along Rio Grande Street. West Avenue is a commercial collector street with 80 feet of right of way.

Two written replies to notices were in favor of the change.

Three nearby property owners were present at the hearing - one in favor and two opposed to the change.

Mr. William F. Zidell was present at the hearing. He stated that next to the subject property is a girl's dormitory zoned second height and area. They are planning a garden type apartment for students. There is a large demand for this type of housing and the students will be able to walk to the University.

Opposition was expressed as follows: This is a nice, quiet residential area zoned "A" Residential. We feel this would be an encroachment into the residential area and are opposed to the zoning change. It is unfair to allow the proposed density next to residential property.

C14-64-155 William F. Zidell: A to B, 1 to 2--contd.

The Committee reviewed the information and concluded this request should be denied for the following reason: Second height and area density is not compatible with the development of the surrounding property.

They recommended "B" Residential, First Height and Area for the property.

Mr. Raymond Dear was given permission to present opposition to the request. He informed the Commission that he and Mr. Ahlgrim were adjoining property owners in the area and suggested an area study of the entire block rather than this one piece of property.

The majority of the Commission felt the application could not be postponed for an area study. They discussed the question of apartment development and the density and continuity of zoning for the area. Some of the members felt the proposed change would allow too great a density, and is not consistent with the first height and area zoning west of West Avenue. After further discussion, it was then

VOTED: To recommend that the request of William F. Zidell for a change of zoning from "A" Residential, First Height and Area to "B" Residential, Second Height and Area for property located at 1704-1710 West Avenue, be DENIED, but to GRANT "B" Residential, First Height and Area.

AYE: Messrs. Hendrickson, Kinser, Jackson and Spillmann

NAY: Messrs. Barrow, Riley and Wroe

ABSENT: Messrs. Brunson and Lewis

C14-64-156 Roger S. Hanks: A to LR
805-809 West 38th Street and 3713-3717 Gaffney Street

STAFF REPORT: The area contains 10,475 square feet and is developed with a residence. The applicant proposes construction of an office building. The Texas State Hospital is across West 38th Street from the site. The immediate area is developed with "GR" and "LR" zoning. The surrounding area is developed with mixed single-family dwellings, apartments, and commercial uses. West 38th Street has 78 feet of right of way. It is classified as a primary thoroughfare with a proposed width of 120 feet. Gaffney Street is a minor residential street with 30 feet of right of way.

Five written comments were received favoring the change.

The applicant was present at the hearing and made no comment regarding the request.

The Committee reviewed the information and concluded this request should be granted for the following reasons:

1. The property is in a well defined commercial area.
2. The proposed zoning is compatible with that of the surrounding area.

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C14-64-156 Roger S. Hanks: A to LR--contd.

The Commission concurred with the Committee recommendation, and it was unanimously

VOTED: To recommend that the request of Roger S. Hanks for a change of zoning from "A" Residential, First Height and Area, to "LR" Local Retail, First Height and Area for property located at 805-809 West 38th Street and 3713-3717 Gaffney Street, be GRANTED.

C14-64-157 F. O. Cullen: A to C
2901 Manchaca Road

STAFF REPORT: The area contains 15,600 square feet and is undeveloped. The property is owned by the Travis Association for the Blind, and adjoins a larger tract owned by the Association, zoned "C" Commercial. The surrounding area is mostly undeveloped with the exception of commercial development along South Lamar Boulevard. The proposed extension of Barton Skyway will be immediately south of subject property. The property will have 67.5 feet of frontage of Barton Skyway. Manchaca Road is a commercial collector street with 80 feet of right of way.

One written comment was in favor of the change.

The applicant was present at the hearing and stated the proposed use of this property is for a new building for offices and warehouse for the Travis Association for the Blind. The adjoining commercial zoning was established in 1958 and we propose to incorporate this property with the same zoning.

The Committee reviewed the information and concluded this request should be granted for the following reason: The proposed zoning would complete the zoning of the entire property owned by the Travis Association for the Blind.

The Commission concurred with the Committee recommendation, and it was unanimously

VOTED: To recommend that the request of F. O. Cullen for a change of zoning from "A" Residential, First Height and Area, to "C" Commercial, First Height and Area for property located at 2901 Manchaca Road, be GRANTED.

C14-64-158 Leon Whitney: A to B (as amended)
3303-3305 Duval and 501-505 Harris Avenue

STAFF REPORT: The area contains 13,700 square feet and is developed with a two-family residence. The proposed use is to permit an architect to have his office within his home. The immediate area is developed with single-family and two family residences. The surrounding area is zoned "A" Residence. This extends to south of East 32nd and west of Tom Green Street

C14-64-158 Leon Whitney: A to B (as amended)--contd.

where there is mixed development of apartments and single-family residences with "B" and "BB" zoning established. The proposed zoning is not consistent with the zoning pattern of the area. Duval Street has 60 feet of right of way. It is classified as a secondary thoroughfare with a proposed right of way of 90 feet.

Seven replies were received against the proposed change and one comment in favor.

The applicant was present at the hearing, and his supporting statements are summarized as follows: There are apartments in the immediate and surrounding area. We believe the land use in the area is not consistent with the zoning, and that this use would be consistent. The change of zoning would not increase the traffic.

Five nearby property owners appeared in opposition to the change. Their objections are summarized: The proposed zoning is not appropriate to a residential area. The uses permitted under "O" Office zoning would be detrimental to the area. This is not proper zoning and would be an intrusion into residential property.

The Committee reviewed the information and concluded this request should be denied for the following reason: The proposed zoning is not consistent with the present zoning pattern of the area.

Three replies to notices sent were received after the Zoning Hearing in favor of the application.

The staff reported a letter to the Commission from the applicant requesting the application be amended to a request for "B" Residential. Under "B" Residential, an architect may live in his home and retain an office in the home. This amendment would allow the use intended for the property.

The Commission agreed to accept the amended application to "B" zoning. The majority of the members were not in favor of the change. They felt any change would be an intrusion into the residential area. After further discussion, it was then

VOTED: To recommend that the request of Leon Whitney for a change of zoning from "A" Residential, First Height and Area to "B" Residential as amended, First Height and Area for property located at 3303-3305 Duval and 501-505 Harris Avenue, be DENIED.

AYE: Messrs. Barrow, Brunson, Kinser, Riley, Spillmann and Wroe

NAY: Messrs. Jackson and Hendrickson

ABSENT: Mr. Lewis

C14-64-159 Herman McKinney, et al: A to LR

2706 Enfield Road, 1502-1504 Exposition Blvd., 2701-2703 Bonnie Road

STAFF REPORT: The site contains three lots covering an area of 33,705 square feet. The proposed use is for operating a service station. The Municipal Golf Course is across Enfield Road from the property, and the remaining area is developed residentially. "LR" zoning was requested on the lot at the northwest corner of Enfield Road and Exposition Boulevard in 1961. The Commission recommended the application be denied on the basis of spot zoning. The Council heard the request in June of 1961 and it was postponed pending further study. It has been pending since that time. Enfield Road is a secondary thoroughfare with 70 feet of right-of-way. The Austin Development Plan proposes 90 feet of right-of-way.

Six written comments were received against the change and four in favor.

The applicant was present at the hearing and was presented by Mr. E. M. DeGeurin. Mr. DeGeurin presented the following information in support of the request.

The applicant owns the corner lot and has an option to purchase the three additional lots included in the application. Since the original application there has been considerable change in the area. This area no longer has the residential atmosphere it once had. It has become predominantly apartment developments. This construction would not be a detriment to the neighborhood. Because of the additional lots included in this application, we do not feel it could be considered "spot zoning". There are no deed restrictions on the property. A fence would be erected to screen the lots to the rear of the property.

Opposition from approximately eight property owners is summarized.

1. As a property owner at the rear of the property, I do not care to be living next to a filling station. There is no other retail or commercial development in the area.
2. If this is zoned "LR", it can be converted to any type retail establishment. This change would still constitute spot zoning in a residential area.
3. This change of zoning would cause a traffic hazard at a busy intersection. There are school children in the area crossing Enfield Road to go to Casis and O'Henry Schools. There are University students living in the area, and the streets are too narrow for the increased traffic proposed by this request.
4. A petition is submitted from 75 property owners in the area opposing the commercial development which would adversely affect their property values, interrupt the peaceful surroundings and subject their children to additional traffic hazards.
5. There are deed restrictions on this property which prohibit commercial development.

The Committee reviewed the information and concluded this request should be denied for the following reasons:

1. The proposed change would be an intrusion into an established residential area.
2. The right-of-way on Enfield Road is inadequate to handle the present traffic.
3. It is not considered good planning for commercial development at this location.

C14-64-159 Herman McKinney, et al --contd.

The Commission concurred with the Committee recommendation, and it was unanimously

VOTED: To recommend that the request of Herman McKinney, et al for a change of zoning from "A" Residential, First Height and Area, to "LR" Local Retail, First Height and Area, for property located at 2706 Enfield Road, 1502-1504 Exposition Blvd., and 2701-2703 Bonnie Road, be DENIED.

C14-64-160 H. F. Burnett: C to C-1

3706-3714 Interregional Highway and 1015-1019 East 38th Street

STAFF REPORT: The site contains 8,540 square feet and is developed with a restaurant. The applicant proposes the sale of beer and wine secondary to the sale of food in a restaurant. The area along the Interregional Highway is developed with mixed commercial uses, and surrounding residential development. Concordia College is south of the subject property. East 38th Street is a minor residential street with 50 feet of right-of-way.

One written comment was received favoring the change.

Mr. B. W. Burnette represented the applicant at the hearing. He stated during nine years in the operation of the Canary Hut, they have never served beer or wine. It has become necessary for a restaurant along the Interregional Highway to offer this service to meet competition. The sale of beer is secondary to the sale of food.

The Committee reviewed the information and concluded this request should be granted for the following reason: The property is in a well established commercial area.

The Commission concurred with the Committee recommendation, and it was unanimously

VOTED: To recommend that the request of H. F. Burnette for a change of zoning from "C" Commercial, Fifth Height and Area, to "C-1" Commercial, Fifth Height and Area for property located at 3706-3714 Interregional Highway and 1015-1019 East 38th Street, be GRANTED.

SPECIAL PERMIT

CP14-64-9 Capital National Bank: Business for display and sale of boats and parts

3401-3405 Northland, and the repair of boat motors.

5608-5616 Balcones Drives

STAFF REPORT: This application has been filed as required under Section 5C, Paragraph 37a of the Zoning Ordinance and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The proposed use is a business for display and the sale of boats and parts, for repair of boat motors, automobile and marine service station, and outdoor storage of boats and trailers within a solid fenced area. The site is completely paved and is developed with a service station. Access is from Northland Drive and Balcones Drive.

CP14-64-9 Capital National Bank--contd.

At the last Commission meeting, the staff reported that all departmental reports had not been completed. They requested this application be postponed pending the completion of reports and action on the applicant's zoning request from "LR to "GR" (C14-64-143) by the Council. The Commission postponed the request pending Council action on the zoning change.

It was reported the Council had granted "GR" zoning for the property on October 8, 1964. The applicant amended his site plan to provide a fenced area and gate. All departmental reports have been completed and it is recommended the special permit be approved.

The Commission reviewed the application and examined the site. It was then

VOTED: To APPROVE the site plan as revised and to authorize the Chairman to sign the necessary resolution issuing the Special Permit.

CP14-64-10 R. D. Hardin: Pet shop and veterinary hospital
West 46th Street at Burnet Road

STAFF REPORT: This application has been filed as required under Section 6, Special Permit provisions, Sub-paragraph b of the Zoning Ordinance and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The site plan will contain: (1) A pet shop to be housed in a portion of the building where a retail business for the sale of various pet supplies will be conducted as well as grooming and sale of animals; (2) A veterinary clinic wherein a licensed doctor of veterinary medicine will treat in and out patient animals. Animals will be boarded as necessary in the conduct of business. (3) An apartment to be occupied by a resident caretaker who will be on duty during off hours.

Fourteen written replies to notices were received in opposition to the request. A petition from 66 property owners in opposition was submitted at the hearing. Fifteen persons appeared at the hearing in opposition to the change and two in favor.

Messrs. R. D. Hardin, Carl Hardin and Eugene Wukasch (architect) were present at the hearing and presented the following supporting statements for the application: They submitted a revised plan which they felt will eliminate any objections the neighbors might have as far as noise or odor is concerned. There will be no outside area for the animals and they have introduced a fence six feet in height walling the area. The building will be of reinforced concrete and noise will not be a problem. There will be no windows at the rear, the building will be airconditioned with a carbon type filter, and will have interior runways and drains. All regulations of the City will be met.

Opposition voiced by nearby property owners is summarized: They object to a pet shop and veterinary hospital adjoining their residential neighborhood. There will be noise and odor that customarily goes with this type of business. It would greatly decrease the value of their property. There are other veterinary clinics within access of the area. This type of operation should not be at a close distance to a residential neighborhood because of the noise, odor and general safety and welfare of the neighborhood.

CP14-64-10 R. D. Hardin--contd.

The Committee reviewed the information and examined the revised building plans. They were of the opinion the site plan should be approved provided the revised plan complies with all departmental requirements. They recommended the site plan be approved subject to the requirements of departmental reports.

Mr. John Campbell and Mr. Harry Pollard, each representing property owners in the area opposing the request, asked the Commission's permission to speak regarding their clients. The Commission allowed the attorneys a brief period to give new evidence. Mr. Pollard stated the applicant gave property owners in the area the impression the use of the pet shop and veterinary hospital would be withdrawn before the Zoning Hearing. Due to an error in the notices sent, the property owners received only six days notice of the hearing. He felt they were entitled to at least 10 days notice. Mr. Campbell stated he was out of town at the time the Zoning Committee reviewed this case, and he asked the Commission to review the matter and require the applicant to prove feasibility of such an operation.

Mr. Glen Cortez, Assistant City Attorney, advised that all interested parties were entitled to at least 10 days notice of the hearing. In order that substantial justice is done, he recommended another hearing be set. The Commission concurred with this recommendation. After further discussion, the Commission then

VOTED: To POSTPONE action until the next hearing of the Zoning Committee on November 10, 1964, and to re-notify the property owners as required by law.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of October 5, 1964, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and the following subdivision was referred to the Commission: C8-64-60 Cherry Creek. The Commission therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of October 5, 1964, on the minutes of this meeting.

PRELIMINARY PLANSC8-64-60 Cherry Creek

Stanley Avenue and Manchaca Road

This preliminary plan was reviewed at the last Subdivision Committee meeting and referred to the Commission with the instruction that the staff and developer try and work out a suitable plan. The staff submitted a revised layout with the following recommendations:

1. Recommend Cannonleague Drive line up through subdivision with existing portion of the street.
2. Cul-de-sac required at west end of Stanley Avenue.
3. Dedicated walkway with a minimum width of 20 feet from north end of Cannonleague Drive into the park area.
4. A building site depth of not less than 50 feet between setback line and drainage easement line for lots backing up to railroad track.
5. A number of building setback lines required to be worked out.

C8-64-60 Cherry Creek--contd.

Mr. Thomas Watts, engineer for the developer, presented a map of the general area. He reviewed the proposed layout and the area to the south. He noted if the street is run through the subdivision, it will be a long continuous 50 foot street. His objection stemmed from the fact it would encourage more traffic through the subdivision.

Several members of the Commission were in agreement with Mr. Watts and felt it was not good planning to provide this type of access. They were of the opinion it is better to take the traffic out of the area and onto Manchaca Road.

The Director of Planning stated a street between the subdivision and park had been suggested. As this proposal was rejected by the Committee, a pedestrian walkway designed to serve the residential area going to the park should be considered. This is concern for the people living in the area having access into the park without having to go into a thoroughfare streets. Mr. Watts stated the subdivider was agreeable to a walkway. The Chairman stated he did not feel it would be safe to have a walkway at the end of the street.

Mrs. Fagan Dickson, Chairman of the Parks and Recreation Board, along with Mr. Carrington and Mr. Beverly Sheffield, presented a plan of the 80 acre park area. She indicated the development of the park would cost several million dollars and would include a covered swimming pool and stadium, along with other recreational activities and parking facilities. She emphasized the critical situation arising as a result of thousands of people during a peak period being routed into Manchaca Road with no other access road. They would prefer a community road adjoining the park. She felt this matter could be worked out to the satisfaction of both the park and the subdivision. Mr. Carrington noted the greatest asset Austin has is its parks and recreation facilities. He stressed the advantage to the subdivision for people living near the park.

The Chairman advised the provision of streets must be worked out between the Parks and Recreation Board and the subdivider. The only question for the Commission to decide is the development of the subdivision.

The majority of the Commission favored the plan submitted by the subdivider and were opposed to lining up Cannonleague Drive with the existing portion of the street. After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan submitted by the subdivider, providing a turn-around at the west-end of Stanley Avenue and a dedicated walkway with a minimum width of 20 feet from the north end of Cannonleague Drive into the park.

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. The Commission therefore

VOTED: To ACCEPT the following final plats for filing:
C8-64-46 Highland Hills Northwest
 Far West Blvd. and Mesa Drive
C8-64-52 Timberwood
 West 35th Street and Scenic Drive

SUBDIVISION PLATS - FILED--contd.

C8-64-53 Heritage Hills North

Interstate 35 and Colonial Parkway

C8-64-62 Colony North, Sec. 2

Jamestown Drive and Staunton Drive

C8-64-57 Frontier Village, Sec. 2

Ben White Blvd. and Pack Saddle Pass

C8-64-58 Harmony Height Addition

Ledesma and Berger Streets

(Granted variance from requirement of cul-de-sac.)

SUBDIVISION PLATS - CONSIDERED

C8-62-73 Rivercrest Addition, Sec. 2

Rivercrest Drive west of St. Stephens School Road

The staff reported all departmental reports have been completed and recommended approval. The Commission therefore

VOTED: To APPROVE the plat of Rivercrest Addition, Section 2.

C8-64-45 Barton Village, Sec. 2

Barton Skyway and South Lamar

The staff reported additional fiscal arrangements and off-site sanitary sewer easement are required. The Commission therefore

VOTED: To DISAPPROVE the plat of Barton Village, Section 2, pending the required fiscal arrangements and off-site sanitary sewer easement.

C8-64-49 North Acres, Sec. 2

Hollybluff Street and Walnut Bend Drive

The staff reported all requirements have been complied with except fiscal arrangements. The Commission therefore

VOTED: To DISAPPROVE the plat of North Acres Drive, Sec. 2, pending the required fiscal arrangements.

C8-64-39 Bluff Springs Subdivision

Bluff Springs Road and North Bluff

The staff reported this plat lacked completion of departmental reports, fiscal arrangements, additional easements and sewer approach main and easement required for sewer service. The Commission therefore

VOTED: To DISAPPROVE the plat of Bluff Springs Subdivision pending completion of departmental reports, fiscal arrangements, additional easements and sewer approach main and easement required for sewer service.

C8-64-60 Wooten Terrace, Section 1
Ohlen Road and Putnam Drive

The staff reported this plat lacked completion of departmental reports, off-site sanitary sewer easement and additional easements. The Commission therefore

VOTED: To DISAPPROVE the plat of Wooten Terrace, Section 1, pending completion of departmental reports, off-site sanitary sewer easement and additional easements.

C8-64-34 Wooten Terrace, Section 1A
Ohlen Road and Spearman Drive

The staff reported this plat lacked completion of departmental reports and the required additional easements. The Commission therefore

VOTED: To DISAPPROVE the plat of Wooten Terrace, Section 1A, pending completion of the required departmental reports and additional easements.

C8-64-56 West Gate Square
U. S. 290 and West Gate Blvd.

The staff reported this plat lacked completion of departmental reports, fiscal arrangements and additional easements and an off-site sanitary sewer easement. The Commission therefore

VOTED: To DISAPPROVE the plat of West Gate Square pending completion of departmental reports, fiscal arrangements, additional easements and off-site sanitary sewer easement.

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-64-134 Resub. of Lots 10-17, Block F, Preswick Hills, Sec. 1
Cordell Lane at Claymoor Drive
C8s-64-125 Resub. of Lot 7, Block J. Georgian Acres
Georgian Drive and East Rundberg Lane

SHORT FORMS - CONSIDERED

C8s-64-133 Reverend R. D. Reese Subdivision
Redwood Avenue and East 17th Street

The staff reported a variance is required on the signature of the adjoining owner to the north, who has refused to join in the plat. A variance is also required on the width of the corner lot, which is 50 feet wide instead of the required 60 feet. The lot was created by the sale of property and deed in 1954 prior to the time East 17th became a street. It was recommended both variances be granted.

C8s-64-133 Reverend R. D. Reese Subdivision--contd.

The Commission therefore

VOTED: To APPROVE the plat of Reverend R. D. Reese Subdivision, granting variances on the requirement of the signature of adjoining owner and width of the corner lot.

C8s-64-135 G. E. Owens, Jr. Subdivision
Greenwood Avenue

The staff reported a variance is required on a dead-end street with no cul-de-sac. Due to the fact that the extension of the street is not needed and one subdivision had already been approved without a cul-de-sac, a variance on Greenwood Avenue is recommended. The Commission therefore

VOTED: To APPROVE the plat of G. E. Owens, Jr. Subdivision, granting a variance on the cul-de-sac requirement.

C8s-64-136 Forest Meredith Subdivision
F. M. Road 969

The staff reported a variance is required on the signature of the adjoining owner, who has refused to join in the plat. It was recommended the plat be approved, granting this variance. The Commission therefore

VOTED: To APPROVE the plat of Forest Meredith Subdivision, granting a variance on the signature of adjoining owner.

C8s-64-123 Resub. of the west 100 feet of Lot 12, Block 1, Cresthaven
Greenwood Avenue and East 19th Street

The staff reported all departmental reports have been completed and recommended approval. The Commission therefore

VOTED: To APPROVE the plat of Resub. of the west 100 feet of Lot 12, Block 1, Cresthaven

C8s-64-138 Mary Hurst Subdivision
Harwood Street and Kenwood Avenue

The staff reported all departmental reports had been completed and the plat is ready for approval except for the signature of one of the owners. The Commission therefore

VOTED: To APPROVE the plat of Mary Hurst Subdivision and authorized the staff to hold the plat pending the signature of one of the owners.

C8s-64-131 Glenora Addition
Interstate 35

The staff reported all departmental reports have been completed but recommended the plat be disapproved pending the required annexation of the property. The Commission therefore

VOTED: To DISAPPROVE the plat of Glenora Addition pending annexation.

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The staff recommended disapproval of the following short form plats pending completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the following short form plats pending completion of the required departmental reports.

C8s-64-113 M. L. Williams Subdivision

Farley Drive and Georgian Drive

C8s-64-114 Glenmar, Sec. 2

Fiesta and Govalle Streets

C8s-64-119 St. Louis Heights Sub. of Lots 2-5, Resub. Lot 1, Block A
Burnet Road and St. Joseph Blvd.

ADMINISTRATIVE APPROVAL

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

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

C8s-64-132 Resub. Lot 14-15, Block C, Balcones West

Lawndale Drive and Denwood Lane

C8s-64-107 Resub. of Lot 9, G. C. Prock Sub.

Prock Lane and Don Ann Street

C8s-64-14 Resub. of portion of Lots 10 and 11, Block 9, Westfield "A"

Enfield Road E. of Norwalk Lane

C8s-64-137 Resub. of Lot 5 of the Resub. of Lot 10, Mont-Dale

Warren Street and Carlton Road

SUBDIVISION APPROVAL BY TELEPHONE POLL:

The staff reported that the following subdivision was considered by telephone poll on October 13, and that a majority of the Commission had

VOTED: To APPROVE the following final plat:

C8-64-18 DEER PARK, Section 3 - Revised

Manchaca Road and Inverness Boulevard

OTHER BUSINESS

C10-64-1(t) STREET VACATION REQUEST

Portion of Apache Pass west of Tejas Trail

The staff reported this request has been postponed pending the approval of the subdivision plan of West Gate Square Subdivision, which adjoins Apache Pass to the east. Mr. Stevens requested approval to poll the Commission regarding the street vacation at the time of the subdivision approval. The Commission then

VOTED: To POSTPONE the request for street vacation of a portion of Apache Pass and authorized the staff to poll the Commission in conjunction with the approval of West Gate Square Subdivision.

R1410 PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Request to permit efficiency apartments in the First Height and Area Districts for use in "BB" to "GR"

The Director of Planning reviewed a request submitted to the Council by the firm of Johnson and Baker, attorneys, regarding a proposed amendment to the text of the Zoning Ordinance. The purpose of the request is to consider a proposed amendment to Section 14B(2) (d) of the Austin City Code of 1954 (Zoning Ordinance) in order to equalize the minimum lot area requirement between efficiency apartments and standard apartments in the First Height and Area District, and more particularly in the Apartment-Hotel Classification for Use Districts "BB" to "GR".

Under the existing Zoning Ordinance, the minimum lot area requirements for efficiency apartments is no different than that for any other type apartment unit in the First Height and Area District, be it one, two or three bedrooms in size. Mr. Jones of Johnson and Baker is requesting an amendment to the Ordinance on the basis of 1,000 square feet lot area per efficiency apartment unit. An apartment hotel normally requires 1500 square feet of lot area. The 1500 square feet of lot area per unit permits an average density of 72 to 87 persons as compared to a density of 65 persons for the 1,000 square feet lot area provision.

The Director recommended the amendment to the text and suggested a draft be prepared for review by the Commission before transmitting to the Council.

The Commission discussed the proposal. Mr. Wroe inquired if this type of change would create traffic problems. Mr. Jones stated that with 62 persons, 44 parking spaces would be required, and the parking space required is therefore greater than for an apartment hotel under the present Ordinance. Mr. Jackson stated it was his opinion the amendment would be used in only a minority of cases, however, he noted he was in favor of the change. After further discussion, the Commission then

VOTED: To recommended the proposed amendment to Section 14B (2) (d) of the Ordinance be adopted, and instructed the staff to prepare an amendment to the text for their review.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman