

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- March 9, 1965

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
Ben Hendrickson
Edgar E. Jackson
S. P. Kinser
Barton D. Riley
Howard E. Brunson
Emil Spillmann

Absent

W. Sale Lewis
W. A. Wroe

Also Present

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

MINUTES

Minutes of the meeting of February 9, 1965 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of March 1, 1965.

C14-65-13 M. K. Hage, Jr. and Austin Doctors Bldg. Corp.: A and O to O, 1 to 3
3404-3406, 3508, 3700-3706 Wabash Ave.
3405-3407, 3501-3507, 3701, 3707-3713 McDonald Ave.
1101-1103, 1107, 1104-1106 West 35th
1101-1103, 1100-1106 West 37th
1105-1107 West 38th
Additional Area: 3500-3506 Wabash Ave., 3509-3703-3705 McDonald Ave.,
1105, 1100-1102 West 35th, 1105-1107 West 37th

STAFF REPORT: This is the part of the original application heard at the last Planning Commission meeting which was postponed due to an error in notification of property owners. The Commission considered the request west of McDonald Avenue, but felt no recommendation should be made for the area east of McDonald Avenue until all affected property owners had been notified. The Council recently granted "O", Third Height and area for the property west of McDonald Avenue. The area between McDonald and Wabash Avenue is presented for consideration, since all affected property owners have now been notified. It will be recalled the proposed use is for a hospital complex with the new Seton Hospital and doctors' offices.

C14-65-13 M. K. Hage, Jr. and Austin Doctors Bldg. Corp--contd.

One written comment was received in favor of the change.

Mr. Sam Perry represented the applicant. He stated that the property in question is in the name of M. K. Hage, Jr., who is acting in a trust capacity for Austin Doctors Building Corporation. Part of the property will be used by Seton Hospital and part for the Austin Doctors Building Corporation. The supporting statements made by Mr. Sneed last month apply to this request.

One nearby property owner objected to the proposal if it would increase his taxes.

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

1. The property is a logical extension of present zoning, including the additional area.
2. The area is part of the comprehensive development previously recommended for "O" Office, Third Height and Area.

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

VOTED: To recommend that the request of M. K. Hage, Jr. and Austin Doctors Building Corporation for a change of zoning from "A" Residence, First Height and Area and "O" Office, First Height and Area, to "O" Office, Third Height and Area, for property located at 3404-3606, 3508, 3700-3706 Wabash Ave., 3405-3407, 3501-3507, 3701, 3707-3713 McDonald Ave., 1101-1103, 1107, 1104-1106 West 35th, 1101-1103, 1100-1106 West 37th, 1105-1107 West 38th, including the additional area located at 3500-3506 Wabash Ave., 3509-3707-3705 McDonald Ave., 1105, 1100-1102 West 35th, 1105-1107 West 37th, be GRANTED.

C14-65-16 C. T. Uselton: A to O, 1 to 2

2704-2804 Cole Street

Additional Area: 904-906 Wahrenberger St.

2700-2702 Cole Street

STAFF REPORT: The site contains three tracts of land totaling an area of 29,440 square feet. The additional area is the tract at the corner of Wahrenberger and Cole. The tract adjoining the additional area is developed with three single-family residences and the remaining two tracts are undeveloped. The proposed use is for apartments. Recent zoning to the west along Swisher Street established "BB" Residential, Second Height and Area. There is commercial development between Cole and the Interregional Highway, and a motel to the south. The area immediately to the north has single-family residential development with a mixed zoning pattern of "B", "C", and "O" beyond. Cole Street is a minor residential street with 50 feet of right-of-way, which is inadequate to serve commercial development of both sides of the street.

Four written comments were received in favor of the change.

C14-65-16 C. T. Usselton--contd.

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

The Committee reviewed the information and concluded this request should be granted for the following reason: The proposed change is a logical buffer between the residential area to the west and the intensive commercial area to the east.

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

VOTED: To recommend that the request of C. T. Usselton for a change of zoning from "A" Residence, First Height and Area, to "O" Office, Second Height and Area, for property located at 2704-2804 Cole Street, including the additional area located at 2700-2702 Cole Street and 904-906 Wahrenberger Street, be GRANTED.

C14-65-17 Walter D. Nettle: A to GR
6509-6511 Berkman Drive

STAFF REPORT: The site contains an area of 21,600 square feet and is developed with a single-family residence. The proposed use is a television and radio sales and service business. Last year the two lots adjoining the subject property to the south were zoned "B" Residential. Last week the Council granted "B" Residential zoning for property across Berkman Drive from the subject property. The remaining area is zoned "A" Residential and developed with single-family residences. There are large tracts of undeveloped property along Berkman Drive to the north and south. The nearest commercial zoning is at the southeast corner of Berkman Drive and U. S. Highway 290. Berkman Drive has an inadequate right of way of 60 feet. An additional 20 feet of right of way is necessary along subject property to conform with the planned requirement of 80 feet.

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

Mr. D. W. Morris represented the applicant. He stated that there are a number of vacant lots in the vicinity. We propose to install a radio and TV service in a new building 103 x 213 feet. The property is only one block from Highway 290. We have found no objection from a survey of the residents in the area.

Two nearby property owners appeared in opposition to the change and stated that changing the present zoning for this small plot would not benefit this neighborhood. This area is for one story homes and we do not want the zoning changed.

C14-65-17 Walter D. Nettle: A to GR--Contd.

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 the residential area.
2. There is insufficient width on Berkman Drive for more intensive zoning.

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

VOTED: To recommend that the request of Walter D. Nettle for a change of zoning from "A" Residential, First Height and Area to "GR" General Retail, First Height and Area for property located at 6509-6511 Berkman Drive be DENIED.

C14-65-18 Mrs. E. M. Barton: C to C-1
1401 Cedar Avenue

STAFF REPORT: The site contains an area of 5,967 square feet and is developed with a grocery store. The applicant proposes the sale of package beer in the grocery store. This site is surrounded by residential development, with the exception of a commercial laundry adjoining subject property to the north and a fruit stand and filling station across Cedar Avenue from the site. East 14th Street and Cedar Avenue are classified as minor residential streets with 50 feet and 45 feet of right of way respectively.

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

Mrs. E. M. Barton was present at the hearing and was represented by Mr. R. J. Potts. They informed the Committee that the grocery store has been established since 1923. A competing store is going in on 12th Street. In order to meet competition, they feel they must sell beer.

Opposition from nearby property owners was that "C-1" Commercial zoning is objected to in a residential area. They have a quiet neighborhood and would like to keep it that way.

The Committee reviewed the information and concluded this request should be granted for the following reason: The grocery is part of a long established retail service area for the neighborhood, and as such conforms to the Commission's policy of granting "C-1" zoning.

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

VOTED: To recommend that the request of Mrs. E. M. Barton for a change of zoning from "C" Commercial, First Height and Area, to "C-1" Commercial, First Height and Area for property located at 1401 Cedar Avenue, 2600-2608 East 14th Street be GRANTED.

C14-65-19 Troy Harrell: A to LR
 104 West 43rd and
 Rear of 4303-4305 Avenue D

STAFF REPORT: The site contains an area of 3,250 square feet and is adjacent to a grocery store. The proposed use is as an addition to the grocery store. The surrounding area is residential, except for a post office which is across the alley from the grocery. The only development problem would be the location of the additional off-street parking required for the addition to the store. Mr. Harrell owns another 9,000 square feet adjacent to subject property, which is sufficient for parking. The existing "A" zoning, however, does not allow parking for commercial use.

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

The applicant was present at the hearing and stated that he owns the two lots adjoining subject property. He wants to vacate a house that is on one of the lots at a later date and use that area as additional parking. He needs extra space for the store.

One nearby property owner was opposed because he felt it would be piece-meal zoning. If the whole area between Guadalupe Street and Duval Street were changed, he would be in favor of it.

The Committee reviewed the information and concluded this request should be granted for the following reason: It is a logical extension of the existing zoning to provide for the expansion of a well established Local Retail use.

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

VOTED: To recommend that the request of Troy Harrell for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 104 West 43rd and the rear of 4303-4305 Avenue D be GRANTED. ~

C14-65-20 Dr. D. A. Baggett: BB to C-1
 804-806 Manor Road and 2200-2202 Swisher Street

STAFF REPORT: The area contains two lots totaling 11,700 square feet, each developed with a single-family residence. The proposed use is for a drive-in grocery including the sale of beer for off-premise consumption. The property across Swisher Street and Manor Road is zoned "C" Commercial. The remaining area is developed residentially with apartments and scattered single-family residences. The adjoining property to the west is pending a zoning change from "BB" to "B". Manor Road has 50 feet of right of way and is designated as a secondary thoroughfare with a proposed right of way of 80 feet. The minimum recommended right of way for streets serving commercial property is 60 feet. Consideration should be given to the street needs in this area in relation to the high density of development. Swisher Street is a minor residential street with 50 feet of right of way.

C14-65-20 Dr. D. A. Baggett--contd.

Two written comments were received in favor of the change.

Mr. Marvin Braswell represented the applicant. He stated: Off-street parking will be provided and it is anticipated 40 percent of our business will be walk-in business. We do not feel this proposal will add to the traffic in the area. There is a need for a small drive-in grocery in the area.

Two nearby property owners appeared in opposition to the change and stated that the entire neighborhood is developed residentially "BB" and "B". "C-1" Commercial zoning is not compatible with the neighborhood. This proposal would damage the property adjacent to it.

The Committee reviewed the information, and the majority felt this request should be denied for the following reasons:

1. The property is not in a well defined commercial area.
2. This change of zoning would be an intrusion into the residential area.
3. The streets in the area are inadequate for commercial development.

The Commission discussed the various aspects of a zoning change for this area. The majority of the Commission were of the opinion that a change to commercial zoning would be a logical extension of the well developed commercial area. They favored limiting the C-1 zoning to the area of the building. Mr. Riley was concerned with the street needs in the area, especially the proposed right of way of 80 feet for Manor Road. After further discussion, it was then

VOTED: To recommend that the request of Dr. D. A. Baggett for a change of zoning from "BB" Residence, Second Height and Area to "C-1" Commercial, Second Height and Area for property located at 804-806 Manor Road and 2200-2202 Swisher Street be GRANTED for the north 45 feet of the property and "C" Commercial be GRANTED for the south 45 feet of the property.

AYE: Messrs. Barrow, Kinser, Jackson, Spillmann

NAY:

ABSENT: Messrs. Lewis and Wroe

C14-65-21 James E. Dye and Lucille P. Dye: C to C-2
4703 Burnet Road

STAFF REPORT: The site contains an area of 1,388 square feet and is developed with a cafe. The applicant proposes on-premise consumption of beer. There are two cafes in the immediate area, one adjoining to the south. The large tract behind subject property has a church which fronts on Grover Avenue. Rosedale Elementary School to the northwest is over 300 feet from the site. The area along Burnet Road is developed commercially. Burnet Road is a primary thoroughfare with 60 feet of right of way and a proposed 90 feet of right of way.

No written comment was received in reply to notices sent.

C14-65-21 James E. Dye and Lucille P. Dye: C to C-2--contd.

Mr. J. M. Patterson, Jr. represented the applicant and offered the following information. There are two taverns selling beer in the area as non-conforming uses. The application covers the sale of beer and liquor for the building now in use. The proposal would offer better use of the property.

The Committee reviewed the information and concluded this request should be granted since 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 James E. Dye and Lucille P. Dye for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 4703 Burnet Road be GRANTED.

C14-65-22 Paul C. Walter: C to C-1

6800-6822 Burnet Road
2400-2404 Addison Avenue

STAFF REPORT: This site contains 43,500 square feet and is developed with a drive-in restaurant. Proposed is the sale of beer for on-premise consumption secondary to the sale of food. Burnet Road is developed commercially, while residential development adjoins subject property on the west. Across Burnet Road is a large tract zoned "C-1."

One written comment was received in favor of the proposed change.

The applicant was present at the hearing and was represented by Mr. Ray Stawnicz. They informed the Committee that beer would not be sold without the purchase of food. It would tend to support the need of a small drive-in business rather than distract from the area.

The Committee reviewed the information and concluded this request should be granted since it meets with the policy of the Commission as the area is well developed commercially.

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

VOTED: To recommend that the request of Paul C. Walter for a change of zoning from "C" Commercial, First Height and Area, to "C-1" Commercial, First Height and Area for property located at 6800-6822 Burnet Road, 2400-2404 Addison Avenue be GRANTED.

C14-65-23 City of Austin/Perkins and Beaman: A to C (Tract 1) and C-1 (Tract 2)

Tract 1: 2013-2015, 2105-2109 Bergman Avenue, 2012-2014 Bogle Avenue

Tract 2: 2017-2019, 2101-2103 Bergman, 2016-2018 Bogle Avenue

STAFF REPORT: Tract 1 contains an area of 13,912 square feet and is developed with three single-family dwellings. Tract 2 contains 12,544 square feet and is undeveloped. The proposed use is an aquatic garden. Across Bogle Avenue from the subject property is a large area zoned "C" Commercial which fronts on Sand Beach Reserve of Town Lake. East of the site is a new brick plant. The area north and west is developed with single-family residences. Anthony Street is dedicated between subject properties, but is not open on the ground. Bogle Avenue is not open, and Bergman Avenue is a gravel street.

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

Mr. Richard Baker, representing the applicant, offered the following information: In 1963, Messrs. Perkins and Beaman negotiated with the City Council in an effort to find utilization of 7½ acres of this property which has been a gravel pit for a number of years. Additional property has subsequently been acquired by the City of Austin which will produce a much better development. This property is in the Town Lake Plan and in the near future Town Lake Drive will circle this particular property. A restaurant in contemporary Spanish style will be constructed in connection with the operation of the aquatic garden. "C-1" zoning is requested for this proposal. Within 24 months, two hundred thousand dollars will be expended on this tract. Parking will be necessary for development of the entire tract. The proposed development will not damage the residential property to the north of these tracts as Bergman Avenue will not be used for access to this property. The restaurant will be available only to visitors to the aquatic gardens.

The Committee reviewed the information and concluded this request should be granted for the following reason: The property is to be an integral part of the aquatic garden area which has commercial zoning.

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

VOTED: To recommend that the request of the City of Austin/Perkins and Beaman for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area (Tract 1) and "C-1" Commercial, First Height and Area for property located at (Tract 1) 2013-2015, 2105-2109 Bergman Avenue, 2012-2014 Bogle Avenue and (Tract 2) 2017-2019, 2101-2103 Bergman, 2016-2018 Bogle Avenue be GRANTED.

C14-65-24 Emma Gertrude Wendeburg and Hilma Grace Magown: A to B, 1 to 2

2614-2616 Wilson Street and 400-416 Cumberland Road

STAFF REPORT: This site contains 56,800 square feet and is developed with a single-family dwelling. The proposed use is a multi-unit apartment house. "B" First Height and Area would allow a maximum of 37 apartments. Under the

C14-65-24 Emma Gertrude Wendeburg and Hilma Grace Magown: A to B, 1 to 2--contd.

proposed zoning, 75 apartment units could be built. The area is predominantly residential. "C" Commercial is established across from the property. North of the area there are large tracts of land with about one house per tract at the present time. Various streets have been proposed for the undeveloped property north of the site. One possibility is a southward extension of Durwood Street. East Bouldin Creek runs through the property.

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

The applicant was represented by Mr. Dan Magown and Mr. Phil Mockford. They presented a sketch of the proposed apartment complex and stated that it was not economically feasible to build single family residences. A high-priced apartment house is proposed which will fit in with the area. This is a fairly busy area with commercial on both ends of Cumberland Street.

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 zoning for the property.
2. They were in favor of granting "BB", First Height and Area as highest and best use of the land.

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

VOTED: To recommend that the request of Emma Gertrude Wendeburg and Hilma Grace Magown for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, Second Height and Area for property located at 2614-2616 Wilson Street and 400-416 Cumberland Road be DENIED but to GRANT "BB" Residential, First Height and Area.

C14-65-25 Kathleen W. Belshan and Maurice Doke: C and 1 to C and 3
1500-1504 Scenic Drive

STAFF REPORT: This tract consists of 2½ acres along the west side of Lake Austin Boulevard. About two-thirds of the tract is below the water level of Lake Austin. The proposed use is a multi-unit apartment house. The area available for construction is about 31,000 square feet, and has as its west boundary a line which has been set by the City Council. Part of the area east of this line is under water, but may be filled in by permission of the City Council. Part of the property is to be used for the location of a tower for a sky-ride. There is a City park and a public boat ramp to the north. The "O" Office area across Lake Austin Boulevard was established in 1955. "BB" across Lake Austin Boulevard was established in 1954. The Council has to approve any construction in the lake area. The existing zoning would allow 60 units to be built, and a maximum height of 35 feet. The requested zoning would have no density limitation and would permit a height of 90 feet.

No written comments were received.

Mr. Wroe Owns represented the applicants and presented the following information: An 80-unit luxury apartment building is proposed, and a model is

C14-65-25 Kathleen W. Belshan and Maurice Doke--contd.

presented for review. Two parking spaces per unit are planned at and below street level. We feel that we have solved any difficulty of parking. This is an expenditure in excess of \$1,000,000.

The Committee reviewed the information and concluded this request should be granted for the following reason: It is a logical extension of existing third height and area zoning.

The Director of Planning called to the Commission's attention the existing "C", Third Height and Area zoning in the area. Although there is a very intensive form of development, there is no objection to the proposed use. There is a generally mixed situation; on one side there is a large amount of open space and no large buildings. On the other side is a cramped situation. The potential traffic generated by this development is excessive. There is a public boat ramp and a City park in this area. Enfield Road is 39 feet wide. Scenic Drive is 58 feet wide then narrows down to 28 feet. Lake Austin Blvd. is an adequate street. Mr. Osborne noted that parking tends to be a problem. We have talked with the applicants about the parking structure on City owned property. The City owns the land immediately north. The developer should be encouraged to provide more parking. The land to the south is owned by LCRA and The University of Texas and there is not much likelihood of more intensive use there.

Mr. Kinser stated that this proposal will be one of the greatest assets to Austin. Construction of this type should be encouraged. Mr. Hendrickson agreed and also stated that possibly the intersection could be worked out to avoid traffic hazards. Mr. Riley was opposed to the zoning change because of the traffic and parking problems. Mr. Barrow stated he was in favor of the change provided the intersection could be made safe. The Commission then

VOTED: To recommend that the request of Kathleen W. Belshan and Maurice Doke for a change of zoning from "C" Commercial, First Height and Area, to "C" Commercial, Third Height and Area, for property located at 1500-1504 Scenic Drive, be GRANTED.

AYE: Messrs. Kinser, Hendrickson, Brunson and Spillmann

NAY: Messrs. Riley and Barrow

ABSENT: Messrs. Lewis, Wroe and Jackson

C14-65-26 W. R. Crawford: A to GR
2804 (2810) South First Street

STAFF REPORT: The site contains 10,710 square feet and is developed with a vacant commercial building. The proposed use for this property is a furniture store. The area along South First Street has mixed zoning of "LR", "C-1", "C", and "B". To the east and west of the site there is "A" Residential zoning. South First Street is an 80 foot commercial collector street. The staff noted the piecemeal pattern of zoning in the area.

Two written notices were received in favor of the change.

C14-65-26 W. R. Crawford--contd.

The applicant was present at the hearing and stated: There is an old tin building on this property at the present time. I want to build a new building for the purpose of a retail furniture store. This building would be an improvement in the neighborhood.

The Committee declared it would look favorably upon other zoning changes of this type in the area. They reviewed the information, and the majority concluded this request should be granted because the trend in the area is toward more commercial development.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of W. R. Crawford for a change of zoning from "A" Residence, First Height and Area, to "GR" General Retail, First Height and Area, for property located at 2804 (2810) South First Street, be GRANTED.

C14-65-27 E. C. Thomas: GR to C
6519-6521 Burnet Lane

STAFF REPORT: The site contains two lots comprising an area of 21,060 square feet and is developed with an electric company. The proposed use is an air conditioning sales and service company. The adjoining tract to the south is zoned "GR". The Travis County Warehouse is across Burnet Lane and is zoned "C-1". There is "C" Commercial zoning north of the subject property. The area to the east is zoned "A" Residential and is developed primarily with single-family residences. Burnet Lane is only 55 feet and should have a 60 foot right-of-way to serve commercial properties.

No written comment was received.

The applicant was present at the hearing and stated: We propose a new building for the operation of air conditioning sales and service. The adjoining owners on either side of this property are in favor of this change.

There was no opposition to the request.

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

1. The proposed change is a logical extension of more intensive zoning across Burnet Lane.
2. The proposed change fits the zoning pattern established along Burnet Lane.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of E. C. Thomas for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area, for property located at 6519-6521 Burnet Lane, be GRANTED.

C14-65-28 Kenneth E. Davis: C and 5 and A and 1 to GR and B and 2 (as amended)
1008-1030 Reinli Street

STAFF REPORT: The subject property is an undeveloped tract consisting of 117,900 square feet (2.7 acres). The applicant proposes commercial usage. The area along the Interregional Highway is developed and zoned commercially. Capital Plaza is south of the site. There is a large area north of Reinli Street adjacent to the subject property which is undeveloped and zoned "A" Residential. In connection with the change of fifth height and area zoning along the Interregional Highway to the proposed second height and area, the staff recommends that the small strip at the corner of Reinli Street and the service station be maintained as fifth height and area, the staff recommends that the small strip at the corner of Reinli Street and the service station be maintained as fifth height and area for conformity with the established height and area along the Interregional Highway. Reinli Street has varying widths of 30, 45 and 48 feet, all of which are insufficient for commercial development. The proposed right of way is 64 feet. Mr. Davis has indicated he is willing to grant 15 feet of additional right of way, but with the proposed apartments to the east and commercial development proposed, the street is inadequate and the staff recommends 64 feet of right-of-way for Reinli Street.

Three written comments were received in favor of the change.

The applicant was present at the hearing and stated: There was no intention of requesting "C-2" Commercial zoning for this property. We want "C" Commercial, Second Height and Area for the property and would like our application amended to reflect this. The proposed use is an apartment complex. I dedicated 15 feet for right of way on the corner property (the service station), and I feel that 15 feet would be sufficient to widen the street along this property. The 19 feet proposed by the City is too much.

There was no opposition to the request.

The Committee accepted the amendmmment to "C" Commercial.

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

1. Reinli Street is inadequate for the proposed development.
2. The proposed zoning is too intensive for the proposed development.

At the Commission meeting, Mr. Stevens reported a letter from Mr. Edward M. Horne, agent for the owner, requesting an amendment to their application as follows:

On the east 150 feet from "A" Residential, First Height and Area to "B" Residential, Second Height and Area, and on the balance of the tract from "A" Residential, First Height and Area, to "GR" General Retail, Second Height and Area. It is agreed and understood that in order to utilize this land as apartment and commercial usage, the owners will give the City 15 feet in depth running along Reinli Street.

The Commission agreed to accept the amendment to the application as outlined above.

C14-65-28 Kenneth E. Davis--contd.

The Planning Director stated that an additional 19 feet of right-of-way on the north side of Reinli Street would be required. Reinli is inadequate at 30 feet for the potential traffic in the area. The proposed plan on this street is to actually widen to 64 feet, therefore, 19 feet of dedicated right of way on the north side is requested to bring up to standard. It was also recommended to the Commission that the street inadequacy be called to the attention of the City Council.

The Commission felt that the "B" zoning on the east 150 feet would be compatible with the adjacent "A" Residential zoning and that the "GR" zoning on the balance of the property would act as a buffer zone between the commercial and residential property. It was their decision that the additional 15 feet of right of way for Reinli Street offered by the applicant, was acceptable. They wished, however, to call to the Council's attention the recommendation of the Planning Director that Reinli Street would still be inadequate, and that he recommends 64 feet. The Commission then

VOTED: To recommend that the request of Kenneth E. Davis for a change of zoning from "C" Commercial, Fifth Height and Area and "A" Residential, First Height and Area, to "B" Residential, Second Height and Area for property located at 1020-1030 Reinli Street, and "GR" General Retail, Second Height and Area, for property located at 1008-1018 Reinli Street (as amended), be GRANTED.

C14-65-29 Maurice Hall: A to C-1, 1 to 3

14-18 Interregional Highway
1019-1027 Waterfront Street
1000-1018 Waterfront Street
21-29½ San Marcos
1001-1011 Flores Street

STAFF REPORT: The site contains an area of 65,750 square feet. There is one dwelling on the subject property which is in poor condition. A motel and restaurant are proposed. The City owns the property to the south between the site and Town Lake. Two lots adjoining this property which abut the Interregional Highway are under City ownership. San Marcos and Waterfront Streets are not open on the ground. Access to the property is off Flores Street and the Interregional Highway service road. A service station is across Flores Street from the site and the remaining area is residential. The subject property is in an area in which the City is studying street and park plans.

No written comments were received.

Mr. Robert O. Smith, representing the client, stated: Mr. Hall originally owned five blocks and has worked to consolidate several more blocks for a larger area to develop. This zoning change was requested three years ago, but was withdrawn as the City indicated they were interested in buying the property. Since no plans have been made by the City to acquire the property, plans should be allowed to develop it privately.

There was no opposition to the request.

C14-65-29 Maurice Hall--contd.

The Committee reviewed the information and concluded this request should be passed to the Commission without a recommendation for the following reason: The Committee was concerned with possible park and Town Lake plans the City might have for this property and felt the matter should be postponed until the Planning Commission meeting in order that the staff can make a report on this matter.

The Director of Planning advised the Commission that customarily zoning cases are not referred to the Town Lake Committee. The Town Lake Committee study included recommendations for the lake area, but specific development items are not specified for this property. Any future park or other plans the City might have for this property would have to be discussed between Mr. Smith and the City Manager and City Attorney.

Mr. Bob Smith, representing the owner, stated when they first brought up this zoning request three years ago, the Town Lake Committee was in the formative stage. The proposal for the use of this property was not specifically discussed with them.

The Commission was of the opinion that this zoning request should be acted upon. The Commission was also concerned with the setback requirements along the Interregional Highway. They favored Fifth Height and Area for that part of the property adjacent to the highway, in order to maintain a 25 foot setback. They were of the opinion the "C-1" zoning should be limited to the area of the restaurant proper. It was therefore

VOTED: To recommend that the request of Maurice Hall for a change of zoning from "A" Residential, First Height and Area, to "C-1" Commercial, Third Height and Area, be DENIED; but to GRANT "C" Commercial, Fifth Height and Area for that part of the property within 100 feet of the west right of way line of the Interregional Highway, located at 14-18 Interregional Highway, 1021-1027 & 1016-1018 Waterfront Street and 1007-1011 Flores Street and TO GRANT "C" Commercial, Third Height and Area for the property located at 1000-1014 Waterfront Street, 21-29½ San Marcos and 1001-1005 Flores Street, with the understanding that the Council will consider "C-1" Commercial, Third Height & Area for the restaurant proper when located.

C14-65-30 Mrs. Roy Bedichek: BB to B
2201 and 2205 Oldham Street
800-802 Manor Road

STAFF REPORT: The site contains an area of 24,570 square feet and is developed with three single-family residences. The proposed use is an apartment hotel. The area along Oldham Street is zoned "BB" Residential as a result of an area study. Apartment development has increased in the surrounding area. The proposed zoning would allow 16 regular units or 32 apartment hotel units. The staff feels the entire area now zoned "BB" should be zoned "B" in view of the increasing needs for apartment development in the area. Oldham Street is a minor collector street with 60 feet of right-of-way. Manor Road is a secondary thoroughfare with 50 feet of right-of-way which is inadequate for the growing density in the area. The planned right-of-way is 80 feet.

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

C14-65-30 Mrs. Roy Bedichek--contd.

Mr. H. H. Rothell, Jr. representing the applicant, informed the Committee that this area is predominantly apartments with "B" Residential zoning. This is a logical extension of "B" zoning.

There was no opposition to the request.

The Committee reviewed the information and concluded this request should be granted because the requested change is proper zoning for the property.

The Committee expressed the opinion they would look with favor on other requests of a change to "B" Residential zoning in this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Roy Bedichek for a change of zoning from "BB" Residential, Second Height and Area, to "B" Residential, Second Height and Area, for property located at 2201 and 2205 Oldham Street and 800-802 Manor Road, be GRANTED.

The Commission reviewed the application as related to the Austin Development Plan, recognizing that the subject property sides on Manor Road, a planned secondary thoroughfare. They then

VOTED: To recommend that the City Council review this application in terms of the Development Plan and determine the necessity of providing for the widening of Manor Road to conform to the plan.

C14-65-31 Felix Griffin, Jr.: C to C-2
1617 South First Street

STAFF REPORT: This site consists of 4,300 square feet and is developed with a vacant commercial building. Proposed is the sale of beer for on-premise consumption. Along South 1st Street there is a mixture of commercial and residential development. On the northwest corner of West Annie Street and South 1st Street there is a grocery store which is zoned "C-1". There is also a grocery store north of Monroe Street that is zoned "C-1". The applicant owns the subject lot all the way back to the creek, but is asking for the zoning change only for the front 100 feet. There is adequate room for parking at the rear of the property.

Nine written comments were received in opposition to the change and two in favor.

Mr. Al Mendez, representing the applicant, stated: The applicant wants the zoning change for the purpose of the sale of beer for on-premise consumption. South 1st Street is becoming more heavily commercial. The applicant needs to sell beer to meet competition.

Three nearby property owners appeared in opposition to the change and stated: We are opposed to the sale of beer for on-premise consumption in our neighborhood. We do not object if it is sold for off-premise consumption.

C14-65-31 Felix Griffin, Jr.--contd.

The Committee reviewed the information, recognizing this area as not being a well developed commercial area, and concluded this request should be denied because it would be a detriment to the existing character of the neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Felix Griffin, Jr. for a change of zoning from "C" Commercial, Second Height and Area, to "C-2" Commercial, Second Height and Area, for property located at 1617 South First Street, be DENIED.

C14-65-32 Theo P. Meyer, Jr.: A to B
4204-4212 Red River Street

STAFF REPORT: This tract contains 63,380 square feet and is developed with two single-family residences. The proposed use is for apartments. The property fronts along Red River Street across from Hancock Center, which is zoned "GR". The area to the north, west and south of subject property is zoned "A" Residential. On the corner of east 44th Street and Red River Street, there is "O" Office zoning. The proposed zoning would allow 42 apartment hotel units to be built on the property. Consideration should be given to the detrimental affect on the adjacent residential property. Hancock Center was zoned in 1959. The subject property was considered in 1962 for a change of zoning to "B" Residential. The Planning Commission recommended against it at that time, on the ground that it would be an intrusion into the residential area. The application was subsequently withdrawn. Red River Street, a secondary thoroughfare, is 80 feet wide in front of Hancock Center, then it narrows down to 50 feet. Red River Street is scheduled to be widened.

There were six written comments in favor of the change and five opposed.

Mr. E. H. Smartt, representing the applicant, informed the Committee that if this apartment house is an intrusion into a residential area, so was Hancock Center. Due to the development of Hancock Center, the whole area has changed. The entire concept has changed. An apartment development immediately across from Hancock Center is a logical development. This type of land would not lend itself to a residential area. I know of no other way this property could be developed into its best use. This zoning would offer a reasonable buffer from the "GR" zoning area into a high residential area. This is proper zoning for this area.

A number of nearby property owners appeared in opposition to the change and stated: This is a nice, quiet residential area. We want it to stay that way. If apartments are built, they would create a traffic hazard. There would be too many cars per apartment unit which would cause a parking problem. There are too many transients in an apartment development. It would be piece-meal zoning. The value of the land in this area would depreciate. The Committee reviewed the information and concluded this request should be denied because it would be an intrusion into a well defined residential neighborhood.

C14-65-32 Theo P. Meyer, Jr.--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Theo P. Meyer, Jr. for a change of zoning from "A" Residential, First Height and Area, to "B" Residential, First Height and Area, for property located at 4204-4212 Red River Street, be DENIED.

C14-65-33 Mrs. Vivian Tucker: A to LR, 1 to 5
1100-1218 South Interregional Highway

STAFF REPORT: The site contains 2.54 acres and is developed with a vacant single-family residence. The applicant proposes a retail gasoline service station. There is a 30 foot deep creek along the eastern third of the property. There is a shelf approximately 35 feet above street grade along the western 60 feet of the property. Through the central part of the property, there is a 60 foot strip at street level. The property to the south across the creek is the preliminary plan of the Parkinson Place residential subdivision. The property to the west is developed single-family residential. The Interregional Highway is to the east. There is "O" Office, Second Height and Area zoning north of Riverside Drive on both sides of the Interregional. "O" Office zoning would permit motel and service station use by special permit on this property.

Three written comments were received in favor of the change.

Mr. Jim Holman, representing the applicant, informed the Committee that there are plans for a motel in connection with the service station. This location on the Interregional Highway is ideal for a motel. The residential property owners to the west do not object.

Several nearby property owners appeared and objected to any proposed structure which would be higher than the bluff along the west part of the property.

The Committee reviewed the information and concluded this request should be denied. They felt "O" Office, Fifth Height and Area was proper zoning for the property.

The Director of Planning advised that sometime in the future, possibly five to ten years, Riverside Drive will be developed into an expressway with an interchange at the Interregional Highway. This plan will affect the motel site in that approximately one-third of the property will be needed for the interchange.

Mr. Kinser was of the opinion private development of the property should not be deterred, since the City has no definite time schedule or plan for acquiring land for the proposed interchange. After further discussion, the Commission then

VOTED: To recommend that the request of Mrs. Vivian Tucker for a change of zoning from "A" Residential, First Height and Area, to "LR" Local Retail, Fifth Height and Area, for property located at 1100-1218 South Interregional Highway, be DENIED, but to GRANT "O" Office, Fifth Height and Area for the property.

(DISQUALIFIED: Mr. Barrow)

C14-65-34 A. E. Cocke: A to BB
4305-4307 Caswell

STAFF REPORT: The site contains 23,000 square feet and is developed with a two-family dwelling. The proposed use is a six-unit apartment house. The area immediately surrounding the subject property is "A" Residential. The proposed zoning would allow a maximum of 11 apartments units. Caswell Street is a minor residential street with 50 feet of right-of-way.

Four written notices were received in favor of the change and two in opposition.

The applicant was present at the hearing and was represented by Mr. Richard Baker. They offered the Committee the following information: Under the present zoning, the applicant was allowed to construct only one duplex apartment. This was not built as a speculation. He lives in the front portion of the duplex. The large backyard does not have any use. Mr. Cocke would like to build four more units. This will not be a large project. There will be ten parking spaces in back of the duplex. There will be no swimming pool. There is a lot of development in this area, and the character of the neighborhood is changing.

A number of nearby property owners appeared in opposition to the change. They stated there would be no way of building more duplexes without encroaching into the residential area. We do not want the zoning changed from "A" Residential to "BB" Residential. It would change the flavor of the community by creating a precedent. It would also create additional traffic hazards.

The Committee reviewed the information and concluded this request should be denied because it would be an intrusion into a well developed residential area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of A. E. Cocke for a change of zoning from "A" Residence, First Height and Area, to "BB" Residence, First Height and Area, for property located at 4305-4307 Caswell, be DENIED

C14-65-35 R. C. Armstrong: A to GR
4234-4422 Interregional Highway
4424-4444 Airport Boulevard

STAFF REPORT: The site contains 22,650 square feet and is undeveloped. It is a long, narrow strip between the railroad track and the Interregional Highway/Airport Boulevard interchange. The property is City owned. The Council has approved the leasing of this property to the applicant subject to the zoning change. The area to the west is developed residentially. At the south end is an entrance into the Hancock Shopping Center. The proposed use is a used car lot and trucks of less than one ton. The north end of the property narrows to 53 feet in width and will be maintained under the lease, but not used for the applicant's purposes.

Three written comments were received in opposition to the change.

The applicant was present at the hearing and stated: We present herewith an artist's rendition, along with a scaled detail of our proposed installation of primarily an Auto Rental and Leasing Business, and the sale of some used

C14-65-35 R. C. Armstrong--contd.

cars. We proposed curbing the entire length of the usable part of the property that the State Highway Department controls, as well as the entrance and exit. We will clear, grade, and pave the entire usable area that the City owns from the railroad bridge - south. We propose installing a water system capable of watering the Highway Department's easements and an entire line for the shrubs and plantings along the railroad track. At least 300 feet of the south will not be sheds. No mass plantings along the track will be higher than an automobile. Our offer to the City is to maintain the entire area, such as mowing and keeping plants and seasonable flowers in an attractive manner. We realize the north end of the property is not usable for our purposes, but it is our deal with the City to take care of the area north of the railroad bridge to the end of the property. This includes cleaning, planting and mowing.

We have provided ample off-street parking for our customers. We have had an on-the-site inspection and verbal approval from the Highway Department to cut, pave and curb the entrance and exit. They will be glad to be relieved of the maintenance such as cleaning and mowing their portion. There will be no signs or displays on their portion. Our improvements, such as small attractive buildings, will only be 20 feet deep and placed within 5 feet of the railroad property, leaving clear visibility of 72 feet along the entire access street.

Due to the character of this property - being long, narrow and narrowing to a point at each end and bounded by an easement on the east and the railroad track on the west - it is not very valuable to the City. We will have substantial water and light bills, relieve the City of the maintenance, pay taxes on the improvements, and pay a monthly rental. In other words, we will beautify the property, and in turn it will be an asset instead of a liability. We feel this will be of mutual benefit to us and to the City.

One nearby property owner appeared in opposition and stated: This proposal would be an encroachment into the residential area and a traffic hazard near the access streets and railroad. In addition, there are problems of flooding. It would certainly detract from any beautification of this strip, which should be maintained by the City or State Highway Department.

The Committee reviewed the information and concluded this request should be granted because the proposal would be a proper use of the land between the railroad and expressway.

The Director of Planning noted the four points of traffic merging into the area. In the near future this property will be used in the interchange and should be left free of any traffic problem. Mr. Osborne called to the Commission's attention that the general appearance of this type of development would normally not prevail in an intersection.

The Commission reviewed the information and examined the plot plan. The Commission concluded this would be proper use of the land in the interim period that it is not needed for the interchange system. The Commission then

VOTED: To recommend that the request of R. C. Armstrong for a change of zoning from "A" Residential, First Height and Area, to "GR" General Retail, First Height and Area, for property located at 4234-4422 Interregional Highway and 4424-4444 Airport Boulevard, be GRANTED.

SPECIAL PERMITS

CPI4-65-1 Ma-Son Homes, Inc.: 140 unit apartment dwelling group
1136-1138 Springdale Road
 1137 Gunter Street

STAFF REPORT: This application has been filed as required under Section 6 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 is a 7.04 acre tract fronting on Springdale Road and Gunter Street. The applicant proposes an apartment dwelling group consisting of 140 units in 17 two-story buildings. In addition, there is proposed an office, day nursery, commercial laundry facilities, maintenance building, recreational areas and 221 off-street parking spaces. The staff reviewed the following departmental requirements:

- | | | |
|--------------------------|---|---|
| Traffic & Transportation | - | For parallel parking, 20 foot spaces as shown are not sufficient in length. The exit onto Gunter seems to be too close to Airport Boulevard. |
| Electric Department | - | OK |
| Public Works Department | - | Note as to 2-36" sq. ft. concrete pipe should be revised to read: "2-36" ft. concrete pipe, with concrete head wall if open trench beyond construct to City specifications from plans furnished by owner's engineer." |
| Public Works Department | - | Driveways meet with our approval. |
| Health Department | - | Subject to sanitary sewer line being available. |
| Fire Department | - | Recommendation for location of fire hydrants are shown on attached plat. Two fire hydrants, one on Springdale Road and one on Gunter Street will be required for adequate fire protection of apartments. |
| Building Inspection | - | Please check for short form. |
| Tax Department | - | No conflicts or problems with tax dept. |
| Fire Marshall | - | Recommend four fire hydrants for this area, approximately as shown on map. |

No written comment was received.

Mr. Virgil C. Lott, representing the applicant, stated: This project will be built by a non-profit Masonic organization. They are in a position to comply with all departmental requirements. The apartment complex will be a colonial type with one, two and three bedroom units. Each apartment will be equipped with a stove, refrigerator, and venetian blinds. There will be a full-time manager and a full-time maintenance crew to care for the complex. The subdivision has been approved and recorded. F.H.A. has given their approval.

No one appeared in opposition to the change.

The Committee reviewed the information and examined the site plan and concluded this request should be granted subject to compliance with departmental reports.

CP14-65-1 Ma-Son Homes, Inc.--contd.

Mr. Ed Stevens reported to the Commission that all requirements had been taken care of by the applicant.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the site plan of Ma-Son Homes, Inc. for a special permit for an apartment dwelling group located at 1136-1138 Springdale Road and 1137 Gunter Street and authorized the Chairman to sign the necessary resolution.

CP-14-65-2 City of Austin: Utility plant for public works and electric dept.
1204-1224 Cumberland Road

STAFF REPORT: Subject property is a 5.45 acre tract which is part of an 11 acre tract owned by the City. This application has been filed as required under Section 10-A, Paragraph 6, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The site is a 5.45 acre tract fronting on Cumberland Road. Proposed is a service center for the Electric Department, the Street and Bridge Division, and the Building Maintenance Division of the Department of Public Works. Proposed is a building for each facility, fuel pumps, bins for storage of sand and gravel. The entire area will be paved, with a separate parking area for employee automobiles, which will accommodate 36 cars. There will be a fence and hedge around the entire tract, and the entrance will be landscaped. There is a proposed street between Cumberland Road and Oltorf Street which would give additional access to the property. Departmental comments are as follows:

Traffic & Transportation	- OK
Electric Department	- OK
Fire Marshall	- OK
Public Works Department	- Driveways meet with our approval
Health Department	- Subject to sanitary sewer line being available
Fire Department	- Recommendation for location of fire hydrants are shown on attached plat in red.
Water & Sewer Department	- An existing sanitary sewer main is parallel to and five feet east of the west property line of this tract. Request that shrubs planted along west line be of a type whose roots will not penetrate and stop up sewer. Water is available from main in South 5th Street, 1000 foot extension will be required to serve tract.
Tax Department	- The question has been raised by Mr. Legge whether or not this would be taxable property. My opinion is that it is taxable. No objections or conflicts from Tax.
Building Inspection	- OK unless short form is needed.

One written comment was received in opposition to the change.

CP14-65-2 City of Austin--contd.

Mr. Reuben Rountree, Director of Public Works, stated: We have been trying to decentralize in order to give the people better service. A few years ago we asked for and were granted a special permit on Koenig Lane. This yard would be a similar proposal to the one on Koenig Lane. This would be an attractive addition to the area. There would be parking in back of the storage area.

Nine nearby property owners appeared at the hearing in opposition to the change for the following reasons:

1. We feel this would be an intrusion into a residential area.
2. Too many of the homes would have to look down on the storage yard.
3. There are many children walking to school and the traffic hazards would be increased.
4. There would be too much noise from all of the heavy equipment.
5. The roads could not stand up under the heavy equipment and the repairs would be costly.
6. There is inadequate parking provided.
7. This land should be developed residentially or else used for park and recreational facilities.

The Committee reviewed the information and examined the site plan. Some of the members were in favor of granting the request as they felt it was the best use for the property. Other members were concerned with inadequate access to the property and intrusion into the residential area. The Committee recommended the request be denied.

The Commission concurred with the Committee's recommendation. It was therefore

VOTED: To DENY the request of The City of Austin for a special permit for a utility plant for public works and electric department, located at 1204-1224 Cumberland Road.

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

NAY: Mr. Spillmann

ABSENT: Messrs. Lewis, Jackson, and Wroe

CP14-65-3 Don Legge and Paul Coates, Jr.: 100-unit apartment dwelling group
 1142½-1198½ Springdale Road
 3701-3715 Oak Springs Drive

STAFF REPORT: This application has been filed as required under Section 5, Subsection 8, Paragraph e, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin.

The site is a 13.38 acre tract fronting on Oak Springs Drive and Springdale Road. The applicants propose an apartment dwelling group consisting of 100 apartment units in 11 two-story buildings and 14 one-story buildings. In addition there is proposed an office for administration of the project, two

CP14-65-3 Don Legge and Paul Coates, Jr.--contd.

laundry buildings for tenant use, a child care building, playground areas, a chain link fence along property lines and 172 off-street parking spaces. The staff reviewed the following departmental comments:

Public Works Department	-	Driveways meet with our approval. Has additional right of way been acquired for widening Springdale Road?
Traffic & Transportation	-	Parking areas good. All else OK.
Electric Department	-	OK
Health Department	-	Subject to sanitary sewer line being available.
Water & Sewer Department	-	Plats satisfactory.
Fire Department	-	Hydrant locations as shown on plat are satisfactory.
Building Inspection	-	OK
Tax Department	-	No objections or conflicts from tax dept.
Fire Marshall	-	OK

No written comments were received.

The applicants were present at the hearing and stated: We are a non-profit Baptist Church organization and we feel this would be an asset to the area and proper use of the property. We plan to start construction in about 45 days.

The Committee reviewed the site plan and found that it met all ordinance requirements.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the site plan of Don E. Legge and Paul Coates, Jr. for a special permit for an apartment dwelling group located at 1142½-1198½ Springdale Road and 3701-3715 Oak Springs Drive and authorized the Chairman to sign the necessary resolution.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of February 23, 1965, and requested that the 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. It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of February 23, 1965, on the minutes of this meeting.

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.

SUBDIVISION PLATS - FILED--contd.

The Commission therefore

VOTED: To ACCEPT the following final plats for filing:

C8-64-61 North Ridge Terrace, Section 6
Justin Lane and Burnet Lane
C8-64-42 Riverbend, Section 3-C (amended)
Manor Road and Susquehanna Lane

C8-64-17 South Gate Terrace
Interregional and Wind Oak

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

VOTED: To ACCEPT the final plat of SOUTH GATE TERRACE and to DISAPPROVE pending the required additional easements, fiscal arrangements, completion of departmental reports, 1964 tax certificates required and Council action on vacation of portions of Matagorda Street.

C8-65-9 Amended Plat of Assumption Cemetery
Interregional and Ben White Blvd.

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

VOTED: To ACCEPT the final plat of ASSUMPTION CEMETERY, as amended, and to DISAPPROVE pending completion of departmental reports and subject to settlement of dispute on the matter of City taxes.

SUBDIVISION PLATS - CONSIDERED

C8-65-2 Chaparral Village
U. S. 290 and Roadrunner Lane

The staff reported Lot 1 of this subdivision is required to be annexed to Water District No. 9. The Commission therefore

VOTED: To DISAPPROVE the plat of CHAPARRAL VILLAGE pending the requirement as noted, and authorized the staff to poll the Commission upon completion.

C8-65-5 Parkwood at University Hills, Section 1
Layola Lane

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

VOTED: To DISAPPROVE the plat of PARKWOOD AT UNIVERSITY HILLS, Section 1, subject to the following conditions: (1) additional easements required, (2) fiscal arrangements required, (3) additional drainage easements will be required, (4) easements omitted on plan, (5) completion of departmental reports, and (6) annexation.

C8-65-6 Windsor Park Hills, Section 7
Springdale Road

The staff recommended disapproval pending the required fiscal arrangements, 1964 tax certificates, annexation, and completion of departmental reports. The staff stated that there is a need for a ruling from the Legal Department on the cul-de-sac question. An extension of two streets, as indicated on the plat, are involved in this question. It is also recommended that all corner lots have a 15 foot setback on the side street rather than the 10 foot as shown.

Mr. Thomas Watts, engineer for the developer, stated they have shown a 10 foot setback on each of these corners. They have tried to hold a 25 foot setback on these corner lots. They also tried to hold 25 foot setback on the adjoining subdivision and had to come back and ask for more room. Mr. Phillips, the developer, prefers to turn his houses on the corner at an angle facing into the intersection. A setback larger than 10 feet does not permit him to orient the houses in this manner on corner lots. Five feet would not make any difference. Anything larger than a 10 foot setback destroys the lot. He disagreed with the Planning Department's thinking that this should be more than 10 feet.

Mr. Foxworth stated the feeling on this is to protect the setback on the adjoining lots and recommended a 25 foot setback. He also stated that consideration should be given from a safety standpoint in that a corner lot with a 10 foot setback does not provide adequate site distance approaching the intersection and gives the feeling of being closed in at such intersection, and this is the place to provide a greater separation between street and building, rather than permitting less separation than is permitted on an interior lot.

Mr. Riley was of the opinion that the 15 foot setback is needed. Ten feet from the property line to the corner is inadequate and not good planning.

Mr. Glen Cortez, Assistant City Attorney, read the attached legal ruling on cul-de-sacs which is annexed hereto and made a part of these minutes.

The Director of Planning advised that the question of provision for a cul-de-sac on a continuous street in a situation of one-lot depth development was not considered under this ruling of the Legal Department. He suggested that further study be made of provisions of one-lot depth in subdivision planning and a further opinion on this particular situation be given. There are situations where it would be reasonable to permit a subdivider to develop the one lot depth and in turn, a stub street.

The Chairman felt further study should be given to the Ordinance where the requirements are impractical. A workable plan should be adopted. Dead-end streets interfere with traffic.

Mr. Charles Stahl stated if only one-lot depth is allowed, the subdivider could make the lot 6000 feet long.

Mr. Thomas Watts stated the subdivider could make a dedication and arrangements for fiscal arrangements to continue street circulation.

C8-65-6 Windsor Park Hills, Section 7--contd.

Mr. Osborne advised that the fronting of one lot on a street intended to be later extended should not be an issue. If there is more than one lot depth, there is a different set of circumstances.

After further discussion, the Commission then

VOTED: To DISAPPROVE the plat of WINDSOR PARK HILLS, Section 7, pending the required fiscal arrangements, 1964 tax certificates, annexation, completion of departmental reports, and required a 15 foot setback from the side street on all corner lots subject to clearance from the Legal Department on cul-de-sacs.

C8-65-7 Wooten Village, Section 3Brookfield Drive and Fairfield Drive

This particular section conforms to the approved preliminary plan and ties into Section 2. The preliminary plan covers all of the property to the boundary line, between U. S. 183 and Peyton Gin Road. The staff is recommending disapproval pending a number of items as follows: Additional easements, fiscal arrangements, and 1964 tax certificates are required. Also completion of departmental reports and submission of a revised preliminary plan on balance of tract.

Several tracts out of the unsubdivided balance of the original tract were sold. The biggest majority of the frontage along U. S. 183 has been eliminated. Fairfield Drive, and Ohlen Road have only 50 feet left between lots for right-of-way. Lots have been sold that absorbed the total proposed right-of-way on Sheffield Drive. This is not in keeping with the overall approved plan. Right now it is somewhat of a problem as the developer cannot follow the scheme that he previously had approved. There are about five or six buildings on this property, none of which has individual services. There is a new building being completed which is an electric equipment building, asking for service. Wayne Dayton Plumbing is also on one of the tracts. They get water service from a lot on Brookfield Drive. We have informed some of the owners that we cannot recognize these lots for approval of service.

Mr. Nolan Purser stated that the Planning Department should have a revised preliminary plan for these lots. He would prefer that this would not hold up this section of the subdivision. Fairfield Drive is the only thing it would affect. He asked permission to overcome the problem.

The Planning Director advised annexation was held up because the City does not want to make any commitment on any property where there are these problems. Certain conditions will need to be cleared up before annexation. The preliminary plan should be a working agreement between the Planning Commission and the subdivider. It is subject to alteration. The result is that when one or the other of the parties change their intentions, there should be a new agreement worked out. A revised plan with designation of the existing streets should be submitted. This should be started before any final approval is granted. It is possible that approval could be given by telephone poll. Mr. Osborne would prefer not to do this until there is a final agreement in working out the revised preliminary

C8-65-7 Wooten Village, Section 3--contd.

plan. The annexation could be started this Thursday. The City is asking for some assurance as to the subdividers intent to resolve these problems. It may take around a week and a half to work this out so that the annexation could come up in a week or so.

Mr. Foxworth advised that the preliminary plan was approved on the whole tract in 1959. Section 2 was approved July 16, 1962. These tracts along U. S. 183 were sold after the preliminary plan was approved.

Mr. Purser noted there are other problems involved. They cannot let the utility contract until streets are approved. Every 30 days this puts them further behind in construction. He also agreed that a preliminary plan was needed but did not feel it would affect this portion of the plan.

Mr. Kinser stated that the Planning Commission approved this preliminary plan in good faith. They agreed to the preliminary plan which included streets.

Mr. Osborne advised that a working agreement in writing from Mr. Puett and a revised preliminary plan from Mr. Purser would clarify the situation.

Mr. Jackson noted Section 3 is providing the 60 foot width of Fairfield Drive and stated if a 60 foot right-of-way could be provided for Fairfield Drive where it enters onto Highway 183, maybe Section 3 could be approved. Mr. Jackson did not feel approval of this section could be given until a new preliminary plan with a dedication of 60 foot width for Fairfield Drive had been submitted.

After further discussion, the Commission then

VOTED: To DISAPPROVE the final plat of WOOTEN VILLAGE, Section 3, subject to the required additional easements, fiscal arrangements, 1964 tax certificates, completion of departmental reports and subject to submission of a revised preliminary plan which would accommodate the lots or tracts sold off along U. S. 183.

C8-64-70 Heritage Hills, Section 2
Valley Forge and Grayledge Streets

The staff reported that the 1964 tax certificates are required and recommended disapproval. The Commission therefore

VOTED: To DISAPPROVE the plat of HERITAGE HILLS, Section 2, pending the required 1964 tax certificates.

C8-64-48 Northwest Hills Ranch #1
Yucca Drive and Texas Plume Road

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

VOTED: To DISAPPROVE the plat of NORTHWEST HILLS RANCH #1, pending additional easements required, completion of departmental reports and legal clearance on cul-de-sacs.

C8-64-38 Northwest Hills Mesa Oaks, Phase 2
Far West Boulevard-West Rim Drive

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

VOTED: To DISAPPROVE the plat of NORTHWEST HILLS MESA OAKS, Phase 2, pending additional easements required, completion of departmental reports and legal clearance on cul-de-sacs.

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 additional easements required and completion of departmental reports.

C8-64-55 Highland Hills, Section 9
Lamplight Lane and Sumac Drive

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

VOTED: To DISAPPROVE the plat of HIGHLAND HILLS, Section 9, pending additional easements and completion of departmental reports.

C8-65-4 Parmer Lane Heights, Section 1
Parmer Lane and Limerick Avenue

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

VOTED: To DISAPPROVE the plat of PARMER LANE HEIGHTS, Section 1, pending the required additional easements, fiscal arrangements, and completion of departmental reports.

SHORT FORMS - FILED

C8s-65-24 Cherico Subdivision, Resub. Lot 1 of the Resub. of Lot 4, Block D
Tillery and Neal Streets

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 CHERICO SUBDIVISION, Resub. Lot 1 of the Resub. of Lot 4, Block D, for filing.

C8s-65-25 Glauninger Subdivision
Interregional at U. S. 290

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 GLAUNINGER SUBDIVISION, for filing.

SHORT FORMS - CONSIDERED

C8s-65-12 Kenniston Drive Addition
Guadalupe St., Kenniston, St. and Airport Blvd.

The staff reported all departmental reports had not been completed and recommended disapproval. The Commission therefore

VOTED: To DISAPPROVE the plat of KENNISTON DRIVE ADDITION pending completion of departmental reports.

C8s-64-156 Gray Resubdivision
Anderson Lane

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

VOTED: To DISAPPROVE the plat of GRAY RESUBDIVISION pending the required fiscal arrangements and authorized the staff to give administrative approval when this has been completed.

ADMINISTRATIVE APPROVAL

The staff reported that several 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-65-16 Elmwood Estates, Resub. Lot 4, Block D
Forest Wood Road
- C8s-65-22 Woodward Industrial District # 2
Ben White Blvd. and Bergstrom Field Spur
- C8s-65-23 Felix G. Ojeda Subdivision
Felix Avenue
- C8s-65-26 Fiskville School Addition, Resub. Lot 3, Block 3
Guadalupe and Elliott Streets
- C8s-62-154 Swisher Addition, Resub. of a portion of Lots 7,8,9, Block 25
East Annie and Brackenridge Streets
- C8s-64-43 Springdale Park
Springdale Road and Oak Springs Road

SUBDIVISION APPROVAL BY TELEPHONE POLL:

It was reported by the staff that the following subdivisions were considered by telephone poll on the dates shown, and that a majority of the Commission had

VOTED: To APPROVE the following plats:

- C8-64-54 Glen Way Terrace
Parker Lane and Glen Springs Way
(approved 2-25-65)
- C8-64-60 Cherry Creek
Manchaca Road and Stanley Avenue
(approved 2-17-65)
- C8-64-58 Harmony Heights Addition (amended)
Ledesma and Berger Streets
(approved 2-15-65)
- C8-64-67 Starlight Terrace
Ledesma, East of Mason
(approved 2-15-65)

OTHER BUSINESS

C10-65-1(c) ALLEY VACATION REQUEST

Alley between West 14th and West 15th Streets

The staff reported this alley between West 14th and West 15th Streets as part of the Capital complex and Master Plan for the area. There is already a structure in place across the alley. It is recommended this vacation be granted for future State use of the alley. The Commission therefore

VOTED: To recommend the alley between West 14th and West 15th Streets be VACATED.

C10-65-1(d) STREET VACATION REQUEST

Portions of Matagorda St. southwest and northeast of Mariposa Drive

The staff reported the developer of South Gate Terrace Subdivision is requesting the vacation of (1) the southeast ten feet of Matagorda Street, and (2) the sixty foot width of Matagorda Street located south of the proposed Windoak Drive. Matagorda Street is partially vacated to the north. This request is made in order to conform to the street layout of the approved preliminary plan of South Gate Terrace and the vacation is recommended. The Commission therefore

VOTED: To recommend the portions of Matagorda Street southwest and northeast of Matagorda Street be VACATED.

ADJOURNMENT: The meeting was adjourned at 9:45 p.m.

APPROVED:

Hoyle M. Osborne
Executive Secretary

Chairman

D ANNEX TO MINUTES (see Case C8-65-6 Windsor Park Hills, Section 7)

TO: Planning Commission
City of Austin

RE: Section 23.31 of the Austin City Code

QUESTION: May the Planning Commission approve a plat having dead-end streets without providing for cul-de-sacs (1) where the subdivider has submitted, and had approved, a preliminary plan showing his intent to develop the larger tract without such dead-end streets? (2) under other circumstances?

LEGISLATION:

Art. 974a, Sec. 4, V.A.T.S.:

If such plats or plat. . . shall conform with the general plan of said city and its streets. . . and to the general plan for the extension of. . . its roads, streets and public highways within said city and within five miles of the corporate limits thereof. . . and if same shall conform to the general rules and regulations, if any, governing plats and subdivisions. . . to endorse approval upon the plan, plat or replat submitted to it.

Art. X, Sec. 5 of the City Charter of 1954:

Upon adoption of the Master Plan by the Council, no subdivision, street, park or any public way . . . in conflict with the Master Plan shall be authorized by the City until and unless the location and extent thereof shall have been submitted to and approved by the Commission.

City Code of 1954

Section 23.1, Definitions: Plat. . . the map, drawing or chart on which is presented a subdivider's plan of a subdivision, which he submits for approval and a copy of which he intends to record in final form.

Section 23.12: When the subdivision is a portion of a tract later to be subdivided in its entirety, a general development plan of the entire subdivision, showing a schematic layout of the entire tract, shall be submitted with the preliminary plan of that portion first to be subdivided.

Section 23.31: When the Commission finds that topographical or other unusual conditions or development of the most desirable residential plan require laying out a dead-end street, the street shall terminate in a cul-de-sac. . . .

DISCUSSION:

I.

The submission of a preliminary plat for an area does not constitute laying out a street, nor is it binding on the developer or on the Commission, although it is required for each subdivision. "Approval of the preliminary plan as such shall not constitute final acceptance or approval of the subdivision." Section 23.12, City Code.

The final plat may not be approved until certain requisites are met which are not required for the preliminary plat. See Section 23.13. For example, a subdivider could submit a preliminary plat on land he does not own; dedications must be made on the final plat which are not required on the preliminary; public utilities must be provided for before the final plat may be approved, but not before approval of the preliminary. Thus, the preliminary plat will show the general plan and may help the Commission in deciding how an area should be developed, but it does not, in itself, constitute "the laying out" of a street of any kind.

The mere fact that a subdivider currently plans to lay out streets in a certain pattern in his preliminary plan, does not mean that those plans may not be later changed or abandoned altogether for any number of causes. Thus, existence of a preliminary plan alone is not sufficient evidence of the nature of a final street layout.

The case is different where there is guaranteed continuation of the layout of streets as shown in the preliminary plan, including adequate fiscal arrangements to assure compliance with the layout. In such a case, the Commission may consider the plat submitted for final approval together with the assurances above mentioned and satisfy itself that a dead-end street is not being laid out.

II.

Can the Commission otherwise allow a dead-end without a cul-de-sac?

The language of the Section 23.31 states that when the Commission finds that, due to certain specified conditions, a dead-end street is required to be laid out, it shall terminate in a cul-de-sac.

In the interpretation of legislation, the history of the subject matter may be investigated to help determine the mischief at which the legislation is aimed. Calvert v. Ft. Worth National Bank, 163 Tex. 405, 356 S. W. 2d 918 (1962). The predecessors to Section 23.31 (Section C, subsection 10, Subdivision Regulations of 1938; Section 1, subsection (13), Subdivision Ordinance of 1946) clearly showed that they were aimed at restricting dead-end streets except in unusual circumstances, and when allowed they were required to end in cul-de-sacs. The reason for such restrictions on the creation of dead-ends is not hard to see when we consider the need for free flow of traffic. It is believed that the present Section 23.31, like its predecessors, is also aimed at allowing dead-end streets only where the rare circumstances exist as listed in the ordinance, and then they must terminate in a cul-de-sac.

The Subdivision Ordinance provides that where unusual conditions or the most desirable residential plan requires a dead-end street, the street will end in a cul-de-sac, and the plain inference is that only when such conditions exist could a dead-end street be laid out. The Section is aimed primarily at restricting the creation of dead-end streets, not at requiring creation of cul-de-sacs. Only by so reading it can it be effective. So read, it becomes clear that only where the requisite conditions exist may a dead-end street be laid out, and then it must terminate in a cul-de-sac.

Respectfully submitted,

/s/ H. Glenn Cortez

H. Glenn Cortez
Assistant City Attorney

APPROVED:

/s/ Doren R. Eskew
Doren R. Eskew
City Attorney

HGC:bn