

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- July 27, 1965

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

Present

D. B. Barrow, Chairman
Howard E. Brunson
Ben Hendrickson
S. P. Kinser
Barton D. Riley
Edgar E. Jackson
Jack Goodman
W. A. Wroe

Absent

W. Sale Lewis

Also Present

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

MINUTES

Minutes of the meeting of June 29, 1965, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of June 20, 1965.

C14-65-130 Dezendorf Marble Co.: A to O
909 East 49½ Street
4904-4906 Bennett Street
Add'n. Area: 907 East 49½ Street

STAFF REPORT: This site contains approximately 7,000 square feet and is developed with a single-family residence. The lot adjoining to the west has been included as additional area inasmuch as half of it is zoned "GR" and the other half is zoned "A" Residential. The staff recommends the additional area be zoned "GR" to complete the zoning on the lot. The applicant proposes to have bookkeeping and office uses. There is a mixed zoning pattern of "C" and "GR" along Airport Boulevard. The lot adjoining to the west is developed with an insurance office. To the north across East 49½ Street is "LR" zoning. The area to the east and south is developed primarily with single family residences. Bennett Avenue is a minor collector street with 50 feet of right-of-way. East 49½ Street, a minor residential street, has 50 feet of right-of-way.

C14-65-130 Dezendorf Marble Co.--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

AW	L. H. Wann: 919 East 49th	AGAINST
AQ	Mrs. Herbert Horn: 916 East 49½	AGAINST
AM	Mr. and Mrs. Clifford Warren: 922 East 49½	AGAINST
AP	Mr. and Mrs. L. R. Dodd: 918 East 49½	AGAINST
?	Mr. and Mrs. Don Grimes: 907 East 49½	FOR
A	Irene Bilbrough: 806 Monterrey Place	FOR
A	Samuel C. Bilbrough: 806 Monterrey Place	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Bilbrough, representing the Dezendorf Marble Company, stated the purpose of this office will not be for retail purposes and it will not create any additional traffic. She stated bookkeeping will be done for a corporation which has sold its manufacturing assets, and remains only an administrative function. There will not be more than one or two cars at the office at one time, and it will be closed at 5:00 p.m. The exterior of the building will remain the same, and for all practical purposes it will look like a residence.

Mr. Don Grimes, the owner of the lot included as additional area, stated it is his opinion the bookkeeping function is the highest and best use for the property. He stated his agreement with the Planning Department's recommendation that "GR" zoning be extended to his entire lot.

Arguments Presented AGAINST:

A number of people appeared at the hearing and stated they were opposed to the request because a business in the area will create additional traffic. The street does not go through to Airport Boulevard; therefore it is a quiet street without any commercial traffic. There are no sidewalks in the area, and there are many children walking back and forth to Ridgetop School. A business of this type would create many safety hazards.

C14-65-130 Dezendorf Marble Co.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. This completes the pattern of existing commercial zoning in the block.
2. The proposed zoning allows the highest and best use of the property.
3. "O" Office zoning would provide a gradation between the more intensive zoning along Airport Boulevard and the residential zoning east of Bennett Avenue.

The Committee was of the opinion that "GR" General Retail should be granted for the additional area to complete the commercial zoning on that lot.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dezendorf Marble Company for a change of zoning from "A" Residential, First Height and Area to "O" Office, First Height and Area for property located at 909 East 49½ Street, 4904-4906 Bennett Street be GRANTED and to GRANT "GR" General Retail, First Height and Area for the additional area located at 907 East 49½ Street.

C14-65-132 Phillip Baker: C-1 to C-2
1008 East 11th Street

STAFF REPORT: This site contains 4,725 square feet and is vacant at the present time. The applicant proposes to operate a package store. This lot was originally a through lot, and a recent short form subdivision split it into two lots. The area along East 11th Street is developed commercially, with "C-2" zoning in the neighborhood. East 11th Street is a commercial collector street with 60 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Phillip Baker: 1400 Cotton

FOR

SUMMARY OF TESTIMONY

The applicant appeared at the hearing and stated he applied for this change because of the recent interpretation and enforcement of the "C-1" and "C-2" provisions of the Ordinance.

No one appeared in opposition to the request.

C14-65-132 Phillip Baker--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it fits the Commission's policy of granting "C-2" zoning in a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Phillip Baker 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 1008 East 11th Street be GRANTED.

C14-65-134 Joe Perrone: C-1 to C-2
1816 South Lamar

STAFF REPORT: This site contains 2,400 square feet and is developed with a lounge. The applicant proposes to operate a package store. The area along Lamar Boulevard is primarily commercial development. South Lamar is a primary thoroughfare with 80 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

H. J. Williamson: 1708 South Lamar

AGAINST

PERSONS APPEARING AT HEARING

Code

Joe Perrone (applicant)

FOR

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated the existing use has been there for many years. There is a service station on the west side of the property and an air conditioning sales and service on the east side of the property. "C-2" is the proper zoning for the property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it fits the Commission's policy of granting "C-2" zoning in a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Joe Perrone 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 1816 South Lamar Boulevard be GRANTED.

C14-65-135 Howard E. Johnson: A to B
 Rear of 5601 Sunshine Drive
 5603-5611 Sunshine Drive

STAFF REPORT: This site is an undeveloped tract containing 75,525 square feet. The site has 195 feet fronting on Sunshine Drive and a depth of 301 feet on which the applicant proposes to erect apartments. In 1959, a small tract owned by the applicant was zoned "GR". This tract was short formed in 1961 by Mr. Johnson. The site is located directly across the street from McCallum High School. Along Stark Drive is a tier of single-family dwellings, some of which back up to the City of Austin Service Center located on Koenig Lane. To the south of subject property is "B" Residential zoning. The property along Lamar Boulevard is strip zoned and developed commercially. Sunshine Drive is a minor collector street with 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

B	Effie Bradshaw: 5611 Sunshine Drive	AGAINST
C	Maud Lawhon: 5613 Sunshine Drive	AGAINST
D	Johnnie E. Mogonya: 905 Stark	AGAINST

PERSONS APPEARING AT HEARING

Code

E	Mrs. R. M. Huey: 903 Stark	AGAINST
D	Johnnie E. Mogonye: 905 Stark	AGAINST
Q	Thomas L. Frazier: 900 Stark	AGAINST
J	Otto Oertli: 815 Stark	AGAINST
N	M. E. Renfro: 816 Stark	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated he wants to utilize this property and that he intends to erect very nice apartments.

Arguments Presented AGAINST:

A number of people appeared in opposition to the request. Their main objection is the number of cars that will be brought into the area by an apartment complex. It is very difficult to get through Stark Street during school hours because of the number of cars the students park on the street. If the apartments are allowed to deteriorate after a few years, it will be detrimental to the area.

C14-65-135 Howard E. Johnson--contd.

The Committee recognized the congested traffic condition in the area of the school, but felt "A" zoning was not suitable for development of the property. They felt extension of the "B" zoning existing to the south was logical and desirable for proper development of the property.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Howard E. Johnson 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 5601 Sunshine Drive and 5603-5611 Sunshine Drive be GRANTED.

C14-65-136 G. B. Woody: A to B
3105 North Interregional Highway

STAFF REPORT: This site contains 1,887 square feet and is located at the rear of a lot fronting on Robinson Avenue. The applicant wishes to rezone 37 feet that backs up to commercial property he owns along the Interregional Highway. This area is proposed to be used for parking for an existing motel. Commercial zoning is established along Interregional Highway with the exception of "B" zoning located at the corner of East 32nd Street. The property along Robinson Avenue is developed with well-maintained single-family dwellings. It is the staff's opinion this change of zoning would be an undesirable encroachment into the residential area.

TESTIMONY

WRITTEN COMMENT

Code

W	Mrs. Evelyn Aldrich: 3101 Robinson	AGAINST
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PERSONS APPEARING AT HEARING

Code

A	E. H. Smartt: 630 Littlefield Bldg.	FOR
J	Mrs. Vera Surles: 3110 Robinson	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. E. N. Smartt, representing the applicant presented the following information: This property belongs to Mr. and Mrs. Woody who own and operate the Star Motel at 3105 North Interregional Highway. They also own the entire lot to the rear of the motel. They need additional parking for the motel in order to remove some of the cars off the street. The only available property for this purpose is the rear of the lot they own adjoining the motel. There will be no access from Robinson Avenue. Guests will drive into the parking area from the Interregional Highway.

C14-65-136 G. B. Woody--contd.

Mr. Smartt advised the Committee that the subject property is in the Avalon Addition, and is zoned for residential purposes. Every owner in the addition except one has signed a petition which can be recorded, if necessary, stating they are not in objection to the zoning change and the area being used as a parking area. It would not be of any detriment to the other houses in the area because it would be shielded from view by a house which is on the front part of the lot and by a two car garage behind the house.

Mr. Kinser inquired if the applicant has any objection to screening the parking area with a fence or a hedge.

Mr. Woody stated they would not object to a screening fence being placed on the north and south property lines. Mr. Woody also stated that they do not intend to move the house that is on the front of the lot.

Arguments Presented AGAINST:

Mrs. Vera Surles appeared at the hearing in objection to the request. She stated that most of the people on Robinson Avenue are retired people who have lived there for many years. There is a lot of traffic from the school and the apartments on East 32nd Street, and it is her opinion that this would increase traffic in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee took note of the fact that the applicant stated he would put a screening fence surrounding the parking area, and that there would be no access from Robinson Avenue. They felt that the public safety and convenience would be served by increasing the parking area of the motel.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of G. B. Woody for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3105 North Interregional Highway be GRANTED.

C14-65-137 Homart Development Co.: C to C-1
300 Hancock Center (1000 East 41st Street)

STAFF REPORT: This site contains 1,512 square feet and is located in the Hancock Shopping Center. The site is the "Cibo House" restaurant in which the applicant proposes the sale of beer and wine for on-premise consumption. The subject property is located near the "El Chico" Restaurant, which was granted "C-1" zoning in 1963 for the same purpose. The notification area was extended to the south, since the applicant owns all property within 300 feet.

C14-65-137 Homart Development Co.--contd.

SUMMARY OF TESTIMONY

Mr. Jack Hieronymus appeared at the hearing to represent the applicant.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it fits the Commission's policy of granting "C-1" zoning in a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Homart Development Company for a change of zoning from "C" Commercial, First Height and Area to "C-1" Commercial, First Height and Area for property located at 300 Hancock Center (1000 East 41st Street) be GRANTED.

C14-65-138 Truman Morris: C and A to C-1, 1 and 2 to 2
5255 Burnet Road
1609-1617 North Loop Boulevard

STAFF REPORT: This site contains 12,077 square feet and is developed with a new vacant building. The applicant proposes on-premise consumption of beer and wine with the sale of food in a restaurant. Burnet Road is strip zoned "C" Commercial, Second Height and Area. All of subject property, with the exception of about 10 square feet in the northeast corner of the lot is in this zone. The small corner is zoned "A" Residential, First Height and Area. Burnet Road is a primary thoroughfare with 60 feet of right of way. North Loop Boulevard is a secondary thoroughfare with 50 feet of right of way.

TESTIMONY

WRITTEN COMMENT

Code

C F. O. Reinke: 5208 Jim Hogg AGAINST

PERSONS APPEARING AT HEARING

Code

M E. L. Gerhardt: 3505 Arrowhead FOR

SUMMARY OF TESTIMONY

Mr. E. L. Gerhardt, representing the applicant, stated there are numerous restaurants in the area with "C-1" zoning, and it was his opinion they are entitled to the same type of zone.

No one appeared in opposition to the request.

C14-65-138 Truman Morris--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it fits the Commission's policy of granting "C-1" zoning in a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Truman Morris for a change of zoning from "C" Commercial and "A" Residential, First and Second Height and Area to "C-1" Commercial, Second Height and Area for property located at 5255 Burnet Road and 1609-1617 North Loop Boulevard be GRANTED.

C14-65-139 Robert L. Ogden: B to O

612 Winflo Drive

Add'n. Area: 610 Winflo Drive

STAFF REPORT: This site contains 6,580 square feet and is undeveloped. The staff has included a 15 x 94 foot vacated alley between the subject property and "C" Commercial zoning to the south as additional area. The applicant proposes to construct an office building. The subject property is part of the Parkview Subdivision (1949) that begins at the site and extends to West 9th Street. The area is zoned "B" Residential for apartments; however, it is developed with single family and two-family dwellings, with the exception of a large apartment unit on West 9th Street. The property along West 6th Street is zoned commercial from Pressler Street east. The property to the south of the site is used for new and used car sales. It is the staff's opinion that "O" zoning would be an intrusion into a residentially developed subdivision and would add congestion to the street which would be further aggravated by the street grade and access to the street. Winflo Drive, with 50 feet of right-of-way has a very steep grade.

TESTIMONY

WRITTEN COMMENT

Code

A	Austin Damewood: 614 Winflo	FOR
E	Bruno Sanchez: 609 Oakland	FOR
J	G. T. Pipkin: 706 Winflo	AGAINST
K	Robert Hamby: 704 Winflo	AGAINST
L	Thomas C. Hamby: 702 Winflo	AGAINST
N	T. J. Goad: P. O. Box 1018, San Antonio	FOR
P	L. K. Smoot: 1316 West 6th Street	AGAINST
W	B. G. Smith: 604 Pressler	FOR
AL	Frederick W. Maus: 716 Brownlee Circle	AGAINST
AS	Willie R. Garrett: 709 Brownlee Circle	AGAINST

C14-65-139 Robert L. Ogden--contd.

PERSONS APPEARING AT HEARING

Code

AN	Mrs. G. K. Shearer: 702 Brownlee Circle	AGAINST
AP	Mr. and Mrs. H. B. Dunagan: 701 Brownlee Circle	AGAINST
K	Mrs. Robert Hamby: 704 Winflo Drive	AGAINST
A	R. L. Ogden: 2302 West 10th Street	FOR
AC	Mr. and Mrs. Edwin A. Alley Jr.: 1317 West 6th	NO OPINION
AL	Mr. and Mrs. F. W. Maus: 716 Brownlee Circle	AGAINST
	Mrs. H. E. Lake: 711 Brownlee Circle	

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated it is his opinion that the "O" Office zoning would be a buffer between the used car lot to the south and the residential development to the north. The City would require off-street parking for an office building, therefore it would not mean additional cars parking on the street. A nice office would be an asset to the the area rather than detracting from it.

Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to the request and presented photographs of the area. They offered the following objections to the change.

1. This area is deed restricted against commercial uses.
2. The homes in the area are nice, well-kept homes and this would be detrimental to the property values.
3. The cars from the used car lot are parked in the street at all times now. The proposal would create an additional traffic hazard.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Robert L. Ogden for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 612 Winflo Drive and the additional area located at 610 Winflo Drive be DENIED.

C14-65-140 J. H. Touchstone, Jr. et al and John J. McKay, Trustee

A to GR (Tr.1) C-1 (Tr.2) GR (Tr.3), 1 to 2

Tract 1: 4301-4317 Springdale Road

4600-4616 Farm Hwy. 969

Tract 2: 4319-4323 Springdale Road

Tract 3: 4401-4501 Springdale Road

STAFF REPORT: This site consists of three tracts of undeveloped land. The applicants propose a community center including a grocery store with package sales of beer. These tracts are a part of a large tract that extends beyond the City limits. Across Springdale Road to the west is the Morris Williams Golf Course. "LR" zoning is established to the south of East 19th Street. The entire area is zoned first height and area, and the staff recommends there be no change in the height and area district. The staff also recommends against the "GR" zoning inasmuch as there is no zoning east of the Airport that is more intensive than "LR", and because the site as proposed is too small on which to develop a center that would contain uses requiring a "GR" district. East 19th Street is a primary thoroughfare with 100 feet of right-of-way which is substandard. Twenty additional feet will be required, of which ten will come from the north side of 19th Street. Springdale Road, also a primary thoroughfare, has 80 feet of right-of-way and is scheduled to be 120 feet. It is proposed for all of the additional widening to be on the west side of the street.

TESTIMONY

WRITTEN COMMENT

Code

A	John J. McKay, Trustee: 703 Perry-Brooks Bldg.	FOR
D	Jack Ritter, Jr.: 5025 Burnet Road	FOR

PERSONS APPEARING AT HEARING

Code

B	Mrs. Max B. Wilder: 508 Baylor	?
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SUMMARY OF TESTIMONY

Arguments Presented FOR:

The staff reported a letter from Mr. John J. McKay, Trustee, which is summarized as follows:

The subject property described in the application is a small part of a larger 6.83 acre tract under contract to purchase. All of this tract, except that on which re-zoning is requested is outside the City Limits.

It is condition precedent to consummation of this purchase that the purchaser be able to get re-zoning on that part within the City Limits.

C14-65-140 J. H. Touchstone, Jr. et al and John J. McKay, Trustee--contd.

The only residence within several hundred yards of the tracts is a rent house on the premises itself. On the north side of Springdale Road there is a golf course. At the intersection of Springdale and 19th Street, southwest corner, there is a Texaco gas station, and back west on 19th, a drive-in grocery. At the intersection of Springdale, 19th and Heflin, there is a county owned and maintained precinct warehouse. On the south, or southwest side of 19th Street, opposite Tract 1, there is a Ritter Service Station, and no residences on that side of 19th, going east. To the east of Tracts 1, 2 and 3 is the balance of the property under contract to purchase, and first residences are east of the 6.83 acre tract, fronting on 19th Street, which appear to be a couple of hundred yards east of the tracts on which re-zoning is sought.

Arguments Presented AGAINST:

Mrs. Max B. Wilder appeared at the hearing in opposition to this request. She stated she is opposed to the selling of liquor in any form.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the area is too small for the size shopping center that would include businesses that require a "GR" use. The Committee concluded that "LR", Local Retail, First Height and Area zoning is the proper zoning for Tracts 1 and 3 as it is a logical extension of the existing commercial zoning at 19th Street and Springdale Road. They also felt that "C-1" Commercial, First Height and Area zoning on Tract 2 would be compatible with the surrounding development. The Committee noted they would look with favor on General Retail zoning for any proposed shopping center on a larger site in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. H. Touchstone, Jr., et al and John J. McKay, Trustee, for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, (Tract 1), "C-1" Commercial (Tract 2) and "GR" General Retail (Tract 3), Second Height and Area for property located at 4301-4317 Springdale Road, 4600-4616 Farm Hwy. 969 (Tract 1) 4319-4323 Springdale Road (Tract 2) 4401-4501 Springdale Road (Tract 3) be DENIED but to GRANT "LR" Local Retail, First Height and Area for Tracts 1 and 3, and "C-1" Commercial, First Height and Area for Tract 2.

Planning Commission -- Austin, Texas

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C14-65-141 J. M. Boyer: A to C
2109 Redwood

STAFF REPORT: This tract contains 136,000 square feet (3.13 acres) and is developed with two single family dwellings. The adjacent property to the south is zoned "O" Office and "C-2" Commercial. This zoning was granted for the Moose Lodge. The property adjacent to the north was zoned "DL" in 1958 prior to the adoption of the Austin Master Plan. "DL" zoning does not fit in with the Austin Development Plan at this time. "GR" zoning was established at the corner of Manor Road and Redwood Avenue in 1961. In 1963, a special permit was granted on that property for an office building and testing and analysis laboratory. The west side of Redwood Avenue is developed with single-family residences. Adjoining the subject property to the east is the Morris Williams Golf Course. Redwood Avenue is a minor collector street with 70 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

A	Albert J. Goeke: 2107 Redwood Avenue	FOR
B	F. M. Pfaefflen: 2109 Redwood Avenue	FOR
N	Lambert C. Schumann: 2012 Redwood Avenue	FOR

PERSONS APPEARING AT HEARING

Code

Robert Mueller (representing applicant)	FOR
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SUMMARY OF TESTIMONY

Mr. Robert Mueller, representing the applicant, offered the following information: When Mr. Boyer, the owner of the tract adjoining the subject property to the north, was granted the "DL" classification on his property, it was in connection with the trading of acres for the Morris Williams Golf Course. At that time, the sheet metal works on the property was non-conforming. Mr. Boyer has entered into a contract to purchase the subject tract, provided commercial zoning is secured. He has not proposed use for the property at this time. It will eventually be used in conjunction with the property he now owns to the north.

No one appeared in opposition to the request.

C14-65-141 J. M. Boyer--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as "C" Commercial zoning is too intensive for the area. They were of the opinion that "GR" General Retail zoning should be granted as it would limit the intrusion of a heavier use into this area.

Mr. Stevens stated the Planning Department recommended "O" Office for this property as a logical extension of existing zoning. It is the staff's opinion that "GR" zoning is not the proper zoning for Redwood Avenue since it is not a retail area.

Mr. Brunson stated the applicant owns the property adjacent to the north and plans to use this property as his office and storage area in connection with the sheet metal works.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. M. Boyer for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2109 Redwood be DENIED but to GRANT "GR" General Retail, First Height and Area.

C14-65-142 Bullard Company: B to GR
1102-1104 Koenig Lane

STAFF REPORT: This site contains 7,200 square feet and the applicant proposes building storage-garage type units to be used in connection with improvements to be built on Lot 9 adjoining on the south. There is a small creek running through the middle of the subject property. The subject property backs up to deep residential lots. Commercial zoning could bring truck traffic into the rear of the property. Koenig Lane is a primary thoroughfare with 70 feet of right-of-way in front of the subject property and varying widths in other areas.

TESTIMONY

WRITTEN COMMENT

Code

H John McKenzie: 5909 Grover

AGAINST

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

C14-65-142 Bullard Company--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

Mr. Bullard appeared at the hearing and stated that the property in front of the subject property is zoned "GR". The site in question is bisected by a 30 foot drainage ditch and utility easement. He stated they intend to build an office on the front property, and want to use the rear for storage. There is ample off-street parking provided. The area backs up to lots that are 200 feet deep. This is a good use for the property and will not harm anyone.

Mr. Stevens stated that the creek does not run through the middle of the property as originally reported, but it is along the west boundary of the property. The use proposed by Mr. Bullard is legal in a "GR" zone only by special permit.

The Commission was of the opinion that the requested zoning is a logical extension of the present commercial zoning, and it was therefore

VOTED: To recommend that the request of Bullard Company for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1102-1104 Koenig Lane be GRANTED.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivision at the meeting of July 12, 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. The following subdivisions were referred to the Commission without action:

C8-65-28 Colony North, Revised Preliminary of Portions of Blocks H and F
C8-65-30 Lanier Heights
C8-65-33 Cavalier Park

It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of July 12, 1965, on the minutes of this meeting.

PRELIMINARY PLANS

C8-63-5 Mount Bonnell Terrace
 Mount Bonnell Road

The staff reported that this subdivision was presented at the Planning Commission meeting of June 29, 1965, at which time it was rejected. The street vacation request was also denied at that meeting. Since that time, there have been a number of meetings between the developer and the Planning Department in order to work out a preliminary plan that would be acceptable. The Planning Department does find the plan as submitted at this time acceptable. The layout as to the street and lot arrangement is acceptable but requires a variance be granted on the excessive length of the cul-de-sac extending to the Barrow property to the north. The cul-de-sac street is approximately 700 feet in length. The Ordinance states that a cul-de-sac street be not more than 400 feet in length. Because of the terrain and the topography, this variance is recommended by the staff. After further discussion, the Commission therefore

VOTED: To APPROVE a variance on the length of the cul-de-sac.

(DISQUALIFIED: Mr. Barrow)

Mr. Stevens stated that lots 7 through 17, Block E are designed to face into Mountain Lake Drive, an interior street, instead of facing onto Mount Bonnell Road. Lots 1, 2 and 3, Block E and Lots 1, 2 and 3, Block B, face Mount Bonnell Road for legal frontage, but will be serviced by a 20 foot driveway easement at the rear of the lots, and the subdivider has agreed to place a restriction on the final plat prohibiting vehicular access directly from Mount Bonnell Road. Mount Bonnell Road has a sharp hairpin curve and a sharp grade approaching the bridge at the south end of this property. On the west side of Mount Bonnell Road there are 18 lots facing onto Mount Bonnell Road. The area below the bluff has been tied to and made a part of Lot 2, Block A, to comply with the Ordinance requirements for street frontage. Starting with Lot 3, Block A, the lots are shallow at this point and gradually get deeper to the north. In the area along the front of Lots 2 through 10, Block A, this subdivision proposes the east lot lines to extend out to the west edge of the existing pavement. The existing pavement has a variable width from twenty-one to twenty-four feet. The question was raised as to whether this street or any portion thereof is a street that is subject to vacation. This is a legal question and must be resolved before any final plat can be acceptable. However, this plan is agreeable to the developers and is satisfactory to the department strictly on layout basis.

There is a critical question as to the adequacy of building area existant between the street location and the bluff line (indicated on this plan by small hash marks.) The staff has requested of Mr. Connolly that no building line be established on the plat for Lots 3 through 10, Block A, because of

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

the uniqueness of these lots. Proper building areas and setbacks should be provided but will require action by the Board of Adjustment. They must find unique conditions existing on each site to permit a variance from the requirements of the Zoning Ordinance on setbacks. No building line should be established on the subdivision plat which would in anyway inhibit the Board in their determination.

The Planning Department recommends approval of this plan subject to determination by the City Legal Department on the location of the pavement and street right-of-way line in relation to the lot lines and subject to distribution and clearance with all other departments affected.

Mr. Glenn Cortez, Assistant City Attorney, stated that the proper preliminary plan has not been submitted due to the fact they do not show the road where the Legal Department understands it to be.

Mr. Barrow stated that it is not uncommon for the Planning Commission to consider a plan that shows a proposed road in a different location from an existing road and then either approve or disapprove the plan.

Mr. Cortez said that the developers show an existing road where it is not, and that they show the existing edge of the pavement of Mount Bonnell Road as being the property.

Mr. Eskew, City Attorney, stated that the Ordinance requires the location and size of the existing roadway to be shown on the plan.

Mr. Jackson was of the opinion that the existing legal location of the road is not the business of the Planning Commission. Mr. Wroe stated that in his opinion the legal determination of the road would be like any other departmental report that should be complied with. He felt the subdivision plan should be approved subject to departmental reports that would encompass the legal determination of the road by the City.

Mrs. Margaret Louise Hill, Mrs. Fagan Dickson and Mrs. Lester Reed, appeared at the hearing and offered the following objections: This area is an area of public interest. There is a deed giving this road to the citizens of Travis County. If this plan is approved, it will close the door to future negotiations with the City Council on the purchase of this tract. The people in the area and the interested citizens of Austin would like to see the City keep the dedicated roadway as it is.

Mr. Barrow stated he has spend considerable time and effort on this matter and it is his opinion that some of the changes that have been made by the developers are fine and good for the public. One of the major changes is the serving of some of the lots from the rear. This will prevent entrances

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

and garages being near the park area. Mr. Barrow stated he will continue to try to get the City Council to purchase part of this tract in the interest of the citizens of Austin. After further discussion, the Commission therefore

VOTED: To APPROVE the preliminary plan of MOUNT BONNELL TERRACE, omitting the building setback line on Lots 3 through 10, Block A, and subject to the City Legal Department determining if the roadway extends west of the existing pavement and whether it would be subject to vacation and subject to redistribution and clearance by all departments.

C8-65-28 Colony North, Revised, Portions Blocks H & F
Bangor Bend and Jamestown Drive

C8-65-30 Lanier Heights
North Lamar Boulevard and Lowell Drive

The staff reported that the preliminary plans of Colony North, Portions of Blocks H & F, and Lanier Heights, were referred to the Planning Commission without recommendation pending further study of the location of Lowell Drive. The Planning Department has received notice that the owners of the two subdivisions are in general agreement on a layout.

Mr. Thomas Watts, engineer for the owner of Lanier Heights, offered the following information: The layout was prepared by Mr. Isom Hale, engineer for Mr. Bullard who owns Colony North. Mr. Thurmond, owner of Lanier Heights is in agreement with the layout. The layout locates the proposed Lowell Drive, evenly divided, between the two properties making a small off-set so that the front footage would be equal in what they are giving for right-of-way.

Mr. Foxworth stated that if the plan is acceptable to both owners, the Planning Department would recommend approval on the layout submitted subject to the alignment of the street being worked out so as each owner shares equally in the right-of-way and subject to both of the owners correcting their preliminary plans and getting departmental clearance.

After further discussion, the Commission therefore

VOTED: To APPROVE the preliminary plans of COLONY NORTH, Revised, Portions Blocks H & F, and LANIER HEIGHTS, subject to the alignment of the street being worked out so that each owner shares equally in the right-of-way, subject to both owners correcting their preliminary plans and subject to departmental clearance.

C8-65-33 Cavalier Park
Webberville Road and Loop 111

This subdivision was heard at the Subdivision Committee meeting of July 12, at which time it was referred to the Planning Commission with recommendation pending further study of a possible revised layout by the developer. The

C8-65-33 Cavalier Park--contd.

subdivision is located at the north east corner of Webberville Road and the East Loop. There was concern on the small strip area that was proposed as commercial on the original preliminary plan. It was felt this area should be larger. There was also a question from the Planning Department standpoint, as to whether access could be provided from the Loop because the Highway Department limits access near an interchange.

Mr. Foxworth stated they have reached what may be a partial solution to the problem. There is still a question about the extension of East 51st Street east of the Loop. This question has not been answered yet and the Planning Department feels this section of the preliminary plan should be postponed until a later date. The Planning Department and the engineer have tried to work out a partial section of this plan for approval to a point where 51st Street will not affect the layout. The recommendation would be to approve the plan to a line which would include one tier of lots north of the proposed Parliament Boulevard. This would provide adequate circulation. If the owner of the subdivision agrees to this change, the staff recommends approval subject to departmental reports.

After further discussion, the Commission therefore

VOTED: To APPROVE the preliminary plan of CAVALIER PARK, to a point that is one tier of lots north of the proposed Parliament Drive and subject to departmental reports.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

<u>C8-65-31</u>	<u>Chasewood Addition, Section One</u>
	Blue Crest Drive
<u>C8-65-19</u>	<u>White Plains, Section Five</u>
	North Lamar Blvd. and Prairie Trail
<u>C8-65-20</u>	<u>Wooten Park Square</u>
	Anderson Lane and Mullen Drive

SUBDIVISION PLATS - CONSIDERED

C8-65-15 Oak Valley Park
Davis Lane

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

VOTED: To APPROVE the final plat of OAK VALLEY PARK.

C8-65-14 Siegmund Addition, Section Two
Lyons Road and Gunter Street

The staff recommended disapproval of this plat pending the required fiscal arrangements. The Commission therefore

VOTED: To DISAPPROVE the final plat of SIEGMUND ADDITION, Section Two, pending the required fiscal arrangements.

C8-65-10 Aqua Verde Subdivision
Charles Avenue

The staff recommended disapproval of this plat pending a number of items as follows: Additional easements required, completion of departmental reports, modification of alignment of south end of Rivercrest Drive required, Council action on 20 foot boat dock lots, Health Department approval on septic tank operation and water supply and changes required in property restrictions.

Mr. Robert Sneed, representing the developer, offered the following information: The restrictions on the 20 foot lots have been made and signed in amended form and will be filed simultaneously with the plat. There is nothing that can be built on these 20 foot lots with the exception of boat docks. The developers have to go to the Council and ask for a variance or ask the Council to amend the Ordinance requiring a ten foot sideyard for boat docks. If the variance from the ten foot sideyard is not granted, the lots will have to be increased to 30 feet. Mr. Dick Jordan, Building Inspector, requested the developers not to go to the Council until the Planning Commission has every item resolved so that there will be no question on the position of the Planning Commission when it goes to Council. Electricity is the only utility that these lots can be served with. For this reason, it is requested that the disapproval of this plan be subject to a poll when the various items have been cleared up.

Mr. Glenn Cortez, Assistant City Attorney, stated that Section 35.15 of the City Code provides that every dock in affect shall be at least ten feet from the side property line. The twenty foot lots would make this impossible. The Planning Commission may be endorsing approval of a situation that is in conflict with the City Ordinance.

Mr. Foxworth stated that is one of the conditions of disapproval. He also stated there was one point he wanted to bring out and that is with reference to the south end of Rivercrest Drive. A turn-around that was provided on the preliminary plan was left off of the final that was submitted, although they have agreed to correct this. Due to an agreement with the property owner to the south, the street is to tie together and be continuous. The agreement was made between the two property owners. This plan will have to be changed in order that the street can be connected.

C8-65-10 Aqua Verde Subdivision--contd.

Mr. Gene Naumann, the developer, stated the only reason they did not show the street that way was because Mr. Gloyna, the owner of the property to the south, is in Europe and did not sign the agreement. Mr. Naumann said that he was under the impression that he could make a cul-de-sac and then tie into the street at a later date.

Mr. Foxworth stated the Planning Department feels the street should be in a position for the next property owner to be able to tie in to it and continue the street.

Mr. Sneed advised the Commission they they would mail the agreement to Mr. Gloyna in Europe.

After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of AQUA VERDE SUBDIVISION, pending the required additional easements, completion of departmental reports, modification of alignment of south end of Rivercrest Drive, Council action on 20 foot boat dock lots, Health Department approval on septic tank operation and water supply, the changes required in property restrictions and authorized the staff to poll the Commission upon completion.

C8-65-21 Springdale Hills, Section Two
East 19th Street, West of Hilldale

The staff recommended disapproval of this plat subject to the following items: Additional easements required, annexation required, permission from Water District #13 for service and taxing unit note required on plat.

Mr. Thomas Watts, engineer for the developer, stated that a number of the above items have been cleared. The only thing of major consequence is the final reading of the annexation Ordinance. Mr. Watts requested that the staff be permitted to poll the Commission upon completion. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of SPRINGDALE HILLS, Section Two, pending the requirements as noted and authorized the staff to poll the Commission upon completion.

C8-65-35 Jamestown, Section Two
Fairfield Drive and Jamestown Drive

The staff recommended disapproval of this plat pending the items as follows: Additional easements required, fiscal arrangements required, annexation

C8-65-35 Jamestown, Section Two--contd.

required and completion of departmental reports. After further discussion, the Commission therefore

VOTED: To DISAPPROVE the final plat of JAMESTOWN, Section Two, pending the requirements as noted.

C8-65-32 Parson's Subdivision, Section One
Kramer Lane

The staff recommended disapproval of this plat pending the items as follows: Completion of departmental reports and show existing sanitary sewer easement and tie to lot line. The Commission therefore

VOTED: To DISAPPROVE the final plat of PARSON'S SUBDIVISION, Section One, pending the requirements as noted.

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

The staff reported that reports have not been received from several departments and recommended disapproval pending a number of items. The Commission therefore

VOTED: To DISAPPROVE the final plat of ROLLINGHILLS WEST, pending the required additional easements, fiscal arrangements, completion of departmental reports, Health Department approval on septic tank operation and water supply and the area labeled "Smith Creek" should be designated as a drainage easement or right-of-way.

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

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

VOTED: To DISAPPROVE the final plat of FRONTIER VILLAGE, Section Three, pending the required additional easements, fiscal arrangements, annexation, and completion of departmental reports.

C8-65-5 Parkwood at University Hills
Loyola Lane

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

VOTED: To DISAPPROVE the final plat of PARKWOOD AT UNIVERSITY HILLS, pending the required additional easements, fiscal arrangements, completion of departmental reports and show existing sanitary sewer easement and tie to lot line.

C8-64-55 Highland Hills, Section Nine
Lamplight Lane and Sumac 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 HIGHLAND HILLS, Section Nine, pending the required additional easements, annexation, completion of departmental reports, and change right-of-way line of intersection of Crestline and Lamplight to conform to approved preliminary plan, and authorized the staff to poll the Commission upon completion.

C8-65-15 Oak Valley Park
Davis Lane

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

VOTED: To APPROVE the final plat of OAK VALLEY PARK.

C8-63-49 Southwest Terrace Annex
South end of Southland Drive

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

VOTED: To DISAPPROVE the final plat of SOUTHWEST TERRACE ANNEX, pending completion of departmental reports and authorized the staff to poll the Commission upon completion.

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-65-90 Balcones Park, Section Eight, Resub. Lots 2 & 3, Block Y
 Mount Barker Drive
- C8s-65-91 Bellvue Park, Resub. Lots 1 through 6, Block 10
 Sunnyvale Street and Summit Street
- C8s-65-92 Sunday Subdivision
 Oertli Lane
- C8s-65-93 H. E. Cadwallader Subdivision
 Rabb Road

C8s-65-95 Jonea Addition

South Congress at Alpine Drive

The staff reported that reports have not been received from several departments and recommended this plat be accepted for filing, subject to a note being required on plat pertaining to future extension of Filburn Drive. The Commission therefore

VOTED: To ACCEPT the short form plat of JONEA ADDITION, for filing, pending the note required on plat pertaining to future extension of Filburn Drive and completion of departmental reports.

C8s-65-74 Treadwell Addition, Section Three

Burnet Road

The staff reported the tracing of this plat had not been returned and recommended the plat be rejected for filing. The Commission therefore

VOTED: To REJECT for filing the short form plat of TREADWELL ADDITION, Section Three, subject to the return of the tracing.

C8s-65-87 Violet Crown Heights, Section One, Resub. Lot 11, Block F

Woodrow Avenue and Brentwood Street

The staff reported the tracing of this plat has not been returned and recommended the plat be rejected for filing. The Commission therefore

VOTED: To REJECT for filing the short form plat of VIOLET CROWN HEIGHTS, Section One, Resub. Lot 11, Block F, subject to the return of the tracing.

SHORT FORM PLATS - CONSIDERED

C8s-65-76 Swartz Addition

East 3rd Street at Comal

The staff recommended this plat be disapproved subject to completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the short form plat of SWARTZ ADDITION, subject to completion of departmental reports.

C8s-65-77 Dodson Addition

Laird Drive and Burnet Lane

The staff recommended this plat be disapproved subject to completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the short form plat of DODSON ADDITION, subject to completion of departmental reports.

C8s-65-86 Cherry Creek, Resub. Lots 11, 12, 13 Block A
Parkside Lane

The staff recommended this plat be disapproved subject to completion of departmental reports and subject to a name change that is required. Lot 13 of the subdivision has already been resubdivided once before and it is now Lot 13-A of the resubdivision. There is a question of the legality of the plat as Lot 13-A is now shown as Lot 13-B. This is the second resubdivision. Lots 11, 12 and 13 were the original lots. Lot 13 is no longer in existence, and therefore is an improper title. After further discussion, the Commission therefore

VOTED: To DISAPPROVE the short form plat of CHERRY CREEK, Resub. Lots 11, 12 and 13, Block A, pending the required name change and completion of departmental reports.

C8s-65-88 Alice Mary Rader Subdivision, Resub. Lot 2
James Casey Street

The staff reported that this is a resubdivision of a lot that is located on James Casey Street. This lot was previously subdivided two or three years ago at which time James Casey Street was only 30 feet wide. A dedication of ten feet was required on the original plat to meet half of the widening needed for the street. A variance was granted on the original plat and the variance is again recommended.

The Commission therefore

VOTED: To APPROVE the short form plat of ALICE MARY RADER SUBDIVISION, Resub. Lot 2, granting a variance on the width of James Casey Street.

C8s-65-89 Davis Resub. Part Lots 26 and 27, Duval Heights
Reinli Street

The staff reported this plat complied with all requirements of the Ordinance and recommended approval subject to the granting of a variance on the signatures of the adjoining property owners who do not wish to join in the platting.

The Commission therefore

VOTED: To APPROVE the short form plat of DAVIS RESUB., Part Lots 26 and 27, Duval Heights, granting a variance on the requirement of the signatures of the adjoining property owners.

(DISQUALIFIED: Mr. Jackson)

ADMINISTRATIVE APPROVAL

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

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

C8s-65-84 Dalton and Sanders Subdivision

Albert Road

C8s-65-85 Larson Oaks, Resub. Lot 2

Texas Highway #71

C8s-65-94 Huntland Heights, Section 2, Resub. Lots 21 & 22, Block 8

Esther Drive

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that the following subdivision was considered by telephone poll on July 2, 1965, and that a majority of the Commission had

VOTED: To APPROVE the following final plat:

C8-64-62 Colony North, Section Two

Jamestown Drive at Staunton Drive

PROPOSED BRAES RIDGE ADDITION, SECTION THREE

The staff reported that this is a piece of property in the Delwood area that Mr. Walter Carrington bought from Mr. Sorenson. A preliminary plan on Braes Ridge Addition, Section One was presented to the Commission in 1959 at which time the Commission approved the plan subject to the condition that the portion of the subdivision west of Nassau Drive be eliminated from the plan. Mr. Carrington felt the balance of the tract could be developed with a cul-de-sac coming off of Cameron Road. This plan would create a dead end street approximately 900 feet long. The tract is so narrow that it would allow for thirty feet of paving and lots that are approximately 80 feet deep on a street right-of-way width of 40 feet. On that basis it was the feeling of several members of the Commission and still is the feeling of the Planning Department that Braes Ridge Drive should be continued on through this portion to Cameron Road to allow adequate circulation. The subdivider has attempted to submit a short form creating four lots on the balance of the property. The staff felt this plat was not acceptable, but agreed to bring it before the Commission for discussion and to get the Commission's opinion on the plan. The staff recommendation would be that this be rejected and that a preliminary plan be submitted showing a westerly extension of Braes Ridge Drive.

Mr. Nolan Purser, representing the owner, stated it was the owners understanding that the primary objection was the traffic generated by the two

Proposed Braes Ridge Addition, Section Three--contd.

family residences. There was to be a study made of this area. The owner feels the City has had ample time to study this and feels they should tell him something. He is losing the use of these four lots and he would like to be able to develop them. Mr. Sorenson seems to have no intention of developing his property.

Mr. Foxworth stated that if they come in with a preliminary showing a westerly extension of the street, since they want to develop two lots on each side of the street, that a cul-de-sac would be required by the Ordinance, but felt this was an unusual situation which might warrant a variance from requiring a cul-de-sac.

Mr. Barrow stated the Planning Commission has approved plans such as this for one lot depth and it is his opinion that this plan should be approved.

Mr. Kinser stated the street will extend further west than the two lots. It is his opinion that Mr. Sorenson will not give up 60 feet of his frontage on Cameron Road for a street, therefore there will be a cul-de-sac somewhere on this property.

After further discussion, the Commission

VOTED: To look with favor on approving a preliminary plan when submitted, providing for the westerly extension of Braes Ridge Drive.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman