

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- May 4, 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
Barton D. Riley
Edgar E. Jackson
W. A. Wroe
W. Sale Lewis

Absent

Howard E. Brunson
S. P. Kinser
Emil Spillmann

Also Present

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

MINUTES

Minutes of the meeting of April 6, 1965, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of April 27, 1965.

C14-65-60 Leroy Bednar: B, 1st, to B, 2nd
3203-3207 Shoal Creek Boulevard

STAFF REPORT: This site contains approximately 1 ½ acres of undeveloped land, with 148 feet of frontage on Shoal Creek Boulevard. The applicant proposes to construct an apartment hotel. Across the street from the property is a large tract of land owned by the City of Austin. To the north are vacant tracts and single-family dwellings on West 33rd Street. Backing up to the subject property there is "BB" First Height and Area zoning. To the south are a vacant lot and St. Andrews Episcopal School. Across from the school is a tier of single-family dwellings extending east to Lamar Boulevard. A City park is between Bailey Lane and Wabash Avenue. The subject property was zoned "B" First Height and Area in 1959. Since that time, there have been two requests for special permits. The first request was granted and the second request was approved subject to the following conditions: (a) approval of a short form subdivision, (b) adequate sewer line provided to connect with the main line. No further action was taken by the applicant. When the zoning was changed in 1959, the Planning Department and Commission were concerned with the widening of Old Bull Creek Road (now Shoal Creek Boulevard). This change was granted with

C14-65-60 Leroy Bednar-contd.

the understanding that the other property owners file a statement that they would give their part of the necessary right-of-way for the widening of Old Bull Creek Road when the City required it. No widening has occurred in front of the subject property. One of the main concerns in this area is the right-of-way width. The right-of-way is between 30 and 40 feet with 32 feet of paving. There is also concern about increasing the density in this area. There would be additional traffic generated on this narrow street.

TESTIMONY

WRITTEN COMMENT

Code

U Andrew J. Freund: 1212 West 31st Street
 R Warren S. Freund: 3209 Shoal Creek Boulevard

AGAINST
 AGAINST

SUMMARY OF TESTIMONY

No one appeared to represent the applicant.

Arguments Presented AGAINST:

Mr. Chester D. Brooks stated he owns property abutting the subject property. There is an alley between his property and the subject property. He stated it was his understanding the alley is vacated. He is not opposed to the request unless the alley is re-opened, as he plans on erecting 14 duplex units, some on the alley, and would not like his tenants to step into the line of traffic.

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

1. The request would be inconsistent with the existing Height and Area pattern for the area.
2. The streets are inadequate for the proposed increase in density.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Leroy Bednar for a change of zoning from "B", First Height and Area to "B", Second Height and Area for property located at 3203-3207 Shoal Creek Boulevard be DENIED.

C14-65-61 L. J. Rasco: A to GR
 1215 West Oltorf
 2400 Havenside Drive

STAFF REPORT: This property is an 8,040 square-foot lot located at the southwest corner of Oltorf Street and Havenside Drive. The applicant proposes to erect a piano tuning shop. There are a number of single-family dwellings in the area.

C14-65-61 L. J. Rasco--contd.

To the west of the subject property is a telephone company motor pool and storage center which is zoned "C". To the north is "LR" zoning and the Meadowbrook Housing Project. The Commission recently considered an application by the City of Austin for a special permit on Cumberland Road to the south. It was denied since the Commission felt the proposed service center would not be compatible with the residential area. The subject property is located at the intersection of a proposed secondary thoroughfare and an existing primary thoroughfare. Oltorf Street has 80 feet right-of-way and Havenside Drive has a right-of-way of 50 feet. The staff feels that the request would not be a logical extension of commercial zoning, but would be an encroachment into a residential area, particularly since subject property is a part of the Southwood residential subdivision.

TESTIMONY

WRITTEN COMMENT

Code

M	Doyle B. Brizendine: 1210 West Oltorf	AGAINST
T	Mr. and Mrs. Joe Machac: 1201 West Oltorf	"
W	John McLaughlin: 1206 Southwood Road	"
F	Dominic Yemma: 2402 Havenside	"
P	Oran Atchison: 1209 West Oltorf	"
Q	Howard Bounds: 1207 West Oltorf	"
N	Joe Morales: 1212 West Oltorf	"
E	C.V. Millican: 310 East Oltorf	"
	Fred Gibson: 1115 West Oltorf	"

PERSONS APPEARING AT ZONING HEARING

Code

J	Mr. and Mrs. Tony Briones, Sr.: 1214 West Oltorf	AGAINST
T	Joe Machac: 1201 West Oltorf	"
	Fred M. Gibson: 1115 West Oltorf	"
F	Mr. and Mrs. Dominic Yemma: 2402 Havenside	"
N	Mr. and Mrs. Joe Morales: 1212 West Oltorf	"

SUMMARY OF TESTIMONY

No one appeared to represent the applicant.

Arguments Presented AGAINST:

A petition, with 22 names, was presented to the Committee. Several nearby property owners appeared in opposition to the request. It was their opinion that general retail zoning would adversely affect their housing investments and would be the first step in the deterioration of the neighborhood.

C14-65-61 L. J. Rasco--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. It is an encroachment into a well-defined and well-developed residential area.
2. The property fronts onto a 50-foot residential street which is inadequate for commercial development.

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

VOTED: To recommend that the request of L. J. Rasco for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1215 West Oltorf and 2400 Havenside Drive be DENIED.

C14-65-62 Fred J. Ribar: A to C
 1005 East 46th Street
Additional Area: 1003 East 46th Street

STAFF REPORT: The site consists of one 9,000 square foot lot. The lot included as additional area is the only other lot south of 46th Street not zoned commercial. The applicant proposes to construct additional rooms to the West Winds Motel, expanding onto subject property. The staff feels the lot designated as additional area should logically be zoned commercial, since it is an isolated residential use.

TESTIMONY

WRITTEN COMMENT

Code

C Leonard S. Broman: 1003 East 46th Street

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

A Fred J. Ribar: 4508 East Avenue

FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated he proposes to enlarge the motel onto subject property. He stated he has attempted to buy the property included as additional area, but the owner does not wish to sell. There were two houses on the property that have been moved so as to utilize the land for the expansion of the motel.

C14-65-62 Fred J. Ribar--contd.

Arguments Presented AGAINST:

One communication was received from Mr. Leonard S. Broman, owner of the property included as additional area, stating he was opposed to the zoning change as this property is his homestead.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted since it is a logical expansion of existing commercial zoning and tends to complete the zoning pattern in the area.

The Committee was of the opinion the additional area should not be rezoned in view of the fact the owner is opposed.

The Director of Planning stated that it would not be logical to leave one lot of residential zoning in a block otherwise entirely zoned commercial. He pointed out that the additional area would have commercial development on three sides if Mr. Ribar's request is granted.

A majority of the members of the Commission felt commercial zoning is best for the property, and were of the opinion that the pattern in the block should be completed. It was therefore

VOTED: To recommend that the request of Fred J. Ribar for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 1005 East 46th Street, and the additional area located at 1003 East 46th Street be GRANTED.

C14-65-63 Safeway Stores, Inc.: Int. A to (Tract 1) GR (Tract 2) B

(by Bryant-Curington, Inc.)

Tract 1 - 2314-2404 Wheless Lane

Tract 2 - 2406 Wheless Lane

STAFF REPORT: The site consists of two tracts which are undeveloped. Tract 1 contains 33,733 square feet and Tract 2 contains 2,753 square feet. The stated purpose is for developing a commercial center and buffer between the center and residential zoning. The large tract of land to the west of subject property was zoned "GR" early in 1965. The subject tracts are a part of the Royal Oaks, Section 8 Subdivision and were planned for commercial purposes. The Commission and the Council approved it to complete the pattern of commercial zoning at the intersection. One of the main concerns is trying to afford some protection for the property owners to the east, as their property is deed restricted against commercial development. The buffer zone would be used for parking. The staff recommends a more restrictive zoning such as "O" Office, which would require a special permit for retail uses and by which the Commission could require certain conditions, such as walls, fences, location of driveways, etc., for the protection of the residential property owners to the east.

C14-65-63 Safeway Stores, Inc.--contd.

TESTIMONY

WRITTEN COMMENT

Code

B Joseph A. Scholler: 2305 Devonshire Drive

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Thomas Watts, representing the applicant, stated this application, providing the 20 foot buffer strip, was filed in this way with the thinking that this was the thought of the Planning Department for creating the buffer zone. The lots on the east are not much different than the lots abutting this tract on the other side. It is fairly general knowledge that this has been planned as a commercial center to serve all of the residences in this area. The 20 foot buffer strip will only be used for access to the back of the stores for the employees, as it has a 15 foot gas easement through it and cannot be utilized in any other way. The applicant is willing to erect a site-proof screening around the area.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority of the members concluded this request should be granted as it is proper zoning and is a logical extension of the "GR" zoning, and because Tract 2 creates a buffer zone between residential and commercial.

The Planning Director emphasized the concern for a more restrictive zoning so as to protect the residential development in the area. The proposed operation would afford late hours of operation and extensive traffic in and out of the area. For adequate zoning control, he recommended "O" Office, wherein a special permit would be required for retail uses.

Mr. Jackson stated it was his opinion that "O" Office zoning on the small tract would not be an adequate buffer zone for the residential area. The Chairman stated the shape and the design of the land was for residential use and not commercial.

Mr. Wroe was of the opinion there was no reason to deny retail zoning if a special permit was to be granted for the purpose of allowing retail use.

Some of the members of the Commission were favorable to granting "O" Office zoning for the area as they felt it would act as a buffer zone between the present general retail and the present residential.

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C14-65-63 Safeway Stores, Inc.--contd.

A motion to deny "GR" General Retail, for Tract 1 and "B" Residence for Tract 2, but to grant "O" Office for Tract 1 located at 2314-2404 Wheless Lane and Tract 2 located at 2406 Wheless Lane failed to carry by the following vote:

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

MOTION FAILED TO CARRY AND DENIAL IS RECOMMENDED.

C14-65-64 Gene Naumann: C to C-1
 1911 Anita Drive

STAFF REPORT: The site contains 2,400 square feet and is undeveloped. It is a part of one of 6 lots that were zoned "C" Commercial in 1949. Four of the lots are occupied by apartment structures, and one by an Optimist Club building. These commercial lots are surrounded by residential development. The lot adjoining subject property was under consideration for a change to "C-1" zoning in 1963; at that time the Commission felt the area was not a well defined commercial area and "C-1" zoning therefore did not fit the policy of the Commission. Blue Bonnet Lane has a 60 foot right-of-way and Anita Drive has 50 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

D	Joe Hoffman: 507 East St. Elmo	FOR
AB	Edward N. Bond: 1904 Anita Drive	AGAINST
AK	Helen Colburn: 1712 Bluebonnet Lane	"
U	Ray Sparks: 1909 Collier	"

PERSONS APPEARING AT ZONING HEARING

Code

	Mr. and Mrs. Fred Rothberger: 2106 Peach Tree	AGAINST
	Joe Franz: 2010 Wright Street	FOR
	Knox Wright: 2100 Wright Street	FOR
A	E. E. Naumann: 2812 Scenic Drive	FOR
AN	Curtis D. Phipps: 2000 Peach Tree	AGAINST
AM	D. L. Szymanski: 2009 Wright Street	AGAINST

SUMMARY OF TESTIMONY

Mr. Naumann, the applicant, and Mr. Sam Perry, representing the applicant, submitted to the Committee a letter of intent from Town and Country Food Stores, a letter from Austin Speed Wash and a petition in favor of the change, containing 28 signatures. They stated: A Town and Country Food Store with

C14-65-64 Gene Naumann--contd.

a washateria adjoining is planned for this area. It is an established fact that the success or failure of a drive-in grocery depends largely on whether or not beer is sold for off-premise consumption. It makes a difference of about 40 percent in gross sales. In order to show evidence of Mr. Naumann's good faith, he will, at the proper time, place a restrictive covenant of record, running in the surrounding property owners' favor, which would provide that no beer or wine could be sold on subject property, except for off-premise consumption. This would prevent the establishment of a tavern. The building will be setback 78 feet from the street.

Arguments Presented AGAINST:

A petition with 64 signatures was presented opposing the request. Five nearby property owners appeared in opposition to the request and stated: This is primarily a residential area, and we do not want to see commercial brought into it. There are many children in this area who go to functions held at the Optimist Club building and who walk or ride bicycles back and forth to school. This would create a traffic hazard and would be detrimental to the entire neighborhood. This proposed change is too close to the school and church.

Arguments Presented FOR:

Two nearby property owners appeared in favor of this application and stated it was their opinion that the neighborhood needs a convenience store.

The Committee did not regard the area as a well developed commercial area. Since it is their policy to grant "C-1" zoning only in such commercial areas, they concluded the request should be denied.

The staff reported a letter from Mr. Sam Perry, representing the applicant, requesting withdrawal of the application.

The Commission then

VOTED: To ACCEPT the withdrawal of the request for rezoning.

C14-65-65 H. C. Carter, Jr.: A to C
7825-7831 Burnet Road
Additional Area: 7833-7839 Burnet Road

STAFF REPORT: The site consists of approximately one-third of an acre and is undeveloped. The proposed use is to erect a commercial building. The lot adjoining to the north has been included as additional area. Burnet Road is almost entirely developed commercially. "A" Residential adjoins subject property to the east. There is a non-conforming tourist court on the lot included as additional area. Burnet Road is a primary thoroughfare having a right-of-way of 120 feet.

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C14-65-65 H. C. Carter--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared at the hearing in behalf of the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it completes the pattern of zoning in the area.

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

VOTED: To recommend that the request of H. C. Carter, Jr. for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 7825-7831 Burnet Road and the additional area located at 7833-7839 Burnet Road be GRANTED.

C14-65-66 C. T. Dodson: GR to C
6513-6517 Burnet Lane

STAFF REPORT: This site contains 32,160 square feet and is developed with one single-family dwelling. The proposed use is for commercial development. The subject property was zoned "GR" in 1963. The property adjoining to the north was recently zoned "C" Commercial. The area between Burnet Road and Burnet Lane is zoned "C-1" Commercial. To the east of subject property is a residential subdivision. Burnet Lane has 55 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

S	Harmon Dobson: 1224 Staples Street, Corpus Christi	FOR
Z	F. H. Becker, Jr.: 4901 Strass Drive	FOR

PERSONS APPEARING AT ZONING HEARING

Code

E	E. C. Thomas: 1300 Belmont Parkway	FOR
K	Harley B. Hawkins: 2009 Burbank	AGAINST

C14-65-66 C. T. Dodson--contd.

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated: I have a chance to sell some of this property to an air conditioning sales and service store, but the present zoning does not cover this type business. Commercial development is established all around my property, therefore I would like the requested zoning change.

No one appeared in opposition to the request.

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

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

VOTED: To recommend that the request of C. T. Dodson for a change of zoning from "GR" General Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 6513-6517 Burnet Lane be GRANTED.

C14-65-67 R. J. Waterman: A to C-2
Rear of 1205 North Lamar

STAFF REPORT: This is a small triangular tract containing 875 square feet and is adjacent to a lounge. The applicant proposes to erect a storeroom for beer. Enfield Shopping Center, also adjacent to subject property, is zoned "C" Commercial. "LR" zoning is established across Parkway for an exterminating company. The existing building backs up to Shoal Creek. The creek provides a barrier between the existing commercial and the public uses to the east. Lamar Boulevard has 80 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code
None

PERSONS APPEARING AT ZONING HEARING

Code
None

SUMMARY OF TESTIMONY

No one appeared at the hearing in behalf of the request.

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C14-65-67 R. J. Waterman--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is a logical extension of existing zoning and fits the Commission's policy of a well-defined and developed commercial area.

The Commission concurred with the Committee recommendation and it was unanimously

VOTED: To recommend that the request of R. J. Waterman for a change of zoning from "A" Residence, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 1205 North Lamar Boulevard be GRANTED.

C14-65-68 Mrs. Selma H. Albers: C to C-1

2131 East 1st Street

98-98½ Canadian Street

STAFF REPORT: The site is a 2,400 square foot tract and is developed with a grocery store. The proposed use is the sale of beer for off-premise consumption. The property along East 1st Street is zoned "C" Commercial, but is developed with a number of single-family dwellings. "C-2" is established at the corner of Lynn Street and East First. A change of zoning was requested for the site in 1955, at which time the Commission felt that the request did not conform to the policy adopted by the Commission regarding "C-1" and "C-2" uses because the property was not in the midst of an extensive, well developed "C" Commercial District where business uses are dominant. It was also felt that the streets were very narrow and any additional traffic would cause future congestion. The City Council upheld the Commission's decision. East First Street is a primary thoroughfare and Canadian Street is a minor collector street, both having 60 feet of right-of-way. Future plans are for First and Second Streets to become a one way pair.

TESTIMONY

WRITTEN COMMENT

Code

AU Mrs. M. L. Braswell: 2220 East 1st
 AH Miss L. M. Tuke: 2205 East 1st
 AK Mrs. E. B. Tyler: 2214 East 1st
 G A. D. Triou: 2125 East 1st

AGAINST

"

"

"

PERSONS APPEARING AT ZONING HEARING

Code

D Mrs. J. M. Coleman: 3208 Clearview
 Jay Sewell (for applicant): 4609 Raintree

AGAINST

FOR

C14-65-68 Mrs. Selma H. Albers--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Jay Sewell, representing the applicant, stated he opened the grocery store a few months ago. It is his opinion that the sale of beer will increase his sales 30 to 40 percent. He stated beer is available within a few blocks of his store, and he must meet the competition.

Arguments Presented AGAINST:

Mrs. J. M. Coleman stated that she owns the barber shop and beauty shop that are located two doors from Mr. Sewell. Her tenants are opposed to this zoning change. She stated there is a paved parking lot behind her building that is often used by young people who park and throw beer cans onto her lot, therefore her tenants request this change be denied.

The Committee reviewed its policy concerning "C-1" Commercial zoning, and the zoning history of East First Street. They recognized that East First has been for many years zoned commercially along its entire length. They noted that there are a number of locations along East First that are zoned to sell beer, and that the grocery under consideration has been established for many years. They concluded that the sale of beer in an established grocery for off-premise consumption is proper.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Selma H. Albers for a change of zoning from "C" Commercial, Second Height and Area to "C-1" Commercial, Second Height and Area for property located at 2131 East First Street and 98-98½ Canadian Street be GRANTED.

C14-65-69 Tom Guedea: C-1 to C-2
1405 (1417) South First Street
506 West Elizabeth Street

STAFF REPORT: This site contains 3,750 square feet and is developed with a drive-in grocery. The applicant proposes the sale of beer by the bottle for off-premise consumption. Along South First Street the property is zoned "C" Commercial, but developed mostly with single-family dwellings. Brackenridge School, scheduled to be closed at the end of this year, is located to the east across East Bouldin Creek. The Zoning Ordinance states that "C-1" zoning allows "the sale of beer and wine, as defined by State Law, in cases or unbroken cartons containing not less than six (6) bottles or cans if beer and in the original bottles or containers if wine, for off-premise consumption." South First Street is a commercial collector having a right of way of 60 feet and is scheduled to be widened to 80 feet. West Elizabeth Street is a 50 foot minor residential street.

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C14-65-69 Tom Guedea--contd.

TESTIMONY

WRITTEN COMMENT

Code

G Mrs. D. F. Kitchens: 1506 South 1st

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

A Tom Guedea (applicant): 1417 South 1st
Rudy Cisneas: 1511 East 6th

FOR
FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Rudy Cisneas, representing the applicant, stated most of the stores in this area already sell beer by the bottle. Mr. Guedea is asking for the change in order to comply with the Zoning Ordinance. Most of his customers cannot afford to buy more than one bottle of beer at a time. He wants to protect his business.

Arguments Presented AGAINST:

A nearby property owner appeared in protest to the change and stated the proposed change would be detrimental to the area since it would allow on-premise consumption.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied since the on-premise consumption of beer allowed in "C-2" zoning would not be suitable for the neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Tom Guedea for a change of zoning from "C-1" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1405 (1417) South First Street and 506 West Elizabeth Street be DENIED.

C14-65-70 Blanche Bastian: (Tract 1)BB to B

2206 Swisher Street

Hal Starkey: (Tract 2) BB to B

2208-2210 Swisher Street and 805-807 East 23rd Street

Additional Area: 2204 Swisher Street

The site consists of two tracts of land, under separate ownership, containing a total of 20,410 square feet. Included as the additional area is the lot adjoining to the south. The proposed use is to erect apartments. To the

C14-65-70 Blanche Bastian and Hal Starkey--contd.

south are two lots recently zoned "C-1" for a drive-in grocery, and three lots recently zoned "B". The area has a mixed zoning pattern of "BB", "C" and "C-1". The entire area west of Swisher Street is zoned Second Height and Area. Present zoning permits a maximum of 13 regular units on subject property and five regular units on additional area. Present zoning does not permit an apartment hotel on either. Proposed zoning would not increase maximum number of regular units or allow an apartment hotel on additional area, but would allow a 27 unit apartment hotel on subject property. Swisher Street and East 23rd are both minor residential streets having 50 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Glen Cater represented Mrs. Blanche Bastian, and stated that since most of the area is zoned "B", Second Height and Area, the change they are requesting would complete the pattern of zoning.

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as 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. Blanche Bastian (Tract 1) and Mr. Hal Starkey (Tract 2) for a change of zoning from "BB" Residential, Second Height and Area to "B" Residential, Second Height and Area for property located at (Tract 1) 2206 Swisher Street and (Tract 2) 2208-2210 Swisher Street and 805-807 East 23rd Street, including the additional area located at 2204 Swisher Street be GRANTED.

C14-65-71 Estate of W. H. Klunkert (by Harold G. Robinson) & Joe J. Joseph: B to LR
1619-1621 West 6th Street
507-511 Campbell Street

STAFF REPORT: The site consists of two lots, under separate ownership, containing 13,900 square feet and is developed with a single-family dwelling and a day nursery. The applicant proposes local retail of merchandise and similar services. There is a day nursery on the corner of West Lynn and West Sixth Streets. There is "B" zoning to the north, east and west of subject property. There is "C" zoning south along West 5th Street with "D" Industrial south of West 5th Street. In 1961 the applicants requested an increase in the number of children in the day nursery to 17. The Board of Adjustment granted this request. Also in 1961, the applicant applied for a change of zoning from "B", Second Height and Area to "O" Office, Second Height and Area. This change under the provisions of the Zoning Ordinance would have permitted an unlimited number of children in the day nursery. The Planning Commission voted to deny this zoning because they felt the area should not be disturbed at that time and that the change in the type of development on 6th Street was occurring further to the east and not near this property. It is the opinion of the staff that granting of the present request would be piece-meal zoning. "LR" zoning should not be confined to one or two residentially sized lots in an area. Campbell Street is a minor residential street with 60 feet of right-of-way. West 6th and West 5th are primary thoroughfares with future plans making them one way fares leading into the new Mo-Pac Expressway. Sixth Street was originally planned to have 120 feet of right-of-way, but is now planned for only 70 feet.

TESTIMONY

WRITTEN COMMENT

Code

G	Mrs. Lena Perry Shropshire: 1611 West 6th	AGAINST
F	Mrs. P. J. McDonald: 1613 West 6th	"
S	Vivian Stuart: 1711 West 6th	"
T	Charles and Catherine Bowman: 1709 West 6th Street	"
K	Hardy Hollers: 1209 Perry-Brooks Building	FOR
W	Carl P. Bradfield: 1609 Wethersfield	FOR

PERSONS APPEARING AT ZONING HEARING

Code

C	Mr. and Mrs. H. S. Johnson: 507 Campbell	AGAINST
	Richard Baker (represented applicant): 608 Brown Bldg.	FOR
F	Mrs. P. J. McDonald: 1613 West 6th	AGAINST
E	Thomas P. Lovett: 6001 Ballard Drive	AGAINST

C14-65-71 Estate of W. H. Klunkert and Joe J. Joseph--contd.

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated the interior lot was acquired in 1932. It has been used as rental property. Prior to 1962, this property was excellent rental property. Since that time there have been a number of problems concerning the rental of this property. Most people do not feel this is a desirable place to live. Since 1961 when the applicant applied for "O" Office zoning, there have been some significant changes in the area. The decision was made to eventually make 5th and 6th Streets into one-way streets. If the original 120 feet of right-of-way on 6th Street were desired, it would have been cheaper for the City to acquire it from the south side, thereby consuming most of these lots. Since it has been determined the street needs only 70 feet of right-of-way, the City would only need an acquisition of 5 feet from each side. This amount would not damage this property.

The zoning in this area is inconsistent. To the west, where 5th and 6th Streets intersect, there is "C" Commercial zoning abutting "B" zoning. At 5th Street and Campbell Streets there is more "C" zoning, which extends across Campbell Street and includes all of the lots in the next block with the exception of one. Directly across the street from subject property are the Park View Apartments, containing 108 units.

The traffic in this area has increased and will increase even more when 5th and 6th Streets are converted into one-way streets. This whole area is changing and will continue to change. There will be a need for commercial development in the area to serve the community. The Klunkert Estate has an earnest money contract for the sale of the interior lot, but the prospective buyer needs the "LR" zoning.

Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to this request and stated: This area is predominantly residential and the homes are nice, well-kept homes. This would tend to devalue the property in this area. The traffic on West 6th has increased and if commercial is brought in, it will increase even more, creating additional traffic hazards.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as it would be an intrusion into a well-developed and well-defined residential area, and is not the proper zoning for the property.

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C14-65-71 Estate of W. H. Klunkert and Joe J. Joseph--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Estate of W. H. Klunkert by (Harold G. Robinson) and Joe J. Joseph for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at 1619-1621 West 6th and 507-511 Campbell Street be DENIED.

C14-65-72 Marie B. Martin, et al: A to C
 619-623 West 38th Street
 3708 Ronson Street
Additional Area: 613-617 West 38th Street

STAFF REPORT: This site consists of 8,816 square feet and is developed with a single-family residence. The proposed use is for commercial development. The lot to the east has been included as additional area. This site is directly across the street from the State Hospital. The City has purchased the property on the corner of Guadalupe Street and West 38th Street, which is zoned "C-1". "O" Office is established across King Street to the west. There is commercial zoning along the south side of West 38th Street except the two lots under consideration. The subject property is a very shallow lot, making it difficult to develop.

The staff's main concern is the inadequate right-of-way of Ronson Street and King Street. Ronson Street, which is gravel, is a minor residential street with 45 feet of right-of-way. King Street, also having a gravel surface, has only 27 feet of right-of-way and should have at least 30 feet as recommended by the Director of Public Works to provide a standard paving width.

TESTIMONY

WRITTEN COMMENT

Code

B	Mrs. Esther Mills: 3708 Ronson	FOR
V	Forest S. Pearson: P. O. Box 82	"
H	Forrest Trafton: 3700 Guadalupe	"
U	Mary Getchius: 619 West 37th	"

PERSONS APPEARING AT ZONING HEARING

Code

	Mr. and Mrs. Hartley Hyltin: 1510 Mohle Drive	FOR
P	Jess Lawson: 4608 Elwood	FOR
	Mrs. E. B. Kinney: 1512 Mohle	FOR

C14-65-72 Marie B. Martin--contd.

SUMMARY OF TESTIMONY

Mrs. E. B. Kenyon, appeared at the hearing to represent the applicant.

Mr. Jess Lawson, owner of the lot included as additional area and also the lot adjoining to the south stated he was not opposed to the zoning change, but he was in favor of rezoning the whole area. He stated he did not want one of his lots zoned "C" and the other zoned "A".

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was generally in favor of extending commercial zoning in the area, but felt this request should be denied for the following reasons:

1. The area streets are inadequate for more intensive use.
2. The lots individually are too small for adequate commercial.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Marie B. Martin, et al for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 619-623 West 38th Street and 3708 Ronson Street and the additional area located at 613-617 West 38th Street be DENIED.

C14-65-73 Broadway Oil Company: LR to C
1200-1202 Koenig Lane
5900-5902 Grover Avenue

STAFF REPORT: The site contains 21,840 square feet and is developed with a service station. The applicant proposes automobile repair in a service station. The Zoning Ordinance states a service station can be operated in an "LR" zoning, but no auto repairs are allowed. "GR" zoning would allow repairs only inside a building. There is a mixed pattern of zoning in the area, with "LR" zoning to the east, "GR" to the west, "A" to the north and "C" to the south. None of the uses in the area require "C" zoning with the exception of a sheet metal shop on the corner of Aurora Drive and Koenig Lane. Grove Avenue is a 60 foot neighborhood collector street, while Koenig Lane is a primary thoroughfare with only 50 feet and 70 feet of right-of-way. Koenig Lane will require 90 feet of right-of-way as planned.

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C14-65-73 Broadway Oil Company--contd.

TESTIMONY

WRITTEN COMMENT

Code

J Savings Life Insurance Co.: P.O. Box 993
V J. L. Canady: 5905 Grover

FOR
AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as "C" Commercial is too intensive and would not be compatible with the adjoining residential and commercial property.

Mr. Jim Olsen stated he is leasing the subject property and has authority to amend this application from "C" to "GR". Mr. Olsen also stated the City wants to close his service station as he is not properly zoned.

Mr. Jackson inquired if he was conducting his repair business inside or outside the service station. Mr. Olsen replied that most of the repair work is on the inside but occasionally there is repair work on the outside.

The Commission agreed to accept the amendment to "GR".

The Commission discussed the request in relation to the existing development and zoning pattern in the area. Some of the members felt a change would be a logical extension of existing "GR" zoning. They noted that a service station is on the site, and that service stations normally perform some automotive repair work. They felt that since the repair work would be confined to indoors as required in the "GR" district, the intensification of use of the property would not be detrimental to surrounding property. It was therefore

VOTED: To recommend that the request of Broadway Oil Company for a change of zoning from "LR" Local Retail, First Height and Area to "GR" General Retail, First Height and Area (as amended) for property located at 1200-1202 Koenig Lane and 5900-5902 Grover Avenue be GRANTED.

AYE: Messrs. Jackson, Lewis, Riley and Wroe

NAY: Messrs. Barrow and Hendrickson

ABSENT: Messrs. Kinser, Brunson and Spillmann

C14-65-74 Jack Falcone and Lola H. Bierbower: A to C

91½-93 Red River Street

Additional Area: 93½ Red River
601-605 Driskill Street

STAFF REPORT: The site is two lots containing 18,240 square feet and is developed with two single-family dwellings. The lot adjoining to the north has been included as additional area. The applicant proposes to operate a wholesale and retail automotive supply business. Across Red River Street are "C", "GR" and "C-1" zoning. To the north of subject property and across Driskill Driskill Street is "C" and "B" zoning. "C" Commercial, Fourth Height and Area has recently been granted west of Waller Creek for a new highrise home for the aged. Red River is a minor residential street with 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

AB	Red River Investment Company: Box 240	FOR
L	A. E. Massengale: P. O. Box 240	FOR

PERSONS APPEARING AT ZONING HEARING

Code

E	Mrs. Ida Anderson: 93½ Red River	FOR
	L. C. Reese (represented applicant)	FOR
R	Mrs. Sixten Johnson: 609 Davis Street	FOR
J	Hal L. Eustace: 92 Rainey	AGAINST

SUMMARY OF TESTIMONY

Mr. L. C. Reese, representing Mrs. Bierbower, stated she does not live in this state and therefore could not attend the hearing.

No one appeared in opposition to the request.

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

The staff reported a letter from Mr. Charles Falcone, as follows:

"This letter is in reference to Lot 7, Block 3, Driskill and Rainey Subdivision, on which my brother, Jack Falcone, applied for a change in zoning to "C" Commercial, First Height and Area.

I am the sole owner of this property and I do not wish to have it rezoned. Please withdraw the property from consideration as I wish to maintain it as a homestead."

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C14-65-74 Lola H. Bierbower--contd.

The staff reported that Mr. Jack Falcone had acted as one of the heirs of the estate, believing that the other heirs would consent to the rezoning of the property, although he did not have the legal right to act independently of the other heirs. Since the filing of the application, Mr. Charles Falcone has secured clear title to the property.

The Commission recognized that an improper application had been made on the Falcone property, and that the application before them was only for the property owned by Mrs. Bierbower.

The Director of Planning informed the Commission that since the property at 91½ Red River Street (Lot 7, Block 3, Driskill and Rainey Subdivision) was advertised and the owners of property within 300 feet of it were notified of the hearing, the Commission could consider it as additional area if they chose.

A motion was made to grant "C" Commercial zoning only on Mrs. Bierbower's property (Lot 6 and the south 12.5 feet of Lot 5) and for the property originally considered as additional area (north 50 feet of Lot 5). It was therefore

VOTED: To recommend that the request of Lola H. Bierbower for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 93 Red River Street, and the additional area located at 93½ Red River Street and 601-605 Driskill Street be GRANTED but to DENY the request of Jack Falcone for property located at 91½ Red River Street.

C14-65-75 Terrell Timmerman: A to GR
100 West North Loop Boulevard

STAFF REPORT: This property contains 12,802 square feet and is undeveloped. The applicant proposes to operate a tool rental business. Directly across the street from subject property is a State Cemetery. There is a shopping center, zoned "C" Commercial, between the site and Avenue F. The shopping center is a small, well-used center with the problem of inadequate off-street parking. There is mixed zoning along North Loop Boulevard, consisting of "LR", "O", "C", "B" and "A" zoning. The major problem arising from commercial zoning of the site is that there is no logical boundary for commercial zoning between the site and Chesterfield Street. There are 13 lots on the north side of North Loop Boulevard with single-family dwellings between subject property and Chesterfield Street. North Loop Boulevard has a right-of-way of 60 feet. The proposed right-of-way is 80 feet. To meet the required right-of-way standards, ten feet and preferably 15 feet, is required. The owner of the property at the northwest corner of Chesterfield and North Loop Boulevard stated his willingness to dedicate some right-of-way.

C14-65-75 Terrell Timmerman--contd.

TESTIMONY

WRITTEN COMMENT

Code

	Mr. and Mrs. Paul Connor: 2612 Wooldridge	AGAINST
H	Malcolm Green, et al: 1710 Bouldin	FOR
Y	Mrs. Vola Mae Odom: P. O. Box 774	FOR

PERSONS APPEARING AT ZONING HEARING

Code

A	Rogan B. Giles: 2506 Jarratt	FOR
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SUMMARY OF TESTIMONY

Mr. Rogan Giles, representing the applicant, stated this area is a solidly developed commercial area. The applicant plans to personally supervise the tool rental business. This commercial area is going to expand, and the best way is toward Chesterfield Street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is a logical extension of existing zoning. They also recommended the Council determine the necessity of widening North Loop to meet the standards of the Development Plan.

Mr. Barrow inquired if any additional right-of-way for North Loop Boulevard is proposed from the State cemetery. The Planning Director stated it would depend on whether any graves are near the street.

Mr. Giles, representing the applicant, stated he would recommend to Mr. Timmerman to dedicate the necessary right-of-way, but that he did not have the authority to assure the Commission this would be done. He stated that it was his belief that a wider street would be an asset to the applicant's property.

The Commission discussed the inadequate right-of-way of North Loop Boulevard. They believed there should be no intensification of zoning until the street is adequate as planned. They stated they would be in favor of commercial zoning of the site when sufficient right-of-way for North Loop Boulevard has been acquired. The Commission then

VOTED: To recommend that the request of Terrell Timmerman for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 100 West North Loop Boulevard be DENIED.

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C14-65-76 J. U. and Mary P. Hurst: A, 1st to O, 2nd
710-712 West 14th Street
1401-1405 West Avenue

STAFF REPORT: The site consists of two lots with a total of 17,664 square feet, and is developed with a two-family dwelling on each lot. The stated purpose is to conform to adjacent properties. A large lot immediately north of subject property was zoned "O" Office in 1963. Recently, three lots directly south were zoned "O" Office. Across West Avenue to the west is "A" Residence zoning. Second Height and Area zoning exists to the east of a line running north-south between Rio Grande Street and West Avenue. There is some concern about extending Second Height and Area zoning to West Avenue as there are still a number of well-maintained residences along this street. West Avenue and West 14th Streets are commercial collectors having 80 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

V Mrs. K. C. Miller: 1500 West Avenue

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

A J. Hurst: 3913 Balcones Drive

FOR

SUMMARY OF TESTIMONY

Mr. J. U. Hurst, the applicant, stated the whole block is zoned "O" Office with the exception of the two lots he owns. He stated there are no immediate plans to improve the property but when the proper time comes, he wants to utilize the whole area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied for the following reason: Second Height and Area District is too intensive for the area. They felt "O" Office, First Height and Area should be granted, as it provides the best use of the property and completes the zoning pattern in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of J. U. Hurst and Mary P. Hurst for a change of zoning from "A" Residential, First Height and Area to "O" Office, Second Height and Area be DENIED, but to GRANT "O" Office, First Height and Area for property located at 710-712 West 14th Street and 1401-1405 West Avenue.

C14-65-77 Walter Bohn: GR to C-2
 5934-5936 Westminister Drive
 5903-5909 Berkman Drive

STAFF REPORT: This area contains 7,560 square feet, and is located in the interior of Windsor Village Shopping Center. The proposed building would adjoin an existing washateria. There are existing stores to the north and south. "B" and "GR" zoning is established to the east across Westminister Drive. "A" Residential is established to the north and west with a small tract of "O" at the corner of Northridge and Berkman Drive. A small buffer strip of "B" zoning is to the south. The only other zoning that permits the sale of beer in this area is a drive-in grocery located on Briarcliff Boulevard. T. H. Harris School is to the north and a church is to the east across Westminister Drive, both being over 300 feet from the proposed building. The proposed building does not front directly on any street. Egress and ingress will be from Berkman Drive. Berkman Drive is a secondary thoroughfare with 70 feet of right-of-way. Westminister Drive is a neighborhood collector having 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

L	John Munro: 1900 Northridge	AGAINST
P	John Wier: 1802 Northridge	"
	Mrs. J. E. Whitaker: 6105 Ada Lee Avenue	"

PERSONS APPEARING AT ZONING HEARING

Code

K	Mr. and Mrs. Paul Nichols: 1902 Northridge	AGAINST
	Mr. and Mrs. K. E. Brown: 1610 Northridge	"
P	J. Rex Wier, Jr.: 1802 Northridge	"
	John Reynolds: 1505 Devon Circle	"
	Wm. F. Bateman: 5909 Belfast Drive	"
	Jerry M. Coleman: 2003 Delwood Court	FOR
A	Tom Long: 1000 International Life Building	FOR
H	Frederic B. Mann: 1906 Northridge	AGAINST
J	J. T. Glass: 1904 Northridge	AGAINST
	Jack C. Mathis: 2205 Langford Cove	AGAINST
	Ernest Smith, Jr.: 1804 Northridge	AGAINST

SUMMARY OF TESTIMONY

Mr. Jerry Coleman and Mr. Tom Long, representing the applicant, presented snapshots of the shopping center to the Committee. They stated: To the north of the site is a washateria, service station, restaurant, car wash, and another service station. To the south of the subject property is a grocery store, drugstore, barber shop, beauty shop, variety store and a substation for the library. The site is 126 feet by 60 feet and is in the center of this large shopping center. The nearest street is well over

C14-65-77 Walter Bohn--contd.

200 feet from the building. The building will be steel and masonry construction and will face southwesterly. The hours of the package store are from 9:00 a.m. until 10:00 p.m. There is a bill pending in the Senate that will limit the hours of operation from 9:00 a.m. until 8:00 p.m. This bill was sponsored by the Retail Package Store Association. The stores surrounding this property have various closing hours with the earliest closing time being 9:00. This is a well established and well defined commercial area.

Arguments Presented AGAINST:

Nine nearby property owners appeared in protest to this change. They stated this was a moral and not a legal issue. It was their opinion the site is located too close to the church and too close to the school. There are many teenagers who study at the library substation at night, and this package store would tend to draw undesirables into the neighborhood. A traffic hazard already exists at the intersection just north of the site, more traffic generated into the area would be dangerous.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted since it meets the policy of the Commission as being in a well-developed commercial area.

A petition with signatures opposing the request was submitted to the Commission.

The staff reported a letter to the City Council and a petition in opposition to the request which was received after the zoning hearing.

Mr. Lewis inquired if the people opposing the request were in the notification area. Mr. Stevens stated that the staff is required to notify property owners within 300 feet of the subject property, but in this case that would not have included very many people as the subject property is in the middle of a large tract. The owners of property along the north side of Northridge Drive abutting the shopping center were notified, in addition to the church property to the east and the lots abutting Berkman Drive to the west.

Mr. Jackson inquired if the proposed store was 300 feet from the school and church. Mr. Stevens reported the distance measured from door to door, as required by State Law, is in excess of 300 feet.

The Director of Planning stated the request, as far as the Commission is concerned, is a unique request insofar as normally this particular shopping center has been categorized as a neighborhood shopping center and is part of the neighborhood. It is not usual to have a "C-2" use in a neighborhood shopping facility.

C14-65-77 Walter Bohn--contd.

Mr. Riley advised the Commission that the matter was discussed at some length at the Zoning Committee hearing. The Committee had come to the conclusion that this request could not technically be denied under Commission policy; since it is in a well developed commercial center and is more than 300 feet from the church and school.

Mr. Wroe agreed with Mr. Riley and stated that the request is in an ideal location as it is in the middle of a paved asphalt parking area and there are no abutting property owners. He was of the opinion that to deny this request would be tantamount to the rejection of any similar request in the entire area which has been voted "wet".

The Planning Director stated the Zoning Ordinance is concerned with matters such as the public health and welfare. He stated that zoning involves moral ethics as well as economic consideration.

The Chairman stated that the state law recognizes that some protection should be provided for schools and churches. He was of the opinion that the law is inadequate, in the procedure of door to door measurement. He believed a more equitable measure would be from property line to property line.

After further discussion a majority of the members concluded that the request should be granted because it fulfilled the policy of the Commission as being in a well-developed commercial area. It was therefore

VOTED: To recommend that the request of Walter Bohn for a change of zoning from "GR" General Retail, Sixth Height and Area to "C-2" Commercial, Sixth Height and Area for property located at 5934-5936 Westminster Drive and 5903-5909 Berkman Drive be GRANTED.

AYE: Messrs. Wroe, Lewis, Hendrickson and Jackson

NAY: Messrs. Riley and Barrow

ABSENT: Messrs. Brunson, Spillmann and Kinser

C14-65-78 Stuart Harris, et ux: BB to GR
 901-903 West 34th Street
 3306-3310 Grandview Street

STAFF REPORT: The site is two lots consisting of 16,520 square feet, which are undeveloped. The proposed use is an office building of 3,500 square feet for an architect-engineering firm, office equipment and regional sales headquarters. To the north is zoned "A", to the south is "BB". The zoning to the east is "O" and to the west is "C". In 1963, the Council asked that an Ordinance be drawn vacating the east 7 feet of Grandview Street at 3307-3311 Grandview so that it would be a 60 foot street. The Council then granted the change to "O" Office that exists east of subject property. It is the staff's feeling that this property should be zoned "O" Office

C14-65-78 Stuart Harris--contd.

rather than "GR" since it is more related to the property to the east that is zoned "O" than it is to the more intensively developed property along Lamar Boulevard.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared at the hearing in behalf of the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied for the following reason: General Retail is too intensive a district for West 34th Street. The Committee recalled earlier zoning requests along West 34th Street in which they stated their opinion that "O" Office is the proper zoning for the street.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Stuart Harris, et us for a change of zoning from "BB" Residential, First Height and Area to "GR" General Retail, First Height and Area be DENIED, but to GRANT "O" Office, First Height and Area for property located at 901-903 West 34th Street and 3306-3310 Grandview Street.

C14-65-79 Elizabeth Perry: A, 1st to GR, 5th
2301-2311 Parker Lane
1801-1809 Burleson Road

STAFF REPORT: This site contains 14,664 square feet and is undeveloped. The applicant proposes commercial development. To the north is "A" Residential zoning and northwest is "O" zoning. To the west is "GR" zoning. To the south is Greenbriar East Subdivision, which is not zoned as it is outside the City limits. The subject property is part of a large tract which Mr. Gilbreth proposes to develop. The major part of the tract is outside the City limits. There is need to determine alignment and street development in this area. The property could be developed residentially with cul-de-sacs, however commercial use of the land is logical as related to the proposed street plan. Zoning this property "GR" would

C14-65-79 Elizabeth Perry--contd.

bring intensive zoning close to planned residential. There is a need for a buffer zone along Parker Lane. The preliminary plan for College Heights Subdivision provides for East Oltorf Street to extend as a proposed 120 foot right-of-way thoroughfare. Parker Lane is newly developed, as a 70 foot right-of-way, south of Live Oak Street. Burleson Road has a 60 foot right-of-way and is to be widened to 70 feet.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared at the hearing in behalf of this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded no action should be taken until the staff meets with the applicant and discusses street development in this area.

The staff reported that Mr. Gilbreth is just now filing his master plan for the subdivision of this area, indicating the commercial, apartment, duplex and single-family areas. The staff further reported that preliminary approval has been given to College Height Subdivision, which is east of Mr. Gilbreth's area, and which proposes commercial and apartment areas. Thus the subject property is between existing commercial zoning and a proposed commercial area, leaving the matter of street development as the only objection from the staff. Mr. Gilbreth subdivided the property immediately west of Parker Lane, in which he dedicated 30 feet of right-of-way to widen East Live Oak Street toward thoroughfare standard. This widening should be extended through the subject property to provide for the thoroughfare. Burleson Road southward from East Live Oak Street has 60 feet of right-of-way; widening to 70 feet is necessary since this street is a collector street extending southward to Ben White Boulevard.

Mr. Gilbreth stated they are willing to dedicate whatever street right-of-way is needed.

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C14-65-79 Elizabeth Perry--contd.

The Commission viewed this request in terms of the existing zoning pattern. They felt it to be a logical extension of existing zoning and to be proper zoning for the property. They recognized that the streets are to be made adequate to serve the proposed commercial use of the land and the neighborhood. It was therefore

VOTED: To recommend that the request of Elizabeth Perry for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 2301-2311 Parker Lane and 1801-1809 Burleson Road be GRANTED.

PENDING CASES

C14-65-42 Robert K. Meyer, Trustee: A to B
128-300 Alpine Road
Additional Area: 120-126 Alpine Road

STAFF REPORT: At the last Commission meeting, Mr. Al Williams, representing the applicant, requested a 30 day postponement pending further study of the street situation.

The staff reported there has been no further meeting of the various property owners in the area to agree on a definite street development plan. The site contains approximately five acres and is undeveloped except for a barn. A strip fronting 75 feet on Alpine Road between the subject property and the commercial property along South Congress has been included as additional area. The applicant proposes to establish a nursing home. "LR" zoning is established at the adjoining northeast corner of the site. The remaining area immediately north, south and west is developed with single-family residences. There is a creek through the subject property. Consideration should be given to the street needs and access for this area. At the time the subdivision along Lightsey Road was recorded in 1963, the Commission required Filburn Street, a stub street, to provide access southward to enable development of adjacent properties. The lots fronting on Alpine Road are approximately 450 feet deep. Alpine Road is a residential street with 50 feet of right-of-way.

The Director of Planning recommended to the Commission that an extension of Filburn Drive be required and that this extension be based on an agreement rather than an outright dedication. The applicant should not be required to dedicate and develop the street at the present, but at the time street development occurs to the west. The street extension is not recommended to extend to Alpine Road, but to the applicant's west property line. The subdivider of Brinwood Subdivision was required to provide access into this property for the original owner of this tract. If this street is not provided, it will be exceedingly difficult for any further development in the area. If he is required to make this available for street dedication, he is liable under City policy to pay a considerable amount of the cost at the time the development of the street occurs.

C14-65-42 Robert K. Meyer, Trustee--contd.

Mr. Don Wilson, the applicant, stated they are willing to leave the area undeveloped and are also willing to dedicate for street right-of-way. He stated they gave the property owners in the area 30 days to discuss this situation, but they received no response; therefore, they feel there is no pressing need for them to provide the street.

The Chairman stated that when there are eight or 10 property owners who would directly benefit by a street being provided they should take some action on it; since they have not taken any action, it should not be the applicant's responsibility.

The Director of Planning stated that to simply leave the area undeveloped would be of no particular value. There should be an agreement for street dedication. There are limitations on offering to dedicate as it is not an absolute binding situation.

The applicant advised the Commission that he would prefer some sort of limitation on leaving the area undeveloped for the street needs.

The Commission reviewed the applicant's offer to provide street access to adjoining property and related the applicant's request to adjacent uses and zoning classifications. They were of the opinion the request should be granted with a written stipulation by the owner, to the effect that he will dedicate a street within the next two years, provided the City determines the street is needed and requests the dedication. It was therefore

VOTED: To recommend that the request of Robert K. Meyer for a change of zoning from "A" Residential, First Height and Area to "B" Residential, First Height and Area for property located at 128-300 Alpine Road including the additional area located at 120-126 Alpine Road be GRANTED.

C14-65-43 Charles D. Peavy, M.D.: A to O
3703-3711 Manchaca Road

STAFF REPORT: At the last meeting of the Commission, the applicant requested postponement of this application in order to confer with the staff and decide what action he should take on this property. The site is developed with a residence, and the proposed use is for a doctor's office and convalescent hospital. The subject property is part of the Bundy Subdivision, totaling approximately 10 acres owned by the applicant, out of which the applicant wishes to zone 2.74 acres for the doctor's office. The surrounding area is largely undeveloped, with scattered single-family residences along Manchaca Road. The Barton Oaks Subdivision is located to the north along Fleetwood Drive and Larchmont. Last year, "GR" General Retail zoning was proposed by Mr. Phillips north of Larchmont. The Commission denied this application. In 1963, there was a request before the Board of Adjustment for a variance to erect a convalescent home on the subject property with less than the required setback. The Board denied this application as no unnecessary hardship was found to exist. Consideration should be given to the proposed zoning being an encroachment into the residential area.

C14-65-43 Charles D. Peavy, M.D.--contd.

The postponement of this request was based on the fact that Dr. Peavy could have a convalescent hospital and his private office in the same structure under the zoning that is now existing on the property, as the Ordinance provides for a hospital to be permitted in any zoning by special permit. Since the last meeting, Dr. Peavy has stated he is not permitted to have his office in the hospital, and that he wishes to erect his private office on the same property, which will require the change of zoning as requested.

The Commission reviewed the staff report, recognizing that this part of Manchaca Road is developed with single-family dwellings; however, they are on large and extremely deep tracts of land, the development being almost suburban in nature. The Commission also recognized that it would be difficult to further develop the deep tracts of land under the present zoning. Establishing "O" Office zoning for the subject property would tend to encourage office development along Manchaca Road to Ford Village Shopping Center, which the majority of the Commission felt was the proper zoning for the area. It was therefore

VOTED: To recommend that the request of Charles D. Peavy, M.D. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3703-3711 Manchaca Road be GRANTED.

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

OTHER BUSINESS

C10-64-1(t) STREET VACATION REQUEST (Pending)
 Portion of Apache Pass west of Tejas Trail

The staff reported this request was postponed pending the approval of the subdivision plan of West Gate Square Subdivision, which adjoins Apache Pass to the west. West Gate Square Subdivision has been approved, therefore the staff recommends that the street be vacated. The Commission therefore

VOTED: To recommend that the portion of Apache Pass west of Tejas Trail be VACATED subject to easements required.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of April 19, 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 a request connected to the following subdivision was referred to the Commission without a recommendation: C8-63-33 Highland Hills, Section 5, Phase 2. It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of April 19, 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. The Commission therefore

VOTED: To ACCEPT the following final plats for filing.

C8-65-8 Palomino Park, Section 1
Riddle Road
C8-65-23 Palomino Park, Section 2
Brodie Lane

C8-64-25 Fairmont Park #1, Revised
Manchaca Road and Southern Oaks Road

The staff reported that at one time there was a KTBC radio tower and easement on a portion of this property. The engineer, Mr. Weldon Hudson for the owner, Mr. Bill Milburn, has stated that the easement had terminated and the tower is in the process of being torn down. The staff recommends the final plat be accepted for filing and disapproved subject to inclusion of area behind Lots 5-11, Block D, or separate replatting thereof, and evidence of termination of KTBC Radio tower easements, annexation and completion of departmental reports. The Commission therefore

VOTED: To ACCEPT the final plat of FAIRMONT PARK #1, Revised, for filing and to DISAPPROVE pending the requirements as noted.

C8-65-24 West Gate Square
West Gate Boulevard at Jones Road

The staff recommended the final plat be accepted for filing and disapproved subject to receipt of tax certificates and a letter from the City of Sunset Valley, releasing their extra-territorial jurisdiction for the Cameron Development Tract so the City of Austin can annex it. The Commission therefore

VOTED: To ACCEPT the final plat of WEST GATE SQUARE for filing and DISAPPROVE pending the requirements as noted.

C8-65-22 Resubdivision of Lot 1, Springdale Park
Springdale Road and Oak Springs Drive

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 SPRINGDALE PARK, Resub. of Lot 1, and to DISAPPROVE pending compliance with departmental reports.

SUBDIVISION PLATS - CONSIDERED

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

The staff recommended disapproval pending annexation of the subdivision and adjoining properties. The Commission therefore

VOTED: To DISAPPROVE the final plat of ALLANDALE PARK, Section 9, Revised, pending the requirement as noted, and authorized the staff to poll the Commission upon completion.

C8-63-33 Highland Hills, Section 5, Phase 2
Highland Hills Terrace

A request by Mr. Tom Bradfield to tie down street location and approval of a new time stipulation in connection with Highland Hills, Section 5, Phase 2, was referred to the Planning Commission from the Subdivision Committee meeting of April 17, 1965.

The original stipulation, as agreed to by Mr. Landon Bradfield, developer, and approved by the Planning Commission on August 27, 1963, reads as follows:

"It is expressly stipulated that the conveyance of Lot 16 shall provide that the developer shall retain the right to demand the reconveyance of the north 200 feet thereof for the purpose of resubdivision in connection with the subdivision of land east of and abutting Dry Creek. Such right shall be exercised within a period of one year following the sale of Lot 16, and the resulting subdivision shall have the approval of the City Planning Commission and shall be subject to restrictions substantially the same as the recorded restrictions of Highland Hills, Section Five, Phase Two. Upon the demand of the City of Austin made within one year after date of sale the then owner of Lot 16 shall convey to the owner of adjoining property east of and abutting Dry Creek for street purposes a strip of land 50 feet wide connecting the proposed street to the center of Dry Creek."

C8-63-33 Highland Hills, Section 5, Phase 2--contd.

By letter, received from Mr. Tom Bradfield on April 14, 1965, a request was made to tie down the exact location of the street and submit new proposal for Commission consideration of one year from date of platting (9-3-64) rather than one year from date of sale. The letter is as follows:

"We have sold Lots 16 and 17 of Highland Hills, Section Five, Phase Two to separate purchasers. Mindful of an agreement which we had with the City Planning Commission, we have stipulated in each of our instruments of conveyance the following:

As to Lot 17 contracted to be sold to Jack Crier: 'Upon demand of the City of Austin made within one year after the date of recording of the plat of Highland Hills, Section Five, Phase Two, the then owner of Lot 17 shall convey to the owner of the adjoining property east of and abutting Dry Creek for street purposes a strip of land 25 feet wide off of the south side of said Lot 17 connecting Lamplight Lane to the center of Dry Creek.'

As to Lot 16 contracted to be sold to O. Carl Happel: 'Upon demand of the City of Austin made within one year after the date of recording of the plat of Highland Hills, Section Five, Phase Two, the then owner of Lot 16 shall convey to the owner of the adjoining property east of and abutting Dry Creek for street purposes a strip of 25 feet wide off of the north end of said Lot 16 connecting Lamplight Lane to the center of Dry Creek.'

The above provisions seem to us to be the best possible way of providing access from Lamplight Lane to the Allen property east of Dry Creek and has met with the approval of our purchasers. This is in lieu of an unspecified strip 50 feet wide heretofore agreed to be given off of Lot 16. If this should need further approval by the Planning Commission, will you so advise us."

Mr. Stevens advised the Commission that Mr. Allen, the property owner to the east has not received formal notice of having access from Lamplight Lane.

After further discussion, the Commission agreed that Mr. Allen should be given formal notice of the new stipulation date. It was then

VOTED: To APPROVE the location of the proposed street as outlined in Mr. Tom Bradfield's letter dated April 14, 1965, and to approve the new stipulation of one year from platting date of September 3, 1964.

C8-64-42 Riverbend, Section 3-C Revised
Manor Road and Susquehanna

The staff reported that reports have not been received from several departments and recommended disapproval pending completion of departmental reports and legal clearance on boundary error. The Commission therefore

VOTED: To DISAPPROVE the final plat of RIVERBEND, Section 3-C Revised, pending completion of departmental reports and legal clearance on boundary error.

SHORT FORM PLATS - FILED

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

VOTED: To ACCEPT the following short form plats for filing:

C8s-65-45 Western Trails, Resub. Lot 9, Section 2 and Lot 11, Section 9
Western Trails and Pack Saddle Pass
C8s-65-51 Standard Mortgage Company, Subdivision No. 2
Marlo Drive west of Rimrock Street

C8s-65-39 Tigert Subdivision
Terrell Lane and U. S. 183

The staff reported this request involves a variance on block length as the subdivision is approximately 1,650 feet in length along the southeast side of Terrell Lane. The Ordinance, for residential development, only permits a block length of 1200 feet. The staff recommended this short form plat be accepted for filing after recommending the variance on block length in view of the fact that there are three pipeline easements and a drainage easement running diagonally through the property, plus the fact that the shape of the adjoining property to the east on U. S. 183 is triangular in shape making a street and block length of less than 1200 feet between Terrell Lane and U. S. 183 which would not be needed for circulation. Mr. Cleo Powell, the adjoining property owner to the east, stated by phone that he has adequate access and sufficient frontage on U. S. 183 to develop his property without requiring street access through Mr. Tigert's property.

The staff recommended that any east-west street connecting Terrell Lane and U. S. 183 be located a minimum of one tier of lots south of this subdivision. The Commission therefore

VOTED: To ACCEPT the plat of TIGERT SUBDIVISION for filing, granting a variance on block length requirements.

C8s-65-44 Mokry and Cameron Subdivision
Bannister Lane and South Third Street

The staff reported a variance on street widths for South Third Street and Bannister Lane is required. The owner of the subdivision has provided his share to provide a future right-of-way of 50 feet for South Third Street and for a future right-of-way of 60 feet for Bannister Lane. Acceptance for filing upon consideration of the variance was recommended. The Commission therefore

VOTED: To ACCEPT the short form plat of MOKRY AND CAMERON SUBDIVISION for filing, granting a variance on street width requirements.

C8s-65-46 Resub. of Riverbend 3B at University Hills
Manor Road and Loyola Lane

The staff recommended this plat be accepted for filing and disapproved pending completion of departmental reports. The Commission therefore

VOTED: To ACCEPT the short form plat of Resub. of RIVERBEND 3B at UNIVERSITY HILLS, and DISAPPROVE pending completion of departmental reports.

C8s-65-52 Karotkin and Francis Subdivision
Guadalupe and West 30th

The staff reported this is an odd-shaped tract of land with Tract 1 fronting on Guadalupe Street and Tract 2 fronting on West 30th Street. The surveyor has stated that the small tract adjoining at the corner of Tract 1 was split prior to the requirements of the Ordinance (1946). A variance may be required at a future meeting if the surveyor or owner cannot furnish proof that the small tract was split prior to the Ordinance. The Commission therefore

VOTED: To ACCEPT the short form plat of KAROTKIN AND FRANCIS SUBDIVISION for filing:

SHORT FORM PLATS - CONSIDERED

C8s-65-34 Highland Hills, Section 7, Phase 1, Resub. Lots 26 and 27
Highland View and Hillbrook

The staff recommended disapproval of this plat pending completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the short form plat of HIGHLAND HILLS, Section 7, Phase 1, Resubdivision Lots 26 and 27, pending completion of departmental reports.

C8s-65-40 Mock and DeSio Subdivision
Westview Road and Beckett Lane

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance required on street width. It was explained that Beckett Lane has less than 50 feet of right-of-way. The owner of this short form subdivision has given his half of the proposed right-of-way and the variance is recommended. The Commission therefore

VOTED: To APPROVE the short form plat of MOCK AND DESIO SUBDIVISION, granting a variance on the required street width of Beckett Lane.

C8s-65-41 Roy Tyler Subdivision
Shady Lane and Glissman Road

The staff reported all departmental reports have been received and recommended approval upon consideration of two variances. A variance is required on street width. Glissman Road has less than 50 feet of right-of-way in some places. Another variance is required on signature of adjoining owner to the west. The staff reported a letter, from the surveyor representing the applicant, stating he had contacted the adjoining owner about participating in this subdivision. The adjoining owner refused. The staff recommends these two variances be granted. The Commission therefore

VOTED: To APPROVE the short form plat of ROY TYLER SUBDIVISION, granting a variance on street width and a variance on the requirement of the signature of the adjoining owner.

C8s-65-42 Schneider Addition
Deen Avenue and Georgian Drive

The staff reported this request involves a variance on street width. Georgian Drive, designated in the Master Plan as a collector street, has a proposed right-of-way of 60 feet. All development to the north and south have been required to dedicate 5 feet for widening on both sides of the street. The applicant has stated they would probably be willing to dedicate the right-of-way, but there is an existing building which is setting on the present west right-of-way line of the street. The staff reported the building is a small frame single-family dwelling, and stated the applicant had been informed that the Planning Department could not recommend this variance.

Mr. Jackson stated the applicant is benefiting from the subdivision. He should be required to move the building over and dedicate his portion for the widening as the other property owners have. The Commission therefore

VOTED: To DISAPPROVE the plat of SCHNEIDER ADDITION, pending the required right-of-way of Georgian Drive.

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C8s-65-50 Golden Subdivision
North Lamar and West 31st

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance required on street width. West 31st Street has less than 50 feet of right-of-way. The applicant has dedicated his portion to provide for the future right-of-way. The subject property was recently zoned "LR" Local Retail. As there are no minimum lot requirements, the applicant chose to subdivide in a manner whereby each lot will have access from Lamar and West 31st Street. As long as this is commercial development, the staff feels it would be acceptable. The Commission therefore

VOTED: To APPROVE the short form plat of GOLDEN SUBDIVISION, granting a variance on the required street width of West 31st Street

ADMINISTRATIVE APPROVAL

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

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

C8s-65-37	<u>Amended Plat of Resub. Lots 1-4, Blk. 32, Christian and Fellman</u>	
	Oldham Street and Manor Road	<u>Addition</u>
C8s-65-43	<u>Macmor Acres, Resub. Lot 9, Block A</u>	
	Macmora Road	
C8s-65-47	<u>Holman's Resub. of a portion of Block #2, of the Mrs. Lou H. Hill</u>	
	Helen Street at East 55½ and East 56	<u>Subdivision</u>
C8s-65-48	<u>Resub. Lots 1 and 2, Stonegate</u>	
	Elmsgrove Drive and Stonegate Drive	
C8s-65-49	<u>Resub. Lots 41 and 42, Stonegate</u>	
	Webberville Road and Woodmoor Drive	

SUBDIVISION APPROVAL BY TELEPHONE POLL

It was reported by the staff that the following subdivision was considered by telephone poll on April 12, 1965, and that a majority of the Commission had

VOTED: To APPROVE the following final plat:

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

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OTHER BUSINESS

C10-64-1(t) STREET VACATION REQUEST (Pending)
Portion of Apache Pass west of Tejas Trail

The staff reported this request was postponed pending the approval of the subdivision plan of West Gate Square Subdivision, which adjoins Apache Pass to the west. West Gate Square Subdivision has been approved, therefore the staff recommends that the street be vacated. The Commission therefore

VOTED: To recommend that the portion of Apache Pass west of Tejas Trail be VACATED subject to easements required.

ADJOURNMENT: The meeting was adjourned at 10:05 p.m.

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman