

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- June 29, 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
Howard Brunson
S. P. Kinser
W. Sale Lewis
Barton D. Riley
Edgar E. Jackson
Jack Goodman
W. A. Wroe

Absent

Ben Hendrickson

Also Present

Hoyle M. Osborne, Director of Planning
Alfred R. Davey, Assistant 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 June 1, 1965, were approved as corrected.

ZONING

The following zoning changes were considered by the Zoning Committee at meetings of June 22 and 23, 1965.

C14-65-100 The Nickell Corporation: BB and 1 to BB and 2
2909-2913 West Avenue
Additional Area: 2907 West Avenue

STAFF REPORT: This site contains three parcels of land totaling approximately 20,850 square feet, developed with two single-family residences and one two-family residence. Because of the existing zoning pattern in the area, the staff has included the one lot adjoining the subject property to the south as additional area. The applicant proposes an apartment dwelling group. The area north, west and east of subject property was zoned "BB" Residence, First Height and Area as a result of a Planning Commission area study in 1962. A request for "B" Residence, Second Height and Area for the subject property was made in 1964. At that time the Commission was of the opinion that the "BB" Residence, First Height and Area zoning established was proper zoning for the area, and recommended the request be denied. The Council denied the request. The proposed zoning would allow a maximum of 13 regular

C14-65-100 The Nickell Corporation--contd.

apartments. West Avenue is a minor residential street with 55 feet of right of way. Twenty-ninth Street is to be widened to 80 feet.

TESTIMONY

WRITTEN COMMENT

Code

F	Charles R. Dunn: 2916 Salado	FOR
H	Jack T. Brown: 704 West 29th Street	FOR
P	Miss Fannie Ratchford: 3002 Washington Square	AGAINST
R	Garland Barcus: 906 West 30th Street	AGAINST
U	Mrs. E. J. Mathews: 3001 Washington Square	AGAINST
Z	S. J. Templeton: 803 West 30th	AGAINST
BD	George L. Anderson: 3004 Cedarview Drive	FOR
AB	W. F. Garlin: 810 West 29th	FOR
BP	E. B. Bauknight: Perry Brooks Building	FOR

PERSONS APPEARING AT HEARING

Code

B	Dora Lang Pendleton: 2915 West Avenue	FOR
M	Mr. & Mrs. Peter Von Wupperfield: 2919 West Avenue	AGAINST
AB	Preston Hutchison: 3316 Perry Lane	?
	Franklin Kohutek (for applicant)	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Franklin Kohutek, representing the applicant and Dora L. Pendleton, offered the following information: The applicants propose a 20 unit town-house type apartment dwelling group. It will not be used for University students. Townhouse apartments have a different type of front for each apartment. The apartments will be attractive and will be of a durable nature. The area in general is not a first-class area. The houses are quite old. The houses on this particular site are 60 years old, and it would not be feasible to repair them. It is to the best advantage of the property owners to replace these structures. The tax revenue will increase 5 times by the new structures. The property is now valued at approximately \$5,000; the proposed structure will be in excess of \$100,000. This will not increase the tax valuation of the surrounding property or depreciate the neighborhood.

Mr. Kohutek stated he made a survey of the area surrounding the subject property. The area is primarily residential from a homeowners' standpoint, although the zoning is "BB" Residential. Twenty-five percent of the lots in this area are used strictly for homeowners' purposes. There is 5% where the homeowners live on the property and also operate businesses. Eleven percent of the area is commercial. Fifty-two percent of the area is used as rental property.

C14-65-100 The Nickell Corporation--contd.

Five percent of the lots are vacant, and 2 percent are undetermined. Rental and commercial property comprises 63 percent use in the area for purposes other than resident owners. At the present time, there is a great deal of congestion in the area. Some of the homeowners and some of the renters are parking on the street. The applicants will have the required amount of off-street parking; therefore, will not make the parking situation in the area any worse. West Avenue is not a through street. It starts on 29th Street and dead-ends on 30th Street. There should not be any concern with through traffic in the area. This property is in proximity to the new medical center and this type development would be desirable for the area.

Mr. Stevens advised the applicant that under the present zoning only 10 apartment units are permitted. The proposed change would permit no more than 13 units unless the units are to be efficiency type units.

Arguments Presented AGAINST:

Mr. Peter Von Wupperfeld appeared in opposition to the request, and presented four letters in opposition to the proposed zoning from four nearby property owners.

Mr. Von Wupperfeld stated the area study by the Planning Commission shows this area is primarily residential. A number of the people in the area are University professors and professional people. If an apartment development were approved, there would be a definite hardship imposed on some of the people in the area for a number of reasons. If the older people involved felt they had to move because of the commercial zoning, it would be an extreme hardship on them as many of them have lived here for a number of years. Apartments would increase noise and traffic congestion. The minimum required off-street parking would not provide for the many visitors that the tenants would have. Therefore, there would be more cars on the streets. The streets are relatively narrow with the exception of Washington Square. There is not a real need for an apartment dwelling for professional people. Nearby on Rio Grande Street is a large apartment building under construction. There is no justification for additional units in the area at this time. It is naive to think the applicants would rent only to professional people and not to University students. The alley way behind the subject property is extremely narrow, and could not be used for access.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied. They felt the "BB" Residence, First Height and Area district established by the Planning Commission in 1962 is the proper zoning for the area, as the principles applied then are still valid.

C14-65-100 The Nickell Corporation--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of The Nickell Corporation for a change of zoning from "BB" Residence, First Height and Area to "BB" Residence, Second Height and Area for property located at 2909-2913 West Avenue and the additional area located at 2907 West Avenue be DENIED.

C14-65-101 Henry Wire: C-1 to C-2
 2034 South Lamar Boulevard

STAFF REPORT: The site is an interior tract of land containing 2400 square feet and developed with a lounge. "C-1" zoning requires that the sale of beer and wine be incidental and secondary to the sale of food. Since food is not being sold the present "C-1" zoning is inadequate. A warehouse, beauty shop, barber shop and cleaners surrounds the subject property. There is a residential area to the west of subject property. "C" exists along South Lamar. Three requests for C-1 zoning in the immediate area have been granted since 1955.

TESTIMONY

WRITTEN COMMENT

Code

C	S. M. Thompson: 2050 South Lamar	FOR
G	Mrs. C. C. Linscomb: 1001 East Braker Lane	FOR

PERSONS APPEARING AT HEARING

Code

Mr. McCarty	AGAINST
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SUMMARY OF TESTIMONY

Mr. McCarty, a nearby property owner, appeared in opposition to the request. He was of the opinion that a lounge is detrimental to the residential neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee took note of the large number of requests for "C-2" zoning, which have been prompted by a dispute as to the interpretation and enforcement of the "C-1" and "C-2" provisions of the Zoning Ordinance. They agreed they would consider each request on its own merits and in light of the long established policy of the Planning Commission regarding establishment of "C-1" and "C-2" zones.

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

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C14-65-101 Henry Wire--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Henry Wire for a change of zoning from "C-1" Commercial, Second and Sixth Height and Area to "C-2" Commercial, Second and Sixth Height and Area for property located at 2034 South Lamar Boulevard be GRANTED.

C14-65-102 Mrs. Shikrey Joseph: C-1 to C-2
211-215 (207) East First Street

STAFF REPORT: The site is a 6,144 square foot lot developed with a lounge. The property is in a well developed commercial area. The new Wilbur Clarke Crest Hotel is one block to the west of subject property. Much of the central business district north of East First Street was originally zoned "C-2" Commercial. The south side of First Street is primarily zoned "C-1" Commercial. The staff feels the site is consistent with the Commission's policy regarding "C-2" zoning.

TESTIMONY

WRITTEN COMMENT

Code

L John W. Carpenter: 207 East 2nd Street
T Clarence Bell Estate: P. O. Box 1987

FOR
FOR

PERSONS APPEARING AT HEARING

Code

Mr. Harold Joseph

FOR

SUMMARY OF TESTIMONY

Mr. Joseph stated the lounge has been operating for about 12 years. The zoning change is requested in order to conform with the Ordinance. There is "C-2" zoning across the street.

Mr. Wroe asked if Mrs. Joseph proposes a change of use along with a change of zoning.

Mr. Joseph stated they plan to continue operating the lounge as at present.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-65-102 Mrs. Shikrey Joseph--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Shikrey Joseph for a change of zoning from "C-1" Commercial, Fourth Height and Area to "C-2" Commercial, Fourth Height and Area for property located at 211-215 (207) East First Street be GRANTED.

C14-65-103 City of Austin: A and C to GR and B, 1 and 5 to 2
Rear of 1000-1030 Reinli Street

STAFF REPORT: The subject property is an undeveloped tract of land 4 feet by 412 feet totaling 1,648 square feet. The adjoining property to the south owned by Mr. Kenneth Davis was recently zoned "GR" and "B". Fifteen feet of right of way for Reinli Street widening was offered by Mr. Kenneth Davis and accepted. In following the street plan for Reinli Street 4 additional feet of widening was requested. The City is purchasing the 4 feet in this application and requesting the zoning to trade to Mr. Davis for 4 feet from the front of his property. The area along Interregional Highway is zoned and developed commercially. Capital Plaza is south of the site. There is a large area north of Reinli Street adjacent to the subject property which is undeveloped and zoned "A". Reinli Street has varying widths of 60 feet, 45 feet and 30 feet. The staff recommended that the west 20 feet of the property be left "C" Commercial, Fifth Height and Area to be consistent with surrounding zoning.

SUMMARY OF TESTIMONY

No written comment was received and no one appeared in favor of or in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is a logical extension of existing zoning. They felt the west 20 feet should remain "C" Commercial, Fifth Height and Area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Fifth Height and Area to "GR" General Retail and "B" Residence, Second Height and Area for property located at the Rear of 1000-1030 Reinli Street, except the west 20 feet be GRANTED.

C14-65-104 C. T. Uselton, Trustee: B to C-2
1219 North Interregional Highway

STAFF REPORT: This is a triangular shaped lot on the Interregional Highway containing approximately 2,835 square feet, with 120 feet fronting along the Interregional Highway, and 56 feet along the alley. There is a 50 foot curb basis along the frontage road. The applicant proposes to erect a restaurant including the sale of beer and wine for on-premise consumption. Across the alley to the south is a vacant tract of land zoned "C". To the south of East 12th Street along Interregional Highway is a grocery store under construction. The Building Official has advised the staff that the front of the lot is the west side and the setback from the frontage road would be 25 feet. The staff feels that zoning this area "C-2" and not tying it in with any other area would preclude the building of a restaurant due to the very small buildable area. There is a question of access to the property from the frontage road. A new curb break must be approved by the City Department of Public Works.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Vigil C. Lott: 2305 East 7th Street

FOR

C. T. Uselton (applicant): 509 Brown Building

FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. C. T. Uselton, the applicant, appeared at the hearing and stated: This is a vacant piece of property. My client is in the process of buying the property to the south for the purpose of building a motel. The architect has designed the plans for a 1200 square foot restaurant with 16 parking spaces, although 16 spaces are not needed. They are building this restaurant for the customers of the motel across the alley. Most of the customers will be walk-in customers from the motel. My client has no intention of selling liquor.

Mr. Virgil Lott, representing the present owner, stated that since the lot is going to be used in conjunction with the land to the south, that provisions for a restaurant with the sale of beer and wine to serve the public would be feasible.

Arguments Presented AGAINST:

No one appeared in opposition to the request.

C14-65-104 C. T. Usselton, Trustee--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as this is an inadequate building site and has inadequate access.

Mr. Stevens advised the Commission that the Director of Public Works stated he would approve a curb break along the frontage road 45 feet wide adjacent to the alley.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of C. T. Usselton, Trustee for a change of zoning from "B" Residence, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1219 North Interregional Highway be DENIED.

C14-65-105 Harold Byler, Michael I. Davis and James Holloway: A to B, 1 to 2
 400-404 East 34th Street
 3401-3403 Tom Green Street

STAFF REPORT: This site consists of three lots totaling approximately 20,400 square feet. The applicant proposes to build apartments. The requested zoning would allow 13 regular units or a 27 unit apartment hotel. "BB" Residence, Second Height and Area exists south of 34th Street between Grooms Street and Tom Green Street. Recently "BB", First Height and Area was granted north of 34th Street between Grooms Street and Tom Green Street extending half a block. At the time the "BB" zoning was extended, the Commission recommended the Height and area remain the same. Second height and area would change both the use of the land and the density. There is a mixture in the area of apartments and single-family dwellings. Most of the apartments are to the west of Tom Green Street. East 34th and Tom Green Streets are both minor residential streets with 60 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

N	F. A. Wood: 3402 Duval	AGAINST
P	Mrs. Eleanor Pace: 3400 Duval	AGAINST
AV	Stanley P. Finch: 3312 Duval Street	AGAINST
BB	Miss Octavia F. Rogan: 500 Carolyn Avenue	AGAINST

C14-65-105 Harold Byler, Michael I. Davis and James Holloway--contd.

PERSONS APPEARING AT HEARING

Code

B	Rachelle T. Johnson: 3405 B Tom Green Street	AGAINST
L	Mrs. George Francisco: 2408 Duval	AGAINST
N	Mrs. F. A. Wood: 3402 Duval	AGAINST
P	Mrs. Eleanor Damon Pace: 3400 Duval	AGAINST
AS	Mrs. Dorcus Morgan: 3303 Tom Green	AGAINST
AV	Stanley P. Finch: 3312 Duval	AGAINST
AW	Charles L. Krueger: 3300 Duval	AGAINST
	J. G. Holloway, Jr.: Box 427 Buda, Texas	FOR
	Tom McCabe (Kelly Debusk)	

SUMMARY OF TESTIMONY

Arguments Presented FOR:

June Hauser, sales manager of Kelly Debusk Company, representing the applicants, offered the following information: This project will consist of one-bedroom apartments renting around \$100.00 a month. There is a definite need for this type of development in this area. Most of the houses in the one block are being used for rental purposes at this time. This is an excellent area for a rental type development. The homes now on the lot will be removed. The alley to the north of the subject property can be used for access.

Arguments Presented AGAINST:

Seven nearby property owners appeared in opposition to the request for the following reasons:

1. Many of the residents have lived in this area for a number of years.
2. The tenants will use adjoining property for parking.
3. Too much traffic congestion in the area.
4. Apartments would create a fire hazard, as the alley is too narrow for fire trucks.
5. The alley is too narrow to be used for access.
6. There are no other apartments in the immediate vicinity.
7. Most of the residents in the area are individual homeowners.
8. This would be an encroachment into a residential area.
9. Thirty-fourth Street, with only 30 feet of paving, is too narrow for additional traffic.
10. This would create a serious parking problem.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. This would be an encroachment into a well developed "A" Residential area.
2. The streets in the area are inadequate for this type of development.

C14-65-105 Harold Byler, Michael I. Davis and James Holloway--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Harold Byler, Michael I. Davis and James Holloway for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 400-404 East 34th Street and 3401-3403 Tom Green Street be DENIED.

C14-65-106 H. Warren Smith: GR to C-2
 1500-A West 35th Street
 3502 Mills Avenue

STAFF REPORT: The site is an interior tract of land totaling 1200 square feet, and developed with a vacant commercial structure. Proposed is a package store or any other uses permitted in "C-2" zoning. All uses permitted in a "C" Commercial and "C-1" Commercial district are permitted in a "C-2" district. There is a question of whether the site is in a well developed commercial area. There is commercial zoning at 35th and Jefferson. "A" Residential is to the north and south of subject property. There is a large amount of land recently zoned "O" Office between 35th Street and 38th Street. A request in 1962 for a change of zoning from "A" to "O" at 3401 Glenview, 3400 Kerbey Lane and 1600-1604 West 34th was denied by the Commission.

TESTIMONY

WRITTEN COMMENT

Code

J J. C. Tucker: 1500 West 34th

FOR

PERSONS APPEARING AT HEARING

Code

A H. Warren Smith (applicant): 1500 West 35th

FOR

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated: I am paying my share of taxes, and I want to make money from my property. Adequate paved parking has been provided. I want to get rent property to help me pay for my taxes and property.

The Committee reviewed the information and concluded this request should be denied for the following reason: It is not the policy of the Planning Commission to recommend granting "C-2" in other than a well developed and well defined commercial area.

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Cl4-65-106 H. Warren Smith--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. Warren Smith for a change of zoning from "GR" General Retail, First Height and Area to "C-2" Commercial, First Height and Area for property located at 1500-A West 35th Street and 3502 Mills Avenue be DENIED.

Cl4-65-107 Mrs. Bertha C. Reichert: A to C
909 Anderson Lane

STAFF REPORT: This site contains 21,780 square feet and is developed with a single-family residence. The applicant proposes to erect a funeral home. "C" Commercial zoning is established along the north side of Anderson Lane and along Lamar Boulevard. A drive-in theatre is located to the north. To the south of Anderson Lane is a fairly new residential subdivision. These houses should be afforded some protection from commercial development. Anderson Lane has mixed "GR", "LR", "O" and "A" zoning. The staff recommends "GR" zoning be established on his property so as to have a buffer between the "C" Commercial development along Lamar and the residential development. The funeral home could be erected by special permit in a "GR" district. Anderson Lane, a secondary thoroughfare, has 60 feet of right of way and is scheduled to be widened to 90 feet as a result of the Development Plan and the more recent traffic study.

TESTIMONY

WRITTEN COMMENT

Code

C	L. D. England: 1001 Anderson Lane	FOR
D	B. E. Breeland: 919 Anderson Lane	FOR
F	Mrs. Olive C. Myers: 3614 Montrose Blvd. #302	FOR
N	Alton Dalgner: 911 Stobaugh Lane	AGAINST
P	Darlene Haley: 907 Stobaugh Lane	FOR
R	Willie Albert Janecka: 917 Stobaugh Lane	AGAINST

PERSONS APPEARING AT HEARING

	John O. Yokie, Jr.: 3501 Speedway, Apt. 109	FOR
C	Loy D. England: 1001 Anderson Lane	FOR
C.	Mrs. L. D. England: 1001 Anderson Lane	FOR

SUMMARY OF TESTIMONY

Mr. John O. Yokie, representing the applicant, and Mr. and Mrs. L. D. England offered the following information: The existing structure is an old house, and a modern structure will be a great asset to the area. There is commercial zoning to the north and on the corner of Lamar Boulevard and Anderson Lane. There is a shopping center proposed for the property located to the east of

C14-65-107 Mrs. Bertha C. Reichert--contd.

Lamar Boulevard. A funeral home is a rather quite type of business and would add to the area. Traffic in this area has increased substantially, making it undesirable to raise children. There are a number of "backyard" enterprises in the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. It is across the street from "C" Commercial zoning, is near "C" Commercial to the east and is a logical extension of that zoning.
2. It is the highest and best use of the property as it is not suitable for residential development.

The Committee noted they would look with favor on other applications of this type adjoining this property.

Mr. Barrow stated he was of the opinion the Commission should look with favor on other applications of this type between this property and Lamar Boulevard as there is commercial zoning along Lamar; however, the residential development to the west of the property presents a different situation.

Mr. Jackson stated it was his opinion that one lot in a residential area should not be zoned for commercial purposes. Mr. Wroe advised the Commission that it was the Committee's feeling that the area would not be redeveloped as residential as there is commercial development along Anderson Lane.

The Planning Director stated there are relatively deep lots in this area. Residential development is to the south and to the west and will probably remain residential for some period of time. To zone this one lot in the residential development would be piece-meal zoning.

A majority of the Commission was of the opinion the request should be granted, with the understanding that 15 feet of widening is needed for Anderson Lane.

A majority of the Commission also noted they would look with favor on other applications of this type between subject property and Lamar Boulevard.

Mr. Kinser reported that the Committee recommended granting the request because it was their understanding the applicant had offered to dedicate 15 feet for widening the right of way of Anderson Lane. A majority of the Commission agreed that with provision for widening Anderson Lane, they favored granting the request.

C14-65-107 Mrs. Bertha Reichert--contd.

It was then

VOTED: To recommend that the request of Mrs. Bertha C. Reichert for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 909 Anderson Lane be GRANTED.

AYE: Messrs. Barrow, Brunson, Goodman, Kinser, Wroe and Lewis

NAY: Messrs. Jackson and Riley

ABSENT: Mr. Hendrickson

C14-65-108 John M. Paver: O to C
 1606-1608 (1612) Rio Grande
 701-705 West 17th Street

STAFF REPORT: The site is a 17,802 square foot tract which is undeveloped. The applicant proposes to erect an apartment hotel containing 35 apartments. There is "O" zoning to the east, north and south of the subject property which is the result of a Planning Commission area study in 1955. Several offices have been built in this area. In 1956 St. David's Hospital requested a change of zoning to "C" at the northeast corner of 17th and Rio Grande Street. "C" was denied as it was felt to be too broad a classification for the area and "LR" was granted. In 1959 "C" was granted for this same property for an apartment hotel. With the exception of this one "C" zoning there is no other retail or wholesale zoning in the interior of this area. The staff reported a letter from Mr. James W. Straiton in which he stated:

"We do, however, seriously object to a blanket, across-the-board, "C" Commercial zoning, in that this would permit the establishment of any one of several types of businesses which would be very detrimental to surrounding property values."

TESTIMONY

WRITTEN COMMENT

Code

D	Mrs. W. B. Shoe: 712 West 16th Street	AGAINST
J	Robert C. Siddons: 1700 Rio Grande	AGAINST
AC	Arthur P. Watson, Trustee: P. O. Box 5012	FOR

PERSONS APPEARING AT HEARING

Code

E	J. V. Riley: 1605 A West Avenue	AGAINST
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C14-65-108 John M. Paver--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated he had talked with several nearby property owners, and they did not object to his request. He plans to provide 50 to 60 parking spaces with entrances north and south on Rio Grande and West 17th Street. Twenty-three apartments are permitted with the presented zoning. With the proposed "C" zoning 35 apartments could be built. Across from the subject property are 46 apartments which provide only 46 spaces. They are also 34 apartments on 18th Street which have inadequate parking.

Arguments Presented AGAINST:

Mr. Riley, a nearby property owner, was present at the hearing and stated he was opposed to the request because parking is inadequate and this would be spot zoning.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. "O" Office is still the proper zoning of the property as the Area Study is still valid.
2. "C" zoning is too intensive for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John M. Paver for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Second Height and Area for property located at 1606-1608 (1612) Rio Grande Street and 701-705 West 17th Street be DENIED.

C14-65-109 Joe E. McGeath, et ux and E. M. Sherrill, et ux: A to LR
 3907-3911 Alice Avenue
 1007-1011 West 39½ Street
Additional Area: 3901-3905 Alice Avenue
 1006-1010 West 39th Street

STAFF REPORT: The site consists of two parcels of land containing 18,163 square feet. The proposed use is a pediatric office for the practice of medicine. The requested "LR" zoning would fit the existing zoning pattern for the area. The three lots adjoining subject property to the south are included by the staff in this application in order to complete the zoning pattern for this area. Commercial zoning is to the east, south and north. There is a residential area to the west.

C14-65-109 Joe E. McGeath, et ux and E. M. Sherrill, et ux--contd.

TESTIMONY

WRITTEN COMMENT

Code

B	Clyde W. Pennington: 501 Oertli Lane	FOR
AH	William B. Carssow: 305 East 7th Street	FOR
	C. E. Alvis, Jr.	

PERSONS APPEARING AT HEARING

Code

D	Bradie Mae Fletcher: 3905 Alice Avenue	FOR
	Maurice D. Cohn, M. D.: 505 West 15th Street	FOR

SUMMARY OF TESTIMONY

Mr. Kinser stated that four years ago an application had been filed for commercial zoning to the south of subject property. The request was denied, but the Commission stated they would look with favor on commercial usage of some sort.

Mr. Maurice Cohn, M. D., stated they plan to build two or three pediatric offices. The beauty of the area will be retained. The proximity of the new Seton Hospital makes this location well-suited for medical offices.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe E. McGeath, et ux and E. M. Sherrill, et ux for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 3907-3911 Alice Avenue and 1007-1011 West 39½ Street and the additional area located at 3901-3905 Alice Avenue and 1006-1010 West 39th Street be GRANTED.

C14-65-110 Mrs. J. L. Joseph, Sr.: C-1 to C-2
915-919 (905-909) Barton Springs Road

STAFF REPORT: The site consists of 9,000 square feet and is developed with a cafe. Proposed is the sale of beer for on-premise consumption. A drive-in grocery and cafe in the same block are zoned "C-2". There is "C-1" and "C-2" along much of Barton Springs Road. Directly opposite the cafe across Barton Springs Road is "D" Industrial zoning and a ball park zoned "C-1". To the south is a residential area. Barton Springs Road is a primary thoroughfare with 100 feet right of way.

C14-65-110 Mrs. J. L. Joseph, Sr.---contd.

TESTIMONY

WRITTEN COMMENT

Code

L George L. Anderson: 3004 Cedarview

FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of or 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 in a well defined and developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mrs. J. L. Joseph, Sr. for a change of zoning from "C-1" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 915-919 (905-909) Barton Springs Road be GRANTED.

C14-65-111 B. J. McAdoo: B to GR
2904 (2906) South First Street

STAFF REPORT: The site is a 9,492 square foot lot developed with a vacant house. Proposed is a furniture repair and upholstering shop. The property is presently zoned "B". A request for "GR" zoning for a sued furniture store was recently granted in this block. There is mixed commercial and residential zoning along East 1st Street. To the east and west of South First Street are residential areas. South First is a commercial collector street with 80 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

E George L. Anderson: 3004 Cedarview Drive

FOR

PERSONS APPEARING AT HEARING

Code

Mrs. B. J. McAdoo (applicant)

FOR

C14-65-111 B. J. McAdoo--contd.

SUMMARY OF TESTIMONY

Mr. B. J. McAdoo, the applicant, stated the property was originally developed with a barber shop. He plans to operate a small furniture repair and upholstery shop, and does not plan to sell any furniture. There will be no problem with traffic as most of his business will be done off-premise. More than adequate parking will be provided.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and recalled similar recent zoning changes and commercial development in the area. They were of the opinion that the proper trend of development along South First Street is to commercial uses and felt the proposed use was the highest and best use of the land.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of B. J. McAdoo for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2904 (2906) South First Street be GRANTED.

C14-65-112 George Slaughter: C to C-1
Rear of 3213-3217 Red River Street

STAFF REPORT: This is a small tract of land containing 2200 square feet and developed with a vacant drive-in grocery. The applicant proposes the sale of beer for off-premise consumption in an existing drive-in grocery. Adjacent to the subject property is a grocery store. The remainder of the block is developed with a small shopping center zoned "C" Commercial. "O" Office zoning is established immediately across from the subject property on the west side of Red River Street. The area is developed with a mixture of apartments, residences and offices. A change to "C-1" zoning was recently granted for a drive-in grocery at 2500 Red River Street. Red River Street is classified as a secondary thoroughfare with 60 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

G Dr. B. F. Johnson: Box 1987

FOR

PERSONS APPEARING AT HEARING

Code

Arthur E. Pihlgren: 109 West 5th
Dr. P. J. Paris

FOR
AGAINST

Cl4-65-112 George Slaughter--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Arthur Pihlgren, representing the applicant and the 7-11 Stores, stated there has been a drive-in grocery at this location since 1959. The grocery was in operation for approximately two years and then closed. The applicant would like to re-open and be permitted to sell beer for off-premise consumption. The property is located in a shopping center that extends along Red River Street from Keith Lane to East 32nd Street.

Arguments Presented AGAINST:

Dr. P. J. Paris appeared in opposition to the request. He stated he is opposed to the change because the sale of beer in this area is not morally right. There are many young people in the area, and the subject property is close to schools and churches.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as the site is part of a well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of George Slaughter for a change of zoning from "C" Commercial, First Height and Area to "C-1" Commercial, First Height and Area for property located at the Rear of 3213-3217 Red River Street be GRANTED.

Cl4-65-113 Andrew L. Kivlin and Sylvion Kivlin: A to B
2515-2601 Wheless Lane

STAFF REPORT: This site consists of three lots totaling 41,968 square feet and is developed with four two-family dwellings. The applicant proposes to improve development of the property. "C" Commercial exists to the east at the intersection of Wheless Lane and Manor Road. The area is predominantly developed with single-family dwellings. There is a recently established "GR" zone located on the north side of Wheless Lane and to the west of Coventry Lane. The applicants have an excellent development of the property in both landscape and buildings. The proposed zoning would permit a maximum of 27 apartment units. From the standpoint of density and with the existing development of Windsor Park II, Section 4 and 5, it is felt the proposed zoning would be inconsistent with the zoning pattern and existing development in the area. Wheless Lane is a neighborhood collector street extending from Berkman Drive to Manor Road, and is scheduled to be widened to 70 feet. There is no right of way problem in front of the subject property as the applicant has dedicated sufficient right of way, but the street as a whole is substandard at this time.

C14-65-113 Andrew L. Kivlin and Sylvion Kivlin--contd.

TESTIMONY

WRITTEN COMMENT

Code

A	Sylvion Kivlin: 2517 Wheless Lane #1	FOR
J	George L. Anderson: 6101 Derby Cove	FOR

PERSONS APPEARING AT HEARING

Code

A	Sylvion Kivlin (applicant)	FOR
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SUMMARY OF TESTIMONY

Sylvion Kivlin, the applicant, presented the following information: Originally this was two half-acre tracts of land. One half-acre was developed with a rather involved Zoning Ordinance which required a setback. The Zoning Ordinance was complied with in all respects. Two separate duplexes were erected on the property with two separate driveways. We had an opportunity to acquire the property adjoining and felt this would be a good area for a courtyard. We now wish to develop this property with more duplexes. By the time a building permit was applied for, the Legal Department had decided that the duplexes were not built under the proper regulation. After talking with the Planning Department, we find we can comply with the Ordinance by resubdividing the property. Behind the duplexes there is adequate space for additional garages with efficiency apartments developed above the garage.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the proposed zoning and development would be an intrusion into a well developed "A" Residential area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Andrew L. Kivlin and Sylvion Kivlin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2515-2601 Wheless Lane be DENIED.

(DISQUALIFIED: Mr. Lewis)

C14-65-114 Andrew L. Kivlin and Sylvion Kivlin: A to B
 2101-2107 West 7th Street
 613-615 Upson Street

STAFF REPORT: This site consists of four lots totaling 24,174 square feet on which the applicant proposes to erect apartments. The dedicated alley through the block that separates the two sites is undeveloped. The area is developed with single-family dwellings. The proposed zoning change would permit a maximum of 16 apartment hotel units or 12 regular units if both tracts are developed as a unit. The present zoning would only permit a single-family residence on each lot. The requested change would be inconsistent with the existing zoning in the area. In December, 1964, a request was made to vacate the Upson Street Alley through this block. At that time there was some concern that 7th Street would become part of a one-way pair in conjunction with the Missouri-Pacific Boulevard - Lake Austin Boulevard interchange. The Commission recommended the alley be vacated with the understanding that Lots 1, 2, 15 and 16 would be replatted to comply with the setback requirements for the widening of West 7th Street if necessary. The alley vacation request is still pending as the design of the interchange and the use of West 7th Street as related to it has yet to be determined. West 7th Street is now a minor collector street with 50 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

A	Sylvion Kivlin: 2517 Wheless Lane #1	FOR
R	Lloyd E. Votaw: 612 Upson	FOR
T	Floyd Delemater: 608 Upson	FOR

PERSONS APPEARING AT HEARING

Code

A	Sylvion Kivlin (applicant)	FOR
AK	Aksel J. Hansen: 2005 West 7th Street	?
AR	Ernest Dunn: 1910 West 7th Street	?

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Sylvion Kivlin, the applicant, presented the following information: The request for alley vacation came up in December and we complied with all of the requirements for a petition for the alley to be vacated. The original intention in having the alley vacated was to have it and the adjoining lots replatted and create three duplexes facing on West 7th Street rather than having the development face on the undeveloped Atlanta Street. Our intention is to cooperate in any way by providing adequate setback in the event West 7th Street would be widened. This would be a desirable site for approximately 12 apartment units or duplexes. We would like to utilize this property to its best advantage.

C14-65-114 Andrew L. Kivlin and Sylvion Kivlin--contd.

Arguments Presented AGAINST:

Mr. Hampton appeared in opposition to the change. He stated he is opposed to the request because his taxes may be raised and because West 7th Street is too narrow for any additional traffic.

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 "A" Residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Andrew L. Kivlin and Sylvion Kivlin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2101-2107 West 7th Street and 613-615 Upson Street be DENIED.

(DISQUALIFIED: Mr. Lewis)

C14-65-115 J. E. Sullivan: C-1 to C-2
 2201-2203 Manor Road
 2213-2217 Coletto Street (as amended)

STAFF REPORT: The site is a 7,748 square foot lot and is developed with a drive-in cafe and a single-family residence. Proposed is the sale of beer for on-premise consumption. Two lots to the east of subject property is a grocery store zoned "C-1". There is a strip of "C" zoning along Manor Road with single-family residential areas on either side. Manor Road is a secondary thoroughfare with an inadequate right of way of 60 feet. Coletto Street is a minor residential street with an inadequate right of way of 40 feet. There is concern about granting "C-2" zoning to the house at the rear of the property.

TESTIMONY

WRITTEN COMMENT

Code

B Williard C. Finkelstein: 220 South Congress

FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of or in opposition to the request.

C14-65-115 J. E. Sullivan--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee expressed a desire for more information about the proposed use of the site. They instructed the staff to contact the applicant and gather more information to be presented to the full Commission.

Mr. Polson informed the Commission there is a house on the back of the property and the staff's concern was whether or not the house should be granted "C-2" zoning as well as the cafe.

The applicant stated he would like to restrict his application to the north 80 feet of the property. The Commission agreed to accept the amended application.

The Commission was of the opinion the request should be granted as the site is in a well-defined commercial area. It was therefore

VOTED: To recommend that the request of J. E. Sullivan for a change of zoning from "C-1" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 2201-2203 Manor Road and 2213-2217 Coletto Street (as amended) be GRANTED.

C14-65-116 Marjorie Anne Delafield: A to BB
1219-1221 (1207) Hillside Avenue

STAFF REPORT: This site contains 28,710 square feet and is developed with a two-family dwelling and two single-family residences. The applicant proposes to build apartments. "BB" Residence, First Height and Area was granted on the adjacent property to the north and east in 1964. The proposed zoning would permit a maximum of 14 regular units. The proposed change would be a logical extension of the existing "BB" zoning. Hillside Avenue is classified as a minor residential street with 60 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

D	Randy Haynes: 405 West 33rd Street	FOR
M	Stanley B. Schuster: 1301 Hillside Avenue	?
Y	A. L. McNew: 1206 Hillside Avenue	AGAINST

PERSONS APPEARING AT HEARING

Code

Marjorie Anne Delafield (applicant)	FOR
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C14-65-116 Marjorie Anne Delafield--contd.

SUMMARY OF TESTIMONY

Marjorie A. Dealfield, the applicant, stated most of the area is zoned for apartments at this time. This is a large tract of land and she does not propose to build more than 12 or 14 apartment units.

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 the proposed zoning is a logical extension of existing "BB" Residence zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Marjorie Anne Delafield for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1219-1221 (1207) Hillside Avenue be GRANTED.

C14-65-117 Norman W. Eckhardt: B to LR, 2 to 3

700-704 West 23rd Street

2300-2302 Rio Grande Street

STAFF REPORT: This site consists of 12,480 square feet, and is developed with two houses. The applicant proposes to erect a four story apartment building. The most recent zoning change in the area was "O" Office for two lots across from the subject property on the east side of Rio Grande Street. Subject property adjoins "C" Commercial on the north and "B" Residential to the west. The area is primarily zoned Second Height and Area, with First Height and Area zoning established for most of the block between Rio Grande, San Gabriel, West 24th and West 23rd Streets. In 1964, a request was made for a change of zoning from "B" Third Height and Area to "C" Commercial Fourth Height and Area for property located on West 25th Street between Rio Grande Street and Seton Avenue. The Committee recommended the application be denied for the following reasons:

- (1) The proposal would more than double the density that is allowed under the present zoning.
- (2) The proposed density is higher than that recommended in the Austin Development plan.
- (3) The streets in the area were inadequate for a large increase of residences concentrated in a limited area.

The Commission concurred with the Committee recommendation and recommended the request be denied. The Council, however, granted "C" Commercial, Fourth Height and Area.

The requested "LR" district would permit a change in the use of the site and the setback requirements. "LR" zoning would reduce the 25 foot setback from Rio Grande Street to 10 feet. The change to Third Height and Area would not change the maximum density, but it would permit a change in the maximum lot coverage. The present district allows 55% of the lot behind the front setback line to be covered and Third Height and Area would permit 70% of the lot behind the setback line to be covered. The maximum number of units permitted in either district at the site is 16.

West 23rd Street, with 75 feet of right of way, and 40 feet of paving, is wider than a normal residential street. Rio Grande Street is a commercial collector street with an inadequate 63 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

AQ Arthur N. Moore: 708 West 22½ Street
 Robert Lee Moore: 904 West 23rd

FOR
 AGAINST

C14-65-117 Norman W. Eckhardt--contd.

PERSONS APPEARING AT ZONING HEARING

Code

A	Norman W. Eckhardt (applicant): 6751 Gaston Avenue	FOR
B	Mrs. Joel Gunn: 706 West 23rd	AGAINST
B	Mr. Joel Gunn: 706 West 23rd	AGAINST
J	Frances Gerdes: 708 West 23rd	AGAINST
Y	Hawes Campbell: 707 West 23rd	AGAINST
Y	Mary Campbell: 707 West 23rd	AGAINST
	Mrs. Ben H. Powell: 2208 Windsor Road	AGAINST
	Mrs. Raymond Hill: 2310 San Gabriel	AGAINST
	(Representing the National Society of The Colonial Dames of America in Texas)	
	Mrs. R. W. Pettway: 1608 Enfield Road	AGAINST
	Robert Lee Moore: 904 West 23rd	AGAINST
	Mrs. R. L. Moore: 904 West 23rd	AGAINST
	Mrs. Vivian McCracken, T.F.W.C.: 2312 San Gabriel	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Norman W. Eckhardt, the applicant, presented the following information:

At the present time, the houses on this location include old frame buildings which were built in 1933. The buildings are becoming delapidated and the depreciation on the houses is exhausted. The proposal is to erect a 4 story building which would have 8 units per floor. The first floor would be used mainly for parking, and if necessary, there could be underground parking and parking on the second floor. Under the present zoning I am entitled to 23 units. To put 23 units on two floors would crowd the ground floor considerably. In order to avoid that problem we would like to go up instead of out. This building would enhance the property and would be an asset rather than a detriment. I do not intend to use 70% coverage of the ground area, only approximately 55%. The area is developed with service stations, drive-in groceries, apartments, rooming houses, and a beauty shop. The building will be masonry, brick, steel or rock structure of a first-class condition. The intentions are to put a coffee shop on the first floor which would be primarily for the tenants in the building.

Mr. Joel Gunn, representing Eudora and Beverly Gunn, advised the Committee that the lot adjoining to the west of the subject property and included in this application does not belong to Mr. Eckhardt. The property belongs to Mrs. Gunn.

C14-65-117 Norman W. Eckhardt--contd.

Mr. Eckhardt stated he did not realize this property was included in the application and requested the application be amended to exclude that lot adjoining to the west.

The Committee voted to ACCEPT the application as amended

Arguments Presented AGAINST:

Mr. Gunn and 11 nearby property owners appeared in opposition to the request. They presented the following information:

To go ahead with the proposal to erect a 4 story apartment building with this small a tract would not give enough space for that highly concentrated development. The parking along West 23rd Street and Rio Grande Street is very congested. It is difficult to find parking spaces for the people who live in this area. There is too much traffic in this area now without adding an apartment complex of this size. This type zoning would set a bad precedent and start a trend that would be difficult to stop. West 23rd Street between San Gabriel and Rio Grande Streets is a comparatively quiet street and the residents would like for it to remain so.

Mr. Stevens stated that if the proposed coffee shop is to be used only by the tenants, the applicant may not need a change in zoning. An apartment hotel with the uses he has stated is allowed in the present zone. However, a maximum of 16 units applies to the amended area.

Mr. Eckhardt advised the Committee that he would confer further with the staff on the zoning change prior to the meeting of the full Commission.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be referred to the full Commission without recommendation pending study of the requested use in the present zone.

The staff reported that the applicant has not contacted the department in regards to the requested use. In view of the fact that "C" Commercial, Third Height and Area was recommended three lots removed from the subject property, the question is raised as to whether or not "LR" zoning at this location would be consistent.

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C14-65-117 Norman W. Eckhardt--contd.

The Commission was of the opinion that "LR" zoning is the proper zoning for the property as it is a logical extension of existing zoning.

It was therefore

VOTED: To recommend that the request of Norman W. Eckhardt for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Third Height and Area for property located at 700-704 West 23rd Street and 2300-2302 Rio Grande Street be GRANTED.

C14-65-118 Mrs. Ora T. Booth: B to C
(by Arthur E. Pihlgren)
2413 Rio Grande Street
613-615 Cleveland Street (24½)

STAFF REPORT: This site contains 4,557 square feet and is developed with a single-family dwelling. The proposed use is for the purpose of erecting and operating a gasoline service station on the property and in conjunction with the property adjoining on the south which is presently zoned "C" Commercial. There are two service stations in the area located on the west side of Rio Grande Street. This is a well developed commercial area at the intersection of West 24th Street and Rio Grande, which is surrounded by residential zoning.

Cleveland Street (24½) is a minor residential street with 49 feet of right of way, and Rio Grande is a commercial collector street with 60 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

M Sarah Dodson: 709 West 25th

?

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Arthur E. Pihlgren, representing the applicant, stated the application is to utilize the entire block fronting on Rio Grande Street. The balance of the area is already zoned "C" Commercial. The applicant intends to erect a very modern service station which will be used to train University graduates to merchandise petroleum products. There will be sufficient egress and ingress provided and also sufficient off-street parking.

No one appeared in opposition to the request.

C14-65-118 Mrs. Ora T. Booth--contd.

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Ora T. Booth for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2413 Rio Grande Street and 613-615 Cleveland Street be GRANTED.

C14-65-119 Richard D. and Carl C. Hardin: B to C, 1 to 3 (as amended)
 710-900 West 23rd Street
 801-811 West 24th Street

STAFF REPORT: This site contains 1.23 acres of land and is developed with an apartment house, four single family dwellings and two vacant duplexes. The applicant proposes to remove the existing structures and construct an apartment hotel. Most of the area is zoned Second Height and Area. There is some First Height and Area and one block recently zoned "C" Commercial, Fourth Height and Area north of 25th Street between Rio Grande and Nueces Streets. When this zoning change was granted, the Commission was not overly concerned with the maximum height, but with the lack of density and setback control. Fourth Height and Area waives all requirements with the exception of height over 200 feet, and parking. The present zoning permits a maximum of 35 apartment hotel units and the proposed zoning has no maximum density.

There are a number of well maintained single family dwellings on 23rd Street. There are numerous rooming houses in the area. Commercial zoning is established on the corner of Rio Grande Street and 24th Street. If there is to be commercial facilities in such a large proposed apartment hotel, they should not be extended to 23rd but confined to 24th Street. The staff is of the opinion that "B" Residential, Third Height and Area is proper zoning for the property.

A development of this type would have an impact on the street situation. West 24th Street, a secondary thoroughfare with 60 feet of right of way is scheduled to be widened to 70 feet, and is planned to be used as a one-way street in conjunction with 25th Street. Twenty-third Street with 75 feet of right of way is adequate.

TESTIMONY

WRITTEN COMMENT

Code

E	Mrs. Floyd Smith: 901 West 24th	FOR
F	Robert Lee Moore: 904 West 23rd	AGAINST
N	Lula Barrett: 906 West 23rd	FOR
R	Sybil Dickinson: 912 West 23rd	FOR
V	J. Adoue Parker: 206 Nash Building	FOR
	(representing Alumni Association Students Aid Fund)	

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C14-65-119 Richard D. and Carl C. Hardin--contd.

WRITTEN COMMENT

Code

AH	Lois E. Slaughter: 907-909 West 23rd	FOR
AV	Mrs. Annie M. Craig: 703 West 23rd	FOR
BB	Arthur N. Moore: 708 West 22½	FOR
	Mrs. D. B. Tanner: 906 West 23rd	FOR
	Mrs. Minnie Lee Shepard: 906 West 23rd	

PERSONS APPEARING AT ZONING HEARING

Code

F	Mrs. R. L. Moore: 904 West 23rd	AGAINST
F	Robert Lee Moore: 904 West 23rd	AGAINST
K	Joel F. Gunn: 706 West 23rd	AGAINST
M	Frances Gerdes: 708 West 23rd	AGAINST
AU	Mary Campbell: 707 West 23rd	AGAINST
AU	Hawes Campbell: 707 West 23rd	AGAINST
	Mrs. Ben H. Powell: 2208 Windsor Road	AGAINST
	Mrs. Raymond Hill: 2310 San Gabriel	AGAINST
	(Representing the National Society of The Colonial Dames of America in Texas)	
	Mrs. R. W. Pettway: 1608 Enfield Road	AGAINST
	Mrs. Vivian McCracken, T.F.W.C.: 2312 San Gabriel	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Jones, representing the applicants, presented an aerial photograph of the area and architectural sketches of the proposed development. Mr. Jones presented the following information:

This is to be a facility for University girl students, supervised by housemothers. The apartment hotel will have commercial facilities facing the courtyard with no entrances from the outside. The facilities will be to serve the residents of the building. The proposal is to build 128 units with 212 off-street parking spaces provided. The parking is planned below ground so that there will be no parking at ground level or above. There will be no traffic access from 24th Street. The streets in this area are more than adequate to handle any traffic that the development will generate.

Mr. Jones read from an affidavit by the City Traffic Engineer concerning the desirability of having as much student housing as possible close to the University in order to alleviate some of the traffic problems.

The building will have a bus service to take the girls back and forth to the campus. This will cut down considerably on the traffic as it will eliminate a number of cars that would otherwise be in the campus area.

C14-65-119 Richard D. and Carl C. Hardin-contd.

A letter from Mr. L. D. Haskew, Vice-Chancellor of the University of Texas was presented and is summarized as follows:

The present Hardin House operation is one which has been admired and welcomed by the University of Texas for many years. The new project seems to be one which merits warm commendation. For the housing of single women students, the University will rely chiefly upon private enterprise. The University dormitory construction program will be limited in scope and will provide only the simplest style of accommodations. An apartment-style residential facility, such as the one proposed, is not included in any projected construction program of the University. While we recognize the high desirability of the commodious, academically-oriented type of facility proposed, it is hoped that private enterprise will meet the need. Between 1964-65 and 1968-69, the University has plans to construct 1,400 new dormitory spaces for women. However, in the same period, the estimates are that the enrollment of single women will increase by 1,115. In 1968-69, these estimates indicate 5,394 more women will be enrolled than can be accommodated in the 2,900 spaces the University will have. By 1975-76, it is estimated the enrollment of single women will approximate 10,500, representing an increase of 3,250 over 1964-65. Therefore, the University welcomes moves such as this to meet a need which is obviously of major proportions.

Mr. Jones presented a map with the zoning pattern of the area. He stated "C" Commercial, Third Height and Area is sufficient to proceed with the construction of the number of units proposed, and requested the application be amended to Third Height and Area. In such a zoning district, theoretically the number of possible units is unlimited. Practically, there are several limiting factors. Third Height and Area requires a 25 foot setback from streets and a 5 foot setback from the property line. Third Height and Area also limits construction to 90 feet and a certain number of square feet in this area has to be for parking. Economically no more units can be added than are already planned. The price of land in this area should also be considered. Land in this area that is being used for this type of development costs from \$4.00 to \$4.50 a square foot. Garbage will be picked up from the lower parking level. Deliveries will also be made in the parking area. The Committee agreed to ACCEPT the amended application.

Arguments Presented AGAINST:

Eleven nearby property owners appeared at the hearing and offered the following objections to the proposed change:

- (1) This area is very congested now, and if this development is allowed the congestion will increase.
- (2) Although a number of parking spaces have been provided, it will not take care of the 200 boys that come to date the 200 girls.
- (3) This is an invasion of the nice residential homes on 23rd Street and the people in the area do not want an apartment building of this size in this area.

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C14-65-119 Richard D. & Carl C. Hardin--contd.

- (4) There should be some concern as to how the garbage for this type of complex will be picked up.
- (5) The atmosphere of 23rd Street with the Neil Cochran house and large trees should be preserved as such.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. This is the highest and best use for the land.
2. Because of the proximity of the University, land in the area should accommodate the maximum number of students.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard D. and Carl C. Hardin for a change of zoning from "B" Residence, First Height and Area to "C" Commercial, Third Height and Area (as amended) for property located at 710-900 West 23rd Street and 801-811 West 24th Street be GRANTED.

C14-65-120 D. R. Walker: C-1 to C-2

(by Charles W. Harrell)
8517 Burnet Road
2307-2315 Polaris Avenue

STAFF REPORT: The site is a 10,812 square foot lot developed with a lounge. Proposed is the sale of beer for on-premise consumption. The area along Burnet Road is mostly undeveloped, with some commercial development. To the north is a golf course zoned "C". The area to the west across Burnet Road is zoned "A" and is undeveloped. Future commercial uses are planned for this area.

TESTIMONY

WRITTEN COMMENT

Code
None

PERSONS APPEARING AT ZONING HEARING

Code

Charles W. Harrell: 8617 Burnet Road
(for applicant)

FOR

C14-65-120 D. R. Walker--contd.

SUMMARY OF TESTIMONY

Mr. Charles W. Harrell stated they propose no change in operation. They are presently serving food with beer. This application was filed because of the controversy about "C-1" and "C-2" zoning.

Mr. Wroe asked if Mr. Harrell had a kitchen in the cafe. Mr. Harrell stated he does have a kitchen, although only sandwiches are served. Mr. Wroe stated this application was unnecessary since the applicant is serving food with beer.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee did not regard the area as a well-developed commercial area. Since it is their policy to grant "C-2" zoning only in such commercial areas, they concluded the request should be denied.

Mr. Brunson stated that almost all of Burnet Road is zoned and used as a commercial area and that this pattern is continuing north. Mr. Wroe was of the opinion the area is not a good location for "C-2" zoning. After further discussion, a majority of the Commission

VOTED: To recommend that the request of D. R. Walker for a change of zoning from "C-1" Commercial, Sixth Height and Area to "C-2" Commercial, Sixth Height and Area for property located at 8617 Burnet Road and 2307-2315 Polaris Avenue be GRANTED.

AYE: Messrs. Barrow, Brunson, Kinser, Lewis, Jackson

NAY: Messrs. Wroe, Riley and Goodman

ABSENT: Mr. Hendrickson

C14-65-121 Clarence Flournoy: A to B, 1 to 2
1001-1003 East 10th Street
907-911 San Marcos Street

STAFF REPORT: This site contains 9,929 square feet and is undeveloped. The applicant proposes to build apartments. The surrounding area is developed primarily with single-family residences although there are numerous lots with more than one dwelling. Directly across from the subject property to the north is a church, with a boarding house on the lot adjacent to the church. The proposed zoning would permit a maximum of 13 apartment units to be built, whereas the present zoning allows four units. In March 1964, a request was made on the subject property for the same zoning change, at which time the Commission regarded the area to be in a state of transition, and felt the proposed apartments would be an upgrading of the neighborhood. However, they felt the density permitted by Second Height and Area was excessive. They recommended denial of "B" Second Height and Area, and granting of "B" First

C14-65-121 Clarence Flournoy--contd.

Height and Area. The Council granted "B" Second Height and Area, but the Ordinance was not passed. There was an agreement to be worked out by the applicant whereby he would agree to limit the development to 8 units. The Council was of the opinion 13 units was excessive but they were willing to accept 8. This is still pending. Mr. Flournoy has contracted to buy the property subject to the zoning change.

Under Second Height and Area the applicant can build a maximum of six regular units, one unit for each 1,500 square feet of lot area. In order to build more than six units, he must build an apartment hotel, which by definition consists of no fewer than 12 units. There is enough lot area to build a 13 unit apartment hotel, one unit per 750 square feet of lot area, but the Ordinance makes no provision for building on this lot any number of units between 6 and 12.

San Marcos Street and East 10th Street, both minor residential streets, have 60 feet of right of way and 30 feet of paving.

TESTIMONY

WRITTEN COMMENT

Code

B Mrs. Arthur Hollins: 1005 East 10th

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Clarence Flournoy, the applicant, stated he was told by the City Council that if he furnished a letter stating he would build only 8 units, they would give him a permit to build the 8. He stated he does not want to build 12 units, but only 8. It is not economically feasible to build the four permitted under the present zoning.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted since there is a need for more housing in the area. "B" Residence, Second Height and Area would be a buffer between residential development and the motel and commercial facilities to be developed along the Interregional Highway.

The Committee expressed the opinion they would look with favor on other requests of a change to "B" Residence, Second Height and Area in the area between 12th Street, 7th Street, Comal Street and the Interregional Highway, provided the streets are adequate.

C14-65-121 Clarence Flournoy--contd.

Mr. Kinser stated it is his opinion that the entire area should be zoned for apartment development as there is a great need for this type of development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Clarence Flournoy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1001-1003 East 10th Street and 907-911 San Marcos Street be GRANTED.

C14-65-122 Frank Meece: A to B, 1 to 2
 204-306 Crockett Street
 2007-2011 Wilson Street

STAFF REPORT: This site is 1.99 acres of land and is developed with 5 single family dwellings. The applicant proposes to expand the adjacent apartment project. The property adjacent to the east and developed with the apartment project is zoned "B" Residential, Second Height and Area. Across the alley and to the north of subject property is a church. A church is also located at the corner of Crockett and Wilson Streets. The area is developed primarily with single-family residences. Commercial zoning is established along South Congress Avenue. The proposed zoning would allow a maximum of 115 apartment hotel units and 57 regular units. "B" First Height and Area would allow a maximum of 57 apartment hotel units or 43 regular units. The staff is of the opinion that "B" zoning would allow the best use of the land, but that an extension of the Second Height and Area District would be an intrusion.

Wilson Street is a minor collector street with 60 feet of right of way. Crockett Street is a minor residential street with 58 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

Z	Mr. Oliphant: 2103 Newton	AGAINST
AA	Mrs. Eleanor Prowse: 2100 Newton	FOR
	O. B. Swindell: 1805 Treadwell	FOR

PERSONS APPEARING AT ZONING HEARING

Code

Frank Meece(applicant):	200 Crockett	FOR
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C14-65-122 Frank Meece -- contd.

SUMMARY OF TESTIMONY

Mr. Frank Meece, the applicant, stated he would like to expand the adjacent apartment project by adding 75 or 80 units. Property owners in the area originally objected to the adjoining "B" zone because they expected increased noise, density and traffic. It has been proven in the last year that the apartments have been a very successful project without the aforementioned problems. The success of the first phase of the apartment development prompted the continuation of this development. The plans at this time are to provide one covered parking space for each tenant and one guest space for each tenant. The adjoining development contains 43 units with a little over an acre of land. When the application for a change was made on the adjoining property, the City Council requested a restrictive covenant stating we would not build over 44 units. We are requesting the same type of restrictive covenant be placed on this request stating we would not build over 80 units on the additional two acres.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that expansion of the apartment development was the best and highest use of the land. However, they felt expansion of the Second Height and Area District would be an intrusion of high density development into the existing low-density neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank Meece for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 204-306 Crockett Street and 2007-2011 Wilson Street be DENIED but to GRANT "B" Residence, First Height and Area.

C14-65-123 H. G. Linscomb: D to A, 3 to 1
(by Metcalfe Engineering Company)
3404-3506 Lyons Road
900-1010 Gunter Street

STAFF REPORT: This site contains 6.84 acres of land and is undeveloped. The applicant proposes to develop a residential subdivision. There are single family dwellings in the area and a large vacant area south of Lyons Road that is zoned Industrial. At the last Commission meeting, the preliminary plan of this subdivision, Siegmund Addition, was approved,

C14-65-123 H. G. Linscomb --contd.

subject to the requested zoning and subject to compliance with departmental reports. The Commission also recommended "A" Residential be granted on the adjoining tract for the same purposes. This development is not contrary to the Austin Development Plan.

TESTIMONY

WRITTEN COMMENT

Code

AU Standard Mortgage Company: Box 1987

AGAINST

PERSONS APPEARING AT ZONING HEARING

Code

A H. G. Linscomb(applicant): 3414 Lyons Road
 Marlton O. Metcalfe: 1710 Eva Street
 (representing applicant)

FOR

FOR

SUMMARY OF TESTIMONY

Mr. Marlton Metcalfe, representing the applicant, stated they want to develop a residential subdivision in this area and a change in zoning is needed in order to do so.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted since the area is predominantly developed as "A" Residential, and the proposed development is a logical extension.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. G. Linscomb for a change of zoning from "D" Industrial, Third Height and Area to "A" Residential, First Height and Area, for property located at 3404-3506 Lyons Road and 900-1010 Gunter Street be GRANTED.

C14-65-124 C. E. Faulkner: A to B

(by Barton D. Riley)

Rear of 1204-1206 West 33rd Street

STAFF REPORT: This site contains 1,920 square feet, and the site is proposed to be used for parking. There is mixed zoning along West 34th consisting of "O" Office, "GR" General Retail, and "C" Commercial. "BB" zoning is established at the southwest corner of Bailey Lane and West

C14-65-124 C. E. Faulkner--contd.

33rd Street. The applicant proposes to construct a building, with required parking on the lot across the alley from the subject property to the north. The subject site is to be used for over-flow parking. If the zoning change is granted, this will leave the south 117 feet of the lot unchanged. The staff feels this is a small site and can be used as proposed without harm to the area. The area along West 33rd Street should eventually be considered for apartment development.

TESTIMONY

WRITTEN COMMENT

Code

AJ Standard Mortgage Company: Box 1987

FOR

PERSONS APPEARING AT ZONING HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Barton D. Riley, representing the applicant, stated this small 20'x96' site was bought for the purpose of providing additional parking for the proposed building on the lot to the north of the subject property. The required parking has been provided, but it was felt the additional space is needed.

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 the proposed use is not a building site and thus would not be an intrusion into this changing area.

The Commission was cognizant of the fact that the site would be used exclusively for parking purposes.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of C. E. Faulkner for a change of zoning from "A" Residence, First Height and Area to "B" Residence First Height and Area for property located at the rear of 1204-1206 West 33rd Street be GRANTED.

(DISQUALIFIED: Mr. Riley)

C14-65-125 Josie Mae Ferguson: C to C-2
 (by R. B. Smith)
 1509-1511 (1505) East 7th Street

STAFF REPORT: The site consists of 6300 square feet. Proposed is the sale of beer with the sale of food. A service station adjoining the property to the west was zoned C-1 in 1964. There are various types of zoning along East 7th, but it is zoned primarily commercial. There is a strip of C-2 zoning along East 6th Street. Directly across the street from the subject property is a state cemetery which is unzoned. East 7th Street is a primary thoroughfare with 80 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code
 None

PERSONS APPEARING AT ZONING HEARING

Code
 R. B. Smith(for applicant): 1616 East 7th Street FOR
 AE Cornelius James

SUMMARY OF TESTIMONY

Mr. R. B. Smith stated the lot is under contract to be sold, on condition that the zoning be changed to C-2. The prospective buyer has a bar in the Kealing Project which he has been operating for 15 years. He plans to erect a modern structure on the subject property and sell beer with food. The requested C-2 zoning fits the zoning pattern of East 6th.

The prospective buyer was present and stated he owns property on Rosewood Avenue, but wants to relocate. Adequate parking will be provided on subject property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee did not regard the area as a well-developed commercial area. Since it is their policy to grant "C-2" zoning only in such commercial areas, they concluded the request should be denied.

A majority of the Commission concurred with the Committee recommendation. It was then

VOTED: To recommend that the request of Josie Mae Ferguson for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1509-1511 (1505) East 7th Street be DENIED.

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

C14-65-126 Adeline Ehrhardt: A to LR

(by Sam R. Perry)

1001-1003 (1007-1009) East 16th Street

STAFF REPORT: This site consists of two lots containing 11,997 square feet and developed with a non-conforming greenhouse and florist shop. The subject property is adjacent to a non-conforming monument sales company. Oakwood Cemetery is located to the east across Navasota Street. The area is predominantly developed with single-family dwellings. East 16th Street has 80 feet of right of way and 36 feet of paving.

TESTIMONY

WRITTEN COMMENT

Code

B	Mr. & Mrs. Charlie Anderson: 1007 East 16th	FOR
D	Austin Monumental Arts by J. Walton Cearley : 1011 East 16th	FOR
S	Mrs. Annie Stasswender: 811 East 16th	FOR
Y	Mr. and Mrs. Fred P. Savage: 3939 Balcones Drive	FOR

PERSONS APPEARING AT ZONING HEARING

Code

NONE

SUMMARY OF TESTIMONY

Arguments Presented FOR

Mr. Sam Perry, representing the applicant, stated the florist shop and greenhouse have been operating for almost 40 years. The owners have recently died, and the daughter, who resides in Dallas, wishes to sell the property. There are presently negotiations with a prospective buyer, but they would not be interested in the property unless they could make structural changes which are not allowed with non-conforming buildings. The area is a transitional area, and consideration should be given to re-zoning the whole area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as "LR" Local Retail zoning allows the highest and best use of the property.

The Planning Director reiterated the fact that this is a residential area and to zone this one lot would be piecemeal zoning.

C14-65-126 Adeline Ehrhardt--contd.

Mr. Brunson stated there are nine lots between the Interregional Highway and Navasota Street and that four of those lots are being used for non-conforming uses; therefore, there is commercial use in the area. Mr. Wroe stated the area is already deteriorated and most of the houses are used for rental property.

After further discussion, a motion to grant the request failed to carry by the following vote:

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

It was then:

VOTED: To recommend that the request of Adeline Ehrhardt for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1001-1003 (1007-1009) East 16th Street be DENIED.

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

C14-65-127 Richard Hooper: C & GR, to C (Tract 1) & C-2 (Tract 2) 1 & 5 to 5
 Tract 1: 4800-4802 North Interregional Highway (as amended)
 Tract 2: 4804 North Interregional Highway

STAFF REPORT: The site consists of two tracts of land and is developed with a motel. The north half of tract 1 is presently zoned "GR" Fifth Height and Area, and the south half is zoned "C" Commercial, First and Fifth Height and Area. Tract 2 is zoned "GR" Fifth Height and Area. The applicant is requesting "C" Commercial, Second Height and Area for Tract 1 and "C-2" Commercial, Second Height and Area for Tract 2. He has stated that he wishes to expand the motel. There is a mixed pattern of zoning in the area with almost continuous commercial zoning along the Interregional Highway. There is no "C-2" zoning in the vicinity. The subject property fronts onto the Interregional Highway and the existing 5th Height and Area is the only Height and Area District that insures an adequate setback from a boulevard street. The staff recommends the entire property be zoned Fifth Height and Area.

TESTIMONY

WRITTEN COMMENT

Code

H Floy Howe: 4715 Harmon Avenue

FOR

C14-65-127 Richard Hooper--contd.

PERSONS APPEARING AT ZONING HEARING

Code

W H. W. Wright: 4808 East Avenue

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Hooper, the applicant, requested his application be amended to Fifth Height and Area. He stated his intentions are to put in a cafe, lounge, beauty shop and sunken baths.

Mr. Kinser inquired how much of Tract 2 would be utilized for the lounge. Mr. Hooper replied that the north 75 feet would be sufficient, and he requested an amendment to the application reducing the area of tract 2 to the north 75 feet. Mr. Hooper stated there would be no noise from the lounge, since that would disturb the motel guests.

Arguments Presented AGAINST:

Mr. Howard Wright, a nearby property owner, appeared in opposition to the request. He stated his main objection to the lounge is the late hours and the noise.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amendment to the application. They reviewed the information and concluded this request should be granted since the property is an intensively developed commercial area, and the requested zoning would permit the best use of the property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard Hooper for a change of zoning from "C" Commercial and "GR" General Retail, First & Fifth Height and Area to (Tract 1) "C" Commercial, Fifth Height and Area and to (Tract 2) "C-2" Commercial, Fifth Height and Area for property located at (Tract 1) 4800-4802 North Interregional Highway and (Tract 2) 4804 Interregional Highway (as amended) be GRANTED.

C14-65-128 Bethel Baptist Church: A to LR ("O" Office as amended)
by Richard Hooper
3401 Manor Road

STAFF REPORT: This is a small triangular shaped site containing 1300 square feet. The applicant proposes to use this as a driveway for a

C14-65-128 Bethel Baptist Church--contd.

service station that is proposed on the adjoining lots zoned "O" Office. In 1964, a request was made for a change of zoning from "A" First Height and Area to "GR" First Height and Area for three tracts of land located at the corner of Palo Pinto Drive and Manor Road. The Commission voted to deny the request as the proposed change would be inconsistent with the zoning pattern of the area and the streets in the area were inadequate for this type of zoning. "O" Office was recommended as proper zoning for the area, provided the streets in the area were made adequate. At the Council meeting the City Attorney stated the recommendation of "O" was made so that if a Local Retail use of the property were made, the Commission would be allowed to review the plot plans. The Council granted "LR" on the tract at the southeast corner of Palo Pinto and Manor Road, "O" for the tract at the southeast corner, and denied any change at the northeast corner.

Mr. Stevens advised the Committee that a call had been received from the attorney of Mrs. Quinnetta Piper stating that Mrs. Piper is the owner of the subject property and that the Fellowship Baptist Church is buying the property. Mrs. Piper's attorney contends that neither Mr. Hooper nor the Bethel Baptist Church has the authority to request a zoning change.

Mr. Glenn Cortez, Assistant City Attorney, asked Mr. Hooper if he is the owner of the property or if he represented the owner. Mr. Hooper stated he represents the owner, which is the Bethel Baptist Church.

Mr. Cortez stated the Committee could not pass on title to the property inasmuch as Mr. Hooper has stated he is representing the owner.

TESTIMONY

WRITTEN COMMENT

Code
None

PERSONS APPEARING AT ZONING HEARING

Code		
F	Mr. Ira James Coleman: 2210 Palo Pinto	AGAINST
F	Mrs. Birdie Coleman: 2210 Palo Pinto	AGAINST
P	Carter King: 2206 Palo Pinto	AGAINST
P	Mrs. Reversa King: 2206 Palo Pinto	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Hooper, representing the applicant, requested the application be amended to "O" Office, First Height and Area. He stated that Manor Road

C14-65-128 Bethel Baptist Church--contd.

is an 80 foot thoroughfare and will be widened to 90 feet in the future. Anchor Lane is scheduled to be widened also. These two thoroughfares will alleviate the traffic congestion in the area.

Arguments Presented AGAINST:

Four nearby property owners appeared in opposition to the request. They stated that a service station at this location would make the traffic congestion impossible. It is difficult to cross any of the streets in the area because of the number of cars that travel the streets. This service station would create a lot of loud noise and the area would be prone to burglaries.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be referred to the Commission without recommendation pending further study of the ownership of the property.

Mr. Polson informed the Commission that the staff had requested Mr. Hooper to furnish some proof that he is the agent for the Bethel Baptist Church, but he has failed to do so. The tax records show the property belongs to the Fellowship Baptist Church.

The Commission noted that no official of either the Bethel Baptist Church or the Fellowship Baptist Church had signed the application for rezoning nor had Mr. Hooper presented written authorization from either of these organizations to act as agent. The Commission agreed the application was not valid and voted to DISMISS the request.

C14-65-129 Roane H. Puett and Michael A. Wash: A to C

2913-2915 East 12th Street

Addn. Area: Rear of 2913-2915 East 12th Street

STAFF REPORT: This is an odd-shaped tract of land containing 1.42 acres. There is a parcel of land 50' x 122' in the middle that is not part of the application but is included as additional area. The applicant proposes to operate a retail and wholesale meat market. The tract has 116 feet fronting on East 12th Street. The rear of the property is undeveloped and is a deep gully. The rear portion is not useable unless it is filled in. The strip connecting the front and rear of the property is 10 feet wide. East 12th Street has a mixed zoning pattern of "A", "C", "B", and "LR". The area is predominantly developed with single family residences.

East 12th Street is a primary thoroughfare as set out in the Austin Development Plan and has 60 feet of right of way. The plans are to

C14-65-129 Roane H. Puett and Michael A. Wash--contd.

widen East 12th Street to 120 feet, which would involve right of way from the subject property. Sol Wilson Street is not open on the ground.

TESTIMONY

WRITTEN COMMENT

Code

AV	O. T. Jenkins: 1184 Sol Wilson	AGAINST
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PERSONS APPEARING AT ZONING HEARING

Code

A	Michael A. Wash(applicant): 718 Brown Building	FOR
A	Roane Puett(applicant): 1422 Ridgemont	FOR
C	B. R. Owens: 1189 Hargrave Street	AGAINST
C	Lawrence Owens: 1189 Hargrave Street	AGAINST
G	Virgie Lee Washington: 2925 East 12th	AGAINST
H	Mrs. Rosella Dean: 2927 East 12th	AGAINST
AV	O. T. Jenkins: 1184 Sol Wilson	AGAINST
AV	Eva L. Jenkins: 1184 Sol Wilson	AGAINST
BD	Reginald Smith: 2930-32 East 12th	AGAINST
	P. H. Holmes: 2939 East 12th	AGAINST
	Charles L. Harris: 2940 East 12th	AGAINST
	L. C. Reese: 2406 Rock Terrace Circle	FOR

SUMMARY OF TESTIMONY

Mr. Mike Wash, the applicant, stated the change requested would be consistent with zoning that has occurred in a large part of the general area. Along East 12th Street there is an apartment house zoned "B", a large tract of "C" Commercial zoning to the east and "C" Commercial at the southeast corner of Hargrave Street and East 12th Street. The old City incinerator is located on the west side of Hargrave Street. If East 12th Street is widened to 120 feet it will further enhance commercial development. There is a contract to sell this tract to a person who is interested in operating a retail and wholesale meat market on the front of the property and he wants the back zoned in case he wants to expand. Sol Wilson Street dead-ends at the subject property and it could be used as an outlet if a commercial enterprise is ever developed there. The structures existing on the front of the property are substandard frame houses. A new commercial structure will upgrade the neighborhood.

Arguments Presented AGAINST:

A petition with 26 names opposing the request was presented. Eight nearby property owners appeared, opposing the request for the following reasons:

- (1) The people in this area are tax paying citizens and should not have to contend with this sort of establishment.

C14-65-129 Roane H. Puett and Micahel A. Wash--contd.

- (2) This development would raise the taxes in the area.
- (3) The development would create a lot of noise, making it impossible to get any rest.
- (4) Commercial zoning in this area would bring undesirable elements into the neighborhood.
- (5) If "C" Commercial zoning is granted now, later it would be easy to change to "C-1" and "C-2" zones.
- (6) This is a nice, quiet residential area and the people would like to have it remain.

Mr. Lawrence Owens presented a map showing dedication to the City in 1949 of Wheat Avenue. This street was to connect Hargrave Street and Sol Wilson Streets. Mr. Owens stated he could see no provisions for this street to continue with the commercial development on this tract.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that "C" Commercial was proper zoning for the front portion of the property, in view of the existing "C" zoning along East 12th Street. However, they felt that commercial zoning for the rear of the property and the additional area would be an intrusion into a residential area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Roane H. Puett and Michael A. Wash for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for that portion of the property north of the additional area, located at 2913-2915 East 12th Street be GRANTED; but that the additional area and the portion of subject property east and south of the additional area, located at the rear of 2913-2915 East 12th Street be DENIED.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of June 14, 1965, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of June 14, 1965, on the minutes of this meeting.

PRELIMINARY PLANSC8-63-5 Mount Bonnell Terrace
Mount Bonnell Road

The Director of Planning advised the Commission that this is the first complete report in which the staff has had an opportunity to present the preliminary plan of Mt. Bonnell Terrace Subdivision. A revised plan was submitted in the spring of this year and it was brought to the attention of the Planning Commission but consideration of the revised plan, which still involves the relocation of the road, was deferred because of the recommendation to acquire all or a major part of the Connelly property.

Mr. Foxworth advised the Commission that this is the first time that the actual characteristics of the subdivision has been called to the attention of the Planning Commission. The Planning Department comments are as follows:

1. Consideration of the vacation and relocation of portions of Mt. Bonnell Road. There is a request from Mr. Connelly to relocate a portion of the road.
2. Mt. Bonnell Road should remain 60 feet in right of way because it is a collector street with through traffic and is required under the Subdivision Ordinance to be 60 feet in width. Also the existing dedication is 60 feet in width.

Mr. Barrow inquired whether the Planning Department's view was to keep the road 60 feet because 60 feet was dedicated or whether it is needed to be 60 feet in width. Mr. Foxworth stated that the Department's view was that the street is a collector street and is needed to be 60 feet wide to provide for the through traffic as well as the added traffic which will be generated by this subdivision itself.

Mr. Cortez, Assistant City Attorney, advised the Commission that on this particular point the existing 60 feet of right of way gives the

C8-63-5 Mount Bonnell Terrace--contd.

nature of a dedication but there is a question as to whether it is a dedicated street or part of a park as it was dedicated in conjunction with the park. Mr. Cortez also stated he had consulted with the City Attorney, and Mr. Eskew asked that the message be relayed to the Commission that there is a serious question as to whether this is a street that is subject to vacation or whether it is part of the park.

3. The balance of the tract below the bluff adjacent to Lake Austin is required to front onto a street or be tied to a lot with street frontage. The Subdivision Ordinance requires that all tracts being created by the subdivision have frontage on a dedicated public street.

Mr. Kinser inquired if the waterway is considered as a public right-of-way and Mr. Foxworth advised that in the interpretation of the Ordinance, lots must front on a public street, not a public water way.

4. Provision for adequate size bridge across Huck's Slough should be made. The small bridge at the south of Mt. Bonnell is very hazardous. If subdivision approval of this tract is granted, there is going to be increased traffic across this particular structure. It is the staff's feeling that due to the traffic that will be generated plus the increased use of the property that consideration should be given to making this bridge of adequate size. It is a single lane structure.

Mr. Brunson asked if it would be incumbent on the developer to put in the bridge and Mr. Foxworth stated that the developer would not be expected to pay for the total cost, but there is some obligation on the part of the adjoining owner to provide adequate access to his property. All of the abutting property owners should also be required to participate in making this structure of adequate size.

5. Building setback line on Lots 2-12, Block A does not meet Ordinance requirements. These lots are in the specific area where the street is proposed to be relocated. The building setback line is shown as 15 feet on the plan submitted. The Subdivision Ordinance requires the subdivision to be consistent with zoning, which requires a 25 foot setback.
6. The grade of High Mountain Drive and Mountain Lake Drive at unnamed cul-de-sac street is excessive. According to the contours on the plan at this location the grade is approximately 37½% which is excessive.
7. The Subdivision Ordinance requires a cul-de-sac at the east end of Mountain Lake Drive.

C8-63-5 Mount Bonnell Terrace--contd.

8. A variance is required on the length of the unnamed cul-de-sac. It is 650 feet in length. Further concern on this is that there is possibly no outlet from this street through the adjoining property to the east. The whole length of the street may eventually be a cul-de-sac.
9. Street name would be required for the cul-de-sac street.
10. Lots 37-43, Block C would be required to be platted with adjoining property and full right-of-way of the street required at the time abutting lots are platted. At the north end of the proposed cul-de-sac, the lots are shown as being owned jointly by Mr. Connelly and Mr. E. R. Barrow.
11. Access (driveways) to many lots are questionable because of the terrain. In the vicinity just opposite Mt. Bonnell proper, there is a difference in elevation of some 30 feet between the street and a line 50 feet east thereof. It is not impossible to get access to these lots, but may be impractical because of the terrain.
12. Change name of Lakewood Drive as there is already a street by the same name.
13. A variance is required on the length of Block A and C. Block A is the block adjacent to the lake on the west side of Mt. Bonnell Road. Block C is to the east of Mt. Bonnell Road. It exceeds the Ordinance requirement of 1200 feet for residential purposes.
14. Complete boundary survey required.
15. Five foot contour intervals required by the Ordinance whereas ten foot intervals are shown.

The contour information is incomplete to the extent it is not shown on the property below the bluff adjoining the water's edge.

Mr. Cortez advised that in relation to the preliminary plan that because of the fact the contour intervals are not shown by the Ordinance, this is not a proper preliminary plan. The Planning Director stated that in view of the Ordinance requirements and the fact that there are a number of problems, the Planning Department recommends to the Planning Commission that the preliminary plan be revised and recommends the submission of a revised preliminary plan meeting the requirements of the Ordinance.

C8-63-5 Mount Bonnell Terrace--contd.

Mr. Barrow stated that when this plan was first submitted to the Subdivision Committee, which passes on subdivisions before they go to the Commission, the question of the street location was raised at the time and it has not been the practice of the Commission to consider a plan that shows a dedicated street at a location that is not accepted on the plan such as this. This matter went to the City Council in order to determine what they wanted to do or what action they wanted to institute on where the street might be. At the same time, the Planning Commission recommended to the Council that the City acquire the land west of the present road because it is the most scenic part of this tract. The City Council appointed a committee of which two members of the Commission were members and they studied this matter for some time and were unable to come up with a recommendation on whether to buy the entire 41 acre tract or just that portion of property to the west of the road. The people who own the property have been waiting a long time in order to give the people of Austin time to do something about this. Mr. Barrow stated it is his opinion that the Commission should proceed with the preliminary in accordance with the law and with sound practice. Subdivisions are submitted to the Commission from time to time with a number of requirements to be worked out and this is usually done.

Mr. Kinser stated he was also of the opinion that the Commission should decide upon the preliminary and give some indication, to the owners and developers, as to the layout.

Mr. Harry Whittington, attorney for and representing the Connelly Company, and Mr. Lewis Little, presented the following information:

When the property was purchased, it was contemplated the road would be moved because of the dangerous hairpin curve, and anyone developing the property would not consider such a valuable piece of property being brought into the City without taking out this hairpin curve. The main proposal of the application was to relocate Mt. Bonnell Road.

This plan was first filed in February, 1963. It has been before the Commission for 2½ years. One amended plan was filed and the owners have been considerate enough to wait until the Council could act to see if the public was interested in purchasing the property. The Council voted to discontinue the possible acquisition and asked we be given some approval or recommendation on how it could be developed and brought into the City. The plan that was filed would obviously require some minor changes. Most of the comments are minor and they could be cleared; therefore, the Commission is asked to approve the preliminary plan subject to the items as noted.

The plan at the present time is to fill the draw that has a 37 foot grade. When the City acquired the property adjacent to this tract, it was recognized that the Connelly Company would have access through the City property. The Connelly Company has access through an agreement

C8-63-5 Mount Bonnell Terrace--contd.

by the City of Austin when they purchased the property. It is a binding agreement plus the fact that it is our opinion that Lake Austin, in the prior approvals of subdivisions up and down the lake, constitutes a means of access. Section 23.5 of the Subdivision Ordinance reads as follows:

"Where literal enforcement of a provision of this chapter will render subdivision of a tract of land impractical, and will result in the confiscation of property, the Commission shall have authority to grant a variance from such provision."

The Commission therefore has the authority to grant variances on setback requirements, by permitting the owners to develop as a variance to the Ordinance. All of the requirements by the Planning Department can be cleared up. This beautiful subdivision would be an asset to the City.

Mr. Wroe stated this is a preliminary plan subject to change and subject to any difference of opinion being worked out.

Mr. Cortez again stated the preliminary plan that has been presented does not meet the bare requirements as required by the Ordinance.

Mr. Osborne stated the preliminary plan is not in order. There are a number of requirements to be complied with. There is no objection to working with the developers so that things can be worked out. There are a number of technical points that need to be cleared, including the location of Mt. Bonnell Road.

After further discussion and action on the street vacation request, the Commission

VOTED: To REJECT the preliminary plan of Mount Bonnell Terrace Subdivision.

AYE: Messrs. Barrow, Brunson, Lewis, Goodman, Riley, and Jackson

NAY: Messrs. Kinser, and Wroe

ABSENT: Mr. Hendrickson

SUBDIVISIONS PLATS - FILED

The staff reported that reports have not been received from several departments and recommended that the following final plats be accepted for filing. The Commission therefore

VOTED: To ACCEPT the following final plats for filing:

- C8-65-14 Siegmund Addition, Section 2
Lyons Road and Gunter Street
- C8-65-10 Aqua Verde Subdivision
Charles Avenue
- C8-65-21 Springdale Hills, Section 2
East 19th Street, west of Hilldale Street
- C8-65-35 Jamestown, Section 2
Fairfield Drive and Jamestown Drive

SUBDIVISION PLATS - CONSIDERED

- C8-64-62 Colony North, Section 2 (Revised)
Jamestown Drive

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

VOTED: To ACCEPT the final plat of COLONY NORTH, Section 2 (Revised) for filing and DISAPPROVE pending completion of departmental reports, and authorized the staff to poll the Commission upon completion.

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

The staff reported Section 3 of the Wooten Village Subdivision was presented at the Commission meeting of June 1, 1965, at which time the Commission voted to disapprove the final plat pending a number of requirements as follows: Additional easements, fiscal arrangements, completion of departmental reports, annexation, and submission of a revised preliminary plan on the balance of the property. Also subject to the conditions as set out in the following letter to Mr. Nolan Purser, engineer for the developer:

"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."

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

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

The owner, Mr. Nelson Puett, sold a number of the tracts along U. S. Highway 183 which is contrary to the original 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 U. S. 183. Mr. Foxworth stated that one of the problems arising from the sale of the frontage along U. S. 183 is that Ohlen Road, scheduled to be 80 feet wide through the subdivision appears to have been reduced to 50 feet and Fairfield Drive, scheduled to be 60 feet in the original preliminary appears to have been reduced to 50 feet.

Mr. Nelson Puett stated he bought 134 acres in 1959. The frontage was deed restricted for commercial and industrial. He started selling the frontage in 1959 and has sold 4000 feet to 30 different owners. He stated it is impossible to get these 30 people to join in the platting of this subdivision. This frontage should not have anything to do with Section Three which he wants to develop at this time.

Mr. Osborne, Planning Director, stated there is a need for a revised preliminary plan that will provide for certain streets intersecting U. S. 183, as it is his understanding that there is some encroachment into the rights-of-way as shown on the original preliminary plan.

Mr. Puett stated he still owns the four corners fronting on Ohlen Road and Fairfield Drive and that he is willing to dedicate 60 feet of right of way for Fairfield Drive. He said there is no need for a revised preliminary plan.

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

Mr. Barrow stated it is the policy of the Commission and a requirement of the Ordinance to require a preliminary plan on a piece of land that is to be subdivided. If the developer sells some of the land, he is required to furnish a revised preliminary plan.

The Planning Director stated a revised preliminary is required for the protection of the purchaser and the seller for the availability of utilities. The City is prohibited from serving a piece of land that is not a recorded subdivision. It is the requirement of the Commission that when a piece of property is sold off by metes and bounds that a plat of the land be filed. One of the basic concerns is the assurance, through a revised preliminary plan that the roads in the area will be provided.

Mr. Puett stated he would be willing to submit a revised preliminary on the balance of the land he owns but does not think it is necessary to have the other property owners join in the subdivision.

The Commission discussed various aspects of requiring a revised preliminary. Mr. Lewis and Mr. Wroe were of the opinion Mr. Puett should not be required to submit a revised preliminary plan on property that he does not own. Mr. Kinser and Mr. Barrow felt Mr. Puett should comply with the requirements and practice of the Commission. After further discussion, it was therefore

VOTED: To DISAPPROVE the final plat of WOOTEN VILLAGE, Section 3, pending the required additional easements, fiscal arrangements, completion of departmental reports, annexation, and submission of a revised preliminary on all of the property Mr. Puett still owns and controls, and furnish the Planning Department evidence to the affect that he can provide the 60 foot right-of-way for Fairfield Drive and 80 feet right-of-way for Ohlen Road as set forth on the original preliminary plan.

AYE: Messrs. Wroe, Lewis, Jackson, Brunson, Riley, and Goodman

NAY: Messrs. Barrow and Kinser

ABSENT: Mr. Hendrickson

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

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 NORTHWEST HILLS, Section 7, pending the required additional easements, fiscal arrangements, completion of departmental reports, annexation, and drainage easements will be required in some locations. Additional drainage easements may be required in other locations, depending on street grading.

C8-65-13 Rollinghills West
Swenson Drive and Pinnacle 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 ROLLINGHILLS WEST, pending required additional drainage easements, fiscal arrangements, completion of departmental reports, and Health Department approval of the water system and septic tanks. The area labeled "Smith Creek" should be designated as a drainage easement or right-of-way.

C8-65-15 Oak Valley Park
Davis Lane

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

VOTED: To DISAPPROVE the final plat of OAK VALLEY PARK, pending completion of departmental reports.

C8-64-17 South Gate Terrace, Section 1
Parker Lane and Wind Oak Drive

The staff recommended disapproval of this plat pending Council action on the vacation of portions of Matagorda Street. It was therefore

VOTED: To DISAPPROVE the final plat of SOUTH GATE TERRACE, Section 1, pending the requirement as noted.

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-65-74 Treadwell Addition, Section 3

Burnet Road

C8s-65-77 Dodson Addition

Laird Drive and Burnet Lane

C8s-65-76 Swartz Addition

East 3rd Street at Comal

The staff reported that reports have not been received from several departments and recommended this plat be accepted for filing upon consideration of a variance required on the width of East 3rd Street. East 3rd Street is 45 feet wide running in front of the subject property and 60 feet wide east of Comal Street. The south right-of-way line of the street lines up but the north side is offset at Comal Street. The street is also curbed and the curbs line up on the south side.

It was therefore

VOTED: To ACCEPT the short form plat of SWARTZ ADDITION for filing, granting a variance on the width of East 3rd Street.

SHORT FORM PLATS - CONSIDERED

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-65-71 North Lamar Park, Section 1, Resub Lot 1, Block A

North Lamar Boulevard at Carpenter Drive

C8s-65-66 Woodruff Boulevard Addition

Ben White Boulevard and Woodruff Boulevard

C8s-65-73 Bergstrom Downs, #1, Resub Lots 10 & 11, Block 1

Patton Avenue at Lourie Street

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

Fair Oaks Drive and Periwinkle Path

The staff recommended disapproval of this plat pending the required annexation, completion of departmental reports, and evidence of termination of KTBC radio tower easement. It was therefore

VOTED: To DISAPPROVE the plat of SOUTHERN OAKS, Sections 3 and 3A Resub. pending completion of departmental reports, annexation, and evidence of termination of KTBC radio tower easement.

C8s-65-64 Houston Street Subdivision

Houston Street, West of North Lamar Boulevard

The staff recommended disapproval of this plat pending completion of departmental reports and determination of street right-of-way needs. The Commission therefore

VOTED: To DISAPPROVE the plat of HOUSTON STREET SUBDIVISION, pending the requirements as noted.

C8s-65-72 Rivercrest Addition, Section 2, Resub Lot 66, Blk.A, Lot 21, Blk.D

Rivercrest Drive

The staff recommended disapproval of this plat pending completion of departmental reports and determination of adequate cul-de-sac provision. The Commission therefore

VOTED: To DISAPPROVE the short form plat of RIVERCREST ADDITION, Sec. 2 Resub Lot 66, Block A and Lot 21, Block D, pending the requirements as noted.

C8s-65-75 Hankey Subdivision, Lots 5 & 6, Block 2 of Smyth's Addition

West 34th Street at King Street

The staff recommended disapproval of this plat pending determination of street right-of-way. It was therefore

VOTED: To DISAPPROVE the short form plat of HANKEY SUBDIVISION, Lots 5 and 6, Block 2, of Smyth's Addition, pending requirement as noted.

OTHER BUSINESS

C10-63-1(d) STREET VACATION

Portion of Mount Bonnell Road in connection with Mount Bonnell Terrace Subdivision

Mr. Harry Whittington, representing the Connelly Company, and Mr. Lewis Little presented the following information:

The road as submitted on the preliminary plan was offered to the City of Austin by the Connelly Company and Mr. Little, to be dedicated as a public street. They have owned all of this property and this is being offered to the City in good faith and it is felt there is good title to the land or they would not be offering it. In 1922, the Covert family for \$1.00 and other benefits which the public would receive, dedicated a 40 foot right-of-way through this piece of property. There was no reversion clause in that deed.

The roadway was never accepted as a 40 foot roadway. It has never been maintained by the county. It has never been cleared. In 1939, an

C10-63-1(d) STREET VACATION--contd.

additional 20 feet was granted and the specific restriction said that the Coverts would give an additional 20 feet of right-of-way adjoining the other 40 feet. It is our position that they could not give this unless it was on one side or the other. The additional 20 feet would all lay east of the original 40 foot road. Mr. Whittington stated it is their opinion that the additional 20 feet dedicated was on the east side because it was more accessible and easier to tie into the curve. The 20 feet was never used and the road has stayed the same. The subsequent agreement would have extreme doubt as to the validity of the public having any right to the 20 feet. It is their opinion the title to that property is good. In regard to the 60 feet that is there, if the Council feels they should have 60 feet, there is no objection to that. The reversion clause is in the additional 20 foot right-of-way which states that in consideration of the clearing and curbing of this area, they will give another area for a park. This is the only basis for which the City can claim the roadway has anything to do with the park. Everything the Coverts had has been purchased. If there was any possibility of it reverting back, it would revert back to Mr. Little and the Connelly Company. When the option was granted to the developers by the Coverts, it was stipulated that the road would be moved and the Covert family agreed that the Connelly Company would come and apply for this and they would develop it. They had already committed themselves to permit them to come to the Commission and they would agree to execute whatever agreements were necessary. The public has had a very ample opportunity to consider buying this property.

Mr. Watson, engineer for the developer, stated the relocation is to the east of the existing road and beyond the additional 20 feet.

Mr. Barrow stated he was under the impression the road was acquired by use and he was of the opinion that until the Legal Department of the City, which the Commission has to go through, tells the Commission differently, that the road is dedicated at the present location and is the location which they dedicated and set out to the City by instrument.

Mr. Osborne stated he asked the City Attorney how this should be considered, and he said it should be considered and shown as a 60 foot street in approximately the location as shown on the map. This was, in turn, the information that was developed not particularly by the City staff, but by various individuals in consideration by the Mount Bonnell Study Committee as to the general location. For the Commission's consideration this is essentially a dedicated street or park road.

C10-63-1(d) STREET VACATION--contd.

Mr. Cortez stated the City Attorney does consider this a 60 foot dedicated roadway. He also stated that it was his understanding that there was also another party involved which they have not obtained rights from. The City has not examined the abstract and they have not been favored with any of the abstracts.

Mr. Wroe inquired if the right-of-way was ever surveyed out by metes and bounds and located.

Mr. Osborne stated the only information that is available is that there is a survey. We have been informed by the County officials that this is the survey of Mount Bonnell Road.

Mr. Connelly stated there will be a better view by moving the road rather than leaving it where it is.

Mr. Watson, engineer for the developer, stated the reason for relocating the road is obviously to take the hairpin curve out. We are going to drop off the hill in order to make this a safe grade and we are going to take the rock off and bring it down to grade level. We are going to take this excavated material and fill up the canyon. We are going to improve it and not tear up the view.

Mr. Nelson Puett appeared at the hearing in favor of the request. He stated it is his opinion that the Connelly Company owns that land and they should be allowed to develop it. It is the Planning Department's job to develop this in a good sound way. It is not the Planning Department's job to use legal ways to stop the subdivision.

The following people appeared at the hearing in opposition to the request:

Mrs. S. C. Bartlett, President of the Heritage Society
Mrs. Margaret Louise Hill, President, Conservation Federation of Texas
Mrs. Lester Reed, representing the Austin Women Voters
Mrs. Fagan Dickson, Chairman, Austin Park Boards
Leon Lebowitz
Mrs. Stewart Harris, President, Travis Audubon Society
Mr. Don Legge
Mr. Duval

The following objections were presented to the Commission:

1. The people of Austin wish to preserve the natural beauties of Mount Bonnell.
2. This is a civic beauty as well as a natural beauty.

C10-63-1(d) STREET VACATION--contd.

3. This is a tourist attraction and should be preserved as such.
4. Mount Bonnell is part of the cultural heritage of Austin.
5. If the relocation of the road is allowed, it will spoil the beautiful view.
6. Mount Bonnell Road belongs to the citizens of Austin.
7. If the road is relocated and development occurs, the actual net loss of dollars and cents will be inevitable by the loss of tourist dollars.

Messrs. Wroe and Kinser stated it was their opinion that Mount Bonnell Road be relocated to the best possible interest of the public in regards to safety. Mr. Jackson was of the opinion the property to the west side of the road is going to be developed and the best location of the road, engineer-wise, should be considered. Mr. Barrow stated it is against public policy to move a road from its present location. A motion to relocate Mount Bonnell Road failed to carry by the following vote:

AYE: Messrs. Kinser, Wroe, Lewis and Jackson

NAY: Messrs. Barrow, Goodman, Brunson and Riley

ABSENT: Mr. Hendrickson

MOTION FAILED TO CARRY AND DENIAL IS RECOMMENDED.

C10-65-1(i) ALLEY VACATION REQUEST

Alley between Speedway and Avenue F from 39th to 40th Streets

The staff reported a letter from Mrs. David M. Moffatt and Mr. Ernest Eubanks, Chairman, Board of Trustees, of the Hyde Park Baptist Church, requesting the vacation of this alley. The Hyde Park Baptist Church owns all of the property on both sides of this alley with the exception of one parcel that fronts on Avenue F and is owned by Mrs. David M. Moffatt.

The Planning and Public Works Departments recommend the alley be vacated subject to the retention of the necessary sanitary sewer, electrical, utility, and telephone company easements. The Commission then

VOTED: To recommend the alley between Speedway and Avenue F, from 39th to 40th Streets be VACATED subject to retaining the necessary sanitary sewer, telephone company, utility and electrical easements.

REPORTS

C14-65-63 Safeway Stores, Inc.
2314-2412 Wheless Lane
C14-65-9 Nash Phillips and Clyde Copus
5909-5915 North Hampton
2201-2219 Wheless Lane
2300-2312 Wheless Lane
C14-63-134 Nash Phillips, et al
2111-2139 and 2126-2208 Wheless Lane

The staff reported a petition from a number of property owners in the immediate area of the property as described. The petition read as follows:

"We, the undersigned owners of at least fifty per cent (50%) of all property situated within the area bounded by a line two hundred (200) feet in all directions from the following described real property in Austin, Travis County, Texas, to wit:

2111-2139 Wheless Lane, Austin, Texas
2126-2208 Wheless Lane, Austin, Texas
2201-2219 Wheless Lane, Austin, Texas
2300-2312 Wheless Lane, Austin, Texas
2314-2404 Wheless Lane, Austin, Texas
2406 Wheless Lane, Austin, Texas
5909-5915 North Hampton, Austin, Texas

do hereby petition the City Council of the City of Austin to change the zoning in the above property from "GR" General Retail, First H & A to "A" Residence, First H & A. This request is made under Section 31 (c) of the Zoning Ordinance of the City of Austin, Texas, passed July 17, 1941, and amended thereafter."

Mr. Stevens stated there is a question as to whether the petition is in proper form.

Mr. Glenn Cortez, Assistant City Attorney, stated that Section 31 (c) requires that petitions be duly signed and acknowledged, and this petition is not acknowledged in any way.

After hearing and considering the report of the Assistant City Attorney, the Commission agreed with same and therefore

VOTED: To report to the Council that the petition does not meet with the requirements of Section 31, paragraph (c) of the Zoning Ordinance of the City of Austin.

C14-65-64 Gene Naumann
1911 Anita Drive

The staff reported a petition from a number of property owners in the immediate area of the property as described. The petition read as follows:

"We, the undersigned, being bona fide property owners of real estate located within 200 feet of the above described property belonging to Mr. Gene Naumann and owning greater than 51% of the property in that area, do hereby petition the City Council of the City of Austin, Texas to change the above described property from a zoning of "C" Commercial to a residential classification. This request is made under Section 31 (c) of the Zoning Ordinance of the City of Austin, Texas as passed July 17, 1941, and amended thereafter.

It is further requested that if the City Council deem a hearing necessary, that said hearing be called and the proponents hereof be allowed to present evidence showing the need and necessity for said change."

The Planning Director and the Assistant City Attorney jointly reported that the Ordinance requires that owners of at least 50% of all the property within the area bounded by a line 200 feet in all directions from the property proposed to be changed sign a petition. The petition presented has the signatures of the owners of approximately 44% of the required property, which does not meet the requirements of Section 31, paragraph (c) of the Zoning Ordinance.

After hearing and considering the report of the Planning Director and the Assistant City Attorney, the Commission agreed with same and

VOTED: To report to the Council that the petition does not meet the requirements of Section 31, paragraph (c) of the Zoning Ordinance of the City of Austin.

ADJOURNMENT: The meeting was adjourned at 11:45 p.m.

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman