

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting--February 9, 1965

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

Present

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

Absent

D. B. Barrow

Also Present

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

MINUTES

Minutes of the meeting of January 12, 1965, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of February 2, 1965.

C14-64-211 A. B. George: A to LR
1010 East 50th Street

STAFF REPORT: The site is two lots containing an area of 10,400 square feet. The applicant proposes future commercial development. The area has mixed zoning patterns of commercial and residential. There is commercial zoning along the Interregional Highway with "LR", "C", and "C-1" established. Two lots removed to the west of subject property was recently zoned "LR" by the Council. East 50th Street has a 50 foot right of way which is inadequate for streets serving commercial property. The subject property is in the approach zone of the instrument runway of Municipal Airport. Any proposed structure will have to be approved by the Airport Zoning Advisory Committee.

No written comment was received. The applicant was present at the hearing. Mr. C. C. Cook represented the applicant. He stated there is already a two story building on this property. There is no immediate purpose in mind for development of the property, but "LR" zoning is requested.

C14-64-211 A. B. George: A to LR--contd.

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

1. "LR" zoning would be a logical extension of existing use and zoning.
2. This change of zoning would allow the highest and best use of the property.

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

VOTED: To recommend that the request of A. B. George for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1010 East 50th Street be GRANTED.

C14-64-212 William W. Barron: LR to GR
1804 Koenig Lane

STAFF REPORT: The site contains an area of 8,712 square feet and is developed with a residence. The proposed use is a fabric and upholstery shop. The area is developed and zoned residential with the exception of "LR" zoning established in this block. The property adjacent to the west is developed with an insurance office. "C" Commercial zoning is established at the corner of Arroyo Seca and Koenig Lane, and is developed with a washateria and service station. Koenig Lane is a primary thoroughfare with an inadequate right of way of 60 feet.

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

The applicant was present at the hearing and stated no structural changes will be made to the residence. The house is vacant at present and it is his intention to have a furniture and upholstery shop.

Opposition from nearby property owners was that parking problems would be increased with this proposal. The area should remain residential.

The Committee reviewed the information and concluded this request should be denied for the following reason: The proposed change of zoning is too intensive for the property.

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

VOTED: To recommend that the request of William W. Barron for a change of zoning from "LR" Local Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 1804 Koenig Lane be DENIED.

C14-64-213 Frank C. Barron: A to B
 1118-1142 Atkinson Road
 Rear of 6901-7103 Blessing Avenue

STAFF REPORT: This tract of land contains 16 acres and is undeveloped. The site is part of Section 1 of Cameron Park Subdivision, which has not been recorded. Section 2 of this subdivision has been recorded. The "GR" zoning to the east is part of the planned commercial tract for the subdivision. The original street layout was based on single-family development. A revised layout for Section 1 to provide for apartment development should be approved by the Subdivision Committee before approval of any zoning change.

Three replies to notice were in favor of the change.

The applicant requested the zoning change be postponed until the revised preliminary subdivision plan is approved.

The Committee reviewed the information and concluded this request should be postponed until the subdivision is reviewed by the Subdivision Committee.

The Commission agreed the zoning of the property should be deferred until the subdivision plan is revised at the next Subdivision Committee meeting. It was therefore unanimously

VOTED: To recommend that the request of Frank C. Barron for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1118-1142 Atkinson Road and the Rear of 6901-7103 Blessing Avenue be POSTPONED.

C14-65-1 H. C. Sudduth, Jr.: A to B, 1 to 2
 6508-6510 Berkman
 1612-1616 Wheless Lane

STAFF REPORT: The site is two lots containing 15,600 square feet, and is undeveloped. The applicant proposes constructing apartments. The area is developed residentially with large tracts of undeveloped land. There is "B" zoning established across Berkman Drive from the property and "C-1" and "LR" zoning is established at the corner of Berkman and U. S. 290. It is recommended that any change in zoning be limited to a lower density that proposed to be consistent with the area. The proposed zoning would allow 20 units on this property. Wheless Lane and Berkman Drive are both substandard. Berkman Drive is a secondary thoroughfare with 60 feet of right of way and a proposed right of way of 80 feet. The proposed widening will come off the east side of the street.

One written comment was received in favor of the change.

Mr. M. K. Parsons represented the applicant. He stated the area has large tracts of undeveloped land not likely to be developed residentially along a highway. Wheless Lane dead ends at Berkman Drive. The area is better suited for apartment development.

C14-65-1 H. C. Sudduth, Jr.: A to B, 1 to 2--contd.

Three nearby property owners appeared in opposition to the change and stated they are opposed to two-story structures in this area. The area should remain single-family residential.

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

1. "B" Second Height and Area is too intensive a zoning for the area.
2. "B" First Height and Area would be more compatible with the zoning across the street and is proper zoning for the property.

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

VOTED: To recommend that the request of H. C. Sudduth for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6508-6510 Berkman, 1612-1616 Wheelless Lane be DENIED, but to GRANT "B" Residential, First Height and Area for the property.

C14-65-2 Charles Villasenor: A to (Tract 1) LR (Tract 2) C-1

Tract 1 - 6215 Fairway
1600-1604 Montopolis
Tract 2 - Rear of 6215 Fairway

STAFF REPORT: Tract 1 contains 9,760 square feet and Tract 2 contains 3,000 square feet. The proposed use is a grocery store and washateria. The area is developed residentially; there is a small tract of "C" Commercial at the corner of Santos Street and Montopolis Drive which is undeveloped. There are large tracts of undeveloped land outside the City limits to the north and west. The subject property is in a "dry" precinct where the sale of beer is not permitted. The right of way has been provided off the subject property for the future widening of Montopolis Drive.

Two written comments were received in favor of the change.

The applicant was present at the hearing and stated they are trying to provide a service for the people in the Montopolis area. There is no washateria or grocery store in the immediate area. There is no bus service in the area. This use would be of benefit to the community. Montopolis Drive is a thoroughfare and they are willing to dedicate an additional right of way if necessary. The building proposed will be a credit to the community.

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

1. This change of zoning would be an intrusion into a well defined residential area.
2. The site is in a "dry precinct where the proposed "C-1" use would not be allowed.

C14-65-2 Charles Villasenor: A to (Tract 1) LR (Tract 2) C-1--contd.

The applicant appeared at the Commission meeting and requested that the zoning request for Tract 2 be amended to "LR" instead of "C-1"

The Director of Planning reviewed the nature and extent of problems within the Montopolis area. He noted a great deal of the housing is of basically poor quality. The streets, utilities and drainage are sub-standard. Piece-meal commercial development would add to the deterioration of the residential neighborhood. He suggested the possibility of urban renewal development for this area in the future for improved conditions, with planned clusters of commercial development.

Mr. Kinser noted that Montopolis is the only through street between Ben White Boulevard and the Bastrop Highway. It was his opinion that because of this there would likely be commercial development all along the street.

The Commission discussed the future development of the area. Some of the members felt the area should remain residential while others agreed with Mr. Kinser that the area along Montopolis lends itself to commercial development. The Commission then

VOTED: To ACCEPT the amended application to "LR" zoning for Tract 2.

A motion to deny the request as amended failed to carry by the following vote:

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

It was therefore

VOTED: To recommend that the request of Charles Villasenor for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at (Tract 1) 6215 Fairway, 1600-1604 Montopolis (Tract 2) Rear of 6215 Fairway be GRANTED.

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

C14-65-3 Tract 1: Marvin Henry - A and B to O
713 West 14th Street and 1305-1307 West Avenue
Tract 2: Elizabeth Auter - A to O
709 West 14th Street

STAFF REPORT: Tract 1 contains an area of 9140 square feet and Tract 2 contains an area of 5376 square feet. An intervening lot is zoned "O" Office. The property adjoins Austin High School. The area is developed with mixed residential and commercial development. "O" zoning is established to the east. The proposed use is an office building.

C14-65-3 Tract 1: Marvin Henry - A and B to O
Tract 2: Elizabeth Auter - A to O--contd.

One written comment received was in favor of the change.

Mr. Mike Arnn represented the applicant and stated that Mr. Henry is going to leave the existing house on Tract 1 and rent it. The back part of the lot contains an old duplex which he plans to convert into an office building. Two old garages behind the duplex were demolished to provide parking space for 10 cars. Tract 2 contains a two-story house which is vacant and not suitable for "A" Residential.

Three nearby property owners stated they consider this an intrusion into their residential area. The Master Plan provided that this side of Rio Grande should remain residential. The matter of parking and traffic next to the high school is of considerable importance. There is other property in the area available for "O" Office development.

The Committee reviewed the information and concluded this request should be granted for the following reason: This is a logical extension of "O" Office zoning in the area.

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

VOTED: To recommend that the request of (Tract 1) Marvin Henry, (Tract 2) Elizabeth M. Auter for a change of zoning from (Tract 1) "A" Residence, First Height and Area and "B" Residence, First Height and Area (Tract 2) "A" Residence, First Height and Area, to "O" Office, First Height and Area, for property located at (Tract 1) 713 West 14th Street and 1305-1307 West Avenue (Tract 2) 709 West 14th Street be GRANTED.

C14-65-4 Tract 1: Velma O. Martin - A to BB
308 East 34th Street
Tract 2: George R. Roberdeau - A to BB
310 East 34th Street and 3400-3404 Tom Green Street
 Additional Area: 302-306 East 34th Street

STAFF REPORT: The site consists of two tracts, each containing 10,200 square feet. Very recently the lot at the corner of Grooms and East 34th Street was zoned "BB" Residence. We have included the lots between this lot and subject property as additional area for consideration of consistent zoning of the entire block. The area to the east and north is zoned "A" Residential. The area is developed primarily with single-family residences, with apartment development along Speedway and south of 34th Street. The proposed zoning would allow a maximum of five units on each lot.

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

C14-65-4 Tract 1: Velma O. Martin - A to BB

Tract 2: George R. Roberdeau - A to BB--contd.

The applicant was present at the hearing and stated this will conform with the other zoning that has been in existence as well as the residential zoning. This change will allow removal of an old house in order to build three to five units.

The Committee reviewed the information and concluded this request should be granted for the following reason: This change of zoning is a logical and desirable continuation of existing "BB" zoning, including the additional area.

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

VOTED: To recommend that the request of (Tract 1) Velma O. Martin and (Tract 2) George R. Roberdeau for a change of zoning from "A" Residential, First Height and Area to "BB" Residential, First Height and Area for property located at (Tract 1) 308 East 34th Street (Tract 2) 310 East 34th Street and 3400-3404 Tom Green Street and the additional area at 302-306 East 34th Street be GRANTED.

C14-65-5 Carl A. Smith: A to O

6709-6805 Riverside Drive and the Rear of 6707 Riverside Drive

STAFF REPORT: The site contains approximately 60,000 square feet and is undeveloped. The applicant proposes constructing an office building. The area is largely undeveloped, with scattered single-family residences. There is a garage with "C" Commercial established to the west at the intersection of Riverside and Vargas Road. Although the terrain poses development problems for residential use, "O" Office zoning is difficult to support in a zoning plan. Riverside Drive is classified as a primary thoroughfare with 80 feet of right of way; future widening is proposed off the north side of the street.

No written comment was received.

Mr. Ralph H. Tippitt represented the applicant and offered the following information: The area is not conducive to residential development. The county line is on the east side and the city on the west side of the property line. Many of the houses that face on Maxwell Lane are substandard houses. In asking for "O" zoning, we have a use for the property and it would enhance the area.

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

1. This area is not a defined commercial area.
2. This change of zoning would be premature.

C14-65-5 Carl A. Smith: A to O--contd.

The applicant was present at the Commission meeting and requested his application be withdrawn in order that he have an opportunity to give further consideration to his plans for the property.

The Commission therefore

VOTED: To ACCEPT the withdrawal of the request.

C14-65-6 George H. Wern: A to O
4603 North Interregional Highway

STAFF REPORT: The area contains 9,800 square feet and is developed with a residence. The east side of the Interregional Highway is residentially developed and the west side is developed commercially. The lot adjoining the subject property to the north has a day nursery. The proposed use is for a potential clinic and/or office building. The deed restrictions on the property specify residential use only.

Three written comments received were against the change and one in favor.

Mr. Paul G. Lundgren represented the applicant and informed the Committee they propose the possibility of a small clinic or office building. In view of the zoning along the Interregional, they felt this change is justified.

Three nearby property owners voiced their objection to the Committee as follows: The deed restrictions in this area prohibit commercial use. This is a pleasant and well developed single-family community and they strongly oppose this intrusion.

The Committee reviewed the information and concluded this request should be denied for the following reason: This change would be an intrusion into a well defined and developed residential area.

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

VOTED: To recommend that the request of George H. Wern for a change of zoning from "A" Residence, Fifth Height and Area, to "O" Office, Fifth Height and Area, for property located at 4603 North Interregional, be DENIED.

C14-65-7 Rigoberto Gaona: A to O
5204-5206 Clarkson Avenue

STAFF REPORT: The site contains an area of 3,712 square feet and is developed with a vacant building. The proposed use is a Trade Association Office. The area along Clarkson Avenue and Airport Boulevard is developed primarily commercial to the north and east. There is residential development to the west.

C14-65-7 Rigoberto Gaona: A to O--contd.

Two written comments were received against the proposed change.

Mr. George K. Marshall represented the applicant. He informed the Committee this building will be converted into an attractive structure which will be an asset to the neighborhood. It will be occupied by the Travis County Farmers Association and there will be limited use of the building. There will not be much traffic as we employ only a part-time employee.

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

1. The proposal is suitable use for the property.
2. "O" Office zoning would act as a buffer between the commercial to the east and north and residential to the west.

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

VOTED: To recommend that the request of Rigoberto Gaona for a change of zoning from "A" Residence, First Height and Area, to "O" Office, First Height and Area for property located at 5204-5206 Clarkson, be GRANTED.

C14-65-8 Mrs. C. F. Hilsberg: A to B
1700-1702 Pearl and 900-904 West 17th

STAFF REPORT: The site contains an area of 21,190 square feet and is developed with a residence. The applicant proposes constructing apartments. The area west of Pearl Street is developed residentially while the area east of Pearl is developed with a mixture of single-family residences, apartments, dormitories and offices. The Planning Commission has recommended that the area east of Pearl Street from West 16th to West 19th Streets be zoned "B" Residential, First Height and Area.

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

The applicant was present at the hearing and gave the following information in support of her request. They have a 15 room house which they have tried to sell without a zoning change. Due to the poor health of her husband and herself, it is no longer practical for them to retain this as their home. The real estate people have advised them they are unable to sell the house without a zoning change.

Ten nearby property owners voiced their objections as follows:

1. The beautiful homes in this area have been built at considerable expense. This neighborhood is continuing to grow as a prestige area of fine homes and should be protected from this type of encroachment.

C14-65-8 Mrs. C. F. Hilsberg: A to B--contd.

2. The narrow, dead-end streets will not handle traffic generated by apartment development.
3. The Commission has recommended the area west of Pearl Street should remain residential and this decision should not be changed.

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 a well defined residential area.
2. The request is contrary to the recent zoning study of the area, establishing Pearl Street as the western boundary of the "B" Residential District.

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

VOTED: To recommend that the request of Mrs. C. F. Hilsberg for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1700-1702 Pearl, 900-904 West 17th Street be DENIED.

C14-65-9 Nash Phillips and Clyde Copus, Jr.: A to GR, 1 to 6

Tract 1 - 2300-2312 Wheless Lane
 Tract 2 - 5909-5915 North Hampton Drive
 2201-2219 Wheless Lane

STAFF REPORT: Tract 1 contains an area of 35,920 square feet; Tract 2 contains an area of 10,000 square feet. The proposed use is a retail sales and service establishment. The adjoining tract to the west of Tract 1 was zoned "GR", Sixth Height and Area in 1963. The surrounding area is largely developed with single-family residences. Tract 2 was created as a result of the realignment of Wheless Lane at the intersection with Northhampton Drive. It would have limited use as commercial due to its small size and adjoining deed restricted residential property. There are other development problems with Tract 2 as electrical and other easements run through this property. The adjoining property to the south is owned by the applicant. The staff suggests that Tract 2 could best be used in conjunction with this adjoining property, and recommends the two properties be zoned as a unit.

Two written comments were received in opposition to the change.

Mr. Nash Phillips was present at the hearing and was represented by Mr. Thomas Watts. They informed the Committee Tract 2 is the remaining part of Wheless Lane as it was vacated. The lot immediately adjoining this tract to the south has deed restrictions against commercial use. The remaining property owned by the applicant has no restrictions. Tract 2 can be effectively used for commercial property. Tract 1 is requested as an extension of adjoining "GR" zoning.

C14-65-9 Nash Phillips and Clyde Copus, Jr.: A to GR, 1 to 6--contd.

The Committee reviewed the information and concluded this change of zoning should be granted as it would complete the area pattern of commercial zoning at the intersection.

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

VOTED: To recommend that the request of Nash Phillips and Clyde Copus, Jr. for a change of zoning from "A" Residence, First Height and Area, to "GR" General Retail, Sixth Height and Area, for property located at (Tract 1) 2300-2312 Wheless Lane; (Tract 2) 5909-5915 North Hampton Drive, 2201-2219 Wheless Lane, be GRANTED.

C14-65-10 Marion Findlay: B to O
906 West 19th Street

STAFF REPORT: The area contains 8,900 square feet and is undeveloped. The proposed use is for office development. The site is adjacent to the office of KHFI Radio and Television. The area along 19th Street is developed with a mixture of offices, apartments and single-family dwellings.

One written comment was received against the change.

Mr. Sam Perry represented the applicant and stated there is "O" Office zoning east and west of the site and across the street from the subject property. Office development is proposed. The site is adjacent to KHFI.

The Committee reviewed the information and concluded the proposed change is a reasonable extension of existing zoning and proper use of the land.

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

VOTED: To recommend the request of Marion Findlay for a change of zoning from "B" Residential, Second Height and Area, to "O" Office, Second Height and Area for property located at 906 West 19th Street, be GRANTED.

C14-65-11 Louis Rubiolo: A to LR
1901-1903 Whittier and 1300 East 19th Street

STAFF REPORT: The site contains 6,720 square feet and is developed with a residence. The proposed use is a filling station. The area along the north side of East 19th Street is developed residentially and the Oakwood Cemetery is across the street from the site. East 19th Street has 60 feet of right of way which is inadequate for a primary thoroughfare.

Three replies to notice were in favor of the change.

C14-65-11 Louis Rubiolo: A to LR--contd.

Mr. Robert Sneed represented the applicant, and his supporting statements are summarized: Uses of a commercial nature have been established nearly all along the Interregional Highway. There are usually growth patterns of commercial expansion along thoroughfares and this application is in keeping with the general development and overall expansion of East 19th Street.

The Committee reviewed the information and concluded this request should be denied for the following reason: This proposal would be an intrusion into an established residential area.

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

VOTED: To recommend that the request of Louis Rubiolo for a change of zoning from "A" Residence, First Height and Area, to "LR" Local Retail, First Height and Area, for property located at 1901-1903 Whittier, 1300 East 19th Street, be DENIED.

C14-65-12 Herbert Deason: A to B, 1 to 2
 1116-1120 East 51st Street
 1115-1125 East 52nd Street

STAFF REPORT: The site contains 62,000 square feet and is developed with a residence. The applicant proposes constructing apartments. The area to the west along Cameron Road is commercially developed. The area along East 52nd Street is developed primarily with apartments. East 51st Street is developed with single-family residences. Consideration should be given to the street needs and density of this established area before zoning of second height and area. East 51st and 52nd Streets have 50 feet of right of way. There is a problem of widening East 51st Street at this location which should be resolved.

One written comment was received in favor of the change.

Two people were present at the hearing in favor of the change.

Mr. Robert Sneed represented the applicant and stated this zoning would act as a buffer between "C" Commercial zoning and "BB" zoning. It would be a gradation from high density to low density. Provision for widening of the street will be made prior to the Council hearing. There is a need for apartment units for the people who work in the Cameron Village area.

The Committee felt that second height and area was too intense a zoning for the property. They agreed that "BB" Residential, First Height and Area would be compatible with the residential area and was proper zoning for the property.

C14-65-12 Herbert Deason: A to B, 1 to 2--contd.

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

VOTED: To recommend that the request of Herbert Deason for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area, for property located at 1116-1120 East 51st Street, 1115-1125 East 52nd Street, be DENIED but to GRANT "BB" Residential, First Height and Area for the property.

The Commission called to the attention of the Council the fact that East 51st Street is a planned secondary thoroughfare with a proposed right of way of 90 feet. Since the street is inadequate as planned, the Commission unanimously

VOTED: To recommend that the Council determine the necessity of acquiring additional right of way prior to intensifying the use of the property.

C14-65-13 M. K. Hage, Jr. & Austin Doctors Building Corporation: A, O, GR to O, 1 to 3

(by Robert C. Sneed)

3404-3406, 3508, 3700-3706 Wabash Avenue

3405-3407, 3501-3507, 3701, 3707-3713, 3404-3406, 3500-3508, 3700-3704, 3710-3712 McDonald Avenue

3403-3405, 3501-3509, 3703-3709, 3406, 3506-3508 Bailey Lane 3501-3509 Alamo Boulevard

3504-3506, 3701-3705, 3702-3704 Mills Avenue

3501-3701 Crawford Avenue

1101-1103, 1107, 1305-1307, 1104-1106, 1200-1206, 1306-1308, 1504-1506 West 35th

1101-1103, 1201-1207, 1301-1303, 1305, 1400-1406, 1100-1106, 1200-1202, 1501-1507, 1504-1506 West 37th

1105-1107, 1201-1203 West 38th

Additional Area: 3500-3506 Wabash Avenue

3408, 3509, 3703-3705, 3706-3708 McDonald Avenue

3407-3409, 3701, 3711-3713, 3402-3404, 3408, 3500-3504 Bailey Lane

3407-3411 Alamo Boulevard

3700, 3706 Mills Avenue

1105, 1201-1207, 1301-1303, 1309-1311, 1100-1102, 1300-1304 West 35th

1105-1107, 1204-1206, 1500-1502 West 37th

1205-1207 West 38th

STAFF REPORT: The property included in this area is bounded by Wabash Avenue west to Crawford and West 34th Street north to West 38th Street. The proposed use is a hospital complex. Remaining lots not included in the application have been included as additional area. Owners of property between Wabash Avenue and Lamar Boulevard were inadvertently omitted from the hearing notification list. A hearing cannot be held on that part of the application including property between McDonald and Wabash Avenues until these property owners have been given legal notification of the hearing. A hearing can be held on the remainder of the application, or the hearing can be postponed

C14-65-13 M. K. Hage, Jr. & Austin Doctors Building Corp.: A,O, GR to O, 1 to 3--contd.

until all affected property owners are notified, at which time the entire area of the application can be considered. West 38th and 34th Streets are both inadequate as planned. Street within the hospital area will have to be vacated or realigned.

Seven replies to notices sent were in favor of the change.

Robert Sneed represented the applicants and informed the Committee the bulk of the title to this property is in the name of M. K. Hage, Jr., who is acting in a trust capacity for Austin Doctors Building Corporation. The proposed office building will be occupied by between 70 and 100 members of the medical profession. The established "O" Office zoning west of Lakeside Boulevard will contain a pharmacy. The hospital proposed in this application will be the new Seaton Hospital. A request for vacation of certain public streets and alleys will be made later. This will be a wonderful complex for the City.

The Committee was in favor of the change, but felt no action should be taken until the full Commission hearing.

The Commission considered the request as proper zoning for the property, but felt no recommendation should be made for the area east of McDonald Avenue until all affected property owners have been notified. It was therefore

VOTED: To recommend that the request of M. K. Hage, Jr. and Austin Doctors Building Corporation for a change of zoning from "A" Residential, "O" Office, "GR" General Retail, First Height and Area, to "O" Office, Third Height and Area, for property located at 3404-3406, 3500-3508, 3700-3704, 3710-3712 McDonald Avenue, 3403-3405, 3501-3509, 3703-3709, 3406, 3506-3508 Bailey Lane, 3501-3509 Alamo Boulevard, 3504-3506, 3701-3705, 3702-3704 Mills Avenue, 3501-3701 Crawford Avenue, 1305-1307, 1200-1206, 1306-1308, 1504-1506 West 35th Street, 1201-1207, 1301-1303, 1305, 1400-1406, 1200-1202, 1504-1506 West 37th Street, 1201-1203 West 38th Street and the additional area at 3408, 3706-3708 McDonald Avenue, 3407-3409, 3701, 3711-3713, 3402-3404, 3408, 3500-3504 Bailey Lane 3407-3411 Alamo Boulevard, 3700, 3706 Mills Avenue, 1201-1207, 1301-1303, 1309-1311, 1300-1304 West 35th Street, 1204-1206, 1500-1502 West 37th Street, 1205-1207 West 38th Street be GRANTED, and to POSTPONE action on the remaining portion east of McDonald Avenue pending proper notification to property owners affected.

C14-65-14 Gene Naumann: C to C-1
3111 West 35th Street

STAFF REPORT: The area contains 7140 square feet and is developed with a drive-in grocery store. Proposed is the sale of beer for off-premise consumption. The area is developed residentially and is zoned "A" Residence except a small area immediately surrounding subject property which is zoned "

C14-65-14 Gene Naumann: C to C-1--contd.

"C" Commercial and the subject property which was so zoned in 1938. There was an attempt to zone property west across Scenic Drive commercial which was withdrawn after an unfavorable recommendation by the Commission. In 1963 a request to rezone property immediately west across Scenic Drive to "B" Residence, Third Height and Area for the purpose of building a condominium was denied. The property has since been subdivided into residential lots.

Six written comments were received against the proposed change.

Mr. Walter Wendlandt, and adjoining proper owner, stated he and Mr. Charles Wendlandt were in favor of the change. Mr. J. Brooks Peden represented the applicant and informed the Committee this property has been zoned "C" Commercial since 1937. The majority of land owners in the area purchased with the knowledge of the zoning classification. We have a very attractive grocery store, and the zoning change is to permit the sale of beer for off-premise consumption for the convenience of people in the area.

Eight nearby property owners appeared at the hearing in opposition to the request. Their testimony is summarized as follows: To permit the sale of beer is to cause deterioration of the neighborhood. It will cause additional litter, noise, traffic and burglary. This is an attractive residential neighborhood and the property owners are opposed to this change of zoning. Commercial zoning does not serve the best interest of this neighborhood.

The Committee reviewed the information and concluded this request should be denied as the property is not in a well developed commercial area.

The Director of Planning called the Commission's attention to the matter of being consistent in their policy of allowing "C-1" zoning in what is considered a well defined or well developed commercial area.

The Commission discussed the various aspects of "C-1" zoning for the property. Some of the members felt that since the area has been zoned "C" Commercial for many years, the sale of beer as an additional commodity in the grocery store was within the policy of the Commission and should be permitted. Other members were concerned with the "C-1" zoning causing additional traffic congestion on West 35th Street and did not feel the area was well developed commercially. Mr. Lewis stated he would have been against allowing commercial zoning to be established in the first place, but since the grocery store is already there, he felt it was unfair not to allow them the same privilege as the majority of other drive-in grocery stores in the City. After further discussion, the Commission then

VOTED: To recommend that the request of Gene Naumann for a change of zoning from "C" Commercial, First Height and Area to "C-1" Commercial, First Height and Area for property located at 3111 West 35th Street be DENIED.

AYE: Messrs. Brunson, Hendrickson, Kinser, Spillmann and Wroe

NAY: Messrs. Jackson, Lewis and Riley

ABSENT: Mr. Barrow

C14-65-15 Mrs. Roberta P. Dickson: A and C to GR, 1 and 6 to 1
2614-2700 South Lamar
 Rear of 2702-2706 South Lamar

STAFF REPORT: The area contains 3.27 acres and is developed with a residence. The applicant proposes general retail development. The adjoining tract to the north is zoned "GR". Along Lamar Boulevard is commercial development. The area immediately to the south of subject property has commercial development fronting Lamar and a large tract of "GR" zoning in front of Barton Village Subdivision. The applicant owns the adjoining undeveloped property to the rear of the site which is zoned "A" Residential. The staff has proposed, and the applicant has agreed to, development of a street from Lamar Boulevard into the property to allow future development of the rear portion. The applicant will make a commitment for the dedication and development of the street prior to Council action on this zoning request.

One written comment was received against the zoning change.

Mr. Seth C. Searcy represented the applicant and presented the following in support of the request: This change of zoning is consistent with the general development of the area. The area to the north and south of the site is zoned "GR", "C" and "C-1". This change of zoning fits the zoning pattern of the area, and the subject property is a good distance away from the residential lots to the west. The proposed street access for the rear of this property is in the process of negotiation and estimates.

Several nearby property owners appeared at the hearing in opposition and stated they are opposed to retail development as it would be an intrusion into the residential area to the west.

The Committee felt "GR" zoning is best for the property, provided proper street access is provided. They reviewed the information and concluded this request should be granted for the following reason: This change of zoning completes the pattern of existing commercial zoning.

The Commission concurred with the recommendation to grant the zoning, with the understanding that the applicant dedicate the street and make the necessary fiscal arrangements prior to rezoning of the property. It was therefore unanimously

VOTED: To recommend that the request of Mrs. Roberta P. Dickson for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "GR" General Retail, First Height and Area for property located at 2614-2700 South Lamar and the Rear of 2702-2706 South Lamar be GRANTED.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of January 25, 1965, 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 no subdivisions were referred to the Commission.

R146 SUBDIVISION COMMITTEE--contd.

The Commission therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of January 25, 1965, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

C8-65-5 Parkwood at University Hills, Section 1 *

Loyola Lane

C8-65-6 Windsor Park Hills, Section 7 *

Springdale Road

(* 1964 taxes not paid)

C8-65-7 Wooten Village, Section 3

Brookfield Drive and Fairfield Drive

C8-64-48 Northwest Hills, Ranch No. 1

Yucca Drive and Texas Plume Road

The staff reported that the 1964 taxes had not been paid, a Legal Department ruling on the cul-de-sac was pending, and a building setback line on the west side of Lot A2 is required, and recommended the plat be accepted for filing only. The Commission therefore

VOTED: To ACCEPT the plat of NORTHWEST HILLS, Ranch No. 1, for filing.

SUBDIVISION PLATS - CONSIDERED

C8-63-59 Brookside Estates

Berkman Drive and Bartholomew

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

VOTED: To DISAPPROVE the plat of BROOKSIDE ESTATES pending the required additional easements, fiscal arrangements, completion of departmental reports and clearance on street names.

C8-64-38 Northwest Hills, Mesa Oaks, Phase 2

Far West Blvd. and West Rim Drive

The staff reported this plat lacked the required additional easements, fiscal arrangements, 1964 taxes, completion of departmental reports, clearance on street names, cul-de-sacs on all dead end streets or Legal Department ruling

C8-64-38 Northwest Hills, Mesa Oaks, Phase 2--contd.

on cul-de-sacs, and annexation. The Commission therefore

VOTED: To DISAPPROVE the plat of NORTHWEST HILLS MESA OAKS, Phase 2, pending the requirements as noted, and authorized the staff to poll the Commission upon completion.

C8-64-58 Harmony Heights Addition (amended)
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 (amended) pending the required fiscal arrangements, completion of departmental reports and Council action on vacation of streets in the original plat.

C8-64-29 Allandale Park, Section 9
Foster Lane and Shoal Creek

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

VOTED: To DISAPPROVE the plat of ALLANDALE PARK, Section 9, subject to the required additional easements, fiscal arrangements, completion of departmental reports and annexation.

C8-64-67 Starlight Terrace
Ledesma, East of Mason

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

VOTED: To DISAPPROVE the plat of STARLIGHT TERRACE subject to completion of departmental reports and the required additional easements.

C8-64-60 Cherry Creek
Stanley Avenue and Manchaca Road

The staff reported that 1964 taxes had not been paid, additional easements and fiscal arrangements are required, departmental reports have not been completed; and determination of proper location for walkway, rounding all intersection corners, and fiscal arrangements for development of walkway, were all requirements that would need to be met. The Commission therefore

VOTED: To DISAPPROVE the plat of CHERRY CREEK pending the requirements as noted.

C8-64-54 Glenway Terrace
Parker Lane and Glen Springs Way

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

VOTED: To DISAPPROVE the plat of GLENWAY TERRACE subject to the required additional easements, completion of departmental reports and annexation.

C8-64-71 Airport and Manor Road Subdivision, Section 2
Airport Blvd. and Theodore Drive

The staff reported this plat met all the requirements of the Subdivision Ordinance and recommended approval. The Commission therefore

VOTED: To APPROVE the plat of AIRPORT AND MANOR ROAD SUBDIVISION, Section 2.

SHORT FORM PLATS - FILED

C8s-65-11 A. B. Dittmar Subdivision
West Dittmar Road

The staff reported a letter from the owner requesting a variance from the requirement that the entire tract be included in the subdivision. The reason for this request is that the property consists of about 158 acres, and the cost of surveying the entire tract would be prohibitive. Acceptance for filing upon consideration of the variance was recommended. The Commission therefore

VOTED: To ACCEPT the plat of A. B. Dittmar Subdivision for filing, granting a variance from the balance of the property being included in the plat.

C8s-65-12 Kenniston Drive Addition
Kenniston Drive and Guadalupe

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

VOTED: To ACCEPT the short form plat of Kenniston Drive Addition for filing.

SHORT FORM PLATS - CONSIDERED

The staff reported the following plats met all the requirements of the Subdivision Ordinance and recommended approval.

SHORT FORM PLATS - CONSIDERED--contd.

The Commission therefore

VOTED: To APPROVE the following short form plats:

C8s-65-2 Resub. Lot 13, Block 5, Crestview Addition, Section 12

Woodrow and Duke Avenues

C8s-64-86 Mason Place (revised)

Springdale Road

C8s-65-15 Schnautz And Stalong Subdivision

U. S. 290 and Dudmar Drive

C8s-65-13 Robison Addition

Interstate 35 at East 30th

The staff reported all departmental reports have been received and the plat is ready for approval upon consideration of a variance required on signature of adjoining owner, St. Davids Hospital. St. Davids Hospital does not wish to join in the subdivision at this time. The Director of Planning advised there is a present proposal for development of East 30th Street by St. Davids and other property owners for relocation and dedication of other streets in the area. The Commission therefore

VOTED: To POSTPONE action pending the working out of the street situation and authorized the staff to give administrative approval when this has been accomplished, granting a variance on the signature requirements.

C8s-65-14 Broad Acres Addition, Resub. Lots 4 and 5, Block 9

Jim Hogg Avenue

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance required on street width. It was explained Jim Hogg Avenue is only 40 feet wide. The owner of this short form subdivision is giving an additional 5 feet for right of way and the variance is recommended. The Commission therefore

VOTED: To APPROVE the short form plat of Broad Acres Addition, Resub. Lots 4 and 5, Block 9, granting a variance on the width of Jim Hogg Avenue.

ADMINISTRATIVE APPROVAL

The staff reported that two 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 the meeting the administrative approval of the following short form plats:

C8s-64-155 Allandale Place, Section 2

Steck Avenue and Burnet Road

C8s-65-10 Edgefield Addition

East 51st and Guadalupe

OTHER BUSINESS

C10-65-1(b) ALLEY VACATION REQUESTPortions of alleys between South 5th and 6th Streets

The staff reported a petition from the property owners of Lots 1 through 12, Block B and Lots 1 through 7, Block D adjacent to the alley for portions of alleys between South 5th and 6th Streets. The staff further reported that the Public Works Department had initiated closing the balance of the alley north to West Gibson Street.

Public Works advised there is no particular problem with the vacation of the alley but the drainage easement is to be retained. The alley vacation is recommended for both alleys with the exception of 35 feet to be retained at the end of South 6th Street for turn-around purposes. The Commission therefore

VOTED: To recommend the VACATION of portions of alleys between South 5th and 6th Streets, retaining the drainage easement for 35 feet at the southeast corner between Block B and D for turn-around purposes off South 6th Street.

R1410 AMENDMENT TO ZONING ORDINANCE

Recommendation from Board of Adjustment on sideyard requirements for residential structures in a commercial area.

The Director of Planning explained that a minimum side yard of five feet is required for apartment hotels, motels and hotels. However, in downtown areas, hotels frequently have commercial uses on the ground floor and no sideyard is required.

The Board of Adjustment believing sideyards to be unnecessary and undesirable in apartment hotels, hotels and motels in heavily developed commercial areas, requests the Planning Commission to consider amending the Ordinance. The Director suggested the following amendment to Section 16, Paragraph D and Section 17, Paragraph D subject to review by the Legal Department. Section 16, Paragraph D and Section 17, Paragraph D of the Ordinance:

3. "Where all the frontage on one side of the street between two intersecting streets is located in a "C" Commercial or less restrictive district, and a Third or Fourth Height and Area District, minimum and total sideyard may be waived for apartment hotels, hotels, or motels when not in conflict with other ordinances or codes and when serviced by both a public street and an alley, or two other means of public access. However, if a minimum sideyard is provided, the minimum sideyard shall be not less than five feet."

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R1410 AMENDMENT TO ZONING ORDINANCE--contd.

The Commission discussed the proposal and agreed with the recommendation.
It was therefore unanimously

VOTED: To recommend to the City Council an amendment to Section 16,
Paragraph D and Section 17, Paragraph D of the Zoning Ordinance,
as outlined above.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman