

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 16, 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 Brunson
S. P. Kinser
Barton D. Riley
Edgar E. Jackson
Jack Goodman

Absent

Ben Hendrickson
W. A. Wroe
W. Sale Lewis

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of November 9, 1965.

C14-65-192 Mary Howard Eby: A, 1st & D, 6th to D, 6th
(Mack Kidd)
720½-750 Airport Boulevard
711-733 Shady Lane
Add'n. Area: 714½-720 Airport Boulevard
701-709 Shady Lane
5100-5416 East 7th Street

STAFF REPORT: This tract consists of approximately 16½ acres of land and is presently being used as a plant nursery. A 7½ acre tract to the south of the subject property has been included as additional area. The applicant proposes industrial use. A small portion of the tract, fronting on Airport Boulevard, is zoned "D" Industrial. This area is set forth in the Master Plan as an industrial area. The zoning classification cannot be changed to anything other than industrial. "D" Industrial zoning exists to the south of 7th Street, west of Shady Lane and along Airport Boulevard. A few months ago there was a request for "D" Industrial zoning on the property adjacent to the north. The Commission did recommend the change be granted, provided Glissman Street was made adequate. The Ordinance has not been passed by the City Council at this time.

C14-65-192 Mary Howard Eby--contd.

The staff feels that the only problem in changing the use to industrial is the right-of-way of Shady Lane, which is only 50 feet wide. The exact width of Shady Lane has not been determined at this time, but is felt that it will probably be 70 or 80 feet as the Ordinance requires streets serving industrial property have 80 feet of right-of-way. It is not known how this will affect the subject property, but a recommendation will be made at the Commission meeting.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

?	Will Angell: 721 Shady Lane	FOR
?	Nancy Ellen Angell: 721 Shady Lane	FOR
?	Wayne H. Eby: 719 Shady Lane	FOR
A	Mrs. Wayne H. Eby: 719 Shady Lane	FOR

SUMMARY OF TESTIMONY

Mr. Mack Kidd, representing the applicant, offered the following information: The subject property is located at the junction of Airport Boulevard, First, Fifth and Seventh Streets. A large amount of the immediate area is already zoned industrial. The east 200 feet of the subject property is already zoned industrial. The request is to zone the remainder of this tract for industrial purposes.

Mr. Kinser inquired if they are in a position to make Shady Lane adequate to serve the neighborhood and this property. Mr. Kidd stated that the applicant would want to know what the recommendation for the street would be before any dedication is made, as it may be possible to handle the required right-of-way through a building setback agreement.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that the subject property and the additional area are both located well within an area that the Development Plan designates as industrial. They also noted that Shady Lane has 50 feet of right-of-way, which is a substandard width for use as an industrial street. The Committee felt that this area is redeveloping and that this request to expand and connect the industrial zoning districts is timely and will provide for uses as intended in the Plan. They felt this to be desirable industrial

C14-65-192 Mary Howard Eby--contd.

land and that it is important to encourage proper development; however, it was determined that the right-of-way of Shady Lane should definitely be widened for proper development prior to the zoning of the property as requested.

They concluded that the request should be referred to the Commission pending further study by the staff regarding width and alignment of Shady Lane and to what extent this street determination will affect the subject property and the additional area.

At the Commission meeting, the staff reported that a study of Shady Lane has shown that the street should have 80 feet of right-of-way, as it directly serves industrial property and Allan Junior High School, and is a feeder street for Johnston High School. It is preferred, when widening a street, to provide additional right-of-way from both sides equally, but in this case it cannot be done south of Gonzalez Street. On the west side of Shady Lane between East 7th Street and Gonzalez exist industrial buildings - a bottling company and motor freight depot - which are built to within a few feet of the existing west right-of-way line of Shady Lane. Therefore, acquisition of additional right-of-way on the west side would require the purchase of these large structures, which is not practical. It appears that the most feasible procedure is to acquire the entire additional 30 feet from the east side of the street south of Gonzalez Street. At Gonzalez Street, the right-of-way could be curved so that 15 feet would be acquired on either side of the street, utilizing part of the campus of Allan Junior High School. In sum, then, the subject property would be affected to a depth of 15 feet for that portion which lies north of Gonzalez Street and to a depth of 30 feet for that portion that lies south of Gonzalez Street, and the additional area would be affected to a depth of 30 feet.

Mr. Douglas Hearne, representing the applicant, stated that the subject property is entirely surrounded by industrial property. Across from the subject property is a bottling plant and a freight warehouse. The area to the north and east is "D" Industrial, and no one will buy or use subject property as long as it is zoned "A" Residential. The applicant is willing to dedicate 15 feet for the widening of Shady Lane, if this is necessary to get the required zoning. If the requested 30 feet was dedicated, it would affect the property by some 550 feet which means it would cost approximately 8,000 or 9,000 dollars to get this property zoned to industrial when the Master Plan calls for industrial zoning. It is our understanding that the Commission is in favor of the requested zoning with the exception of this street problem. If the willingness to dedicate 15 feet will eradicate that objection, the applicant would be willing to do that.

Mr. Petrie, owner of the property listed as additional area, has joined in this request.

C14-65-192 Mary Howard Eby--contd.

Mr. Goodman inquired if the owner of the additional area is willing to dedicate 15 feet also. Mr. Hearne stated that he does not think Mr. Petrie will dedicate any right-of-way because it would take part of his front yard and some of his pecan trees.

Mr. Barrow stated that when a change of zoning will result in more traffic, the Commission usually feels that no one property owner should be required to dedicate all of any additional right-of-way needed. Mr. Kinser stated that it is his opinion that when widening is required, it should come from both sides of the street equally, and if the City needs more than is dedicated, they should negotiate for it. The applicant is willing to dedicate her portion.

The Commission, being cognizant of the applicants indication to dedicate 15 feet for the widening of Shady Lane, noted that the existing 50 feet of right-of-way on Shady Lane is inadequate and not in compliance with the 80 feet right-of-way specified in the Subdivision Ordinance for industrial streets, but they felt the applicant who owns the property on only one side of the street should not be responsible for dedicating more than one-half the difference. It was therefore unanimously

VOTED: To recommend that the request of Mary Howard Eby for a change of zoning from "A" Residence, First Height and Area and "D" Industrial, Sixth Height and Area to "D" Industrial, Sixth Height and Area for property located at 720½-750 Airport Boulevard, and 711-733 Shady Lane be GRANTED, excluding the additional area.

C14-65-193 Jack Andrewartha: A to B
(by Oscar W. Holmes)
1643-1645 Windoak Drive

STAFF REPORT: This site contains 22,140 square feet and is located at the intersection of Windoak Drive and Matagorda Street. The applicant proposes the construction of apartments. This particular property was involved in the preliminary plan of Southgate Terrace. Section I of the subdivision is developed with cul-de-sacs on the north side of Windoak Drive. The plan is to extend Windoak Drive to the Interregional Highway as a 60 foot street. The property between the subject property and the Interregional Highway belongs to the applicant and is zoned "LR" for retail uses. The subject tract will separate the commercial property along the highway and residential development to the east. Harper's Branch runs through the area, and there is a pond on the subject property. The applicant plans to use the subject property in conjunction with the property that is zoned "LR", and develop apartments on both tracts. The staff feels the property can be developed as a buffer as proposed in the subdivision plan. The treatment of the land would make the difference as to whether it is an intrusion into a residential area or a buffer. There is no objection raised as long as it is to be a part of the proposed larger apartment development with access from Interregional Highway. The subject tract will probably be used for a circulation drive or for parking, as the pond makes impractical the use of most of it as a building site.

C14-65-193 Jack Andrewartha--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? Oscar W. Holmes: 3307 Big Bend Drive (representative) FOR

SUMMARY OF TESTIMONY

Mr. Oscar W. Holmes, representing the applicant, offered the following information: The ultimate development of the property is "LR". Windoak Drive is set up to be a 60 foot street going through the "LR" tract to the Interregional Highway. There will be apartments built on the "LR" tract that is immediately adjacent to the proposed zoning change. The subject property will be used to supplement the "LR" area in the apartment development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee felt the request should be granted as it is an extension of existing zoning and would be a buffer between the development on the Interregional Highway and the residential property to the east. They felt the property would be used in conjunction with the existing "LR" tract to the west.

One of the members felt that the actual development would determine if the site is a buffer or not, and felt it is the Committee's responsibility to be concerned with what type of structure, if any, is developed on the tract.

The Committee felt that if the subject tract is developed as part of a larger development of the commercially zoned property, the additional traffic generated would tend to enter the property from the Interregional Highway. They therefore felt the request should be granted for the following reasons:

1. Traffic to the site will come from the Interregional Highway across the existing commercial property.
2. The large pond on the lot prevents use of the lot as a separate building site.
3. The requested zone would serve as an extension of the existing "LR" zoning to the west and would act as a buffer since it will be used in conjunction with the "LR" tract.

Cl4-65-193 Jack Andrewartha--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1643-1645 Windoak Drive be GRANTED.

Cl4-65-194 E. W. Wupperman: A to C
 (by Howell Finch)
 Rear of 900-910 Koenig Lane

STAFF REPORT: This tract contains 18,900 square feet and is undeveloped. The applicant proposes commercial development. The subject property is part of a resubdivision of a large tract of land fronting on Lamar Boulevard and Koenig Lane. There is an animal hospital and animal pens on the tract. There is a church at the corner of Sunshine Drive and Koenig Lane. The church also owns the property adjacent to subject property on the west. "C-2" and "C-1" zoning is established along Lamar Boulevard, and "C" Commercial zoning is established on property one lot away from the subject property to the north. It is felt that with the existence of the "C", "C-1" and "C-2" zoning in the area, the request is reasonable. Further, the church property to the west of the subject property acts as a buffer between the commercial along Lamar Boulevard and the residential development to the west.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A E. W. Wupperman: 5916 No. Lamar

FOR

SUMMARY OF TESTIMONY

Mr. E. W. Wupperman stated that there is no specific proposed use for the property at this time. There is someone who is interested in buying the entire tract fronting along Lamar Boulevard and Koenig Lane, including the subject property. The animal hospital site is 150 feet deep. The pens are in back of the hospital. High school students are keeping their animals in these pens at the present time, but it is strictly on a temporary basis. There is "C" zoning to the north of the property and "C-2" zoning along Lamar Boulevard. There is no street leading to the subject property, so it cannot be developed unless it is used in conjunction with property fronting on Koenig Lane or Lamar Boulevard. No one would want to buy this property unless they could use it in conjunction with the commercial development around it.

C14-65-194 E. W. Wupperman--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that the subject property is the only part of a lot platted for commercial use that is not commercially zoned, and that the subject property sides on "C" and "C-2" Commercial zoning. They felt that the commercial zoning should be expanded to cover all of the lot, and that the adjoining church property would be a buffer between the residential and commercial development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of E. W. Wupperman for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at the rear of 900-910 Koenig Lane be GRANTED.

C14-65-195 Travis Eckert: A & C to C

2706 Sol Wilson Avenue

Add'n. Area: 2708 Sol Wilson Avenue

STAFF REPORT: This site contains 9,862 square feet and is developed with tourist courts. A small area adjacent to the subject property to the east is included as additional area because of the zoning pattern established along Sol Wilson Street. If the additional area was not included, it would be left between two commercial areas. The property adjacent to the west requested a change of zoning from "A" Residential to "C" Commercial in September of this year. The Commission recommended the request be denied as they felt it would be improper zoning to extend "C" Commercial to Sol Wilson Street, which is developed residentially. They also felt the requested zoning was too intensive for the street development in the area. The Council did grant the request, however, which leaves the subject property and the additional area between two commercial areas. It is difficult to do anything but recommend the request be granted, in view of the commercial zoning existing on three sides of the property. A portion of the subject property is already zoned "C" Commercial. The applicant has informed the staff that the additional area serves as a street.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Travis A. Eckert: 1018 W. 34th Street

FOR

? Jess E. Geeslin: 3310 Big Bend Drive

FOR

C14-65-195 Travis Eckert--contd.

SUMMARY OF TESTIMONY

Mr. Travis Eckert appeared at the hearing in favor of the request and asked the Committee to consider the zoning pointed out by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was aware of the fact that Sol Wilson is a residential street, and felt that commercial zoning would be detrimental to that street. However, in view of the recent change to commercial zoning for the property immediately to the west, which isolates the subject property by surrounding it on three sides with "C" Commercial zoning, they felt it was unreasonable to deny extension of commercial zoning to this small area. They felt that a consistent commercial zoning pattern between Sol Wilson and 12th Streets was the most logical solution in view of the existing situation, and felt the request should be granted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Travis Eckert for a change of zoning from "A" Residence, and "C" Commercial, First Height and Area to "C" Commercial, First Height and Area for property located at 2706 Sol Wilson Avenue and the additional area located at 2708 Sol Wilson Avenue be GRANTED.

C14-65-196 Estate of Mrs. W. C. Blundell: A, 1st & 5th to C, 5th
(by B. W. Burnette)
1011-1013 East 38th Street

STAFF REPORT: This site contains 14,409 square feet and is developed with a two-family dwelling. There is a restaurant on the property adjacent to the east that fronts on Interregional Highway, and the proposal is to expand the existing restaurant. In this particular block, there is strip commercial zoning along the Interregional Highway. In 1964, two lots at the corner of East 38th Street and Harmon Street were zoned "C" Commercial. The Commission recommended the change as it completed the zoning pattern in the block. At that time, however, the question of additional right-of-way of East 38th Street was brought up, because of the fact that extending commercial zoning to Harmon Street could bring commercial traffic into that area. There was no serious consideration given to requesting the applicant to dedicate right-of-way, consequently, no further right-of-way was acquired. Since no additional right-of-way was acquired in the earlier zoning change, and because the site is to be used in conjunction with an existing use fronting the Interregional Highway, the staff recommends the request be granted.

C14-65-196 Estate of Mrs. W. C. Blundell--contd.

TESTIMONY

WRITTEN COMMENT

Code

A	W. C. Blundell: 1701 Cliffside	FOR
AB	Mrs. C. B. Hahn: 1012 East 38½ Street	FOR
R	Lawrence A. Lundblad: 4618 Bennett	FOR
D	Mr. and Mrs. Jess Allman: 3703 Harmon Avenue	FOR

PERSONS APPEARING AT HEARING

Code

A	Clyde Blundell: 1701 Cliffside	FOR
A	Mrs. W. Clyde Blundell: 1701 Cliffside	FOR
D	Jess J. Allman: 3703 Harmon	FOR
J	Herbert F. Burnette: 2301 West Way Circle	FOR
D	Bessie Lee Allman: 3703 Harmon	FOR
?	Mrs. Herbert F. Burnette: 2301 West Way Circle	FOR
?	Bob Burnette: 3913 Sierra Drive	FOR
E	H. H. Chapman: 1009 East 38th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. B. W. Burnette, representing the applicant, stated that he operates the Canary Hut restaurant that is located adjacent to the subject property to the east. Several weeks ago he entered into a contract with the applicant to purchase the subject property. It is proposed to use the property as an extension for the future growth of the restaurant and for parking. The requested zoning is in keeping with the existing commercial development in the block and across the street. This would help in the future operation and development of the restaurant, and in particular this would help the parking. Zoning has no effect on deed restrictions.

Arguments Presented AGAINST:

A petition with ten signatures was presented in opposition to the request. Mr. H. H. Chapman, a nearby property owner, appeared at the hearing and stated that he lives on the corner of East 38th Street and Harmon Street and is adjacent to the subject property. He stated that he is opposed to the proposed zoning, and would like to object for himself and several other property owners within 200 feet of the subject property. This requested change would disturb the tranquillity of the homes in the area, as it would be equivalent to having "C-1" zoning next to the homes. Mr. Chapman also stated that he owned the subject property at one time. When he sold it, 26 years ago, a restriction was placed on the deed, restricting the property for residential use. The Committee should not zone property when there are contrary deed restrictions involved.

C14-65-196 Estate of Mrs. W. C. Blundell--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was of the opinion that this request should be granted. They felt the requested change would make a more usable commercial site as it is to be used in conjunction with a rather shallow piece of property. They also felt the zoning would not be detrimental to the residences along Harmon Street as the commercial zoning would not extend to that street. It is a reasonable extension of existing commercial zoning and will not create additional traffic on Harmon Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the Estate of Mrs. W. C. Blundell for a change of zoning from "A" Residence, First and Fifth Height and Area to "C" Commercial, Fifth Height and Area for property located at 1011-1013 East 38th Street be GRANTED.

(DISQUALIFIED: Mr. Goodman)

C14-65-197 Sam E. Dunnam, IV: C to C-1
(by Robert C. McCreary)
2008-2012 Whitis Avenue

STAFF REPORT: This site contains 8,750 square feet and is developed with a parking lot. The proposed use is for allowing the sale of beer for on-premise consumption secondary to the sale of food. The applicant is now in the process of constructing a restaurant on the subject property. The property is in near proximity of the University of Texas campus. There is a Catholic Church located on the corner of Guadalupe Street and West 21st Street and there is a Catholic Youth center located on the corner of West 21st Street and University Avenue. Two separate applications for "C" Commercial zoning on two separate lots has recently been considered by the Commission. These lots are located across Whitis Avenue from the subject property. The applications were granted, thereby extending the "C" Commercial zoning down Whitis Avenue. "O" Office zoning, adjacent to the south of the subject property, has been in existence since 1959. "C" Commercial zoning along 21st Street, extending to Speedway, has been zoned for some years. The University has started to acquire property east of the alley between Wichita Street and University Avenue. This leaves the property from University Avenue to Guadalupe Street for private development. Guadalupe Street is presently zoned "C" Commercial. It is anticipated additional requests will be made to enlarge the commercial area to permit higher density residential development and parking. The applicant proposes to use the adjacent parking lot to serve his restaurant. The staff has no recommendation on this request as it is a matter of Commission policy concerning the sale of beer and liquor.

C14-65-197 Sam E. Dunnam, IV--contd.

TESTIMONY

WRITTEN COMMENT

Code

P	Edward Joseph: 1005 West 6th	FOR
Z	Mrs. Billie A. Daney: 2003 Whitis Avenue	FOR
H	Emilie Limberg: 2000 University	FOR
U	Mrs. Sarah Schwartzberg c/o Sam Schwartzberg: South Texas Building San Antonio, Texas	FOR

PERSONS APPEARING AT HEARING

Code

?	Sam E. Dunnam: 21st and Guadalupe	FOR
AF	Thomas P. Lamb: 2510 Winsted Lane	FOR
?	Robert McCreary (representing applicant)	FOR

SUMMARY OF TESTIMONY

Present at the hearing were Mr. Lambe, manager of the proposed restaurant, Mr. Sam Dunnam, the applicant, and Mr. Robert McCreary. They offered the following information: Most of the land in this vicinity is developed with business operations. There is a church located on Guadalupe Street and a youth center on University Avenue. There are two houses nearby that will be torn down and the area used for parking. It is felt that this is a well enough defined commercial area to warrant a "C-1" zoning. The restaurant is under construction and will be approximately 40 x 80 feet. It will seat 104 people and will be called the Western Smoke House. This restaurant is basically a barbeque operation which will involve draft beer. There are other restaurants in this vicinity that sell beer. The Ordinance states that beer or liquor cannot be sold within 300 feet of a church or public school door.

The only reason beer is needed is because of the barbeque operation, as they seem to go together. The intentions are to serve only draft beer. There will be no bottles and no take out of beer. Beer will not be sold to customers who do not eat in the restaurant. There will be a quick order system and self-service. The Liquor Control Board came out and measured the distance from the churches and campus buildings and determined that the restaurant is in excess of 300 feet from them.

Mr. Stevens inquired if the quick service will encourage curb service. Mr. Lambe stated that there are no plans to have any curb service.

Mr. Sam Dunnam stated that he represents the partnership that owns this property. He has known Mr. Lambe for some time and knows that the operations he has in Houston are very nice and that they serve excellent food.

C14-65-197 Sam E. Dunnam, IV--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the development existing in the area. The majority of the members did not consider this to be a well-developed commercial area, the commercial development now being confined to Guadalupe, and felt that the granting of this request could set an undesirable precedent in this particular area. The recent granting of "C" Commercial for two lots across Whitis Avenue was for the purpose of allowing commercial parking and high density residential uses, which are greatly needed in the area. The Committee did not feel that Whitis Avenue is a retail area in which "C-1" zoning is generally acceptable under Commission policy.

At the Commission meeting, Mr. Barrow read aloud a letter submitted by Mr. McCreary on behalf of the applicant, requesting that he be allowed to present additional information. The Commission agreed to hear further testimony.

Mr. McCreary stated that on behalf of his clients, he would like to present argument on the matter as follows:

- (1) The restaurant site is in fact within a well-defined and well-developed commercial area as reflected by the attached plat.
- (2) The zoning change will not interfere with the envisioned use of the neighborhood. The restaurant, whether it sells draft beer or not, is necessarily a service establishment which will serve the intended high-density residential use of the neighborhood.
- (3) As shown by the Nighthawk Restaurant located one block southwest of applicant's site, a restaurant can incidentally serve beer for on-premise consumption and be a service, rather than a detriment, to the neighborhood.
- (4) The zoning change will not encourage the location of undesirable "beer joints" in the interior of the neighborhood because:
 - (a) applicant's site is buffered by commercial use to the west, south and east;
 - (b) applicant's site is not located in the interior of a non-commercial area;
 - (c) the high land cost in the neighborhood would make such operations economically unfeasible.
- (5) A denial of the zoning change would result in discrimination between the Western Smokehouse and its competitors. Clark v. Liquor Control Board, 357 S.W. 2d 176 (Beau. Civ. App. 1962, no writ history).

Mr. McCreary also stated that the restaurant does not front on Whitis Avenue, but does front onto West 21st Street, which is a major thoroughfare.

C14-65-197 Sam E. Dunnam, IV--contd.

Mr. Barrow and Mr. Riley were opposed to the request because of the close proximity of the site to the University. The zoning laws the Commission tries to follow provide that the Commission look out for the health, welfare and safety of the community. The on-premise consumption of beer in the University area is not conducive to the community's welfare, in their opinion.

Mr. Kinser stated that he considered the area along Guadalupe Street to be a well-developed commercial area, and the request to be only an expansion of that area. The area along Whitis Avenue will be developed commercially in the near future.

Mr. Riley stated that 80 percent of the University students are underage and cannot legally drink beer in the restaurant.

After further discussion, the Commission

VOTED: To recommend that the request of Sam E. Dunnam, IV for a change of zoning from "C" Commercial, Second Height and Area to "C-1" Commercial, Second Height and Area for property located at 2008-2012 Whitis Avenue be DENIED.

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

C14-65-198 Tract 1: Leola Ricks: A to C (as amended)
708-712 Denson Drive

STAFF REPORT: This request originally consisted of two tracts. A letter to the Commission has been received from Mr. D. J. Lillard, requesting his application be withdrawn as he is not the owner of the tract and the owner does not wish to sell the tract to him. The remaining tract contains 10,762 square feet. The applicant owns two other parcels of land adjoining the subject property to the west. On one of the parcels, at the corner of Lamar Boulevard and Denson Drive, is a service station. In the middle, apparently in both a commercial and a residential zone, is a vacant building and what appears to be a storage yard. The applicant proposes to utilize the empty building as a commercial building. Lamar Boulevard is developed with "C-2" and "C-1" zoning and many of the uses in the area require "C" Commercial zoning. Adjacent to the subject property on the north is a trailer rental business that was expanded as a result of rezoning in 1961. Denson Drive is a 60 foot street. Because of this and the fact that any development of the property will probably not be of a retail nature, and because of the existing development along Lamar Boulevard, the staff recommends the requests be granted. However, it is felt that commercial zoning should not be extended further east as such property could not be developed separately with access from a commercial street.

CL4-65-198 Tract 1: Leola Ricks--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

?	Edward A. Burns: Perry Brooks Building	FOR
A	Leola Ricks: 6903 Deborah	FOR

SUMMARY OF TESTIMONY

Mr. Edward Burns, representing the applicant, stated that he had no statement, except to answer objections, as the staff did recommend the request be granted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was aware of the fact that the applicant does own three parcels of land having frontage on Lamar Boulevard and Denson Drive. They felt the request should be granted since it was considered to be a depth extension of the existing commercial property, fronting and having access from a commercial street, and also because they felt the change would be a logical extension of the existing "C" commercial zoning to the north.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Leola Ricks for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 708-712 Denson Drive (as amended) be GRANTED.

CL4-65-199 Roane H. Puett: O to C

508-510 West 7th Street

701-705 Nueces

Add'n. Area: 707 Nueces Street

STAFF REPORT: This request is for a tract of land with 9,916 square feet which is developed with a vacant apartment. Included as additional area is a small area averaging 12 feet by 67 feet at the north of the subject property. There is a title dispute on the additional area. The applicant proposes to erect apartments. The existing zoning would allow a maximum of 13 apartment hotel units. The requested zoning would allow 19 apartment hotel units, one unit for every 500 square feet. Directly across the street is an entire block zoned "C" Commercial, on which there is a 56 unit apartment development. The change of zoning for this block was granted in 1963. The commercial development in the vicinity is primarily along West 6th Street and further south.

C14-65-199 Roane H. Puett--contd.

In 1955, a large area between Congress Avenue and West Avenue was blanket zoned "O" Office as it was felt that would allow the best development of the area. Even though there are spots of less restrictive nature in the area, they are not developed commercially. The area is a mixture of apartments, single-family dwellings, fraternal organizations and offices. The staff feels the more intensive zoning of "C" Commercial should not be continued north of 7th Street, particularly on one lot at a time.

TESTIMONY

WRITTEN COMMENT

Code

Y	Bessie C. Barhart & Horace C., Jr.:	1103 Capital National Bank Building	FOR
R	Texas Classrooms Teachers Acco.:	711 San Antonio	AGAINST

PERSONS APPEARING AT HEARING

Code

X	Bill Houston:	504 West 7th	AGAINST
Q	Frank W. McBee, Jr.:	705 San Antonio	AGAINST
?	Roane H. Puett:	613 Brown Building	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Roane H. Puett appeared at the hearing and offered the following information: This zoning change was requested for the purpose of constructing an apartment house containing 19 units. A great deal has been written about the deterioration of downtown Austin for lack of accessibility for the general public. One article pointed out that there is a lack of economical housing that is readily accessible to central Austin. The cost of the site, if limited to 13 units, would make it uneconomical to build anything but luxury apartments. The change is requested in order that 19 economical apartments will be available to serve the needs of Austin. The apartments will be readily accessible to downtown. The "C" Commercial zoning across the street is evidence that the commercial zoning will keep expanding in this area.

Arguments Presented AGAINST:

Mr. Bill Houston, a nearby property owner, appeared at the hearing and stated that he is opposed to the change being made for only one lot. If commercial zoning is to be considered in this area, the entire area should be re-zoned uniformly and I specifically object to the rezoning of this single property.

Mr. Stevens stated that if this request is granted, it would change more than the density. "C" Commercial established on whole blocks can waive setback regulations, which greatly intensify the use of property.

C14-65-199 Roane H. Puett--contd.

Mr. Frank McBee, another nearby property owner, stated that the applicant can make good use of the land under the present zoning. "O" Office zoning was established with reason and justification. If it is changed to commercial, the parking will become more crowded and it will increase the number of people in the area. An increase in apartment density is questionable in view of the number of low-priced apartments now in the area and the number of vacancies. The idea of a piece-meal zoning for one lot does not make sense, as this will set a precedent.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee felt the existing "B" Residence and "O" Office zoning and development north of West 7th Street and west of Guadalupe Street is proper for the area. They did not believe a more intensive zoning should be introduced in this area on a lot-by-lot basis. They felt the density allowed by "C" Commercial would constitute an intrusion.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Roane H. Puett for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Second Height and Area for property located at 508-510 West 7th Street, 701-705 Nueces Street and the additional area located at 707 Nueces Street be DENIED.

C14-65-200 Don McElwreath: A to LR
(by Bryant-Curington, Inc.)
6222-6304 Manor Road
3103-3205 Jack Cook Drive

STAFF REPORT: This tract consists of seven lots containing 84,000 square feet. The lots are 150 feet deep and approximately 75 feet wide, and are undeveloped. The proposed use is for a convenience type shopping center. The subject property fronts onto Manor Road and Jack Cook Drive. In 1964, the Commission approved Cherrylawn Subdivision, located to the south across Manor Road. The subdivision plan included a shopping center. A service station is being constructed at the location of the shopping center, and it is zoned "LR". There is some indication that the property across Northeast Drive to the east of the City Limit line will be developed commercially. The subject property is part of Walnut Hills, a subdivision that was platted in 1952 and 1953. A large part of it is undeveloped, but there are single-family dwellings on some of the lots.

There is a large tract of land to the west of the subject property, located on Betty Cook Drive and Manor Road, that is zoned "C" commercial, but is not used as such. There is a drive-in grocery located on the corner of Manor Road and Walnut Hills Drive which is in an "LR" and "C-1" zoning district.

C14-65-200 Don McElwreath--contd.

It is probable that commercial development of subject property would front onto Manor Road, thereby creating a service drive out of Jack Cook Drive. There are some very nice homes on Jack Cook Drive at the present time. If the zoning change is granted, this will encourage the commercial zoning of the rest of the lots along Manor Road. The property along Manor Road is undeveloped, but in the subdivision plans it was platted as residential. The proposed zoning would be a detriment to the further development of the area as it would be difficult to develop single-family dwellings facing into commercial development. The staff feels that the property should remain residential.

TESTIMONY

WRITTEN COMMENT

Code

N	Ada Fay Cook: 3100 Jack Cook Drive	AGAINST
K	Betty Brown Cook: Rt. 2, Box 510	AGAINST
M	Marcelino S. Rocha: 6204 Arnold Drive	AGAINST
G	Albert Edward Goardner, Jr.: 3207 Jack Cook	AGAINST
E	Elaster Lee Mayes: Rt. 1, Box 424	FOR

PERSONS APPEARING AT HEARING

Code

?	Mrs. Betty L. McBee: 3302 Northeast Drive	AGAINST
?	Alton L. McBee: 3302 Northeast Drive	AGAINST
?	Guraed P. Belanger: 3212 Northeast Drive	AGAINST
?	Donald M. Yarbrough: 3300 Northeast Drive	AGAINST
?	O. E. Evans: 6406 Betty Cook Drive	AGAINST
?	Mrs. A. E. Gardner: 3209 Jack Cook Drive	AGAINST
?	Mr. A. E. Gardner: 3209 Jack Cook Drive	AGAINST
D	Mr. and Mrs. Roy Starnater: 3201 Northeast Drive	AGAINST
?	Thomas Watts (representing applicant)	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Thomas Watts, representing the applicant, offered the following information: There is a very large undeveloped area in the immediate section. The area was first subdivided in 1952 and has had some 12 years to develop, but has not done so. There is a large area of "LR" zoning south of Manor Road where a service station is being constructed. It is quite probable that tract will go commercial. "C" Commercial is established on Betty Cook Drive and Manor Road. There is "LR" zoning across from the "C" Commercial zoning, that also has a "C-1" zoning for the sale of beer.

Mr. Watts displayed a map of Manor Road showing the location of commercial property between East 51st Street and Loyola Lane. He stated that the

C14-65-200 Don McElwreath--contd.

commercial zoning existing along Manor Road points out a pattern in which eventually the large tracts in the area will be commercial, as they are too large to be developed as single-family tracts. There are drainage problems on a number of these tracts and they do not lend themselves to single family development. There is a 200 or 300 foot expressway proposed on Springdale Road and there will obviously be some shopping centers up and down it. With all of these factors in mind, it was felt that it would be best to ask for a zoning that would be compatible in the next five or ten years as there is a great deal of vacant land in the area. It is felt that Manor Road between 51st Street and Loop 111 will become a commercial area of some type as this is ultimately the best use for the property.

Arguments Presented AGAINST:

A petition was presented to the Committee with signatures of nearby property owners who are in opposition to the request. Mr. Ed Gardner, a nearby property owner, stated that when he received notice of the zoning request, he made a trip around town and made pictures of the back of a number of shopping centers. These pictures were presented to the Committee. Mr. Gardner also stated that when he moved into this area, it was because it was a nice, quiet neighborhood and because the area was restricted to residential use. The lots along Jack Cook Drive will face into the back of any commercial shopping center established on the subject property. There is already an "LR" zoning existing in the area and there is no need for any additional commercial property. There are a number of nice homes in the area and this would be an intrusion.

Three other nearby property owners also appeared in opposition to the request. They stated that most of the homes in this area are very nice, new homes. More people are moving into the area because it is a nice place to live. If this zoning request is granted, it would penalize the people who now live in the area. When the lots were purchased, it was understood that the area was restricted to residential.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. This is a well-defined residential area, and there is evidence of new residential construction in the immediate area.
2. The subject property is too narrow between Manor Road and Jack Cook Drive to accommodate a shopping center without destroying the residential character of the neighborhood.
3. There is no foreseeable need in the near future for a community center at the location in question.

C14-65-200 Don McElwreath--contd.

At the Commission meeting, Mr. Watts, representing the applicant, stated that he would like to offer information that was not heard at the zoning meeting. It appears that a great many people in the area are opposed to the zoning change because they think that Jack Cook Drive will become an alley or a service drive, which would be highly undesirable for their property. The applicant wishes to offer a deed restriction to restrict this property from access to Jack Cook Drive so that the adjacent residences will be protected from commercial traffic. The applicant will also build a privacy fence along the property line should the property be used for any use requested under the "LR" zoning. This also will be for the protection of the people along Jack Cook Drive.

Mr. Kinser stated that the offer of a deed restriction and privacy fence gives the Commission a chance to protect the people in the area. If the property is later sold and another request for "LR" is granted, there will not be a chance to protect these people.

Mr. Jackson was of the opinion that if the subject property is zoned "LR", there will be rezoning requests for the remaining lots between Jack Cook Drive and Manor Road.

Mr. Goodman stated that the Commission should give some consideration to the proposed use of the property, as the lots are narrow and do front onto two streets, and try to do something with the owner to resolve how the land can be utilized. This is not a good location for residential development because of the terrain and the street pattern, but "LR" zoning is too intensive for the property. The best protection for the residences of the subdivision is the "A" Residence classification now existing on the property.

Mr. Barrow stated the subject property is surrounded by residential, and therefore requested zoning would not be proper. After further discussion, the Commission

VOTED: To recommend that the request of Don McElwreath for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6222-6304 Manor Road and 3103-3205 Jack Cook Drive be DENIED.

AYE: Messrs. Barrow, Riley, Goodman and Jackson

NAY: None

ABSENT: Messrs. Wroe, Lewis and Hendrickson

(DISQUALIFIED: Mr. Brunson)

(ABSTAINED: Mr. Kinser)

SPECIAL PERMIT

CPI4-65-8 Buford Stewart: Veterinary Hospital
2403 West Ben White Boulevard

STAFF REPORT: This application has been filed as required under Section 6, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The subject property is located in a "C" Commercial zone which does permit the proposed use, a veterinary clinic, by a special permit. The site is a tract of land fronting 50 feet on the south line of West Ben White Boulevard and containing 7500 square feet. Proposed is a concrete block building with wood shingle roof to be used as a veterinary hospital. The building is to be centrally heated and air conditioned, with sound insulated walls. The treatment and living quarters for the animals are to be within the building with no outside runs. An asphalt driveway and parking area for four cars is to be provided. A sign pertaining to the occupancy of the premises is to be located at the northeast corner of the site.

The following departmental comments were reviewed:

Storm Sewer	- OK
Fire Prevention	- OK
Building Inspection	- This occupancy should have at least 6 parking spaces. Only 4 shown on site plan.
Public Works	- Proposed driveway cut OK, however, will have to submit request and plan for same before construction begins.
Electric	- OK
Office Engineer (Public Works)	- Driveway approaches must be built according to City of Austin standards.
Fire Protection	- OK
Traffic Engineer	- OK
Tax Assessor	- No objections, all taxes paid
Health	- No objections, approved: Subject to sanitary sewer line being available.

There is an entrance at the rear of the structure which may be a means of bringing animals into a treatment area. There should be a paved loading or parking area shown on the site plan. The sign on the site plan is not as it should be. By Ordinance, it must be at least 9 feet above the ground or set back 25 feet. The property is part of a larger lot which will have to be replatted to create this site. The applicant is aware of this, and has stated that he will do so if the special permit is approved. The staff recommends the special permit be approved subject to approval of all departments.

TESTIMONY

WRITTEN COMMENT

Code

None

CPI4-65-8 Buford Stewart--contd.

PERSONS APPEARING AT HEARING

Code

? David Barrow Jr.: 3317 Northland Drive

FOR

SUMMARY OF TESTIMONY

Mr. David Barrow, Jr., representing the applicant, stated that the Base Veterinarian at Bergstrom Air Force Base has been looking around Austin for quite sometime for a suitable place for this type of business. It is thought that this is a good place as it is separated from residences by a good distance. The Planning Department has notified the applicant that two additional parking spaces will be required and the applicant does intend to provide the spaces at the rear of the building by increasing the paving. Mr. Stewart plans to bring the sewer line to the site and all of the other requirements will be met in accordance with the Ordinance.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and examined the site plan. They felt the plan complied with all requirements of the Ordinance, subject to departmental comments which are as follows:

1. Six parking spaces are required.
2. Driveway approaches must be built according to City of Austin standards.
3. Sign will have to be at least 9 feet from the ground or moved back 25 feet.
4. The property will have to be replatted in order to provide this small site.

They agreed a paved loading area at the rear of the building must be included on the plan.

At the Commission meeting, the staff reported that all requirements of the Ordinance had been met. The Commission therefore

VOTED: To APPROVE the site plan of Buford Stewart for a special permit for a veterinary hospital located at 2403 West Ben White Boulevard and authorized the Chairman to sign the necessary resolution.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of November 1, 1965, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The staff reported that the following subdivisions were referred to the Commission without action:

C8-63-44 Barton Village Revised

C8-64-39 Bluff Springs Subdivision, Revised

It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of November 1, 1965, on the minutes of this meeting.

PRELIMINARY PLANS

C8-63-44 Barton Village Revised

Barton Skyway and South Lamar

The staff reported that this subdivision was referred to the Commission from the Subdivision meeting of November 1, 1965, pending further consideration on the part of the subdivider of the subject property and the owner of the adjoining property, Mrs. Fagan Dickson, in order that they may work out a possible street scheme affecting both tracts of land.

The layout submitted by the developer shows Westhill Drive extending from Barton Skyway and then ending in a cul-de-sac. The Planning Department made a study sketch of the subject property and the property adjoining to the north, showing the street extending from Barton Skyway through the subject property into the adjoining property and continuing out to South Lamar Boulevard. Members of the Planning Department staff have looked at the property on the ground, and realize that it is difficult to get through the middle of the property because of the draw and lake area. It is felt however, that the Planning Department street proposal might be one of the best solutions for the connecting street between the two tracts of land. A portion of Westhills Drive is already dedicated by a previous plan. There is also a dedicated street on the adjoining property to the north. Mrs. Dickson's property has a street coming westerly off of South Lamar terminating in a cul-de-sac.

Mr. O'Quinn, representing Mrs. Dickson, was present at the subdivision meeting and requested additional time to consider the street and what Mrs. Dickson's plans would be for her property and whether or not they even wanted a connecting street.

C8-63-44 Barton Village Revised--contd.

Mr. Osborne, Director of Planning, stated that the staff proposal represents a possible means of making a connection through the two pieces of property. The street would probably have to be realigned some to the west. The back of the Dickson property is sort of land locked as there will be commercial fronting on Lamar Boulevard and no access to the back of the property. There is a street coming into the area from the north, but there is a house right in the middle of the termination of the street so it cannot be continued on to the Dickson property.

Mr. Barrow stated that it is his opinion that the two land owners should get together and work out something that would be suitable for both tracts of land. The Planning Commission should not decide if they should or should not have a street or in what location a street should be made, unless it is for circulation purposes.

Mr. Holmes, engineer for the applicant, stated that originally they were very much opposed to the street being extended northward into the Dickson property. They are more in favor of the street as they propose because basically the thought was to try to keep traffic out of the subject property in order that the subject property could be developed as a quiet reserved subdivision. Apartment development is proposed for the area. If the street is extended through the Dickson property, it will have a tendency to increase the traffic flow through the subject property.

Mr. Holmes also stated that he has talked to Mr. Andrewartha and he has said that he would be agreeable to extending the street out to the property line as shown on the Planning Department plan, provided that Mrs. Dickson would give some assurance that she would use that street by hooking on to it and developing it, sometime within the next six months or so. The street should not be just a dead-end street.

Mr. O'Quinn stated that the street would actually have to have a little different location because there is a small lake that lies in the area. There are 12 acres of land in the Dickson property, and approximately 10 acres of land in the Andrewartha tract which makes 22 acres of land with only two owners. Streets are roughly on two sides and the burden is to try to figure out some way to have sensible planning for the two tracts. The street dedication on the Dickson Property was moved as the commercial development area was moved. The east portion of the land is and will be commercial and the west portion is suitable for "A" Residential or "B" Residential development. Mr. O'Quinn presented sketches of locations of the street that would be preferred by Mrs. Dickson.

Mr. Osborne stated that Mr. Andrewartha's suggestion of being assured that the street would be used is sound, but there is question as to whether a time limit should be set or not.

C8-63-44 Barton Village Revised--contd.

Mr. O'Quinn stated that it is not Mrs. Dickson's purpose to waste someones land. She would not be requesting the connection without some sound development that would fit in with the land. Whatever outlet is available, is where the street will have to be developed. It is not known how long it will be before development of the property occurs.

Mr. Osborne stated that there has been a sound indication by Mrs. Dickson to provide access by her dedication and fiscal arrangements. In all probability, the street will be utilized.

Mr. Kinser inquired if there was any way the subdivision could be approved, but leaving out lots four and five temporarily, which would leave the developer 10 lots. These lots can be left out until something can be worked out between the developer and the adjoining owner.

Mr. Osborne stated that when a subdivision is approved and lots are left out, that they are actually considered an approved building site.

Mr. Kinser stated that it is his opinion that the question should be left open for negotiation between the two property owners. Mr. Barrow stated that all of the lots can be numbered on the plat, except the two lots left out, and it could be noted that the two lots would not be developed until some agreement is reached concerning the street.

After further discussion, the Commission

VOTED: To APPROVE the preliminary plan of BARTON VILLAGE, Revised, with the exception of lot four and five, provided a statement be placed on the plat that the two lots will not be developed and subject to compliance with departmental reports.

C8-64-39 Bluff Springs, Revised
Bluff Springs Road

The staff reported that this preliminary plan was considered at the Subdivision Committee meeting of November 1, 1965, at which time it was referred to the full Commission pending study of the layout submitted by the developer as it provides for very large lots. Some of the Committee members were concerned with the layout of this plan south of the LCRA easement, which is a 100 foot easement running through the subdivision. Because of these large lots, this plan was referred with instructions to the Planning Department staff to discuss, with the owner of the property, the possibility of dividing the lots into lots that would be comparable to the lots north of the easement. This was discussed with the owner and it is the owners request that the original plan be submitted to the Commission for further consideration. As of yesterday, a set of deed restrictions have been submitted. The restriction pertaining to the large lots is as follows:

C8-64-39 Bluff Springs, Revised--contd.

"The tract of land to which these covenants and restrictions relate is designated as Tract No. _____ of Block _____, on a preliminary plat of a Subdivision, known as Bluff Springs Subdivision, Section One, and attached hereto is a copy of a plat covering this tract and reflecting a plan for the future subdivision of this tract into lots; and in the event the tract covered hereby shall ever be subdivided such subdivision thereof shall conform to such plat, or any revision thereof required or approved by the City Planning Commission of the City of Austin. The Sellers expressly reserve the right to file a plat, or a subdivision plan, including the land covered hereby, with appropriate dedication of streets and alleys, which plat, subdivision, and dedication shall be binding upon Grantee in the accompanying Deed without joinder or signature of such Grantee, his heirs or assigns, and the agreement of the Grantee to this provision shall be conclusively evidenced by his acceptance of the Deed, or Contract, to which these covenants and restrictions are attached."

The staff reported that the plan meets all requirements of the Ordinance, with the exception of one. That one exception is that some of the block lengths are excessive. This excessive length is somewhat justified due to the fact it is a low density or urban type subdivision with larger lots and there will probably not be any more lots on these blocks than in an urban size block. The restrictions submitted is the owners method of trying to protect his own interest in this property so that an individual owner, in the future, would be bound by these restrictions.

Mr. Foxworth stated that the Water and Sewer Department has not seen the plan with the cul-de-sac projected for replatting the lots. A review should be made by the Water and Sewer Department before the plan is approved. There are three culs-de-sac in the plan which are dead-end streets and will require a variance as they exceed the 400 foot length of the Ordinance. The staff recommends the variance be granted as there are provisions for these streets to be continued.

After further discussion, the Commission

VOTED: To APPROVE the preliminary plan of BLUFF SPRINGS, Revised, granting a variance on the block lengths and a variance on the length of the culs-de-sac, and subject to compliance with 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.

SUBDIVISION PLATS - FILED--contd.

The Commission therefore

VOTED: To ACCEPT the following final plats for filing:

C8-64-68 North Park Estates
 North Lamar North of Braker Lane
C8-65-42 Springdale Hills, Section 3
 East 19th Street West of Russet Hill Drive
C8-65-47 Dunbarton Oaks in University Hills
 Loyola Lane and Williamette Drive
C8-65-48 Kealing Project (U. R. A.)
 Rosewood Avenue and Angelina Street

SUBDIVISION PLATS - CONSIDERED

C8-64-35 Olivia Height Revised
 East 19th and Adriane Drive

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

VOTED: To APPROVE the final plat of OLIVIA HEIGHT REVISED.

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

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

VOTED: To DISAPPROVE the final plat of WEST GATE SQUARE, pending the volume and page required in dedication, signature of owner and notarization, and the required annexation.

C8-65-5 Parkwood at University Hills, Section One
 Loyola Lane

The staff reported that this is a subdivision that is located on the south side of Loyola Lane west of Manor Road. The original recommendation of the Planning Department was to include a tract of land east of the property, between Manor Road and the subject property, in this subdivision because it created a tract of less than 3 acres, which is not acceptable because of the creek. The engineer for the subdivider appeared at a previous meeting and suggested that they provide the necessary drainage easements in lieu of providing it on the plan. There has not been time to check and see if the easements have been provided on the adjoining tract. Pending a check of the required easements, the staff recommends disapproval.

C8-65-5 Parkwood at University Hills--contd.

The Commission therefore

VOTED: To DISAPPROVE the final plat of PARKWOOD AT UNIVERSITY HILLS, Section One, pending the required fiscal arrangements, and authorized the staff to poll the Commission upon completion.

SHORT FORM PLATS - FILED

C8s-65-149 Country Air, Section One, Resub. of Lot A, Block H
Lamar Boulevard and Peyton Gin Road

The staff reported that reports have not been received from several departments and recommended this plat be accepted for filing only. The Commission therefore

VOTED: To ACCEPT the short form plat of COUNTRY AIR, Section One, Resubdivision of Lot A, Block H, for filing.

SHORT FORM PLATS - CONSIDERED

C8s-65-64 Houston Street Subdivision
Houston Street west of North Lamar

The staff reported that this is a subdivision of property that is located on the northwest corner of North Lamar Boulevard and Houston Street. The property is jointly owned by Mr. Charles Nash, John Nash, and Mr. E. A. Grimmer. In June of this year, the Commission granted a variance on the signature of the adjoining property owner as he did not wish to join in the platting. After this was submitted, it was determined that some widening would be needed for Houston Street, so the owners were requested to dedicate 10 feet. A ten foot sidewalk and public utility easement was finally worked out between the Planning Department and Public Works Department. This plat has now been refiled with this easement shown on the plat, but Mr. Grimmer has now refused to sign the plat since this agreement was made. Mr. Robert Sneed, Attorney for the applicant, has written a request to the Commission, requesting a variance that would exclude lot 4, Mr. Grimmer's lot, from this subdivision. This means, that the City will have the 10 foot easement across the front of Lots 5 and 6, skipping Lot 4, across lots 1-3 with another skip in between. This is a bad situation, but there seems to be no practical solution.

Mr. Kinser inquired if the owner of Lot 4 would be able to get a building permit. If not, when he does apply, the 10 foot easement can then be required.

Mr. Foxworth stated that even though Lot 4 could be excluded, when the property on both sides of the lot are approved, this does make Lot 4 an approved building site.

C8s-65-64 Houston Street Subdivision--contd.

After further discussion, the Commission

VOTED: To APPROVE the short form plat of HOUSTON STREET SUBDIVISION, granting a variance from the requirement of the signature of the owner of Lot 4.

