

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- June 1, 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  
Howard E. Brunson  
Ben Hendrickson  
S.P. Kinser  
Barton D. Riley  
W. A. Wroe

Absent

W. Sale Lewis  
Edgar E. Jackson  
Jack Goodman

Also Present

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

MINUTES

Minutes of the meeting of May 4, 1965, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of May 25, 1965.

C14-65-81 Thomas Black, Trustee: C-1 to C-2  
1813 (1809) Guadalupe Street

STAFF REPORT: This application is for a small portion of a lot located at the southeast corner of Guadalupe Street and West 19th. It contains approximately 871 square feet, and is the unoccupied rear portion of the building housing the Pizza Hut. The proposed use is a package store. Directly across the street to the north is a hamburger stand, a grocery store, and a service station. Across Guadalupe Street to the west is a service station, and adjacent to the service station on the west is a non-conforming package store in a "C-1" district. To the east is a cafe, and adjacent to the cafe is apartment development. To the south of subject property across the alley, is a vacant lot. The newly opened Cambridge Tower apartment building is one block east of the subject property. On the northeast corner of 19th Street and University Avenue is a church. The YWCA is located to the south at the southwest corner of West 18th Street and Guadalupe Street. In March, 1962, the Zoning Committee recommended denial of a change to "C-2" on the site, and the application was withdrawn before the Planning Commission meeting.

C14-65-81 Thomas Black, Trustee--contd.

Following that application, in July, 1962, another application for "C-2" on a small site on the north part of the property was filed. The Zoning Committee recommended granting the request since the property was in a well developed commercial area and conformed to the policy regarding "C-2" applications, but the zoning change was denied by the City Council. Guadalupe Street and 19th Street are commercial collector streets, with rights-of-way of 80 feet.

## TESTIMONY

## WRITTEN COMMENT

## Code

E	Mrs. Fannie Woods: 1802 Lavaca	AGAINST
S	H. E. Duff: 1718 Lavaca	FOR
C	Edward Robinson: American National Bank	AGAINST
R	E. R. Farris: 1800 Sharon Lane	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Malcolm D. Cunningham: 4709 Enchanted Lane	FOR
	John F. Campbell: 305 East 7th	AGAINST
E	Mrs. Fannie Woods: 1802 Lavaca	AGAINST
K	Walter Wukasch: 403 West 19th	AGAINST
	Charles Trenckmann: 511 Capital National Bank	AGAINST
A	Reuben Kogut: 1209 Red River	FOR
	Will Garwood (atty. for Reuben Kogut)	FOR
	Mr. Carssow	AGAINST
F	Mrs. Greenwood S. Wooten: 1405 Wooldridge	AGAINST
G	Dr. G. S. Wooten, Jr.: 107 East 10th	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Will Garwood, representing the applicant, presented the following information: The application for the "C-2" zoning change is not a moral issue as the area is a well developed commercial area already zoned "C-1", and not a small commercial island in a residential sea. Charlie's Liquor Store is located approximately half a block away. Dan's Liquor Store is only five or six blocks away. It is not in the interest of the Zoning Committee to grant a monopoly. This particular site is the southern part of a "L" shaped building that is presently occupied by the Pizza Hut. The package store will have equal access to existing off-street parking, which is adequate. The area contains 870 square feet and it is contemplated that if the present application is granted, the applicant will spend \$8,000 to improve the area. Present zoning allows the sale of beer for on premise consumption, secondary to the sale of food. This type of establishment could be opened on Sunday and up to midnight during the week, which is

C14-65-81 Thomas Black, Trustee--contd.

longer than a contemplated package store would be open. The initial application that came up was withdrawn before the Planning Commission acted on it. At that time the applicant never appeared at the hearing. Later another application was filed. A more thorough consideration was given to the matter and it was recommended to grant the change. The Planning Commission voted in favor of the application 6 to 1. The City Council denied the application only in a technical sense. The vote was three to one in favor, but a 4 out of 5 vote was needed for the change to be granted. The applicant has received permission from the property owners to the east to use some of their parking.

**Arguments Presented AGAINST:**

Mr. John Campbell, representing a number of property owners in the area, Dr. Wooten and several other nearby property owners offered to the Committee the following information: The parking for the proposed package store, in connection with the Pizza Hut, is very inadequate. The City Ordinance requires one parking space for each table for four persons in a restaurant and one parking space for each 200 feet in a liquor store. The Pizza Hut seating capacity requires a parking area for 17 cars. The package store, being 870 square feet, would require 5 parking spaces. Therefore, twenty-two spaces would be required by the Pizza Hut and the package store. The proposal to use the existing 17 spaces falls short of that requirement. The cars parking in this area would be head-in parking, as there is not enough room for a car to turn around. Therefore, the cars would be backing into the flow of traffic on Guadalupe Street. This would cause an objectional traffic situation.

This area is not a well developed commercial area in the sense that has been stated. There is a large building to the east which is a new apartment building. To the southeast on the corner of Lavaca Street and West 18th Street is the Scottish Rite Temple. A church is located on the corner of West 19th Street and University Avenue. The YWCA is also located in the area. This area is not the kind of area that would be conducive to a package store. The Zoning Committee should consider the effect this would have on the property in the area. Most of the property owners bought their property many years ago. The only thing the change would give the applicant is the right to establish a liquor store. The applicant can use this property for development other than a liquor store under the present zoning. The zoning does not deprive him of the use of the property. This zoning is obviously intended to serve the University area. If a need for this type development exists, the need is already being served as there is a package store in the area. There have been no "C-2" applications granted within the University area. This zoning change would devalue property and would be detrimental to the area.

C14-65-81 Thomas Black, Trustee--contd.

Mr. Kriegal, a nearby property owner, read a letter from Dean Nowotny, written in 1962, opposing the original application for "C-2" zoning. Mr. Kriegal also stated there is a concern that establishing this zoning would set a precedent for the establishment of similar changes.

## COMMENTS AND ACTION BY THE COMMITTEE

Mr. Brunson stated this application differs from the earlier application in that it is not oriented toward 19th Street. The front of this liquor store is no longer turned toward the University of Texas, but into an area of apartment houses, businesses and an older citizens group.

The Committee reviewed the information and a majority of the members concluded this request should be granted as the site is in a well-developed commercial area and conforms to the policy regarding "C-2" applications.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Thomas Black for a change of zoning from "C-1" Commercial, Third Height and Area to "C-2" Commercial, Third Height and Area for property located at 1813 (1809) Guadalupe Street be GRANTED.

C14-65-82 Roberta P. Dicksen: A to C  
12-20 and 13-21 Chalmers Avenue

STAFF REPORT: This site contains approximately three acres of undeveloped land fronting on Chalmers Avenue. The applicant proposes to erect multi-unit apartments. Chalmers Subdivision to the north has been developed with single family residences with the exception of Riverview Apartments located on the corner of Chalmers Avenue and River View. The City owns the property to the east of Chicon Street and has leased it for the purpose of operating an aquatic garden. This property was zoned for this purpose. There was an application for commercial zoning filed on property adjacent to the subject property to the east. This application was withdrawn and since that time, the City has purchased that tract. The property to the west of subject property is also owned by the City. A special permit was approved on part of this tract in 1964. This was for the purpose of erecting fire prevention offices, auditorium for the department and public use, storage area for Austin Aqua Festival facilities and equipment, parking area for the department and the public. This area is being developed in conjunction with the Town Lake Plan. University Junior High School is scheduled to be relocated on the site of the Old Street and Bridge Yard in 1968. The proposed zoning would allow a 254 unit apartment hotel. The street situation in the area would not support the amount of traffic that would be generated by a development of this kind. The City is in the process of acquiring subject property.

C14-65-82 Roberta P. Dickson--contd.

TESTIMONY

WRITTEN COMMENT

Code

AG Catherine P. Hernandez: 28 Salinas

PERSONS APPEARING AT HEARING

Code

Truman O'Quinn (represented applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Trueman O'Quinn, representing the applicant, presented the following information: Mrs. Dickson is in Washington at the present time attending the President's regional meeting on the beautification of America. She is very active on the parks board and in civic work. This property was acquired several years ago for the purpose of developing it for apartments because of the location. The applicant owns property on both sides of Chalmers Avenue at its southern end. There is an idea of requesting vacation of that part of the street in her property and using it for service deliveries and fire protection only. It would be a secondary approach to the property. The applicant proposes to use a road to be developed by the City along the north side of Sand Beach Reserve for access to her property. She is willing to provide some street right-of-way at a price, if it is required. If the City insists that Chalmers Avenue be left open, Mrs. Dickson can develop her property along each side of the street. She has been negotiating with the City on the purchase of her land for three years, but has had no communications from the City since January, 1964. If the City was interested in the purchase of this property, they would have contacted the applicant.

Mr. Sterling Sasser, also representing the applicant, stated he had an appointment to discuss the matter of purchase with the City.

Mr. O'Quinn further stated that the property is strategically located and is ideal for this type development. There would be ample room for the development of four apartment buildings and ample off-street parking.

Arguments Presented AGAINST:

Mr. Brooks, a nearby property owner, inquired if Chalmers Avenue would be vacated. He stated when he bought the 5 lots to the north of the subject property that it was his understanding that Chalmers Avenue would be completed down to the river edge and that it would be a six lane drive. It was his opinion that the vacating of this street would create a fire hazard and would be detrimental to his property.

C14-65-82 Roberta P. Dickson--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the proposed zoning is too intensive for the present street pattern.

The Director of Planning stated that the applicant will not be able to correct the street problem herself as she does not own property adjoining the site. Most of the surrounding property is owned by the City.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Roberta P. Dickson for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 12-20 and 13-21 Chalmers Avenue be DENIED.

C14-65-83 Reyeo Olvera: D, 3rd to A, 1st  
 901-913 Cherico Street  
 3400-3402 Lyons Road

STAFF REPORT: This site contains 43,560 square feet of undeveloped land located at the corner of Lyons Road and Cherico Street. The applicant is requesting a change from "D" Industrial, Third Height and Area to "A" Residential, First Height and Area for the purpose of permitting him to subdivide the land for residential purposes. The subject property and the tract adjoining to the east have been zoned "D" Industrial for a number of years. The proposed rezoning does not conflict with the Master Plan. Lyons Road is a minor collector street having a right of way varying from 50 to 60 feet. Cherico Street is a minor residential street with 50 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

B H. G. Linscomb: 3414 Lyons Road

FOR

PERSONS APPEARING AT HEARING

Code

None

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

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Reg. Mtg. 6-1-65

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C14-65-83 Reyeo Olvera--contd.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is consistent with the existing development and zoning pattern of the area, and it is not contrary to the Austin Development Plan.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Reyeo Olvera for a change of zoning from "D" Industrial, Third Height and Area to "A" Residential, First Height and Area for property located at 901-913 Cherico Street and 3400-3402 Lyons Road be GRANTED.

C14-65-84 J. D. Abel: O to GR  
1120 East 52nd Street

STAFF REPORT: This site contains 12,395 feet located on the north side of 52nd Street and is developed with an office building. The applicant proposes to operate a retail television sales service. "A" Residential zoning is established directly across the street from the subject property and "BB" zoning is to the east. "C-2" and "C" Commercial zoning adjoins the property to the west. The granting of retail zoning in this area could establish a trend of strip retail zoning down from 52nd Street. In 1962, a request for a change of zoning from "O" Office, First Height and Area to "C" Commercial, First Height and Area for the subject property was denied as the Commission felt that "O" Office was the proper buffer zone and a change to "C" Commercial would encroach into a residential area. East 52nd Street is a minor residential street with 50 feet of right of way and 30 feet of paving.

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. B. W. Morris, stated he occupies an office in the office building on the subject property. The building has been sold and is now vacant with the exception of his office. The building has approximately 3,000 square feet with a large amount of vacant land behind the building. The entire area has changed in recent years. On the corner of Cameron Road and East 52nd Street is a liquor store and a lounge. On the opposite corner is an animal hospital. The zoning change would permit the highest and best use of the land. The area provides ample off-street parking.

##### Arguments Presented AGAINST:

No one appeared in opposition to the request.

C14-65-84 J. D. Abel--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the present zoning provides the highest and best use of the land.

The applicant was present at the Commission meeting and requested a letter to the Commission be read. The letter is as follows:

"The application for change in zoning of the property at 1120 East 52nd Street, Austin, Texas, more particularly described as Lot 2 of the C.D.N. Addition No. 2 to the City of Austin, was presented at the public hearing before the City Planning Commission May 25, 1965 at 7:00 p.m. Although no opposition to the change was made by any of the adjacent or neighboring owners of land, the application was refused.

Since no such opposition occurred, we feel that we, perhaps, failed to fully explain to the members of the Commission the need for such change at this time, in order to realize the highest and best use of such property, and we respectfully request your reconsideration of the above mentioned application at your next meeting of June 1, 1965, for the following reasons:

(1) The premises are improved with a two-story office building containing approximately 3,000 square feet erected in the Spring of 1962. Since its completion every reasonable effort has been made to obtain and hold office tenants in the building, to no avail. The building has never been fully occupied and its occupancy has steadily declined until there is now only one tenant in the building, and all efforts to attract new tenants have failed. This we believe is evidence of the fact that the highest and best use of this property is not as an office building.

(2) The low income return from the building (which is presently less than the annual tax levied against it) indicates that some other use than an office building be found for the property or the property razed in order to obtain tax relief. Therefore, a survey was made to determine what use would be best for the property under the circumstances, taking into consideration the character of the neighborhood and efforts were made to find a tenant for the property who could make use of it for other than the usual commercial office business. As a result a purchaser for it was found who is in the radio and television sales and repair business which will require the entire space in the



C14-65-84 J. D. Abel--contd.

building, but to consummate such sale the zoning change applied for, that is, from "O" to "GR" is necessary in order that its use as a retail radio and television sale establishment can be maintained on the premises. It thus is apparent that the highest and best use to which this property can be put at present and during the foreseeable future is that of a general retail business.

If the zoning change is approved, no change in the neighborhood will result therefrom. No increase in traffic is anticipated and there is ample off street parking on the premises for use of the customers of the proposed new business. Also, a fully occupied building will grace the neighborhood rather than a substantially empty building, and it is reasonable to expect that unless a practical use for this property can be found, the owner will have no other alternative than to raze the building and seek tax relief.

In conclusion, we wish to repeat that since there was no opposition to the change requested, either at the public hearing aforementioned or in writing, and insofar as we are informed by the staff members of the Commission, we felt it would be wasting the Commission's time at the public hearing on Tuesday evening May 25, 1965, in fully developing the need for the zoning change applied for, particularly in view of the large public attendance at the meeting and the lengthy agenda before the members of the Commission.

We therefore respectfully request that you reconsider your action in refusing approval of the change of zoning from "O" to "GR" applied for, and that we be given an opportunity to again appear before you at your meeting on June 1, 1965, in order to more fully explain to you our views on why the highest and best present and foreseeable future use of this property will be attained by approving the change in zoning of the property above described from "O" to "GR".

Mr. Brunson inquired if there would be an aerial that might conflict with the Airport Zoning Ordinance. Mr. Cortez stated the applicant's proposal is in compliance with that Ordinance.

Mr. Barrow and Mr. Kinser stated the property is an extension of already existing commercial zoning, and that expanding the commercial zoning to a larger area would allow the best use of the property.

Mr. Riley and Mr. Hendrickson were of the opinion that 52nd Street is inadequate and that this would be an encroachment into a residential area.

C14-65-84 J. D. Abel--contd.

Mr. Stevens advised the Commission that when the "O" Office was established on subject property, the property adjacent to the west was zoned "C" Commercial and developed with a washeteria. The washeteria has since been converted to a lounge following a zoning change for "C-2" Commercial which does affect the use of the property for offices.

The Commission discussed various aspects of this change of zoning with mixed viewpoints. A motion to deny the request failed to carry by the following vote:

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

It was then

VOTED: To recommend that the request of J. D. Abel for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area, for property located at 1120 East 52nd Street be GRANTED.

C14-65-85 Sidney White, Jr.: A to O  
 1814 Walnut Avenue  
 2605-2607 East 19th Street

STAFF REPORT: The site contains 5,499 square feet and is developed with two single-family dwellings. The applicant proposes to erect professional offices. The subject property is directly across the street from Holy Cross Hospital which is zoned "B". Along East 19th Street is scattered commercial development. The property across the alley to the west was zoned "O" Office in 1963. There is a service station to the east zoned "LR". East 19th Street is classified as a primary thoroughfare in the Austin Development Plan. The proposed right-of-way is 120 feet. The subject tract may be required for widening, although no alignment has been established at this time. East 19th Street has a right-of-way of 60 feet at this time. Walnut Avenue is a minor residential street with 45 feet of right-of-way.

#### SUMMARY OF TESTIMONY

#### Arguments Presented FOR:

Mr. Sylvester Bradford, representing the applicant, stated: They are aware of the City's plans for widening East 19th Street, although the City is not certain whether widening will be from the north or the south side. The applicant also owns the property adjacent to the west across the alley. The planned building will be primarily linear. It is their opinion there is enough area for suitable development of the property.

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Reg. Mtg. 6-1-65

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C14-65-85 Sidney White, Jr.--contd.

Mr. Stevens inquired if there was a possibility of including more property and making it a more useable site, since the lot is small for office development.

Mr. Bradford stated there is a possibility of obtaining more property adjacent to the subject property.

Arguments Presented AGAINST:

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized that this is the intervening lot between existing "O" Office and "LR" Local Retail district and that it is logical to grant the request to complete the zoning pattern now existing. The Committee also recognizes that East 19th Street is a primary thoroughfare as designated in the Austin Development Plan, and requires additional right-of-way to meet the standards of the plan. They felt that determination of the future alignment of the street should be made by the Council prior to taking action on this request.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sidney White, Jr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1814 Walnut Avenue, 2605-2607 East 19th Street be GRANTED.

C14-65-86 Dick and Carl C. Hardin: A, 1st to C, 2nd  
1609-1703 Evergreen Avenue

STAFF REPORT: This site contains approximately one acre of land fronting on Evergreen Avenue. The applicant proposes maximum use of the property for commercial purposes to allow benefits under zoning for warehouse, storage, distribution, or apartment development. The property is located between "C" Commercial, which has been established for many years, and "A" Residential zoning to the south. "C" Commercial, Second Height and Area is established along Lamar Boulevard extending midway in the block between Lamar Boulevard and Evergreen Avenue. First Height and Area extends east across the railroad tract and Bouldin Creek. One problem relating to the zoning change is that Evergreen Avenue does not have adequate right-of-way for a street serving commercial property, and should have a minimum right-of-way of 60 feet. Another problem is that West Annie is classified as a secondary thoroughfare, which will be extended westward across the railroad and Lamar Boulevard, and connect with Collier or Ashby Street. The alignment of West Annie has not been confirmed as definite, but it may require part of subject property.

C14-65-86 Dick and Carl C. Hardin--contd.

# TESTIMONY

## WRITTEN COMMENT

### Code

AK J.H. Cummings: 2500 Manor Circle - Apt. 1A FOR

## PERSONS APPEARING AT HEARING

### Code

Dick Hardin (applicant) FOR

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 because Second Height and Area District is too intensive for the area. They felt "C" Commercial, First Height and Area should be granted, as it is a logical extension of existing zoning. The Committee also wished to call the Council's attention to the inadequate right-of-way of Evergreen Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dick and Carl C. Hardin for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, Second Height and Area for property located at 1609-1703 Evergreen Avenue be DENIED, but to GRANT "C" Commercial, First Height and Area for property located at 1609-1703 Evergreen Avenue.

Mr. Spillmann stated he would like the following resolution to be considered by the Council.

## R E S O L U T I O N

WHEREAS, the Austin Development Plan proposes West Annie Street to be upgraded to the status of a secondary thoroughfare, and proposes that West Annie Street be extended westward across Lamar Boulevard to connect with either Collier or Ashby Street; and

BE IT RESOLVED by the Planning Commission of the City of Austin that the City Council determine or cause to be determined the alignment and location of the proposed westward extension of West Annie Street prior to or in conjunction with consideration of the request for a change of zoning for property located at 1609-1703 Evergreen Avenue.

C14-65-86 Dick and Carl C. Hardin--contd.

It was therefore

VOTED: To recommend the resolution to the City Council.

C14-65-87 Vera K. McBride and Jack M. McBride: BB to GR

2913 San Gabriel

2915-2919 North Lamar Boulevard

911-913 West 30th Street

Additional Area: 906 West 30½ Street

907-911 West 30½ Street

3001-3005 North Lamar Boulevard

910-914 West 30th Street

2901-2911 San Gabriel Street

910-916 West 29th Street

909 West 30th Street

STAFF REPORT: This site contains 20,576 square feet and is developed with two single-family dwellings and a gun shop. The applicant wishes to change the zoning for the purpose of operating a gun shop. "LR" is established to the north of subject property between West 30½ and West 31st Streets. This "LR" zoning joins "C" Commercial zoning at West 31st and Lamar. "GR" zoning is established on the west side of Lamar. It is also established to the southwest of subject property between Lamar Boulevard and San Gabriel Street. "O" Office is established for one lot located three lots to the north of West 29th Street and fronting on San Gabriel. The subject property is located between "LR" zoning and "O" Office, therefore the staff has included 10 lots as additional area. The owner of the lot adjacent to the subject property to the east and included as additional area, opposes the change. The inclusion of the additional area stems from an application filed by Mr. Hardy Smith, for property located at 2905 San Gabriel Street. The request was for a change from "BB" Residential to "O" Office. The Council voted to grant the zoning to "O" Office as requested and to ask the Planning Commission to study the area similar to the one where there was no development other than the recent change of 1962. The area study was made between 29th and 34th Streets and Guadalupe and Lamar Boulevard. As a result of this study, most of the area was zoned "BB" Residence, First Height and Area.

An application was made in 1949 by Mr. W. W. Stevens for a change from "A" Residential to "C" Commercial. This request was denied. An application by Mr. F. J. McBride was made in 1951 and was recommended against, and then withdrawn.

Streets serving commercial property should have a minimum right-of-way of 60 feet. San Gabriel and West 30½ both have 45 feet of right-of-way. West 30th Street has 50 feet of right-of-way. Lamar Boulevard is a primary thoroughfare with 80 feet of right-of-way. An 80 foot right-of-way has been established for West 29th Street between Salado Street and Guadalupe Street with all of the additional right-of-way being acquired from the south side.

C14-65-87 Vera K. McBride and Jack M. McBride--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

C	L. P. Looney: 907 West 30th	AGAINST
R	Hardy Smith: Rt. 1, Box 62B	FOR
AB	Lydea Weber: 908 West 30th	AGAINST
AF	Paul Conner: 2612 Wooldridge	FOR
AG	D. B. Castell: 808 West 30th	AGAINST
AJ	Bill Gaston Enterprises: 2901 North Lamar	FOR
AK	Anne Silberstein: 705 No. Main, Apt. G	FOR
BA	T. G. Steffan: 900 West 31st	AGAINST
BB	Leo Hughes: 902 West 31st	AGAINST
BH	Mrs. J. H. Monroe: 2845 Shoal Crest	FOR

## PERSONS APPEARING AT HEARING

## Code

BA	T. G. Steffan: 900 West 31st	AGAINST
C	Lawrence Looney: 907 West 30th	"
B	Mr. and Mrs. Young: 909 West 30th	"
AC	Garland Barcus: 906 West 30th	"
BB	Leo Hughes: 902 West 31st	"
V	John C. Mackey: 810 West 30½	"
D	Fred Bullard: 903 West 30th	"

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Jack M. McBride, the applicant, stated he wants to make his property commercial so that he can maintain his existing business.

## Arguments Presented AGAINST:

Mr. and Mrs. Garland Barcus, nearby property owners, presented a letter addressed to the City Planning Commission. Also submitted was an advertisement from the Austin American Statesman, dated April 3, 1965, advertising Mr. McBride's gun shop and a clipping from the Greater Austin Telephone Directory, page 142, of December, 1963. Mrs. Fred Bullard presented an excerpt from an article from the Austin American Statesman, dated May 15, 1965, in which President Johnson reviewed the problems and future of the central city and its suburbs. Eight other nearby property owners appeared in protest to the change. The objections to the change are as follows:

1. West 30th Street from West Avenue to Lamar Boulevard is a street of homes, well-kept and maintained, and ownership in many cases, of long standing.

C14-65-87 Vera K McBride and Jack M. McBride--contd.

2. This would be an encroachment of business property into a residential area.
3. The value of the homes would decrease.
4. It may increase taxes.
5. There is no public need or public demand for additional retail business in the area.
6. This would penalize an entire area to allow one individual to continue to operate a business that is non-conforming.
7. A zoning change for the area is not proper at this time.
8. The traffic pattern which exists at Lamar, West 30th Street, and San Gabriel is growing more difficult and hazardous. This would increase the hazard.
9. This is a heritage neighborhood wherein some of the homes are 100 years old.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as it is too intensive zoning for the area. The Committee felt that "O" Office should be granted as a logical extension of the existing zoning in the area, for the subject property and the additional area with the exception of Lot 1 of the Robbins Subdivision at 909 West 30th Street, and the south 71 feet of Lot 4 of the Walton and Parish Subdivision, and the east 50 feet of Lot 19, of Oakwood at 906 West 30½ Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Vera K. McBride and Jack M. McBride for a change of zoning from "BB" Residential, First and Fifth Height and Area to "GR" General Retail, First and Fifth Height and Area be DENIED, but to GRANT "O" Office, First Height and Area for property located at 2913 San Gabriel, 2915-2919 North Lamar Boulevard and 911-913 West 30th Street, including the additional area located at 907-911 West 30½ Street, 3001-3005 North Lamar Boulevard, 910-914 West 30th Street, 2901-2911 San Gabriel Street and 910-916 West 29th Street, but excluding the additional area located at 909 West 30th Street and 906 West 30½ Street

(DISQUALIFIED: Mr. Brunson)

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C14-65-88 Mary D. White: B to O  
906 Keith Lane

STAFF REPORT: This site contains 10,360 square feet and is developed with a single-family dwelling and a beauty shop being operated as an accessory use to the residence. The applicant wants to add personnel to the shop who do not live on the premises. Keith Lane is a short street zoned "B" and developed with single-family dwellings on the north and apartment development to the south. "C" Commercial is established for a shopping center between Keith Lane and East 32nd Street and fronting on Red River Street. "O" Office was established recently on the west side of Red River Street. New apartments are located to the west of subject property. St. David's Hospital is located to the south across East 32nd Street. Keith Lane, with 50 feet of right-of-way, is inadequate to serve commercial property.

## TESTIMONY

## WRITTEN COMMENT

## Code

AD	Clarence E. Saegert: 3300 Kim Lane	AGAINST
C	Alice Mae Timmerman: 905 Duncan Lane	AGAINST
M	Harley Depew: 908 Keith Lane	AGAINST
X	Dr. B. F. Johnson: #7 Medical Arts Square	FOR

## PERSONS APPEARING AT HEARING

## Code

A	Mary D. White (applicant)	FOR
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## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mrs. Mary D. White appeared on behalf of her request and stated: The beauty shop adjoins the Bannister Apartments. Adequate parking can be provided.

## Arguments Presented AGAINST:

Dr. Paul J. Parris, a nearby property owner, appeared in opposition to the request. He stated the area is a beautiful residential area, covered with many trees. This zoning change would be detrimental to the property in the area and would lessen the value. Keith Lane is too narrow to handle business traffic.



Planning Commission -- Austin, Texas

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C14-65-88 Mary D. White--contd.

#### 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 residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mary D. White for a change of zoning from "B" Residential, Second Height and Area to "O" Office, Second Height and Area for property located at 906 Keith Lane be DENIED.

C14-65-89 Mary and Catherine Hankey: BB to O  
3300-3302 King Street

STAFF REPORT: This site contains 14,400 square feet and is developed with three single-family residences. The applicant proposes to erect an office building. "O" Office is established to the west and is developed with a clinic. To the east is "C" Commercial zoning. King Street is a minor residential street with 60 feet of right-of-way.

#### TESTIMONY

##### WRITTEN COMMENT

##### Code

A	Mary and Catherine Hankey (applicants)	FOR
Q	Mary Comesky: 709 West 34th	FOR
AM	Margaret L. Moore: 3203 King	FOR
BG	Clay L. Price: 624 West 34th	FOR

##### PERSONS APPEARING AT HEARING

##### Code

Truman Montandon (represented applicant)

#### SUMMARY OF TESTIMONY

Mr. Truman Montandon, representing the applicant, stated: The area is already zoned for office use, and they are asking for an extension of this zoning. The property will be developed with the lot adjoining to the north which is zoned "O".

No one appeared in opposition to the request.

Planning Commission -- Austin, Texas

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C14-65-89 Mary and Catherine Hankey--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted for the following reason: It is a logical extension of existing zoning in the area and is proposed to be used in conjunction with existing commercial property.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mary and Catherine Hankey for a change of zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3300-3302 King Street be GRANTED.

(DISQUALIFIED: Mr. Brunson)

C14-65-90 Western Trails, Inc.: A, 1st to C, 6th

2400-2524 Western Trails  
4400-4468 Frontier Trail  
2401-2411 and 2400-2410 Taos Boulevard  
2421-2431 Ben White Boulevard

STAFF REPORT: This site is Section 2 of Western Trails Subdivision, containing 7.54 acres. A little league ball field is located on the southern portion of the property, with the remainder of the area being undeveloped. Recently "C" Commercial zoning was granted on West Gate Square Subdivision, located to the west of subject property.

Frontier Trail, with a right-of-way of 70 feet, gives access from Ben White Boulevard. The subject property also abuts Western Trails Boulevard, which has 70 feet of right-of-way. Taos Boulevard, a stub street with 70 feet of right-of-way, gives access to the area from the west.

## TESTIMONY

## WRITTEN COMMENT

## Code

B J. C. Werchan: 4504 Tejas Trail

AGAINST

## PERSONS APPEARING AT HEARING

## Code

Nolan Purser (represented applicant)

FOR

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C14-65-90 Western Trails, Inc.--contd.

SUMMARY OF TESTIMONY

Mr. Nolan Purser, representing the applicant, stated they are following through with the proposed use of the land as shown on the preliminary plan and final plat.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized the need for a buffer zone for the residences along Western Trails Boulevard. They felt "O" Office zoning for the south 100 feet of the site, parallel to Western Trails Boulevard, was proper zoning. They were favorable to extending the "C" Commercial, First Height and Area zoning existing to the west to the remainder of the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Western Trails, Inc. for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, Sixth Height and Area be DENIED, but to GRANT "O" Office, First Height and Area for the south 100 feet of Block B, parallel to Western Trails Boulevard, located at 2400-2524 Western Trails Boulevard and 4462-4468 Frontier Trail, and to GRANT "C" Commercial, First Height and Area for the balance of the subject property located at 4400-4460 Frontier Trail, 2401-2411 and 2400-2410 Taos Boulevard and 2421-2431 Ben White Boulevard.

C14-65-91 Holiday Realty Company: A to O  
5814-5822 Berkman Drive  
1510 Braes Ridge Drive

STAFF REPORT: This site contains 1.72 acres and is undeveloped. The applicant proposes to construct an office building. "O" Office is established on the adjoining property to the south. "GR" is established directly across Berkman Drive for the Windsor Village Shopping Center. T. H. Harris Elementary School is to the north across Briarcliff Boulevard. To the north and west of the subject property is a well maintained residential neighborhood. The "O" Office established to the south was granted in 1962, at which time Mr. Robert C. Sneed, representing Mr. Hunter Schieffer and Mr. Don Lyda, stated a restrictive covenant prohibiting any use of the property that would be objectionable to the residential property in the area would be provided. Braes Ridge Subdivision, providing a 40 foot street, was approved for duplex development. At that time, the plat proposed the subject property as being a commercial site but the property was not considered at that time. The tract is traversed by a 50 foot wide

C14-65-91 Holiday Realty Company--contd.

drainage easement. The staff feels a buffer zone should be established to minimize the encroachment into the residential development to the west and north. Berkman Drive, a secondary thoroughfare, has 70 feet of right-of-way.

## TESTIMONY

## WRITTEN COMMENT

## Code

V	First Evangelical Free Church: 4425 Red River	AGAINST
L	Earl Rosell: 1607 Briarcliff	AGAINST

## PERSONS APPEARING AT HEARING

## Code

Paul Jones (represented applicant)	FOR
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## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Paul Jones, representing the applicant, presented a map of the drainage easement and offered the following information: The drainage easement is 50 feet wide and approximately 8 to 10 feet deep and creates a natural buffer between the residential development and the subject property. The applicant plans to put a duplex on the back portion of the property. The property adjoins "O" Office to the south and is directly across from "GR" zoning, therefore is not suitable for residential development. "O" Office is the logical zoning for the property. Mr. Jones stated he did not have the authority to bind the applicant to an agreement to provide a fence along the property line. There is already a fence along the north property line that is approximately 5 feet high.

Mr. Cortez, Assistant City Attorney, advised Mr. Jones that if the zoning is changed for the subject property to "O" Office, under the Ordinance, a fence will be required.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request. They stated: This zoning change would degrade the property in the area. This is a very nice residential development and a zone of this type would lower the value of the property. There should be a buffer zone between the residential development and the shopping center. The drainage easement does not provide an adequate buffer. There is so much traffic that it creates a major hazard to the many pedestrians who walk in the street because there are no sidewalks.

C14-65-91 Holiday Realty Company--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded "O" Office, First Height and Area is proper zoning for the east portion of the subject property as it faces the shopping center across Berkman Drive and adjoins "O" Office to the south. The Committee was of the opinion "B", Residence, First Height and Area should be granted on the west portion of the property to provide a buffer zone between the existing residential and commercial development. They felt this could best be accomplished by an extension of the west boundary of the existing "O" Office district adjoining subject property to the south.

The Planning Director reiterated the need for some sort of protection for the single-family dwellings to the north. He stated the property owners in the area were concerned about maintaining the value and appearance of their property.

The staff reported the applicant had agreed to the Committee recommendation and would prepare field notes describing separately the "O" Office and "B" Residence zones. They are to be separated by a line joining the northeast corner of Lot 11, Block P, Delwood Heights and the southwest corner of Lot 19, Block G, Gaston Park.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Holiday Realty Company for a change of zoning from "A" Residential, First Height and Area to "O" Office, First Height and Area be GRANTED on the east portion of the subject property located at 5814-5822 Berkman Drive and that "B" Residential, First Height and Area be GRANTED on the west portion of subject property located at the rear of 5814-5822 Berkman Drive and 1510 Braes Ridge Drive.

C14-65-92 Joe Gilbreth: GR, 1st to GR, 5th  
 2300-2316 Interregional Highway  
 1335-1345 East Oltorf

STAFF REPORT: The site contains approximately 3/4 of an acre and is undeveloped. The applicant proposes to build an apartment house. The subject property is located at the southwest corner of Oltorf Street and Interregional Highway and is adjacent to the Travis High School. A doctor's office, zoned "GR", is located adjacent to the south. "LR" is to the north across Oltorf Street and is developed with a service station. Fifth Height and Area would increase the maximum density for apartments. First Height and Area District requires a 25 foot setback from Oltorf and a 10 foot setback from the Interregional Highway. Fifth Height and Area District reverses these setbacks. Fifth Height and Area is established across Interregional to the east.

C14-65-92 Joe Gilbreth--contd.

Oltorf Street is classified as a primary thoroughfare in the Austin Development Plan, with a proposed right-of-way of 120 feet. However, the right-of-way established in this area is 90 feet, which will require some right-of-way acquisition from the subject tract.

## TESTIMONY

## WRITTEN COMMENT

## Code

D	R. B. Mascarenhas, M.D.: 1700 South Congress	FOR
F	Faith Presbyterian Church: 1314 East Oltorf	FOR

## PERSONS APPEARING AT HEARING

## Code

Joe Gilbreth (applicant)	FOR
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## SUMMARY OF TESTIMONY

Mr. Joe Gilbreth, the applicant, inquired if any additional right-of-way would be taken from the high school adjacent to his property. He stated he was under the impression that a 25 foot setback was required on both sides of his property. The applicant requested that the Committee make no recommendation to the full Commission to allow him time to study the proposed plans for the building and the possibility of additional right-of-way on Oltorf Street.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded no recommendation should be made to the Planning Commission in order to give the applicant further time to determine the effect various setbacks would have on his building plans.

At the Commission meeting the staff reported they had received no word from Mr. Gilbreth.

Mr. Kinser stated it was his opinion that a reasonable setback should be required as this property fronts on Oltorf Street and the Interregional Highway. Mr. Barrow stated that the present 60 feet of right of way of Oltorf is inadequate for the proposed development.

After further discussion, the Commission then

VOTED: To recommend that the request of Joe Gilbreth for a change of zoning from "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 2300-2316 Interregional Highway and 1335-1345 East Oltorf be DENIED.

C14-65-93 Vernon W. Sanders: A to C (Tract 1) and B (Tract 2)

Tract 1 - Rear of 1503 Morgan Lane

Tract 2 - 1503 Morgan Lane

STAFF REPORT: The site consists of two tracts and is developed with two residences and a welding shop. The applicant is applying for the change for the purpose of continuing to operate the welding shop. Tract 1 is the welding shop located at the rear of 1503 Morgan Lane. Tract 2 is a long narrow tract to be used as a driveway for access to the welding shop. "C" Commercial is developed adjacent to subject property on the south. A request for "C" Commercial on the subject tract was made in 1960. At that time, the Commission noted that the area was being developed as a residential area with nice, new homes. They further noted that the "C" Commercial zoning and the "GR" zoning were created where non-conforming uses were present, and the request was denied. The area was part of an overall study area a few years ago. There were a number of non-conforming uses at that time which account for the scattered commercial to the south. Morgan Lane, a gravel street with 50 feet of right-of-way, is a minor residential street with inadequate right-of-way to serve commercial property.

## TESTIMONY

## WRITTEN COMMENT

## Code

B	H. M. McWright: 1605 Morgan Lane	AGAINST
N	W. J. Gage: 4505 Pack Saddle Pass	FOR
S	Amy Brewer: 1508 Fortview Road	AGAINST
X	E. F. Puryear: 1504 Morgan Lane	AGAINST
Y	E. B. Reeves: 1108 Mission Ridge	AGAINST

## PERSONS APPEARING AT HEARING

## Code

X	E. F. Puryear: 1504 Morgan Lane	AGAINST
B	H. M. McWright: 1605 Morgan Lane	AGAINST
	Charles Baylor: 1503 B Morgan Lane	FOR
A	Vernon Sanders: 1503 Morgan Lane	FOR
N	William Gage: 4505 Pack Saddle Pass	FOR
C	H. W. Polvado: 1501 Morgan Lane	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

A petition with seven names of nearby property owners in favor of the request was presented to the Commission.

Mr. Bill Price, representing the applicant, and several nearby property owners appeared in favor of this request. They stated: The shop is a metal structure and was in existence prior to the area being annexed to.

C14-65-93 Vernon W. Sanders--contd.

the City of Austin. Mr. Sanders only does light welding, therefore the noise is minimal. The people in the rent houses immediately to the north of the shop have stated the noise is not enough to bother anyone. There are no large trucks coming and going from the property. The driveway used for access to the shop is paved.

## Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to the request and stated: There is a great deal of noise generated by the welding shop, and it disturbs the entire neighborhood. They stated the applicant works on junk cars.

Mr. Sanders, the applicant, stated most of his accounts are engineering accounts and he does not work on junk cars.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied since it would be an intrusion into a well-developed residential area, and would set a bad precedent for the area.

Mr. Bill Price, representing the applicant, presented a plat of the lot immediately south of the subject property and the following information: Mr. Crawford, the property owner to the south, has stated he would be willing to lease Mr. Sanders a driveway from Fort View Road northeast along his west property line to be used for access to the machine shop. Therefore, the zoning change would not be needed for Tract 2, the proposed access driveway from Morgan Lane. Mr. Price also stated there is the possibility of moving the entire machine shop back into the commercial zoned area, but at this time nothing has been worked out.

A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Vernon W. Sanders for a change of zoning from "A" Residential, First Height and Area to "C" Commercial, First Height and Area (Tract 1) and "B" Residential, First Height and Area (Tract 2) for property located at the rear of 1503 Morgan Lane (Tract 1) and 1503 Morgan Lane (Tract 2) be DENIED.

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

NAY: Mr. Hendrickson

ABSENT: Messrs. Lewis, Goodman and Jackson



Planning Commission -- Austin, Texas

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C14-65-94 Mrs. John Erwin Stullken: A to GR  
4916 Woodrow Avenue  
Additional Area: 4914 Woodrow Avenue

STAFF REPORT: The site contains 17,685 square feet and the additional area contains 5,837 square feet. The proposed zoning would isolate the lot adjoining subject property to the south, therefore it has been included as additional area. The subject property and the additional area are both vacant, and back up to commercial zoning along Burnet Road. The applicant proposes to operate a floor covering business. Woodrow Avenue is developed with single-family dwellings with the exception of Davis Hardware Store located at the corner of Woodrow Avenue, Oran Street and Burnet Road. Commercial zoning of subject property might tend to start strip zoning along Woodrow Avenue.

## TESTIMONY

## WRITTEN COMMENT

## Code

Q	Rube Wimberly: 1403 West 51st	FOR
R	Hazel Smith: 5108 Woodrow	FOR
AU	James D. Glynn and Ernes Rosner: P. O. Box 5202	FOR
AW	Capitol Investments Inc.: P. O. Box 1195	FOR

## PERSONS APPEARING AT HEARING

## Code

A	Mrs. John E. Stullken: 408 West 34th	FOR
C	Mrs. J. A. Biggers: 4907 Burnet Road	FOR
V	W. W. Turner: 4914 Woodrow	FOR

## SUMMARY OF TESTIMONY

Mr. Bill Montandon, representing the applicant, stated he has had calls from a number of people in the area. The only thing they were concerned with was whether or not a package store was going in on the property, or if the change would increase their taxes. The applicant proposes to operate a store for Western Floors. If the zoning is extended, the property could be used for parking purposes also.

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 reasons:

1. It would be an intrusion into a well established residential area.
2. The width of Woodrow Avenue is inadequate for "GR" General Retail zoning.

C14-65-94 Mrs. John Erwin Stullken--contd.

Mr. Kinser stated he was of the opinion the zoning change would be a proper extension of the existing commercial zoning in the area. He stated the commercial development along Burnet Road would soon extend to Woodrow Avenue. Mr. Brunson stated there is a tendency to improve the lots in the area, and the only way to help the improvement to be accomplished would be to extend the commercial zoning in the area.

The Planning Director stated there is no demonstrated need to expand the commercial development along Woodrow Avenue as there is a great deal of commercially zoned land along Burnet Road which is not developed commercially. There should be some protection for the residences to the east. Granting of the request would encourage strip zoning along Woodrow Avenue and the problems attendant to such zoning. Mr. Riley and Mr. Hendrickson held the same opinion as the Director of Planning and stated they opposed the change.

After further discussion, the Commission then

VOTED: To recommend that the request of Mrs. John Erwin Stullken for a change of zoning from "A" Residential, First Height and Area to "GR" General Retail, First Height and Area for property located at 4916 Woodrow Avenue and the additional area located at 4914 Woodrow Avenue be DENIED.

AYE: Messrs. Riley, Hendrickson and Wroe

NAY: Messrs. Brunson and Kinser

ABSENT: Messrs. Lewis, Jackson and Goodman

(DISQUALIFIED: Mr. Barrow)

C14-65-95 Ferris Nassour: B to C-1  
2812 Nueces Street

STAFF REPORT: The site contains 9,750 square feet and is developed with apartments and a single-family dwelling. The applicant proposes the sale of beer with food in a proposed Barbeque Cafe. The subject property adjoins "C-1" zoning to the north and "B" zoning to the south. The City Council recently granted "O" Office to the west of subject property. The general area is developed with offices, apartments and commercial buildings.

TESTIMONY

WRITTEN COMMENT

Code

E	C. H. Alworth: 2811 Rio Grande	AGAINST
G	A. C. Wright: 2813½ Rio Grande	FOR
H	Black Inc.: 303 West 11th	FOR
V	E. P. Mauer: 2806 Nueces	FOR
Y	W. R. Coleman: 600 West 28th	FOR

C14-65-95 Ferris Nassour--contd.PERSONS APPEARING AT HEARING  
Code

Arthur E. Pihlgren (represented applicant)

FOR

## SUMMARY OF TESTIMONY

Mr. Arthur E. Pihlgren, representing the applicant, stated: The area north is already zoned "C-1" and we would like to have the zoning extended to the subject property. The property is developed with an old house in the front and apartments in the rear. The applicant proposes to put a barbeque cafe in the old house, and if it is successful, the plans are to remove the house and the apartments and build a new cafe.

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 the existing "C-1" zoning immediately to the north.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ferris Nassour for a change of zoning from "B" Residential, First Height and Area to "C-1" Commercial, First Height and Area for property located at 2812 Nueces Street be GRANTED.

C14-65-96 Carl M. Smith, et al: A to LR

Tract 1 - 6707-6805 Riverside Drive  
 Tract 2 - 2007 Thrasher Lane  
 Tract 3 - 2009 Thrasher Lane  
 Tract 4 - 6701-6705 Riverside Drive  
           2001-2005 Thrasher Lane  
 Tract 5 - 2000-2010 Thrasher Lane  
           6609-6613 Riverside Drive

STAFF REPORT: This site contains 5 tracts of land totaling approximately 7 acres. The proposed use is for establishing local retail for the area. Early this year there was a request for "O" Office on part of Tract 1. The Committee recommended denial, feeling that zoning a small tract would be piece-meal zoning. The applicant withdrew the application, and has now applied on a larger area. Mr. Tippit has presented an intended location plan with parking and 4 building locations. If developed in the manner proposed, it would be one of the largest commercial developments in the area. The Austin City Limit line adjoins the property on the east.

C14-65-96 Carl M. Smith, et al--contd.

There are two collector streets in the area, connecting the Bastrop Highway and Riverside Drive. One is Vargas Road and the other is Montopolis Drive. The subject property is approximately 800 feet west of the intersection of Montopolis and Riverside Drive. Riverside Drive, with 80 feet of right-of-way, is classified as a primary thoroughfare with a proposed right-of-way of 120 feet. The additional right-of-way would probably be acquired from the north side. Thrasher Lane, with 50 feet of right-of-way, is inadequate to serve commercial property.

## TESTIMONY

## WRITTEN COMMENT

## Code

A	A. J. Bastian: 6615 Riverside Drive	FOR
A	J. W. Barnett: 2005 Thrasher Lane	FOR
A	Hiram Moody: 6701 Riverside Drive	FOR

## PERSONS APPEARING AT HEARING

## Code

Ralph J. Tippit (represented applicant)	FOR
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## SUMMARY OF TESTIMONY

Mr. Ralph J. Tippit, representing the applicants, stated: Tract one is 629 feet by 340 feet and had nothing on it but mesquite and willow trees. The tract has been cleared off and has been fenced. There was a drainage easement on the lot, but it has been filled in, is in excellent condition and is ready to be used. There is very little local retail development in this area. There are a number of houses along Maxwell Lane and Thrasher Lane. There is a need for local retail establishments in the area to serve the many residences.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized the need for additional commercial facilities in the area. They felt that, ideally, these should be located at the intersections of Vargas Road and Montopolis Drive and Riverside Drive. However, they recognized the development problems of the existing large tracts along Riverside Drive and the fact that commercial zoning of a tract large enough to allow development of a shopping center would be preferable to scattered "spot" commercial zoning.

C14-65-96 Carl M. Smith, et al--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carl M. Smith, et al for a change of zoning from "A" Residential, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6707-6805 Riverside Drive (Tract 1) 2007 Thrasher Lane (Tract 2), 2009 Thrasher Lane (Tract 3) 6701-6705 Riverside Drive and 2001-2005 Thrasher Lane (Tract 4) and 2000-2010 Thrasher Lane and 6609-6613 Riverside Drive (Tract 5) be GRANTED.

C14-65-97 W. C. Treadwell: C to C-1  
6440-6444 Burnet Road

STAFF REPORT: This site contains 4800 square feet on which the applicant proposes to erect a Pizza Hut, and sell beer. There is "C-1" zoning across Burnet Road to the east. A drive-in theatre is located to the south and west of the subject property. Burnet Road is a primary thoroughfare with 120 feet of right-of-way.

## TESTIMONY

## WRITTEN COMMENT

## Code

E Harmon Dobson  
B Wroe Owens

FOR  
AGAINST

## PERSONS APPEARING AT HEARING

## Code

A Malcolm D. Cunningham, Jr.: 4709 Enchanted Lane FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Sam Perry represented Mr. Malcolm D. Cunningham who has a contract to purchase the property and to erect thereon a Pizza Hut. The purchase of the property is contingent on the zoning change. The property is next to a drive-in theatre and is across from "C-1" zoning on Burnet Road. The area well meets the qualifications established by the Committee and the City Council in granting "C-1" applications. The applicant has operated the Pizza Hut at 19th and Guadalupe Streets for 2½ years. They have not sold more than ten cases of beer in all of that time that has been taken away from the premises. Beer comprises only approximately 10% of the total sales.

C14-65-97 W. C. Treadwell--contd.

## Arguments Presented AGAINST:

Mr. Wroe Owens and Mr. Earl Podolnick, representing the Burnet Drive-In Theatre, appeared in opposition to the zoning change. They stated: It is established that alcoholic beverages and drive-in theatres do not mix. To allow the sale of beer in an establishment this close to a drive-in would make it too tempting to buy beer and bring it into the theatre. A new concession stand and other improvements to the theatre are being made at this time. The theatre is operated in an orderly and efficient manner, and if beer is brought into the theatre, it will make it difficult to control as the patrons are in their cars. This is a family theatre and the change would be detrimental to the business.

## COMMENTS AND ACTION BY THE COMMITTEE

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

1. It is a logical extension of the existing "C-1" zoning in the area.
2. It meets the policy of the Committee as the area is well developed commercially.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. C. Treadwell for a change of zoning from "C" Commercial, Sixth Height and Area to "C-1" Commercial, Sixth Height and Area for property located at 6440-6444 Burnet Road be GRANTED.

C14-65-98 Dick Hardin: (Tract 1) C, 1st to C, 3rd  
3705-3711 Wabash Avenue  
1007 West 38th Street  
Additional Area: 1005½ West 38th Street  
Robert L. Parks: (Tract 2) C 1st to C, 3rd  
3701-3703 Wabash Avenue  
1008 West 37th Street  
Additional Area: 1006 West 37th Street

STAFF REPORT: This site is two tracts with 19,750 square feet and is undeveloped. The applicant proposes a local retail area plus an office. The staff has included a narrow tract of land with 5,655 square feet as additional area between subject property and the Fifth Height and Area District along Lamar Boulevard. Previously, Mr. Hardin filed an appeal with the Board of Adjustment for variances to erect a commercial building providing a front setback of 10 feet, no side street setback and a lot coverage of 100% behind the front setback line. The request was denied. If the zoning change is approved, it would remove the setback requirements.

C14-65-98 Dick Hardin and Robert L. Parks--contd.

Fifth Height and Area is to the east of subject property, and Third Height and Area was recently zoned to the west for the new Seton Hospital Complex. Wabash Avenue is a minor residential street with 60 feet of right-of-way. In the Austin Development Plan, West 38th Street is classified as a primary thoroughfare with a proposed right-of-way of 120 feet; however, the right-of-way has been established at 80 feet which will require some additional right-of-way, perhaps 10 to 15 feet, from the subject tract.

## TESTIMONY

## WRITTEN COMMENT

## Code

AQ H. G. Mayton: 3800 Lamar Boulevard FOR

## PERSONS APPEARING AT HEARING

## Code

Dick Hardin (applicant)	FOR
Carl Hardin	FOR
R. L. Parks (applicant)	FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Dick Hardin and Mr. R. L. Parks presented the following information: To adequately utilize the narrow tracts, we must be able to build up to the property lines. Off-street parking will be provided under the building. The City will probably require widening for 38th Street from the north side of the street. We need the Height and Area change in order to develop this land to the fullest extent.

## Arguments Presented AGAINST:

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

Mr. Riley stated that the change in the Height and Area District was granted for the hospital complex only to permit a greater height so that lot coverage could be reduced and open space maintained. The applicants in this case have stated their intention to eliminate open space on their property.

The Committee reviewed the information and concluded this request should be denied since the lot coverage allowed by the proposed zoning is excessive for the area.

C14-65-98 Dick Hardin and R. L. Parks--contd.

The staff reported a letter from the applicants requesting their zoning application be amended to Second Height and Area instead of Third Height and Area. In addition, Mr. Hardin advised the Planning Commission by letter of his intention to dedicate to the City of Austin up to 15 feet of right-of-way as needed for the widening of 38th Street across the north end of their property.

The Planning Director advised the Commission that the "C" Commercial, Second Height and Area is an intensive use for the area. He stated the property owners to the west, the hospital complex, are objecting because they are providing coverage in the range of only 15 to 20 percent, adequate setbacks and a green area, whereas the applicants intend to have 100 percent coverage, no setbacks and no green area.

After further discussion, the Commission then

VOTED: To ACCEPT the amended application to Second Height and Area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dick Hardin and Robert L. Parks for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Second Height and Area for property located at (Tract 1) 3705-3711 Wabash Avenue, 1007 West 38th Street and the additional area at 1005½ West 38th Street and for (Tract 2) 3701-3703 Wabash Avenue and 1008 West 37th Street and the additional area located at 1006 West 37th Street, be DENIED.

C14-65-99 Mrs. Gertrude Swenson and Nita S. Barron: GR and A to C

3200-3208 Manor Road  
 2005-2017 Anchor Lane  
 3130-3138 Manor Road  
 3701-3703 Manorwood Road  
 3322-3330 Manor Road  
 2219-2227 Anchor Lane  
Additional Area: 3222-3320 Manor Road  
 2109-2217 Anchor Lane

STAFF REPORT: Part of this application is at the northeast corner of Manorwood Road and Manor Road and extends northerly in an ell to Anchor Lane. Another part of the application is located at the northwest corner of Anchor Lane and Manor Road. The application consists of approximately 2.6 acres. "O" Office is established between part of the subject property and the area included as additional area. The additional area consists of 2.716 acres. The applicant proposes a printing plant and office building. "LR" zoning was recently established across Manor Road and located at the southwest corner of Palo Pinto Drive. At that time, "O" Office was



C14-65-99 Mrs. Gertrude Swenson and Nita S. Barron--contd.

also established at the southeast corner of Palo Pinto Drive. The "O" Office was granted as proper zoning for the area, provided the streets in the area were made adequate. "GR" is to the southwest across Manor Road and "C-1" and "C-2" is zoned to the west across Manorwood Road. The Austin Municipal Airport is located to the north of subject property. Residential development is located along both sides of Manorwood Road and between Palo Pinto Drive and Greenwood Avenue. "C" Commercial zoning would be detrimental to the existing residential development to the west of the subject tract, as the zoning is intensive and there would not be a buffer zone between the residential and commercial. In the Austin Development Plan East 38½ Street and Anchor Lane as a unit are classified as a secondary thoroughfare with a proposed right-of-way of 90 feet; however, the right-of-way has been established at 80 feet in this area which will require additional right-of-way from part of subject property. Also, Manor Road is classified as a secondary thoroughfare with a proposed right-of-way of 90 feet, which will require 10 feet from the tract on the corner of Manor Road and Anchor Lane.

## TESTIMONY

## WRITTEN COMMENT

## Code

	Cordelia A. Lenthe: 1100 Guadalupe	FOR
AQ	Mrs. A. D. McNabb: 5521 Richmond	FOR

## PERSONS APPEARING AT HEARING

## Code

U	James Batiste: 2211 Palo Pinto Drive	AGAINST
Z	I. J. Colemand: 2210 Palo Pinto Drive	AGAINST
	M. L. Mansfield: 1208 West 49th	FOR

## SUMMARY OF TESTIMONY

Mr. Vince Nelson stated he has been negotiating with Mrs. Swenson on the purchase of this tract. He presented drawings of the proposed building to the Committee and offered the following information: "GR" or "LR" would not be of benefit to this particular property as "C" Commercial is needed for the printing plant. The proposed plant will be worth approximately \$200,000. This would be more of a benefit to the City than a small business which would be built under retail zoning. This would help the complete area, since people would be more willing to invest in commercial property in this area than in residential. Mr. Riley inquired if the applicant would consider some sort of a buffer zone that could perhaps be used for parking. Mr. Nelson advised they have plans for parking, but do not want this area zoned other than "C", since it would prohibit expansion of the plant. He stated the plant would not be noisy or give off smoke.

C14-65-99 Mrs. Gertrude Swenson and Nita S. Barron--contd.

Mr. Mansfield, representing the applicants, stated: The subject property could not be used as residential property. If "LR" is granted there are going to be small businesses and taverns in the area. If the requested zoning change is granted, there will be a nice, expensive building that would be an asset to the area. It was their opinion this property is conducive to commercial development, and that eventually the entire area will be commercial.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee felt that an intensive commercial zone would be detrimental to the residences in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Gertrude Swenson and Nita S. Barron for a change of zoning from "GR" General Retail and "A" Residential, First Height and Area to "C" Commercial, First Height and Area for property located at 3200-3208 Manor Road, 2005-2017 Anchor Lane, 3130-3138 Manor Road, 3701-3703 Manorwood Road, 3322-3330 Manor Road and 2219-2227 Anchor Lane and the additional area located at 3222-3320 Manor Road and 2109-2217 Anchor Lane be DENIED.

## SPECIAL PERMIT

CPI4-65-7 City of Austin: East Austin Service Center for Public Works, Electric  
6007-6205 Harold Court and Water Department

STAFF REPORT: Subject property is located at the intersection of Harold Court and Loop 111, which is under construction. This application has been filed as required by Section 10-A, paragraph 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 Department of Public Works of the City of Austin proposes an East Austin Service Center on a 22.3 acre tract with access from Harold Court. The Center will be used by the Street and Bridge Division with an area for future use by the Electric and Water Departments. There will be a garage and machine shop, truck storage, equipment storage, warehouse, office, employee meeting room, street material bins, fuel pumps, caretaker's residence, and separate employee parking area. The entire site will be fenced, and the entrances landscaped.

CP14-65-7 City of Austin--contd.

Each area has been defined on the plat and description of each are as follows:

The City of Austin proposes to construct a major service center west of Highway Loop III and south of Harold Court.

The site will provide areas for the Street and Bridge Division, Electric Department and Water Department. Each area has been defined on the plat and description of each are as follows:

The Street and Bridge Division area will be fenced with an 8' wire fabric as shown. There will be spot planting landscaping.

The buildings will be all steel with vinyl coated metal sheets and steel with masonry and vinyl coated metal sheets.

The building will consist of central garage for Public Works, storerooms, offices, employees' meeting rooms, equipment storage and material storage bins. There is an area provided for open storage of road materials and pipe.

The Electric Department proposes a steel building with vinyl coated metal sheets with masonry meeting rooms, offices, and storage. The exact size and location of the building is not shown, but will be in the area designated. The Electric Department does not have a scheduled time to occupy the area, but it is anticipated to be within the next two years.

The Water Department's area is for the storage of water pipes of various sizes. The area will be fenced with wire fabric. The exact size is not shown, but will be in the area designated.

A caretaker's house will be located in the area. Parking will be provided for on a paved parking area to accommodate 127 vehicles.

The Street and Bridge Division proposes a complement of 150 employees consisting of supervisory, skilled, semi-skilled and laborers. The vehicles will consist of approximately 80 pieces of maintenance and construction type equipment.

The Electric Department proposes a complement of approximately 45 men, consisting of skilled craftsmen from supervisory through lineman helpers. The vehicles will consist of 6 line trucks and 6 pick-ups. The vehicles, equipment and personnel will be housed in painted metal and masonry buildings with the exception of 6 line trailers which will be stored in orderly fashion in paved area adjacent to building.

CP14-65-7 City of Austin--contd.

The Street and Bridge and Electric Department's work schedule will be from 7:30 A. M. to 4:00 P. M.

The egress and ingress into the center will be from service road of Highway Loop III then onto Loop III.

Request for special permits enlarging service center onto adjacent land will be made as other Divisions and Departments plans are firm.

There is a small tract of land between the City property and Loop 111, which the City is in the process of acquiring. The permit should be flexible enough to include the small tract. The City owns 112 acres total in this area and the subject property is 22 acres of it. This property was recently annexed to the City of Austin; therefore, it is classified as Interim "A". In the Austin Development Plan, a secondary thoroughfare is proposed in the general area of the subject property. It has been tentatively located west of the subject tract. The area is planned as industrial along the railroad track, extending north to the proposed thoroughfare. The thoroughfare will be the division between the industrial development and residential development.

Departmental Comments are as follows:

Director of Public Works - Driveways and plan meet with our approval

Fire Protection - Hydrant recommendations are listed on map in red pencil

Office Engineer - O.K.

Water and Sewer - Water available from 8 inch main at Ledesma Road and Terry Drive. Approximately 2000 feet of approach main will be required to reach west line of Street and Bridge tract. Water easement required.

Sanitary sewer available by connecting to Fort Branch Main. Approximately 1200 feet of sanitary sewer approach main required to reach southwest corner of Street and Bridge Tract. Sanitary sewer easement required.

3900' to 8" water main at Fort Branch Boulevard and Hudson Street following Harold Court from west property line of Street and Bridge Yard to Eleanor Street, thence, on Eleanor Street to Hudson Street, thence, on Hudson Street to Fort Branch Boulevard.

GP14-65-7 City of Austin--contd.

Electric - O.K.

Tax Assessor - No objections.

Health - No objections.

Traffic Engineer - O.K.

Fire Prevention - Suggest at least three fire hydrants in the area, either on the grounds or nearby.

Advanced Planning - A secondary thoroughfare is proposed immediately west of the subject property. As the definite alignment of this thoroughfare may not be determined for some time, it is suggested that the west boundary of the tract be left flexible so that it can be extended to thoroughfare when it is constructed.

Traffic & Transportation - O.K.

Building Inspector - O.K.

There is some concern about the water restrictions and the sewer restrictions.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

Mr. and Mrs. Eugene Roberts, Jr.

AGAINST

Mr. Reuben Rountree, Jr., Director of Public Works

FOR

Mr. E. I. Purser, Superintendent of Street and Bridge Dept.

FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Reuben Rountree and Mr. E. I. Purser, representing the City of Austin, presented the following information: This property was bought in May, 1963, with the idea of it being used by the City. There were no definite plans for the property at that time. We find we are going to have to vacate the Comal Yard by January 1, 1966, in order to make room for the new junior high school. The present yard is valuable due to the proximity

CP14-65-7 City of Austin--contd.

of Town Lake. It is only three acres and is too small for the Street and Bridge Department. Our plans are to move to the new yard to be located west of Highway Loop 111 and south of Harold Court. There will be no access to the Loop. All major repair work will be done at the new yard for the Public Works Department, which is about 1/3 of the equipment for the City of Austin. The buildings will be moved out and expanded. Three sheds that are now located at the Comal yard will be moved. All of the buildings will be metal and will be painted. We have to have shrubs and to landscape the entire area. The City plans to purchase the small tract of land located between the City property and Loop 111. This will be used for the caretaker's house and additional parking. The area has been cleared although a number of trees have been left. There are two additional departments that want to move to the site. One is the fire marshall's office, which must vacate its present location by January, 1966.

**Arguments Presented AGAINST:**

Mr. and Mrs. Roberts appeared in opposition to the request. They stated: We moved into the country to get away from the loud noises and big trucks. Now they are moving out here with us. We do not want an establishment of this sort in the area. Our property is located directly in front of the proposed site. Our taxes will be increased and we are entitled to some consideration. The big trucks have already torn the road up, and it will get worse.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded this request should be granted.

The Commission concurred with the Committee recommendation, and unanimously

**VOTED:** To APPROVE the site plan of the City of Austin for a special permit for a service center for Public Works, Electric and Water Department located at 6007-6205 Harold Court, with the condition that the water and sewer services, as required by the Water and Sewer Department, and the fire hydrants be provided as required by Fire Protection.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of May 17, 1965, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The Staff reported that one appeal had been filed from the decision of the Subdivision Committee and that one subdivision was referred to the Commission without action.

C8-65-18 Country Air, Portion of Blocks H & I (Appealed)  
C8-65-14 Siegmund Addition, Sec. 2-5 (Referred)

It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of May 17, 1965, on the minutes of this meeting.

PRELIMINARY PLANS

C8-65-18 Country Air, Portion of Blocks H & I  
North Lamar and Country Air Drive

The staff reported this is a preliminary plan that was considered at the Subdivision Committee meeting on May 17, 1965, at which time it was approved subject to a number of conditions. This action has been appealed to the full Commission inasmuch as the applicant did not agree with the conditions that were imposed upon the approval of the preliminary.

The subdivision is located on North Lamar Boulevard, north of Peyton Gin Road. Portions of the property to the south and west have already been subdivided.

The report given at the Subdivision Committee meeting is as follows:

Departmental Comments:

- |                             |   |
|-----------------------------|---|
| 1. Water and Sewer          | - Water and sewer available. Sanitary sewer easement required. Annexation required for service.   |
| 2. Electric & Telephone Co. | - Additional easements required.  |
| 3. Storm Sewer              | - Intended disposition of "off stream lake" should be shown. Easement widths for proposed easements not shown. Additional easements needed. |

C8-65-18 Country Air, portion of Blocks H & I---contd.

4. Public Works - Show complete boundary survey; tie across Lamar Boulevard and block numbers.

Planning Department comments were reviewed as follows:

1. Approval of this plan does not constitute a recommendation for approval of commercial zoning for proposed commercial tracts.

There are two commercial tracts indicated on the plan. One is Tract G and the other is Lot 28. To the south of Lot 28 is Country Air, Section 1, with Lot A being zoned "GR" General Retail. The original preliminary plan had Willow Lake Drive coming south to the proposed cul-de-sac in Lot 28 and then out. In this preliminary, they are moving this street up two tiers of lots, and shortening Willow Lake Drive. The purpose of this is to try to get a tract to tie with said Lot A for a larger commercial tract.

2. Recommend residential usage of Tract G and the area north of proposed Country Air Drive.

The reason for this recommendation, although there is merit in combining commercial tracts together creating one larger tract for development, is that there are two tiers of residential lots between existing commercial on the south and proposed commercial on the north which would not be very desirable from a residential standpoint. The area to the north should be platted as residential.

3. Annexation and zoning required prior to submission of a final plat. If commercial zoning is not established on Lot 28, this preliminary plan will become null and void.

If the commercial zoning so indicated by this plan for the tracts is not finally granted by the Council, then in effect, we are recommending this preliminary plan, if approved, become null and void, and approval would revert back to the original plan which brings Willow Lake down to Lot 28 and then out. Based on the layout proposed, if Lot 28 is not zoned commercial and tied in to Lot A, the existing commercial, it would have to be planned with a cul-de-sac coming in from Lamar Boulevard and would be isolated from any other residential development.

Mr. Sneed, representing the applicant, stated they are objecting to the Planning Department Comment #2. They would like to have the lots to the north of the tract "G" designated commercial as they were approved on the original preliminary plan.

Mr. Brunson inquired if there was any objection to making the entire area commercial.



C8-65-18 Country Air, Portion of Blocks H & I--contd.

Mr. Sneed stated the development that has taken place in this area will ultimately become the terminal point of the central expressway. It is felt the area will need considerable commercial development when this plan is carried through. Mr. Sneed suggested they withdraw the application and try to resubmit a plan with the entire area being commercial. This would eliminate the residential plan altogether for this portion of the property. After further discussion, the Commission then

VOTED: To ACCEPT the withdrawal of the preliminary plan of COUNTRY AIR, Portion of Blocks H & I.

C8-65-14 Siegmund Addition, Sections 2-5  
Lyons Road and Gunter Street

This subdivision is located at the northwest corner of Lyons Road and Gunter Street. The preliminary plan was referred to the Commission pending further study by the staff, Legal Department, and the Public Works Department, on the flooding problem. According to the computations of the Drainage Division of the Public Works Department, under the direction of Mr. Reuben Rountree, Jr., this subdivision and the Olvera Subdivision, located in the same area, are both subject to flooding from 2 to 5 feet. The report received from the Drainage Division is as follows:

"Plat does not comply with Section 23.44 of the Subdivision Ordinance in that lots are subject to flooding to elevation 460.0 by Boggy Creek, and no arrangements have been made to prevent this. Recommend approval provided that all lots created herewith are subjected to the following restrictive "NOTE": No further residential structure shall be placed on lots in this subdivision having a finished floor elevation of less than 460.0 feet, City of Austin datum, unless a lower elevation is specifically approved by the Director of Public Works of the City of Austin."

Section 23.44 of the Subdivision Ordinance is as follows:

"Lots in any proposed subdivision subject to flooding by rainfall, as determined by computations approved by the Director of Public Works, will not be approved until drainage facilities adequate to carry off such rainfall have been installed or necessary arrangements made for such installations as required by Section 23.14 of this code."

The staff reported there was a conference between themselves, the Legal Department, the Drainage Division and the Director of Public Works in which a mutual agreement was reached. It is recommended that a variance be granted from the requirements of the Ordinance on flooding and approve a platting of the subject property subject to the condition that the restrictive note of 460.0 foot elevation be placed on the plat.

C8-65-14 Siegmund Addition, Sections 2-5--contd.

Mr. Stevens stated there is a preference that the applicant develop only the highest part of his land, leaving the balance of the land undeveloped until the drainage problem could be resolved or relieved. There is some drainage work to be done on Boggy Creek which would alleviate the flooding to some extent. The north end of the property does not flood as much as the south end. There is also a layout change the staff recommends, but the applicant is not in favor of the change. The staff's recommendation is to develop more of the high land and change the streets to come off of Gunter Street rather than Lyons Road, thereby creating lots siding onto industrial instead of fronting. This would permit the development of the highest portion of the land and involve the least drainage consideration. The staff recognizes that Lyons Road to the south is also industrial in the Master Plan, but at the same time, they have recommended that the property south of Lyons Road be changed back from "D" Industrial to "A" Residential.

Mr. Foxworth informed the Commission that a variance on the proposed length of Siegmund Circle would be required. Siegmund Circle is 550 feet in length and the Ordinance states that a dead-end street, with a cul-de-sac be not more than 400 feet in length.

Mr. Riley was of the opinion this was not a good plan submitted by the applicant and that he should consider the layout changes proposed by the Planning Department, as it would be detrimental to go through a street that may be flooded to get to the proposed houses.

After further discussion, the Commission then

VOTED: To APPROVE the preliminary plan of SIEGMUND ADDITION, Sections 2-5 as submitted by the applicant, granting a variance from the Subdivision Ordinance on flooding subject to the condition that the restrictive note of 460 foot elevation be placed on the plat, also granting a variance from the Ordinance requirement on the length of Siegmund Circle.

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

NAY: Mr. Riley

ABSENT: Messrs. Lewis, Goodman, and Jackson

## SUBDIVISION PLATS - FILED

The staff reported that reports have not been received from several departments and recommended the following final plat be accepted for filing:

C8-65-13 Rollinghills West  
Swenson Drive and Pinnacle Road

The Commission therefore

VOTED: To ACCEPT the final plat of ROLLINGHILLS WEST for filing.

C8-65-25 Frontier Village, Section 3  
Western Trails Boulevard and Frontier Trail

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 FRONTIER VILLAGE, Section 3, for filing and to DISAPPROVE pending the required fiscal arrangements, annexation, and completion of departmental reports.

C8-65-27 Northwest Hills, Section 7  
Far West Boulevard and West Rim Drive

The staff reported the original preliminary came in under the name of Northwest Hills, Mesa Oaks Phase 2 and 3 and the request is to change the name as shown. No departmental reports have been received and the staff recommends this plat be accepted for filing only. The Commission therefore

VOTED: To ACCEPT the final plat of NORTHWEST HILLS, Section 7, for filing, granting approval of the name change as shown.

C8-65-11 Springdale Park, Resub. Lot 1  
Springdale Road and Oak Springs

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. Lot 1, for filing and DISAPPROVE pending the required fiscal arrangements and completion of departmental reports.

C8-65-24 West Gate Square

West Gate Boulevard at Jones Road

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

VOTED: To DISAPPROVE the final plat of WEST GATE SQUARE, pending the required fiscal arrangements, additional easements, release from Sunset Valley, annexation, and completion of departmental reports.

C8-64-25 Fairmont Park Section 1, Revised

Manchaca Road and Southern Oaks

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

VOTED: To DISAPPROVE the final plat of FAIRMONT PARK, Section 1, Revised, pending the required fiscal arrangements, annexation and evidence of termination of radio tower easement.

C8-65-7 Wooten Village Section Three

Brookfield Drive and Fairfield Drive

The staff is recommending disapproval of this plat pending a number of items as follows: Additional easements, fiscal arrangements, completion of departmental reports, annexation, and submission of a revised preliminary plan on the balance of the property.

The owner, Mr. Nelson Puett, has sold a number of tracts along U.S. 183 which are contrary to the approved preliminary plan. The majority of the frontage along U.S. 183 has been sold off. The tracts that have been sold absorbed the total proposed right-of-way of Sheffield Drive where it was proposed to intersect 183.

Mr. Nolan Purser, representing the applicant requested the following letter from the Planning Department to himself be read:

"The subdivision of Wooten Village Section Three was submitted to the Planning Commission at their regular meeting of May 9, 1965, at which meeting the Commission voted to disapprove the final plat of Wooten Village Section Three subject to the required additional easements, fiscal arrangements, 1964 tax certificates and completion of departmental reports, and subject to submission of a revised preliminary plan which would accommodate the tracts sold off along U.S. 183.

You have recently inquired about the last condition of the Commission's action as to what the owner and engineer should do

C8-65-7 Wooten Village Section Three--contd.

to accomplish approval of the subdivision. In answer to your inquiry, the following should be done to enable this department to recommend approval of Wooten Village Section Three:

Obtain approval of a revised preliminary plan which accommodates the lots or tracts of land along U. S. Highway 183, including such lots or tracts sold, conveyed or developed; obtain approval of a final plat which plats such lots or tracts along U. S. Highway 183 and provides for such entry streets from U. S. Highway 183 as are proposed by the preliminary plan.

The Planning Department recommends to you and will recommend to the Planning Commission that any platting of Wooten Village following Section Three provide for the development of Fairfield Drive to U. S. Highway 183. Clearfield Drive, the only existing entry street from Highway 183 cannot adequately continue to serve this part of the community as it grows."

After further discussion, the Commission then

VOTED: To DISAPPROVE the final plat of WOOTEN VILLAGE, Section Three, pending the requirements as noted and subject to the conditions outlined in the above letter.

C8-65-5 Parkwood at University Hills  
Loyola Lane

The staff recommended disapproval of this final plat pending the following items: Easements omitted on plan, additional drainage easements will be required, additional information required to establish proper location of easements and amount of fiscal arrangements, completion of departmental reports and annexation. The Commission therefore

VOTED: To DISAPPROVE the final plat of PARKWOOD AT UNIVERSITY HILLS, pending the requirements as noted.

C8-65-8 Palomino Park Section One  
Brodie Lane

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

VOTED: To APPROVE the final plat of PALOMINO PARK, Section One.

C8-65-23 Palomino Park, Section Two  
Brodie Lane

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

VOTED: To APPROVE the final plat of PALOMINO PARK, Section Two

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-65-59 Henry Addition  
Kenwood Avenue

C8s-65-61 Barton Heights "B" Annex, Resub. Lots 12 & 13, Block B  
Blue Bonnet Lane

C8s-65-57 Lloyd W. Payne Subdivision  
East of Kinney Avenue and West of Ethel Street

The staff recommended this plat be accepted for filing subject to moving an existing garage off of common line of Lots 1 and 2. The Commission therefore

VOTED: To ACCEPT the short form plat of LLOYD W. PAYNE SUBDIVISION, for filing subject to the condition as noted.

C8s-65-64 Houston Street Subdivision  
Houston Street, West of North Lamar

The staff reported all departmental reports have not been received and recommended this plat be accepted for filing upon consideration of a variance required on the signature of the adjoining property owner, who has refused to join in the subdivision. The Commission therefore

VOTED: To ACCEPT the short form plat of HOUSTON STREET SUBDIVISION for filing, granting a variance on the signature of the adjoining property owner.

C8s-65-67 Southern Oaks Sections 3 and 3A, Resubdivision  
Fair Oaks Drive at Periwinkle Path

The staff reported at the last Commission meeting, the subdivision plat of Fairmont Park, Section 1, was accepted for filing and disapproved subject to a number of conditions, one being the inclusion

C8s-65-67 Southern Oaks Sections 3 and 3A, Resub.--contd.

of the area behind Lots 5-11, Block D, or a separate platting thereof. The lots to the north have been platted as Southern Oaks, Section 3 and Southern Oaks, Section 3A. Small slices of land behind these lots were bought by separate instruments in order to square the lots off. There are deeds, but no plat. They have a separate short form plat to be filed to incorporate the small slices at the back of the lots. A variance involving the signature of the adjoining property owner, Mr. Robert R. Kelly, Jr., is required. Mr. Kelly does not wish to join in the subdivision because he stated he did not want to pay City taxes. Mr. Kelly has been informed, through the engineer, that his property will be annexed anyway, but he again chose not to sign the plat. The Commission therefore

VOTED: To ACCEPT the short form plat of SOUTHERN OAKS, Sections 3 and 3A for filing, granting a variance on the signature of the adjoining property owner.

C8s-65-65 Wupperman Addition

Lamar Boulevard and Koenig Lane

The staff reported this subdivision is located at the northwest corner of North Lamar Boulevard and old Koenig Lane. The applicant is proposing to divide the property into three lots at this time. All departmental reports have not been completed, and a variance is involved on the width of Koenig Lane, which is a commercial collector street having only 50 feet of right-of-way. The Ordinance requires that streets serving as a collector street have 60 feet of right-of-way. The staff has checked with the Public Works Department and has found the street is paved with 40 feet of right-of-way, which is standard for a street having 60 feet of right-of-way. When the street was paved, curbed, and guttered, the curb was placed one foot from the north property line. The front setback would be 25 feet from Lamar Boulevard and the side setback is 10 feet from Koenig Lane.

Mr. Riley inquired if the Public Works Department has cleared this, and Mr. Foxworth stated all departments have cleared the plat except for the Building Inspector's office.

Mr. Stevens stated the staff would like to check with the Director of Public Works on the alignment of this street before it is approved.

After further discussion, the Commission

VOTED: To ACCEPT the short form plat of WUPPERMAN ADDITION for filing pending the report from the Building Inspector and granted a variance on the width of Koenig Lane.

C8s-65-66 Woodruff Boulevard Addition

Ben White Boulevard and Woodruff Street

The staff recommended this plat be accepted for filing, subject to a variance on the balance of the tract not being included in the subdivision. The Commission therefore

VOTED: To ACCEPT the short form plat of WOODRUFF BOULEVARD ADDITION for filing, granting a variance from requiring the balance of the tract to be included in the subdivision.

## SHORT FORMS - CONSIDERED

C8s-65-25 Glauninger Subdivision

Interstate 35 at U. S. 290

The staff reported all departmental reports have been received and recommended approval of this plat. There is a request to withdraw the adjoining subdivision of Claircrest Addition Section II to the east, that originally proposed a street going through the subject subdivision. Claircrest Addition, Section II is an old subdivision dating back to 1952. Since that time, the property has changed hands and the present owner does not want the street going through this subdivision. The Commission therefore

VOTED: To APPROVE the short form plat of GLAUNINGER SUBDIVISION, withdrawing the adjoining subdivision of Claircrest Addition, Section II.

C8s-65-56 Parker Lane Subdivision

Parker Lane and Deerfield Drive

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance requiring the signature of adjoining owner, who does not wish to join in the subdivision. The Commission therefore

VOTED: To APPROVE the short form plat of PARKER LANE SUBDIVISION, granting a variance on the requirement of the signature of the adjoining owner.

C8s-65-58 Lambert Addition

Rogge Lane and Reicher Drive

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance requiring the signature of the adjoining owner. The adjoining owner does not wish to join in the subdivision. The Commission therefore

VOTED: To APPROVE the short form plat of LAMBERT ADDITION, granting a variance on the requirement of the signature of the adjoining owner.



C8s-65-60 Mira Loma Park  
Windsor Road and McCall Road

The staff reported all departmental reports have been received and recommended approval upon consideration of a variance requiring the signature of adjoining owners who do not wish to join in the subdivision. The Commission therefore

VOTED: To APPROVE the short form plat of MIRA LOMA PARK, granting a variance on the requirement of the signatures of the adjoining owners.

C8s-65-45 Western Trails, Resub Lot 9, Sec. 2, Lot 11, Sec. 9  
Western Trails Boulevard and Pack Saddle Pass

The staff reported this is a small subdivision located at the northwest corner of Pack Saddle Pass and Western Trails Boulevard. This is the replatting of two existing lots, moving the common line between the two lots approximately 30 feet. In so doing, a utility easement is left on the original lot line. The staff recommends a restrictive note be placed on the plat stating the building site for Lot 9-A of this plat will be exclusive of all public utility easements as shown hereon until and unless such easements are vacated or relocated. The costs of such relocation will be the responsibility of the owner of said Lot 9-A and the City of Austin will assume no obligation for any costs connected therewith. All other departmental reports have been cleared and the staff recommends approval.

Mr. Foxworth stated it is his understanding that the proposal is to gain additional area for the person buying this lot. There is an electric and telephone service line in this easement, but they are both overhead lines. You can build under it, but generally you cannot get a loan on it.

Mr. Nolan Purser, representing the applicant, stated the owner of Lot 9-A is not interested in building at this time. He is cramped for space, and wants more backyard. They object to a restrictive note being placed on the plat.

Mr. Barrow and Mr. Kinser were of the opinion that some sort of restrictive note should be placed on the plat so that the City will not be responsible for moving the line at the taxpayers expense.

Mr. Purser stated it is possible to relocate the line but it would be expensive.

C8s-65-45 Western Trails, Resub Lot 9, Sec. 2, Lot 11, Sec. 9--contd.

After further discussion, the Commission then

VOTED: To APPROVE the short form plat of WESTERN TRAILS, Resub. Lot 9 Sec. 2, Lot 11, Sec. 9, with the condition that a restrictive note be placed on the plat pertaining to the utility easement and the building site.

The staff reported all departmental reports have been received and the following short form plats complied with all requirements of the Ordinance. The Commission therefore

VOTED: To APPROVE the following short form plats:

C8s-65-39 Tigert Subdivision  
Terrell Lane and U. S. 183  
C8s-65-62 Cherry Lawn Center  
Northeast Drive and Manor Road

C8s-65-51 Standard Mortgage Co., Subd. #2  
Marlo Drive West of Rimrock

The staff recommended disapproval of this plat pending easements omitted on plan and completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the plat of STANDARD MORTGAGE CO., Subd. #2, pending the easements omitted on plan and completion of departmental reports.

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

The staff recommended disapproval of this plat as it appears that there is creation of a substandard lot (no evidence of being done prior to March 14, 1946.) The Commission therefore

VOTED: To DISAPPROVE the plat of KAROTKIN AND FRANCIS SUBDIVISION.

C8s-65-38 Olvera Subdivision  
Lyons Road and Cherico Street

The staff reported a variance is required on the flooding and recommended a restrictive note of 460 foot elevation be placed on the plat and disapproved pending completion of departmental reports and Council action on the zoning.

C8s-65-38 Olvera Subdivision--contd.

The Commission therefore

VOTED: To DISAPPROVE the short form plat of OLVERA SUBDIVISION pending completion of departmental reports and Council action on the zoning, granting a variance on flooding with the restrictive note on the plat pertaining to the 460 foot elevation.

## ADMINISTRATIVE APPROVAL

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

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

C8s-65-44 Mokry and Cameron Subdivision

Banister Lane and South 3rd Street

C8s-65-63 Greenbriar, Section 1, Resub Lots 6 & 7, Block C  
Audobon Place

## SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that the following subdivision was considered by telephone poll on May 13, 1965, and that a majority of the Commission had

VOTED: To APPROVE the following final plat:

C8-64-42 Riverbend Section 3-C at University Hills  
Manor Road and Susquehanna Street

## OTHER BUSINESS

C10-65-1(e) ALLEY VACATION REQUEST

Request for vacation of alley running in an east-west direction through Block 10 in Bellvue Park..

The staff reported a letter to the City Manager from Mr. Robert C. Sneed of Sneed and Vine as follows:

"Please find enclosed the application of the owners of the property contiguous to the alley running in an east-west direction through Block 10 in Bellvue Park, seeking to close and abandon such alleyway."

C10-65-1(e) ALLEY VACATION REQUEST--contd.

"Would you please process this application and advise if there is to be a public hearing so that we may appear."

The staff recommends the alley be vacated subject to the retention of the necessary storm sewer, utility and electrical and telephone company easements. The Commission then

VOTED: To recommend the alley running in an east-west direction through Block 10 in Bellvue Park be VACATED subject to retaining the necessary storm sewer, telephone company, utility and electrical easements.

C10-65-1(f) ALLEY VACATION REQUEST

Alley between Pecos and Dillman Streets and  
between Bonnie Road and Bridle Path

The staff reported this alley has been utilized for easement purposes and has not been opened on the ground. The telephone company comment is as follows: "Retain the North 10 feet for telephone company easement. However, we do not recommend this alley be vacated at all."

The staff recommends the alley be vacated. The Commission therefore

VOTED: To recommend the alley located in Block No. 7, Tobin and Johnson Subdivision between Pecos and Dillman Streets be VACATED subject to the retention of the necessary electrical and telephone company easements

C10-65-1(g) STREET VACATION REQUEST

Lakeside Boulevard between 34th Street and Mills Avenue, Alamo Boulevard from 35th Street to West 38th Street. Bailey Lane from West 35th Street to West 38th Street. McDonald Avenue from 115 feet south of West 35th Street to West 38th Street. West 37th Street from Mills Avenue to Wabash Avenue, West 35th Street from Mills Avenue to Lake Side Boulevard. West 35th Street from Bailey Lane to Wabash Avenue and all of the alleys located between streets included in this request.

The Director of Planning presented a map of the proposed streets and a sketch of the area submitted by the Parks and Recreation Department. He advised the Commission the request for vacation of streets and alleys is in the area of the proposed Seton Hospital and Medical Park Tower, as indicated on the map.

The proposed expressway is tentatively along West 34th Street. West of Shoal Creek, it is south of West 35th Street. The right-of-way through this section is 250 feet. West 38th Street is proposed to be widened to 90 feet.

C10-65-1-(g) STREET VACATION REQUEST--contd.

Vacation of all streets and alleys, except for those located within the proposed right-of-way of the 34th Street Expressway is recommended subject to the following conditions:

1. Dedication or deed to the City for a green belt and hike and bike trail along Shoal Creek. Such green belt and trail area should be of adequate width, based on recommendations of the Parks and Recreation Department and provisions for the development of the green belt and trail.
2. Clarification of the future ownership, development and use of the "lake" area.
3. Retention of all necessary utility easements and recognition by the owners that relocation of any publicly owned utility lines will be at the full cost to the owners.
4. Recognition that McDonald Avenue may have to be terminated in a cul-de-sac or the alley from McDonald to Wabash Avenue between 34th and 35th Streets, may have to be widened and improved to provide adequate circulation in the area.

There was general discussion as to the ownership of land around the Shoal Creek area.

Mr. Russell Fish stated his concern for the hike and bike trail in the area, and said he was interested in working out some solution to the problem with the owners of the area.

Mr. Sneed presented the following information to the Commission:

From an economic standpoint, the green belt is beneficial to all concerned, although there is some question as to how large the green belt should be. Part of Alamo Boulevard is needed in order to have a driveway coming into the building and parking area. The expressway location is of great importance as the hospital plans to have egress from the expressway leading into the emergency room. Mr. Sneed stated there is also some question, from the standpoint of safety, of having a lake in Shoal Creek as there will be children playing in the area and therefore it would be a hazard.

C10-65-1(g) STREET VACATION REQUEST--contd.

The Commission discussed the various aspects of the street vacations and were of the opinion the request should be postponed until the interested parties work out a solution to the many problems. It was therefore

VOTED: To POSTPONE the request for street vacations within the area of Seton Hospital and Medical Park Tower.

R140 PLANNING COMMISSION: Organization

The staff advised that, under the rules, the annual election of officers is held the first meeting in June.

Mr. Barrow stated the Commission follows the practice of electing officers after the appointment of new members. He suggested the election of officers be postponed until the new member is present. It was therefore

VOTED: To POSTPONE the election of officers until the Planning Commission meeting of June 29, 1965

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

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Hoyle M. Osborne  
Executive Secretary

APPROVED:

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Chairman