

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--November 17, 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
S. P. Kinser
Barton D. Riley
Edgar E. Jackson

Absent

Ben Hendrickson
W. Sale Lewis
Emil Spillmann
W. A. Wroe

Also Present

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

MINUTES

Minutes of the meeting of October 20, 1964 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of November 10, 1964.

C14-64-161 Marvin Bergstrom: C to C-1

401-411 West 13th Street and 1218-1222 Guadalupe Street

STAFF REPORT: The site is developed with the Penthouse Apartments and contains an area of 10,000 square feet. The proposed use is for the sale of wine with food in the restaurant of the apartment building. The area is developed primarily commercial. There is "C-1" zoning established approximately one block to the east. Guadalupe and West 13th Streets are commercial collector streets with 80 feet of right of way.

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

The applicant was present at the hearing and stated that in order to make the restaurant a success, it is necessary to serve beer and wine, as there are a great many requests for this service.

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

1. The site is in a well developed commercial area.
2. The proposed use is compatible with the development of the surrounding area.

C14-64-161 Marvin Bergstrom: C to C-1--contd.

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

VOTED: To recommend that the request of Marvin Bergstrom for a change of zoning from "C" Commercial, Third Height and Area to "C-1" Commercial, Third Height and Area for property located at 401-411 West 13th Street and 1218-1222 Guadalupe Street be GRANTED.

C14-64-162 Alfred Lehtonen: A to B

809-815 West Annie Street and 1801-1807 South 4th Street

STAFF REPORT: The site is developed with a vacant residence and contains an area of 43,056 square feet. The applicant proposes constructing a 20-unit, one story low rental apartment dwelling. The area is developed primarily with single-family residences. West Annie has 60 feet of right of way and is classified as a secondary thoroughfare in the Austin Development Plan with a proposed right of way of 90 feet.

The applicant stated he would like to erect a 20-unit, single story, architecturally designed apartment building in a U shape with pool. The single story nature of this development would blend in with existing residences. This would not substantially change the residential character of the neighborhood and would be an asset to the area. The reasons for seeking the change are:

1. The property is 208 x 208 feet and cannot be economically subdivided into residential lots, because a sewer line would have to be run through the property, and because the lot is an awkward size.
2. There is a public need in Austin for this type of unit. Most of the apartments are in the luxury class and there is need for nice low or middle income type apartments.
3. As the property is not suitable for residential, this zoning would encourage the best use of the property. Adequate off-street parking will be provided.

A petition in opposition was submitted from 67 property owners in the area: This would be an intrusion into their residential area and there is no proximity to similar type development in the area. This is clearly a spot zoning application.

The Committee reviewed the information and a majority of the members concluded this request should be denied for the following reason: The proposed change does not fit the zoning or development pattern of the area.

The Director of Planning reviewed the area and advised the Commission this property could be subdivided into five lots, each accommodating a two-family dwelling.

C14-64-162 Alfred Lehtonen: A to B--contd.

The Commission noted the location of Becker School in the area. After further discussion, the Commission concurred with the Committee's recommendation, and it was unanimously

VOTED: To recommend that the request of Alfred Lehtonen for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, First Height and Area for property located at 809-815 West Annie Street and 1801-1807 South 4th Street, be DENIED

C14-64-163 Tract 1: A. J. Smith and Gladys Smith: A and 1 to B and 2
903-907 Morrow
Tract 2: Andy Kivlin: A and 1 to B and 2
901 Morrow

STAFF REPORT: The site contains two tracts of land under separate ownership and covers an area of 87,815 square feet. Apartment development is proposed. The property adjoins "C" Commercial zoning on two sides and is a short distance from Jefferson Chemical Company property which is zoned "D" Industrial. The requested zoning would allow a maximum development of 116 units. Morrow Street is a minor collector street with 50 feet of right of way.

Two written comments were received in favor of the change.

Mr. Andy Kivlin appeared at the hearing and stated the purpose for this property is for low rental apartment development. There is a need for this type of development in the area. A low rental development would require at least 50 units or the cost would be prohibitive. There would be no access problem, since the applicants own adjoining property fronting on Lamar Boulevard.

No one appeared in opposition to the request.

The Committee reviewed the information and concluded second height and area zoning should be denied, as they felt this was too intense a zoning for the property. They were of the opinion that "B" Residential, First Height and Area would provide a logical buffer zone between the "C" Commercial and "A" Residential, and is proper zoning for the property.

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

VOTED: To recommend that the request of (Tract 1) A. J. Smith and Gladys Smith and (Tract 2) Andy Kivlin for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, Second Height and Area for property located at (Tract 1) 903-907 Morrow and (Tract 2) 901 Morrow, be DENIED, but to GRANT "B" Residential, First Height and Area for the property.

C14-64-164 The Southland Corporation: C to C-1
4416 Manchaca Road

STAFF REPORT: The area contains 12,300 square feet and is developed with a grocery store. The request is to allow the sale of beer for off premise consumption in 7-Eleven Store. There is a filling station adjoining the site at the corner of Manchaca Road and Ben White Boulevard. St. Johns Presbyterian Church is south of subject property, a door-to-door distance of 405 feet. The area along Ben White Boulevard is developed commercially with "C", "GR" and "LR" zoning. The area to the south along Manchaca Road is developed primarily residential. The area to the west of Manchaca Road is largely undeveloped. The closest "C-1" zoning in the area is on the north side of Ben White Boulevard. Manchaca Road has 60 feet of right of way at subject property and is classified as a secondary thoroughfare with a proposed right of way of 90 feet.

Two replies were received in favor of the request.

Fred B. Werkenthin appeared and stated there are filling stations located on three corners of Ben White Boulevard and Manchaca Road. Beer for off-premise consumption is one of the commodities the customers of a drive-in grocery expect.

No one appeared in opposition to the request.

The Committee reviewed the information and concluded this request should be granted as the property is in a well developed commercial area.

The Commission concurred with the Committee recommendation and it was unanimously

VOTED: To recommend that the request of The Southland Corporation for a change of zoning from "C" Commercial, Sixth Height and Area to "C-1" Commercial, Sixth Height and Area for property located at 4416 Manchaca Road be GRANTED.

C14-64-165 Paul O. Sims: B to C
707 East 10th Street

STAFF REPORT: The site contains an area of 4,352 square feet and is developed with a grocery store. The proposed use is for an American Legion office building. The lot adjoining to the east was recently zoned "C" Commercial. The rest of the area is zoned commercial with the exception of the school plant across the street and "B" zoning of nine lots along Sabine Street and East 10th Street. East 10th Street is a commercial collector street with 80 feet of right of way. The bridge across Waller Creek is scheduled to be paved in the near future.

Three written comments were received in favor of the change.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-17-64 5

C14-64-165 Paul O. Sims: B to C--contd.

No one appeared to represent the applicant and no one appeared in opposition to the request.

The Committee reviewed the information and concluded this request should be granted for the following reason: This is a logical extension of existing commercial zoning in the area and is the proper zoning for the property. The Committee indicated they would look with favor on commercial zoning of the residentially zoned lots along Sabine, East 10th, and East Ninth Streets.

The Commission concurred with the Committee recommendation and it was unanimously

VOTED: To recommend that the request of Paul O. Sims for a change of zoning from "B" Residential, Second Height and Area, to "C" Commercial, Second Height and Area for property located at 707 East 10th Street be GRANTED.

C14-64-166 Leland R. Wilson: A to B, 1 to 2

Rear of 2704 Manor Road and
Rear of 3105-3109 Walnut Avenue

STAFF REPORT: The area contains 10,496 square feet and is developed with a residence. The applicant proposes erecting a multi-family dwelling. The tract has no street frontage, but is part of a larger tract owned by the applicant which fronts on Manor Road and Walnut Avenue, and which is zoned "B" Residential, Second Height and Area. The proposed zoning would permit a maximum development of 13 units on this smaller tract. The immediate surrounding area is developed residentially. There is commercial development along Manor Road. Due to the extension of the subject property into a residential subdivision, it is suggested that a more restrictive zoning would be more appropriate.

No written comment was received.

Leland Wilson, applicant, stated he wanted the subject property and adjoining property in front, which is under the same ownership, zoned alike. The apartments will face to the east approximately 267 feet and there will be a 36 foot wide passageway to the back. There will be enough room at the rear of the property for a turn-around.

No one appeared in opposition.

The Committee did not wish to make a recommendation until it had been determined whether or not the rear portion of the property owned by the applicant had ever been under separate ownership from the front portion.

The staff reported to the Commission that the front and rear portion of the property have never been under separate ownership.

C14-64-166 Leland R. Wilson: A to B, 1 to 2--contd.

The Commission felt that "B" Residential, Second Height and Area, is too intensive for the property, due to its extension into the residential subdivision and its limited access. It was unanimously

VOTED: To recommend that the request of Leland R. Wilson for a change of zoning from "A" Residential, First Height and Area to "B" Residential, Second Height and Area, for property located at the Rear of 2704 Manor Road and the Rear of 3105-3109 Walnut Avenue, be DENIED but to GRANT "B" Residential, First Height and Area.

C14-64-167 George S. Nalle, Jr.: A to C
2905-2909 Manchaca Road
Additional Area: 2827 Manchaca Road

STAFF REPORT: The site contains an area of 21,000 square feet and is developed with a residence. The applicant proposes constructing a commercial building when the proposed Barton Skyway is extended. Recently, the Travis Association for the Blind was granted a zoning change from "A" to "C" on property adjacent to the additional area. This additional area is included since it will be isolated as residential property when Barton Skyway is extended. The area along Manchaca Road is sparsely developed with single-family residences. The proposed Barton Skyway will have a right of way of 90 feet. Manchaca Road has 80 feet of right of way, and is classified as a secondary thoroughfare with a proposed right of way of 90 feet. A less intensive zoning is recommended for this property; one that is more compatible with the development of the area.

One written comment was received in favor of the request.

George S. Nalle, Jr., applicant, informed the Committee they do business with the Travis Association for the Blind and would like a building for storage of plastic products assembled by employees of the Association. This would simplify the hauling and freight operation. They also contemplate a retail business on the property, possibly a restaurant.

No one appeared in opposition to the request.

The Committee regarded "C" Commercial zoning as logical and proper for the additional area in view of the recently granted "C" zoning adjacent to it on the north and east, and because of the location of the proposed extension of Barton Skyway. However, they felt "C" Commercial would not be proper for the tract owned by the applicant, since it would allow uses incompatible with the residential development along Manchaca Road. They felt "LR" Local Retail is proper zoning for the tract because its location at the intersection of Manchaca Road and the proposed Barton Skyway will serve as a buffer zone between the "C" Commercial to the north and the "A" Residential to the south.

C14-64-167 George S. Nalle, Jr.: A to C--contd.

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

VOTED: To recommend that the request of George S. Nalle, Jr. for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area, for property located at 2905-2909 Manchaca Road be DENIED, but to GRANT "LR" Local Retail, First Height and Area. It was further recommended that "C" Commercial be GRANTED for the additional area located at 2827 Manchaca Road.

C14-64-168 Philip and Charles Bashara: A to LR
401-405 East 45th Street and 4413-4415 Avenue H

STAFF REPORT: The area consists of two lots containing 13,225 square feet and is developed with two houses. The applicant proposes future commercial development. The site is across from the Elizabeth Ney Museum. The area is developed primarily residential with some retail development to the east at the intersection of Duval and 45th Streets. A request for "LR" zoning on this property in 1961 was recommended unfavorably by the Commission and was withdrawn. Waller Creek is just south of the subject property. There is a periodic ponding problem in the area. Public Works Department advises that a preliminary review of the area shows that further development of subject property would not significantly contribute to the problem. East 45th Street has 60 feet of right of way and is classified as a primary thoroughfare with a proposed right of way of 120 feet. Determination of the final right of way has not been made.

Two written replies were received against the change and one in favor.

Mr. Philip Bashara's testimony to the Committee is summarized as follows: The three lots immediately east of subject property are zoned "C" Commercial. There is a filling station across 45th Street from the three lots, and there is commercial development at the southeast corner of 45th and Duval. This request merits zoning to conform with the uses in the block. There is a good buffer with Waller Creek and the City property. One of the houses on the property has been condemned, and they feel commercial development with some type of shops would be satisfactory and improve the area. If this zoning is granted, the City will require precautions against adding to the flooding problem. Their property fronts on East 45th Street and the Museum fronts on East 44th Street; commercial on the property should not affect them.

Two nearby property owners appeared in opposition to the request and stated they are concerned with protecting the residential area and the Elizabeth Ney Museum. This proposal could add to the flooding of Waller Creek in the area and this problem should be overcome. The commercial development is established along 43rd Street and there has not been any development in two years on 45th Street. The neighbors would like the area to remain residential.

C14-64-168 Philip and Charles Bashara: A to LR--contd.

The Committee discussed the possible effects on the Museum and surrounding residential property of commercial development of the subject property. It was noted that the two lots in question front on East 45th Street, whereas other lots in the area touching 45th side on it. A majority of the members felt that the property in question is best suited to commercial development, in view of the fact that it fronts on a primary thoroughfare and adjoins a "C" Commercial zone. They felt "LR" zoning would provide a buffer between the "C" zone and Museum.

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

VOTED: To recommend that the request of Philip and Charles Bashara for a change of zoning from "A" Residential, First Height and Area to "LR" Local Retail, First Height and Area for property located at 401-405 East 45th Street and 4413-4415 Avenue H be GRANTED.

C14-64-169 Gustav Krause: A to C
610 Kenniston Drive

STAFF REPORT: The site contains an area of 10,500 square feet and is undeveloped. The applicant proposes future commercial development. "D" Industrial zoning adjoins subject property to the west. Two lots removed from the site to the east is "LR" zoning. The area to the north is developed with scattered single-family dwelling while the area to the south along Airport Boulevard and Kenniston Drive is developed commercially. Kenniston Drive is a minor residential street with 50 feet of right of way.

One written comment was received in favor of the change.

Denny McGraw represented the applicant. He stated this lot adjoins a filling station to the west. Property in this particular block is zoned commercially with a grocery store. The property to the east has "LR" zoning established. There is a possibility of the area being zoned "C" Commercial in the future rather than being developed residentially.

No one appeared in opposition to the request.

The Committee reviewed the information and concluded this request should be granted as it is a logical extension of existing commercial zoning.

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

VOTED: To recommend that the request of Gustav Krause for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 610 Kenniston Drive be GRANTED.

C14-64-170 E. A. Grimmer: C to C-1
823-829 Houston Street

STAFF REPORT: The area contains 12,325 square feet and is developed with a private club. The applicant proposes on-premise consumption of beer with food. Adjoining subject property on the west is the House of Lights store. There is a warehouse to the east and commercial development along Lamar Boulevard. The area to the east along McCandless Street is developed residentially. Northwest is McCallum High School. Houston Street has 50 feet of right of way. Streets serving commercial properties should have a minimum right of way of 60 feet.

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

The applicant was present at the hearing and informed the Committee as follows: At the present time we are using the property for a teenage club called "The Torch". For economic reasons we are considering catering to adults. We would like to be able to sell alcoholic beverages. There is a restaurant at the location now.

Seven nearby property owners appeared at the hearing in opposition to the request. A summary of their testimony is as follows: The property is only one block and a half from the high school. We do not want drinking close to our residential area and the high school. This proposal would only add to already serious traffic problems. The Torch at the present time contributes to litter and noise from teenagers, and this request would create more problems for the residential neighborhood.

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

1. The proposal would be detrimental to the residential area.
2. Houston Street has inadequate right of way to handle further traffic.

Mr. Paul Jones, attorney for the applicants, informed the Commission the applicant was willing to dedicate 10 feet of right of way for the widening of Houston Street.

The Director of Planning reviewed the zoning and land use situation in the area, noting the commercial development of used car lots, warehouses and other commercial use to the east, and the high school to the west.

The Commission discussed the question of "C-1" zoning for the area and future commercial development. The majority of the members felt that "C-1" zoning would be a detriment to the residential area and were concerned with the close proximity of McCallum High School. It was therefore

VOTED: To recommend that the request of E. A. Grimmer for a change of zoning from "C" Commercial, First Height and Area, to "C-1" Commercial, First Height and Area for property located at 823-829 Houston Street be DENIED.

AYE: Messrs. Brunson, Kinser and Riley

NAY: Messrs. Barrow and Jackson

ABSENT: Messrs. Hendrickson, Lewis, Spillmann and Wroe

C14-64-171 C. H. Carpenter: A to B

5611-5613 Roosevelt Avenue and 5612 Grover Avenue

STAFF REPORT: The site contains an area of 19,400 square feet and is undeveloped. The applicant proposes constructing apartments. The site adjoins a bowling alley parking lot to the north. To the south is a church; to the west single-family residences; and to the east is McCallum High School. The proposed zoning would allow a maximum of 12 units to be built. Further development of this property should include consideration of possible future development of access from the present north end of Roosevelt Avenue. This street now carries traffic into the bowling alley parking lot. Grover Avenue has 52.5 feet of right of way at subject property. A minimum right of way of 60 feet is recommended.

No written comment was received in reply to notices sent.

Mr. G. F. Ransom represented the applicant at the hearing and informed the Committee they propose a 12 unit development constructed in a U-shape fronting on the parking lot. The bowling alley property is also owned by Mr. Carpenter. There would be no objection to development of a street to gain access from Woodrow Avenue.

No one appeared in opposition to the request.

The Committee reviewed the information and concluded this request should be denied because of the inadequate circulation pattern of the streets serving the property. However, they would favor a change to "B" Residence, First Height and Area zoning if the street development allowed sufficient controlled circulation.

The staff read a letter to the Commission from Mr. G. F. Ransom, which is quoted below:

"With reference to the application for rezoning of Lot #1 and the north 22' of Lot #2 of Block 1, Broadacres, submitted for C. H. Carpenter, by G. F. Ransom, we submit the following information:

Since Roosevelt Street cannot be a through street to Koenig Lane, we propose to erect a fence across the terminal point of this street where it now joins the land occupied by the Capitol Bowling Center. This will eliminate the traffic from Roosevelt Street which now crosses our private property and will also limit traffic on Roosevelt Street to those persons living there.

The construction of the twelve (12) units apartment house on the aforementioned lots will not materially increase the traffic on either Grover or Roosevelt Streets and will not present a parking problem, inasmuch as we are providing twenty-two off-street parking spaces.

Planning Commission -- Austin, Texas

Reg. Mtg. 11-17-64 11

C14-64-171 C. H. Carpernter: A to B--contd.

It has been suggested that we donate a passageway from the present termination of Roosevelt Street to Grover Street property as a public thoroughfare. It is not possible for this to be done inasmuch as the property is mortgaged.

We sincerely hope that this Commission will favorably act on our request for a zoning change and will not insist on a condition impossible for us to grant."

In view of the circumstances outlined in Mr. Ransom's letter, the Commission unanimously

VOTED: To recommend that the request of C. H. Carpenter for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, First Height and Area, for property located at 5612 Grover Avenue and 5611-5613 Roosevelt Avenue, be GRANTED.

C14-64-172 Don McElwreath: A to B
4706-4710 Depew Avenue

STAFF REPORT: The site contains an area of 15,600 square feet and is undeveloped. The applicant proposes constructing apartments. The area is primarily "A" Residential and developed with single-family residences. There is commercial zoning to the south along East 47th Street. The only commercial development is a grocery store. There is a beauty shop zoned "B" immediately west of the site. The proposed zoning would permit a maximum development of seven units. Most of the streets in the area are graveled and have inadequate right of way. Any expansion of "B" or more intensive zoning should be considered on an area basis.

One written comment was received in opposition to the request. No one appeared to represent the applicant and no one appeared in opposition to the change.

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

1. The streets in the area are inadequate.
2. Any change of zoning for the area should be considered on a larger basis.

The staff reported a letter to the Commission from Mr. E. H. Smartt, attorney for the applicant. Their intention was to withdraw the application prior to the Zoning Committee hearing, and through a misunderstanding this was not done. The notice of the hearing indicated a request for "B" Residential, First Height and Area, and the applicant wished "Second Height and Area". Mr. Smartt asked that the Commission allow the application to be withdrawn.

The Commission therefore

VOTED: To allow the withdrawal of the application of Don McElwreath.

Cl4-64-173 Carrington's University Hills: Tract 1: Int. A to LR
6634-6656 Manor Road and 3417-3521 Loyola Lane
Tract 2: Int. A to C-1
 Rear of 3503 -3507 Loyola Lane

STAFF REPORT: The area contains 99,000 square feet and is undeveloped. The applicant proposes developing a small neighborhood shopping center. The area is part of University Hills Subdivision. Across Loyola Lane, two tracts have recently been rezoned "LR" and "C-1". The surrounding area is largely undeveloped. Little Walnut Creek runs through the property. The subject property was designated for commercial development in the preliminary subdivision plan. Manor Road is a secondary thoroughfare with 80 feet of right of way. Loyola Lane is a minor collector street with 50 feet of right of way and 30 feet of paving.

No written comment was received.

Mr. Paul Jones represented the applicant and informed the Committee the applicant is working from a master plan which has been approved for the entire 345 acre subdivision. The subject property is on thoroughfare streets and is not suitable for residential development.

No one appeared in opposition.

The Committee reviewed the information and concluded this request should be granted as it is part of the comprehensive plan for the area.

The Commission concurred with the Committee recommendation and it was unanimously

VOTED: To recommend that the request of Carrington's University Hills for a change of zoning from Interim "A" Residential, First Height and Area to (Tract 1) "LR" Local Retail, First Height and Area and (Tract 2) "C-1" Commercial, First Height and Area for property located at (Tract 1) 6634-6656 Manor Road and 3417-3521 Loyola Lane and (Tract 2) 3503-3507 Loyola Lane, be GRANTED.

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.

CP14-64-10 R. D. Hardin: Pet shop and veterinary hospital--contd.

This request was heard at the last Planning Commission meeting. Due to an error in the date of the notices sent, the property owners received only six days notice of the hearing instead of the required 10 days. The Commission therefore voted to postpone action until this hearing of the Zoning Committee and to re-notify the property owners, giving the required 10 days notice of the hearing.

One reply was received in favor and five in opposition to the change. A petition was submitted from 66 property owners in the area opposing the request.

Mr. John Campbell, attorney for Dr. Horace Poole, a property owner at 4526 Burnet Road, question the legality of the Zoning Committee and Planning Commission to approve a special permit. He quoted Article 1011 (e) of V. A. T. S. as authority, and stated when twenty percent of the property owners were in opposition to the application, the request must be approved by the City Council. He noted the document on file opposing the application from 66 property owners in the area.

Mr. Glenn Cortez, Assistant City Attorney, advised the Committee that the article referred to by Mr. Campbell applied to a change of zoning and not to a special permit.

Mr. Kinser advised Mr. Campbell that in his opinion the required procedure for hearing special permits was being followed and that the Committee would continue the hearing. If Mr. Campbell wished to appeal the legality of the hearing, he could do so in the courts.

The staff submitted in evidence the revised site plan and all information contained in the case file and reported that all departmental reports had been received on the revised site plan filed by the applicant at the previous hearing. All departments had reported that the plan complies with all regulations.

Mr. R. D. Hardin, the applicant, stated he felt they have complied in every respect with the special permit regulations. The building will not be a hazard or produce noise, odor or anything objectionable. He stated the proposal would be a fine thing for the community.

Mr. Campbell stated the granting of special permits must meet certain technical requirements as stated in Section 10-B of the Zoning Ordinance. One of the facets to be considered is whether a veterinary clinic at this location affects the safety and general welfare of the public. Seventy-two property owners would be affected, and they think it is detrimental. His client, Dr. Poole, feels that a dental clinic is not compatible with a veterinary hospital. There will also be a bad psychological effect. This area has not fully developed as a commercial area. The proposal would not be good for the general welfare of the neighborhood.

CP14-64-10 R. D. Hardin: Pet shop and veterinary hospital--contd.

Mr. Harry S. Pollard, attorney, represented property owners who have submitted a petition, including the property owners appearing at the hearing. He said that the notices were again deficient in that the full 10 days notice was not given. He stated the notices were post-marked on the 30th and were not received until the 31st. The Committee questioned the staff and the Assistant City Attorney and were satisfied that adequate notice had been given, the case had been properly re-advertised, and that the application was in proper order.

Mr. Pollard stated he would also like to point out a deficiency in the requirements which should be fulfilled for special permits. The applicant should submit special plans other than the site plan to show his intention. He submitted a report on animals clinics prepared by the American Society of Planning Officials. He stated the purpose of this report was to advise officials and veterinarians on good planning principles. Mr. Pollard read excerpts from this report regarding reduction of noise, elimination of refuse and odor, and other recommendations for animal clinics. He stated the Committee should not approve the application on generalities without advice of an accoustical expert. He noted the application did not state the kind and size of the animals that will be kept for sale. The property owners should have protection from abnormal noise and odor. He concluded that the application did not justify a recommendation to the Planning Commission with such serious hazards affecting the property owners in the area.

Mr. Hardin stated they were using reports on small animal clinics as a guidepost. He advised they will not have an incinerator of any kind, and refuse will be disposed of in the sewerage systems. All requirements of the City have been complied with, and in addition, a six foot wall will be built along the west and north property lines.

The Committee reviewed the information presented and examined the revised site plan. They considered the following factors as set forth in Section 10-B, paragraph 4 of the Zoning Ordinance:

1. The safety of the motoring public and pedestrians using the facility and the area immediately surrounding the site would be protected by control of entranceways and a six foot fence to be built along the west and north property lines.
2. The applicant has provided safety from fire hazard, and has adequate measures for fire control with the fire-proof building.
3. Protection of adjacent property from flood or water damage has been controlled. The City Engineering Department has approved the curbing and grading and the wall will control the drainage.

CPI4-64-10 R. D. Hardin: Pet shop and veterinary hospital--contd.

4. The applicant's plans will reduce noise to a reasonable level by the use of a six inch solid concrete wall in the building. The applicant has further indicated adequate attention has been given to the lights, sound and odor. The building will be air conditioned, refuse will be disposed inside the building, and there will be no night time business conducted.
5. The location of signs will be appropriate to the uses permitted under "C" Commercial zoning.
6. The Committee felt that Burnet Road, a primary thoroughfare with 60 feet of right of way and 40 feet of paving, and West 46th Street, a minor residential street with 50 feet of right of way, were adequate to handle the traffic expected to be generated by the proposed use around the site and in the immediate neighborhood.
7. The Committee examined the parking plans and determined that 16 paved parking spaces will be provided. This is adequate and complies with City regulations.
8. In the Committee's opinion, this application meets the public health, safety, morals and general welfare requirements for granting special permits.

The Director of Planning reported a letter from Tracor, Inc., acting as acoustical consultant for the applicant, wherein it was stated that the noise level will be adequately controlled.

Messrs. Barrow and Kinser stated they were not in favor of this operation at this location backing to a residential neighborhood. The majority of the Commission felt the proposal gave adequate protection to the adjacent residences through building design and proposed construction. After further discussion, the Commission then

VOTED: To recommend the request of R. D. Hardin for a Special Permit for a pet shop and veterinary hospital at 4600 Burnet Road be GRANTED.

AYE: Messrs. Brunson, Jackson and Riley

NAY: Messrs. Barrow and Kinser

ABSENT: Messrs. Hendrickson, Lewis, Spillmann, and Wroe

The Chairman announced that any interested party aggrieved by this decision of the Planning Commission to approve this special permit may appeal to the City Council for a review of this decision upon giving notice in writing to the City Council within 10 days from this date.

Mr. Glenn Cortez, Assistant City Attorney, announced that Mr. Harry Pollard, attorney, had orally stated he would file an appeal of the Planning Commission decision to the Council.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of November 2, 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 that the following subdivision was referred to the Commission: C8-64-61 North Ridge Terrace, Sec. 6. The Commission therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of November 2, 1964, on the minutes of this meeting.

PRELIMINARY PLANSC8-64-61 North Ridge Terrace, Section 6
Burnet Lane and Justin Lane

This preliminary plan was considered at the last Subdivision Committee Meeting and was referred to the Planning Commission for final decision on the right of way for Justin Lane and proposed internal street of Goleta. The staff recommended 90 feet of right of way on Justin Lane for a secondary thoroughfare street to conform to the Master Plan requirements. They recommended a variance from the Ordinance requirement on the 60 feet of right of way for Goleta Street, but recommended a paving width of 40 feet be required for this street. The staff also recommended that the internal street be shifted to the south to allow a minimum depth of 100 feet for the lots between Justin Lane and Galeto Street with the shorter depth lots on the south side of Galeto Street.

Mr. Foxworth explained the existing right of way of Justin Lane is 60 feet with a proposed width of 90 feet. The recommendation of the Planning Department was to take 20 feet of the south side and 10 feet off the north side. The Advanced Planning Section suggests that in the future access to individual properties may possibly be prohibited on thoroughfares of 90 feet or more. There is concern for the lots fronting onto a thoroughfare street as proposed in this plan. An existing church building on the north side is within 20 feet of the right of way line.

Mr. Holmes stated the subdivider was in agreement with the 50 feet of right of way and 40 feet of paving on the internal street. He objected to the 90 feet of right of way on Justin Lane as this would take 20 feet of right of way off the subject property and leave a depth of less than 100 feet on six lots. He felt that 90 feet of right of way throughout the length of Justin Lane would be difficult to acquire because of the setbacks of the existing development along both sides of the street to North Lamar Boulevard.

C8-64-61 North Ridge Terrace, Section 6--contd.

Mr. Jackson advised Mr. Holmes that the plan should have provided for the right-of-way needed on Justin Lane. Mr. Barrow advised that the Planning Commission is not expected to change the street width as set forth in the Master Plan because of their subdivision plans for the property. He stated the disposition of the alignment of this right-of-way should be worked out between Mr. Holmes, his client and the City. The issue of alignment is not the jurisdiction of the Planning Commission.

Mr. Holmes stated if the offset is 20 feet on one side and 10 feet on the other side of Justin Lane, the alignment will be thrown off five feet onto the east. Mr. Stevens presented a map showing this area along Justin Lane for the Commission's review. It was noted the east line of the subdivision is 100 feet west of the west right-of-way line of Hardy Drive.

It was felt that since the alignment of Justin Lane had not been worked out with the City, the subdivision plan was not in proper form for action.

Mr. Wiley Pringle, developer, stated that they would try to work the alignment out with the City prior to the Subdivision Committee meeting.

After further discussion, the Commission

VOTED: To POSTPONE action until the next Subdivision Committee Meeting and instructed the staff and the subdivider to reach a decision on the alignment of Justin Lane.

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:

C8-64-24 Allendale Estates
U. S. 183 and Creek Blvd.
C8-64-66 Deer Park, Section 4
St. George's Green and St. Albans Place

The staff recommended that the following final plats be accepted for filing and disapproved pending additional fiscal arrangements and completion and compliance with departmental reports. The Commission therefore

VOTED: To ACCEPT the following final plats for filing and DISAPPROVE pending the required additional fiscal arrangements and completion and compliance with departmental reports:

C8-64-63 Barton Terrace, Section 4
Barton Hills Drive and Trailside
C8-64-64 Colony North, Section 3
Bangor Bend south of Jamestown Drive

C8-64-46 Highland Hills Northwest
Far West Blvd. and Mesa Drive

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of HIGHLAND HILLS NORTHWEST, subject to the following conditions:

1. Additional easements required
2. Additional fiscal arrangements
3. City tax certificate
4. Completion and compliance with departmental reports
5. Annexation
6. Change the name of Running Rope Street

C8-64-52 Timberwood

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of TIMBERWOOD, subject to the following conditions:

1. Additional easements required
2. Fiscal arrangements required
3. Completion and compliance with department reports
4. Request existing easement be tied to lot corners
5. Note required on plat concerning Lots 3A, 4A and 5A, etc.

C8-64-53 Heritage Hills North
Interstate 35 and Colonial Parkway

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of HERITAGE HILLS NORTH, subject to the following conditions:

1. Annexation required
2. Volume and page required in dedication
3. Dimension of all setback lines

and authorized the staff to poll the Commission when these conditions have been met.

C8-64-62 Colony North, Section 2
Jamestown Drive and Staunton Drive

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of COLONY NORTH, Section 2, subject to the following conditions:

1. Additional easements required
2. Completion and compliance with departmental reports
3. Fiscal arrangements required
4. Annexation required

C8-64-58 Harmony Heights Addition
Ledesma and Berger Streets

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of HARMONY HEIGHTS ADDITION, subject to the following conditions:

1. Additional easements required
2. Fiscal arrangements required
3. Completion and compliance with department reports

C8-64-57 Frontier Village, Section 2
Ben White Blvd. and Pack Saddle Pass

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of FRONTIER VILLAGE, Section 2, subject to the following conditions:

1. Additional easements required
2. Completion and compliance with department reports
3. Annexation required

C8-62-73 Rivercrest Addition, Section 2
Rivercrest Drive West of St. Stephens School Road

The staff reported this plat had been approved by the Planning Commission, however, the owner is asking that the plat be held for recording until after January 1, 1964 for tax purposes. The Chairman inquired as to the legality of holding the plat in this situation. The Assistant City Attorney advised there is nothing in the Statute or Ordinance covering such a provision. Mr. Barrow advised that he was an adjoining owner of this property and disqualified himself from voting. This resulted in a lack of quorum of the Commission to take action on the request. It was therefore

AGREED: To POSTPONE action for 30 days due to a lack of quorum of members present.

C8-64-44 Crestwick Acres
Manor Road and Over Hill Road

The staff reported this plat lacked the required fiscal arrangements. The Commission therefore

VOTED: To DISAPPROVE the plat of CRESTWICK ACRES subject to completion of the required fiscal arrangements.

C8-64-56 West Gate Square

U. S. 290 and West Gate Blvd.

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of WEST GATE SQUARE, subject to the following conditions:

1. Additional easements required
2. Completion and compliance with department reports
3. Off-site easement required

and authorized the staff to poll the Commission upon compliance with these conditions.

C8-64-50 North Oaks, Sec. 3, Phase 1

Plaza Drive and Trinity Hill Drive

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of NORTH OAKS, Section 3, Phase 1, subject to the following conditions:

1. Additional easements required
2. Fiscal arrangements required
3. Completion and compliance with department reports

C8-64-51 North Oaks, Sec. 3, Phase 2

Riddlewood Drive and Springhill Drive

The staff reported that several requirements of the Ordinance had not been met.
The Commission therefore

VOTED: To DISAPPROVE the plat of NORTH OAKS, Sec. 3, Phase 2, subject to the following conditions:

1. Additional easements required
2. Fiscal arrangements required
3. Completion and compliance with department reports
4. Phase 1 will have to be approved to service Phase 2

SHORT FORMS - CONSIDERED

C8s-63-134 Resub. Lots 10-17, Block F, Preswick Hills, Sec. 1

Cordell Lane at Claymoor Drive

The staff reported that this short form plat lacked required fiscal arrangements and completion and compliance with departmental reports. The Commission therefore

VOTED: To DISAPPROVE the plat of Resub. Lots 10-17, Block F, PRESWICK HILLS, Section 1, subject to the required fiscal arrangements and completion and compliance with departmental reports.

C8s-64-142 Lillian L. Roberts Subdivision
Cameron Road at 53rd Street

The staff reported all departmental reports had been completed and this short form plat is ready for approval except for a change of name to Industrial Subdivision. The property is located in an industrial area of the Master Plan. The Commission therefore

VOTED: To APPROVE the plat of LILLIAN L. ROBERTS SUBDIVISION, granting the name change to Industrial Subdivision.

C8s-64-143 D. C. Bradford Subdivision
Cameron Road at 53rd Street

The staff reported all departmental reports have not been received and a variance is required on the signature of the adjoining owner, who refuses to join in the plat. It was noted on the plat that there is a four foot offset along the front of the property on Cameron Road. Public Works does not recognize this offset; however, the staff feels the plat should not be recorded with this offset and would like to check the matter further. The Commission then

VOTED: To DISAPPROVE the plat of D. C. BRADFORD SUBDIVISION, pending the required department reports and determining the reason for the 4 foot offset along the front of the property, and granted the variance from the signature requirements of the adjoining owner.

C8s-64-144 Norman Miller Subdivision
Concho Street

The staff reported all departmental reports have been completed and the plat is ready for approval upon consideration of a variance required on street width and lot width. It was explained two lots have been created by subdividing. A variance is involved in the right of way on Concho Street (10 feet wide) and for Lawson Lane (14 feet wide). It is recommended that Lawson Lane be brought up to a standard of 50 feet and Concho Street be brought to 40 feet with 30 feet of paving.

On the splitting of the property, Lot 1 would have 50 feet at the building line on Concho Street and Lot 2 would have 50 feet on Lawson Lane. This plan would conforming with the zoning regulation and not create a Board of Adjustment case on lot width at the building line. The tract of land is 162 feet in depth now and would leave 129 feet if both streets are widened as recommended. The two houses on the property are substandard but the Building Inspector will issue a permit to bring the houses up to standard. A variance is recommended on lot width to have 50 feet at the building lines. The Commission therefore

VOTED: To APPROVE the short form plat of NORMAN MILLER SUBDIVISION, granting variances on lot width and street width on Concho Street and Lawson Lane.

C8s-64-130 Sauer's Resub. Lot 7 and 8, Block 144
Neches and E. 13th

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

VOTED: To APPROVE the short form plat of SAUER'S RESUB. Lot 7 and 8, Block 144.

ADMINISTRATIVE APPROVAL

C8s-64-141 Resub. Lot 21 and 22 Turnabout Terrace
Hancock Drive and Turnabout Lane

The staff reported this plat had received administrative approval under the Commission's rules. The Commission therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of Resub. Lot 21 and 22 TURNABOUT TERRACE.

SUBDIVISION APPROVAL BY TELEPHONE POLL:

The staff reported that the following subdivision was considered by telephone poll on October 28, 1964, and that a majority of the Commission had

VOTED: To APPROVE the following final plat: C8-63-60 Wooten Terrace, Sec. 1

OTHER BUSINESS

C10-64-1(u) ALLEY VACATION REQUEST

Request for vacation of portion of alley between East Live Oak Street and Algarita Avenue

The staff reported a letter to the City Manager from Mr. George T. Huff of the Austin Mortgage and Trust Company as follows:

"We attach herewith a survey of a part of lots 14 and 15 and all of Lot 16, Block 37, Travis Heights Addition, Austin, Texas. You will note that the house is located one foot into an alley at the rear of the property.

We have been requested by the owner of the property and we also request that this portion of the alley be abandoned. The purpose of this request is to secure a V.A. Guaranteed loan on the property."

The staff advised this portion of the alley has never been used and the Director of Public Works recommends the entire alley be closed. All of the property owners have been contacted and most of the owners are in favor with the exception of one in opposition and one owner who is not available. A 12½ square foot encroachment into the alley of a house on Lot 16 was noted on the location sketch.

Mr. Jackson announced that he was disqualified from voting. The remaining members gave their affirmative vote to recommend the vacation of the alley and instructed the staff to contact another member of the Commission by

C10-64-1(u) ALLEY VACATION REQUEST--contd.

telephone to make up a quorum. Mr. Emil Spillmann was contacted by telephone on November 18, 1964, and the staff reviewed the alley vacation request with him. Mr. Spillmann voted "Aye" to recommend the alley vacation. It was therefore

VOTED: To recommend the alley between East Live Oak Street and Algarita Avenue be VACATED.

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

NAY: None

ABSENT: Messrs. Hendrickson, Lewis and Wroe

(DISQUALIFIED: Mr. Jackson)

REPORTSR140 PLANNING COMMISSION

The Chairman announced he had attended a meeting of the State Architectural Society held in Dallas on November 6, at which time he was honored for his contribution in the field of planning and design. Mr. Barrow was selected as one of five outstanding persons in their field who were asked to participate in the State convention. He felt this was a result of his activities on the Planning Commission in association with the other members of the Commission and wished to share the honor with them.

R143 MEETINGS

The Director reported a meeting on November 17 held by the State Building Commission, representatives of the Governor's Office, University of Texas, Highway Department and City. The purpose of the meeting was to review plans for the Capital area, University area, hospital complex and downtown area. Mr. Osborne advised the expansion of the medical area will include new facilities for Brackenridge Hospital, public health services, private offices, research and possibly a motel.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m.

Chairman

Hoyle M. Osborne
Executive Secretary