C8s-65-147 Westfield "B", Resubdivision Lot 1, Block 4
Windsor Road and Keating Lane

The staff reported that a variance is required on the width of Keating Lane, and recommended disapproval of this short form plat pending the sewer service change that is required to clear Lot 2A. The Commission therefore

VOTED: To DISAPPROVE the short form plat of WESTFIELD "B", Resubdivision Lot 1, Block 4, pending sewer service change required to clear Lot 2A, and granting a variance on the width of Keating Lane.

C8s-65-153 T. H. Neal Addition
Cullen Lane and Slaughter Lane

The staff reported that this subdivision is located on the southwest corner of Slaughter Lane and Cullen Lane. The owner of Lots 1 and 2, originally bought these tracts along with a one acre tract to the south. It was bought as one tract of land. At a later date, the one acre tract was sold. Now the applicant wishes to subdivide Lot 2 and leave Lot 1 as it is. The current owner of the one acre tract has refused to join in the platting, therefore the applicant is requesting a variance from requiring his signature on the plat. The staff recommends the variance be granted, but the short form plat be disapproved pending the Health Department report. The Commission therefore

VOTED: To DISAPPROVE the short form plat of T. H. Neal Addition, pending the Health Department report, granting a variance on the requirement of the signature of the adjoining owner.

C8s-65-148 Tarrytown Place, Resubdivision Lots 75-77
Vista Lane south of Windsor Road

The staff reported that all departmental reports have been received and this short form plat complies with all requirements of the Ordinance. The Commission therefore

VOTED: To APPROVE the short form plat of TARRYTOWN PLACE, Resubdivision Lots 75-77.

(DISQUALIFIED: Mr. Jackson)

C8s-65-151 Resub. Lot 3A of the Second Resub. of South Congress Square
South Congress and East Oltorf

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

VOTED: To APPROVE the short form plat of Resubdivision Lot 3A of the Second Resubdivision of SOUTH CONGRESS SQUARE.

ADMINISTRATIVE APPROVAL

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

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

C8s-65-146 Timberwood, Resub. Lots 4, 4A, 5, 5A
Timberwood Drive and Wade Avenue
C8s-65-91 Bellvue Park, Resub. Lots 1-6, Block 10
Sunnyvale and Summit Streets
C8s-65-150 Banister Acres, Resub. Lot 5, Block 4
Banister Lane
C8s-65-152 Everett Williams Subdivision
Redwood Avenue
C8s-65-142 Royal Oak Estates, Sec. 3, Resub. Lots 5 and 6, Block T
Lockwood Cove and North Hampton
C8s-65-154 Resub. Lots 26 and 27, Stone Gate
Stone Gate Drive

SUBDIVISION APPROVAL BY TELEPHONE POLL

It was reported by the staff that the following subdivision was considered by telephone poll on October 22, 1965, and that a majority of the Commission had

VOTED: To APPROVE the following final plat:

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

OTHER BUSINESS

R140 PLANNING COMMISSION

The Director of Planning presented a status report on the following planning and development activities that will occur in the near future:

R140 PLANNING COMMISSION--contd.

1. Community Development Program

This program has been extended from October, 1965, to June, 1966. There are four consultants working on the program for the City. These consultants are

- a. Mr. Erling Helland - Planning
- b. Mr. Bob Harris and Mr. Tom Sheffleman - Architect and Design
- c. Dr. Bill Hazzard - Sociology
- d. Mr. Morton Hoffman - Economics and Marketing

2. Urban Renewal and its current operating features

The urban renewal projects are as follows:

- a. Kealing Project - This project is approximately 2/3rds through completion and should be completed next year.
- b. Glen Oaks - This is a General Neighborhood Renewal Program that is in a final planning stage that should be completed in approximately 3 months. No renewal action can take place until the Planning Commission and City Council have reviewed the plan.
- c. Brackenridge - This will be presented to the Commission sometime during the coming year. The main feature of this project will be the Brackenridge Hospital area. This is a rather large project with a net cost of five million dollars. Much of the land in the area will be developed privately, although a fair portion will be developed in connection with the hospital.
- d. Blackshear - This project will probably occur in 1967.

One feature of these projects is that they have all been authorized by the City Council. Another feature is that between these projects and other public activities (capitol area, street development, University expansion, City projects, etc.) there will be approximately 1400 families displaced during the next five years. Approximately 850 of these families are very low income families or individuals. Approximately 300 of these families or individuals have a moderate income of between \$3,600 and \$6,000 per year. This is going to create a very definite problem concerning the matter of low-cost housing.

3. Transportation Study and Planning

A draft of the plan, with some modification, has been submitted, and if approved, will come to the Commission and the Council. It is possible that this will become a part of the Master Plan or an amendment to the Plan. This plan will then go into a continuing phase which will involve the following:

- a. implementation
- b. detailed studies of routes and designs
- c. changes that will occur

R140 PLANNING COMMISSION--contd.

4. Workable Program - This program is submitted annually by the City Council and presented to the Housing and Home Agency. This will probably be submitted about the first of February. This will be brought to the Commission before it goes before the City Council as it sets out a program for the next two years which involves codes and ordinances, changes that are likely to be made, and other aspects of the development of the City.

R140 PLANNING COMMISSION - General

The Director of Planning advised the Commission that the Zoning Committee, at their last meeting, discussed the parking problems around the public schools. The Committee requested the staff to draft a letter to the School Board stating their concern in this matter. The letter is as follows:

"The Planning Commission of the City of Austin wishes to express its endorsement of your continued efforts in the development of new educational facilities for the younger citizens of this community.

In connection with the Planning Commission's concern and responsibility for the orderly development of the community, we bring to your attention the matter of the necessity of adequate off-street parking and proper passenger loading zones for the various schools. McCallum High School and Pearce Junior High School might be cited as examples of schools with traffic problems.

We realize the provision of off-street parking and loading is costly, both in terms of land requirement and construction, but we feel it our responsibility to point out the effect that adverse parking and traffic conditions have on the abutting streets and private property, and to emphasize the necessity of planning for adequate future traffic needs.

It is our hope that we may work with you in mutual understanding toward our common goal of a better Austin and a better future for its citizens."

The Commission unanimously AGREED to forward this letter to the Austin Independent School Board.

R143 MEETINGS

Mr. Osborne advised the Commission that there is a committee called the Master Plan Committee that has not functioned in several years. This committee was formed for the purpose of studying Capital Improvement Programs and the full Commission should constitute that committee. An additional meeting time should be scheduled in order that the Commission can hear reports on the various development projects going on in and around Austin.

R202 PLANNING MEETINGS AND CONFERENCES

Mr. Patrick Horsbrough, Professor of Architecture at the University of Texas, appeared at the meeting to invite the Commission members to attend the "Texas Conference on Our Environmental Crisis," organized by the School of Architecture of the University. This conference is to be held November 21 through November 23, 1965.

Mr. Horsbrough stated that there will be many speakers from all over the country and abroad. In between the scheduled sessions, the various speakers will be available for consultations and discussions, with people in the area, on any particular problem in Austin. In addition, each session will be recorded on tape so that it will be possible for any group or individual to hear any speaker they may have missed.

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

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman