

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 14, 1965

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

Present

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

Absent

Howard Brunson
W. Sale Lewis

*Arrived at 8:00 p.m.

Also Present

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

MINUTES

Minutes of the meeting of October 19, 1965, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of December 7, 1965.

C14-65-104 C. T. Usselton, Trustee: B to C-2
1219 North Interregional Highway
C14-65-209 C. T. Usselton, Trustee: B to C-2
803 East 13th Street
(Plat Address 807 East 13th)

STAFF REPORT: The staff would like the Committee to consider two cases (C14-65-104 and C14-65-209) together as they are proposed to be developed as one site. The proposed construction is to be built on both lots. The purpose of the request is for building a restaurant including the sale of beer and wine for on-premise consumption. In June, 1965, the Commission considered a rezoning request for the most westerly of these two lots. At that time, the Commission decided that the request should be denied because the building site was of inadequate size and there was inadequate access.

C14-65-104 and C14-65-209 C. T. Uselton, Trustee--contd.

The Director of Public Works has said he will approve a curb break of 45 feet at the alley. When the original request was sent to the Council, they decided to hold action until the second request came to the Commission.

Since the building site has been made large enough to accommodate the proposed building and is part of a well-defined commercial area, the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

M	S. A. Martinez: 901 East 12th Street	?
?	C. T. Uselton, Trustee: 509 Brown Building (applicant)	FOR

SUMMARY OF TESTIMONY

Mr. C. T. Uselton stated that this location is needed for a restaurant to be used with a 60 unit Roadway Inn Motel on the area to the south across the alley.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. The request fits the Commission's policy of granting "C-2" zoning in a well-defined commercial area.
2. The site is adequate for the proposed development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. T. Uselton, Trustee for a change of zoning from "B" Residence, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1219 North Interregional Highway be GRANTED and to also recommend that the request of C. T. Uselton, Trustee, for a change of zoning from "B" Residence, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 803 East 13th Street (Plat Address 807 East 13th Street) BE GRANTED.

C14-65-181 Marvin A. Bergstrom: A to B, 1 to 2
1905-1909 Waterston Street

STAFF REPORT: This site consists of 23,250 square feet and is developed with a single-family dwelling. In October of this year, the Commission considered this property for a change of zoning from "A" Residential to "C" Commercial. The purpose then and now, is to erect apartments. The Commission recommended this request be denied as they felt it would not fit in with the existing zoning pattern in the area and because the streets were inadequate. The original request went to the Council, where the possibility of changing the tract to "B" Residential, Second Height and Area was discussed. In order to do this, the request had to be re-advertised, and so it was referred back to the Commission.

The zoning as proposed would permit 31 units in an apartment hotel. "B" Residence, First Height and Area would permit 15 units on this tract. "C-1" zoning has been established at the corner of West 10th Street and Essex Avenue for quite some time. The area to the north of the subject property is used primarily for single-family and two-family dwellings. There is some "B" zoning along Palma Plaza and Waterston Street but it is developed as residential property. "BB" zoning is established west across the railroad.

In connection with the development of Mo-Pac Boulevard, there will be an exit ramp into Newfield Lane affecting this property to some extent. It may well be, depending upon the final number of lanes in Mo-Pac, that the final Mo-Pac design will require some of the subject property for right-of-way. Also, the proposed Crosstown Expressway will intersect Mo-Pac just south of subject property. At the Council Hearing, the applicant indicated that he would work with the City in providing for the exit ramp into Newfield Lane.

The present street situation is totally inadequate. Waterston Avenue is gravelled and has only 40 feet of right-of-way. Newfield Lane is not paved south of Palma Plaza.

The staff feels that any rezoning in this area should be done on a comprehensive basis, as the granting of this one application will set a precedent for property to the north and south.

TESTIMONY

WRITTEN COMMENT

Code

AJ	Mrs. Fred Molhusen: 1811 Palma Plaza	AGAINST
B	Louie Williamson: 1903 Waterston Avenue	AGAINST
D	Mary Preston: 1108 Essex Avenue	AGAINST
C	Eugene Turner: 1901 Waterston	AGAINST
J	Annie B. Tisdale: 1107 South 6th	AGAINST

C14-65-181 Marvin A. Bergstrom--contd.

PERSONS APPEARING AT HEARING

Code

A Marvin A. Bergstrom: 401 West 13th (applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Marvin Bergstrom presented pictures of his area, and objected to the Planning Department emphasis of the street situation. That small 20 foot street is not really a street, but is in fact an alley. There is 100 feet of right-of-way on the east side of the railroad track where Mo-Pac Boulevard is proposed, and another 100 feet on the other side of the track. Two-hundred feet of right-of-way should be adequate for any street. If some one is willing to spend a great deal of money to improve this part of Austin, which is run down as shown by the pictures, then there should be no argument against it.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be denied as the streets in the area are inadequate for a substantial increase in density of residential development. They also felt the request would be inconsistent with the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Marvin A. Bergstrom for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1905-1909 Waterston Street be DENIED.

C14-65-201 J. F. Foster: B to C-1
6608 Grover Street
(Plat Address 6604-6608)
1201 Ruth Avenue

STAFF REPORT: This property is located on the southwest corner of Grover Avenue and Ruth Avenue and consists of 13,950 square feet. The property is developed with a residence and a beauty shop as an accessory use. The applicant proposes to erect a grocery store with package sales of beer. There is a large area of "LR" zoning, with a 50 foot buffer strip of "B" zoning surrounding it, located to the north of the subject property. The request on that tract was for a change of zoning to "C" commercial. The Commission discussed the advisability of creating an "LR" zone rather than a "C" district to provide better control of the uses, and a buffer zone around the property adjacent to the abutting residential development. Some

C14-65-201 J. F. Foster--contd.

of the Commission members wanted a 50 foot strip of "B" zoning as a buffer and others felt that a fence or 10-foot green strip would provide more protection. The Commission did conclude that the property should be zoned "LR" with the 50-foot "B" buffer strip. Although this was zoned in 1962, it has never been developed. The subject property was zoned "B" in 1960. At that time a few of the Commission members were opposed to the zoning as it was felt that would be spot zoning. However, some of the members felt the request should be granted as the applicant wanted to operate a beauty shop as an accessory to the residence and there was no provision in the Ordinance for this use in the "A" zone. After this "B" zoning was granted on the subject property, the Ordinance was amended to include this provision. When the request was pending before the Council, the owner of the property filed a letter saying that if at any time the property was sold or transferred by them to anyone else, they would initiate action to have the property rezoned to "A".

The beauty shop on the subject property is still continuing as an accessory use under this zone, but it could also be operated under the "A" zoning, provided that all employees in the shop live on the property. This is an area that is totally single-family development, other than the subject property. The staff is recommending that this request be denied as commercial uses would not be compatible with the surrounding area.

TESTIMONY

WRITTEN COMMENT

Code

AS	James A. Creighton: 1202 Ruth	AGAINST
?	Petition with 65 signatures	AGAINST
V	Mr. and Mrs. Clyde Shumate: 1109 Ruth	AGAINST
B	Thomas W. George: 1211 Ruth Avenue	AGAINST
?	Mrs. Valmore Leite: 1212 Ruth Avenue	AGAINST
AJ	Ernest Kokel: 1108 Ruth Avenue	AGAINST
S	John D. Speed: 1109 Brentwood	AGAINST
AV	James Alfred Hitt: 1208 Ruth Avenue	AGAINST
C	Alton E. Lester: 1209 Ruth Avenue	AGAINST
E	Harold Berg: 1205 Ruth Avenue	AGAINST
AK	Jordan Louis Scotti: 1209 Choquette Drive	AGAINST
AN	J. L. Rumsey: 1203 Choquette Drive	AGAINST
D	R. M. Adams: 1207 Ruth Avenue	AGAINST
W	Harvey Vincent: 1107 Ruth Avenue	AGAINST
AU	D. L. Thompson Jr.: 1206 Ruth Avenue	AGAINST
AH	Mrs. Pearl E. Bethune: 1106 Ruth Avenue	AGAINST
G	Bobby Gene Barringer: 1202 Brentwood	AGAINST
Q	Mr. and Mrs. J. R. Fisher: 1203 Brentwood	AGAINST
AG	A. C. Braddock: 1104 Ruth Avenue	AGAINST
AQ	Russell E. Stevens: 6704 Grover	AGAINST
AP	J. D. Chastain: 1201 Choquette Drive	AGAINST
AR	E. W. Hemphill: 1200 Ruth Avenue	AGAINST
F	Mr. and Mrs. Henry G. Wallace: 1203 Ruth Avenue	AGAINST

C14-65-201 J. F. Foster--contd.

PERSONS APPEARING AT HEARING

Code

AV	Mrs. James A. Hitt: 1208 Ruth Avenue	AGAINST
D	R. M. Adams: 1207 Ruth (Mr. and Mrs.)	AGAINST
G	Mrs. B. G. Barringer: 1202 Brentwood	AGAINST
AR	Mr. E. W. Hemphill: 1200 Ruth Avenue	AGAINST
E	Mr. and Mrs. Harold Berg: 1205 Ruth Avenue	AGAINST
F	Mrs. Henry G. Wallace: 1203 Ruth Avenue	AGAINST
AQ	Russell E. Stevens: 6704 Grover Avenue (Mr. and Mrs.)	AGAINST
AF	Mrs. Robert L. Morriss: 1102 Ruth Avenue	AGAINST
V	Mr. and Mrs. Clyde M. Shumate: 1109 Ruth Avenue	AGAINST
AP	Mr. J. D. Chastain: 1201 Choquette	AGAINST
X	William Moses Prewitt: 1105 Ruth Avenue	AGAINST
W	John H. Vincent: 1107 Ruth Avenue	AGAINST
AH	Mrs. Pearl E. Bethune: 1106 Ruth Avenue	AGAINST
AJ	Ernest Kokel: 1108 Ruth Avenue	AGAINST
AD	Glenn H. Schmidt: 6601 Grover	AGAINST
?	Ansel L. Peterson: 1213 Ruth Avenue	AGAINST
C	Pat Lester: 1209 Ruth Avenue	AGAINST
B	Thomas W. George, Jr.: 1211 Ruth Avenue	AGAINST
AB	H. C. Carter Sr.: 1104 Brentwood (Mr. and Mrs.)	AGAINST
L	W. H. Bullard: 1201 Ruth Avenue	AGAINST
Q	John Ray Fisher: 1203 Brentwood (Mr. and Mrs.)	AGAINST
AU	D. L. Thomson, Jr.: 1206 Ruth Avenue	AGAINST
R	Mrs. George M. Allman: 1201 Brentwood	AGAINST
H	Mr. and Mrs. B. E. Carter: 1204 Brentwood	AGAINST

SUMMARY OF TESTIMONY

No one appeared on behalf of the applicant.

Thirty persons appeared at the hearing to voice their opposition to the request. Their comments are summarized as follows:

1. Deed restrictions in this area prohibit commercial uses.
2. A drive-in grocery at this location would increase an existing traffic problem.
3. There is not any need for this type of business, as there are many shopping centers in the area.
4. This change would disturb the quiet tranquillity of the area.
5. This would be an intrusion into a well-developed residential neighborhood.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. To grant the request would be piece-meal zoning.
2. This change would not be compatible with the existing development.

C14-65-201 J. F. Foster--contd.

At the Commission meeting, the staff reported that the applicant had made an oral request to withdraw this application, and that a letter to that effect is to be mailed to the Planning Department. The Commission therefore

VOTED: To ACCEPT the withdrawal of the request.

C14-65-202 Ben H. Roberts and James F. Fatheree: LR & O to GR
4401-4403 Merle Drive
1809-1813 Ben White Boulevard

STAFF REPORT: This site consists of 25,805 square feet and is developed with two single-family dwellings. The applicant proposes to erect a gasoline station. Half of the subject property is zoned "LR" and the other half is zoned "O". Since the "LR" zoning on the property was established, there has been "GR" zoning established on property to the west, across Ben White Boulevard to the north, and to the east of the subject property where a shopping center is under construction. The requested "GR" zoning will not affect the zoning pattern as established, although "LR" will accommodate a service station.

TESTIMONY

WRITTEN COMMENT

Code

AJ Mr. F. R. Ford: 4015 Manchaca Road

FOR

PERSONS APPEARING AT HEARING

Code

? C. T. Uselton: 509 Brown Building (representing applicant) FOR

SUMMARY OF TESTIMONY

Mr. C. T. Uselton, representing the applicants, stated that there are a number of service stations that are closed in the City of Austin because they are not zoned to do repair or mechanical work on the driveway. The reason the request is for "GR" is so that this type of work can be done at this location.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be granted as the requested zoning is an extension of existing zoning and would allow the logical development of this property.

C14-65-202 Ben H. Roberts and James F. Fatheree--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ben H. Roberts and James F. Fatheree for a change of zoning from "LR" Local Retail and "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 4401-4403 Merle Drive and 1809-1813 Ben White Boulevard be GRANTED.

C14-65-203 Irving Dochen: GR to C-1
7911-7917 Burnet Road

STAFF REPORT: This site consists of 13,608 square feet on which there is a cafe under construction. The applicant is requesting the change for the purpose of selling beer and wine secondary to the sale of food in a restaurant. The property adjoining to the south is zoned "C-1" and is developed with a cafe. The area along Burnet Road is zoned "C" commercial and developed as such. This request does meet the policy of the Commission for granting "C-1" as the area is a well-developed, well-defined commercial area.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	Irving Dochen: 5109 Turnabout Lane (applicant)	FOR
?	Jon Phillips: 2502 Steck Avenue (representing applicant)	FOR
?	H. P. Phillips: 2505 Steck Avenue	FOR

SUMMARY OF TESTIMONY

Mr. Irving Dochen and Mr. Jon Phillips were present on behalf of this request.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be granted as it is consistent with 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 Irving Dochen for a change of zoning from "GR" General Retail, Sixth Height and Area to "C-1" Commercial, Sixth Height and Area for property located at 7911-7917 Burnet Road be GRANTED.

C14-65-204 M. B. Von Roeder: A to C

Rear of 6000-6006 North Lamar Boulevard

STAFF REPORT: This site contains 15,000 square feet and is undeveloped. The applicant proposes to erect apartments. "C" Commercial zoning is established to the north of the subject property and "C-2" is established along Lamar Boulevard. The Commission also recently recommended that "C" Commercial be granted on the property to the south. There is residential property to the west, and a church is located on the corner of Koenig Lane and Sunshine Drive. The church proper occupies the front portion of that lot and the back is used for parking, which does buffer the residential lots. The staff has no objection to the change.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Von Roeder stated that he is requesting this change to make it possible to have apartment buildings or some other kind of buildings that will fit into a "C" Commercial area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. It is in a neighborhood of fully developed commercial businesses.
2. It is the only portion of a large lot having frontage on Lamar Boulevard that is not zoned commercial, and cannot be adequately developed except as part of the entire lot.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M. B. Von Roeder 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 6000-6006 North Lamar Boulevard be GRANTED.

C14-65-205 John V. Felter: A to B, 1 to 2
1020-1036 Clayton Lane
Add'n. Area: 934-940 Clayton Lane
1000-1020 Clayton Lane

STAFF REPORT: The subject property is a tract of 11.6 acres. The staff has advertised as additional area a tract of 5.8 acres, for consideration for rezoning to "C" Commercial or a more restrictive zone. The staff is recommending that if a change is made on the additional area it be to "C" Commercial since part of this tract was zoned "C" Commercial in 1964, as part of the Night Hawk Restaurant development. The proposed use for the subject property is for apartment development. The proposed zoning would allow a maximum of 673 units. Southeast of the subject property, between Clayton Lane and Reinli Street, a large tract was zoned "B" Second Height and Area in 1964. At that time the Commission recommended to the Council that the request be denied because the streets were inadequate for the proposed density. Since that time, Clayton Lane has been widened to 70 feet between the Interregional Highway and Cameron Road, and Sheridan Avenue has been extended south of Clayton Lane to Reinli Street. In view of the improved street pattern in the area and the granting of "B" Residential, Second Height and Area zoning to the large tract mentioned, the staff has no objection to granting this request. The only area of concern is the residential subdivision immediately east of the subject property. This small subdivision (Claircrest Addition, Section I) was developed in 1950. At that time, the preliminary subdivision plan of the area proposed extending Broadview and Rosemont Streets westward from Sheridan Avenue to U. S. Highway 290. This plan was never developed and the two streets were left as stub streets in Section I. The possible problem concerns the use of these streets for access to the subject property. Since they are narrow residential streets, they are not adequate to serve a high density apartment area. Otherwise, Clayton Lane is the only access to the property. There is no direct access to U. S. Highway 290; however, there is a paved private drive between Clayton Lane and the Highway adjacent to the site on the west, which might possibly be used as access from the highway to the subject property.

TESTIMONY

WRITTEN COMMENT

Code

AC	Lem Scarbrough Estate by E. C. McClure:	717 Scarbrough Bldg.	FOR
F	Alfred Trcka:	1038 Broadview	AGAINST
AE	Kenneth E. Davis:	917 Clayton	FOR

PERSONS APPEARING AT HEARING

Code

?	Dr. Georgia Leggett:	1707 Colorado	FOR
---	----------------------	---------------	-----

SUMMARY OF TESTIMONY

The applicant stated that there is a good deal of commercial zoning around this area. The concentration of apartments on this property will cut down

C14-65-205 John V. Felter--contd.

on traffic problems. There are 490 units proposed with 630 parking spaces. The apartment development will probably be two and three story apartments.

Two nearby property owners appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee were generally in favor of high-density apartment development on the property; however, they were concerned with the two short streets, Broadview and Rosemont. The majority of the members felt that although the existing residential properties might be adversely affected by increased traffic from the neighboring apartment development, the narrow width of these two streets should not retard development of the adjoining tract. They felt that any development of the tract would provide ample space for access to the development from Clayton Lane as well as from Broadview and Rosemont. The Committee also agreed that "C" Commercial zoning should be extended throughout the additional area to complete the zoning pattern on those large tracts.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John V. Felter for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1020-1036 Clayton Lane be GRANTED and that "C" Commercial, First Height and Area be GRANTED for the additional area located at 934-940 and 1000-1020 Clayton Lane.

C14-65-206 A. P. Leleux: C-1 to C-2
 7800-7804 North Lamar Boulevard
 800-810 Stobaugh Street

STAFF REPORT: This site contains 11,250 square feet and is developed with a service station. The applicant proposes beer on-premise or a package store. The subject property has been zoned "C-1" Commercial since 1956 and the applicant now wishes to have the "C-2" zoning. The entire area along Lamar Boulevard is established as "C" Commercial. There are a number of large undeveloped tracts in the area. This is a matter of Commission policy concerning the sale of beer and liquor in this area.

TESTIMONY

WRITTEN COMMENT

Code

J Alton W. Dolgener: 911 Stobaugh
 K Mrs. Darlene Haley: 907 Stobaugh

AGAINST
 FOR

PERSONS APPEARING AT HEARING

Code

? A. P. Leleux: 3202 Guadalupe

FOR

C14-65-206 A. P. Leleux--contd.

SUMMARY OF TESTIMONY

Mr. A. P. Leleux was present at the hearing and stated that he would like the Committee to grant the "C-2" change.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee 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 A. P. Leleux for a change of zoning from "C-1" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 7800-7804 North Lamar Boulevard and 800-810 Stobaugh Street be GRANTED.

C14-65-207 W. A. Rosanky: LR to C-1
1611 Webberville Road
(Plat Address 1609-1613)

STAFF REPORT: This site consists of 11,326 square feet and is developed with a grocery store. The applicant proposes off-premise sale of beer in the grocery store. The area surrounding the property is zoned "A" Residential. The subject property was zoned "LR" in 1956, and is an isolated business lot. The staff does question whether or not this request fits the Commission's policy of being in a well-developed commercial area.

Webberville Road is a neighborhood collector street with 60 feet of right-of-way. It is hoped that the street can be widened to 70 feet.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

C14-65-207 W. A. Rosanky--contd.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee concluded this request should be granted, as they felt the request should be regarded as providing only one other service that will be added in a well-established business in an existing "LR" zone.

At the Commission meeting, Mr. Wroe stated that the Commission is considering only the granting or withholding of a beer license for a use that is well-established in other areas of town in grocery stores. This is only a retail place for beer to go. By denying this the Commission would be restricting this applicant in an area of competition which is making up an increasingly large percentage of the total sales in grocery stores. Mr. Kinser felt the request should be granted in view of the fact that nearby there is a grocery store selling beer.

The majority of the members felt the request should be denied. They did not think that this location and the immediate surrounding area was a good location for commercial development. They therefore did not feel that further commercial intensification of the property was compatible with the neighborhood.

Mr. Wroe contended that denial was not commensurate with the Commission's policy in regard to "C-1" zoning for grocery stores as it has been applied in the past.

Mr. Glenn Cortez, Assistant City Attorney, advised the Commission that denial of "C-1" zoning in this case could be supported as a reasonable exercise of the police power of the City. It is justifiable to allow a grocery store without this type of zoning if the sale of beer at this location is not in the public welfare since all property is held subject to the valid exercise of the police power in the interest of the public welfare.

A motion to grant the request failed to carry by the following vote:

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

It was therefore

VOTED: To recommend that the request of W. A. Rosanky for a change of zoning from "LR" Local Retail, First Height and Area to "C-1" Commercial, First Height and Area for property located at 1611 Webberville Road (Plat address 1609-1613) be DENIED.

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

C14-65-208 Irineo Banuelos: B to D
1508 East 4th Street

STAFF REPORT: This site contains 7,248 square feet and is developed with a single-family dwelling. The applicant proposes storage and sale of used furniture. "C" Commercial is established to the south and east of the property and there is a mixture of industrial, commercial and residential uses. The Ordinance does not require an industrial zone for the proposed use, but this area is set forth as "D" Industrial in the Master Plan, which prevents the zone from being changed to anything but industrial. The particular use of the lot does fit in with the neighborhood.

East Fourth Street to the west of Navasota Street has 60 feet of right-of-way, and to the east of Comal Street, 70 feet. In front of the subject property there is only 40 feet of right-of-way, and this should be brought up to at least 70 feet as it does serve industrial property. If the widening is to be aligned with the existing right-of-way west of Navasota and east of Comal Street, 20 feet would be required from the subject property. The staff would not be opposed to the requested change, if the street were adequate.

TESTIMONY

WRITTEN COMMENT

Code

H	E. S. Barron: 1414 East 3rd Street	AGAINST
J	A. Stassweinder: P. O. Box 6121	FOR
X	Forest Pearson: Box 1987	FOR

PERSONS APPEARING AT HEARING

Code

?	Sam V. Quintanilla: P. O. Box 6162	FOR
---	------------------------------------	-----

SUMMARY OF TESTIMONY

Mr. Sam V. Quintanilla, representing the applicant, stated that this is a case of an old piece of property that is in the midst of property that has advanced from "A" Residential and "B" Residential to "C" Commercial and "D" Industrial. The owner of the property is willing to go along with the right-of-way required for widening the street and he will build in accordance with the space that is left.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be referred to the full Commission pending the street dedication offer.

C14-65-208 Irineo Banueolos--contd.

At the Commission meeting, Mr. Glenn Cortez, Assistant City Attorney, reported to the Commission that the applicant had agreed to dedicate to the City 20 feet of right-of-way for the widening of East 4th Street.

The Commission discussed the request and felt that the proposed zoning and use of the land was compatible with the existing zoning, the requirements of the Master Plan and the development of the surrounding area. They noted that provision had been made for bringing the street up to the required width and therefore felt the zoning was logical and proper. It was therefore

VOTED: To recommend that the request of Irineo Banuelos for a change of zoning from "B" Residence, Second Height and Area to "D" Industrial, Second Height and Area for property located at 1508 East 4th Street be GRANTED.

C14-65-210 Elizabeth M. Johnson: A to B
3305 Tom Green Street

STAFF REPORT: This site contains approximately 8,000 square feet and is developed with a two-family dwelling. The applicant wishes to utilize this area by putting a four-unit apartment building on the property. Property across Tom Green Street to the west is zoned "BB" for apartments. South of 32nd Street is "B" zoning. The area is developed with single-family and two-family dwellings, which is true on part of the property zoned for apartments. There is a great number of single-family homes in the neighborhood. Tom Green Street is the boundary between the two districts. Property at the northeast corner of 34th and Tom Green Streets was proposed for a change to "B" Residential earlier this year. The Commission recommended denial as a majority of the members felt this would be an intrusion into the residential area. The request was subsequently withdrawn. The same reasoning applies to this one lot, as it would be piece-meal zoning, and would encourage all of the block to go to apartment development.

TESTIMONY

WRITTEN COMMENT

Code

AA	Joe W. Meredith: 3208 Duval #1	FOR
AF	H. C. Byler: 400 East 34th Street	FOR
AH	Leon Whitney: 172 Haven Drive, Norfolk, Virginia	?

PERSONS APPEARING AT HEARING

Code

A	Elizabeth M. Johnson: 3305 Tom Green	FOR
---	--------------------------------------	-----

C14-65-210 Elizabeth M. Johnson--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Mattie C. Park, representing the applicant, stated that the applicant presently has a duplex on this property. She bought the lot because it was an eye-sore and disgrace to the neighborhood. Her planned improvements will enhance the value of property in the whole neighborhood.

Arguments Presented AGAINST:

Mr. Joseph R. Darnall, Jr. stated that he is strongly opposed to apartment development jumping across Tom Green Street. The use that is being made of the homes throughout the area is largely as single-family residences and some duplexes. Many of the families who live in this area own their homes, and many of them are second generation families, who are improving and remodeling these homes. Any apartment development east of Tom Green Street would be a logical step for that entire block to be developed with apartments. The homes in the area are old, but are very well-maintained homes. These people should be protected from the encroachment of apartment development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee felt this request should be denied as it would be an intrusion into a well-defined residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Elizabeth M. Johnson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3305 Tom Green Street be DENIED.

C14-65-211 Austin Crest Ventures: C-1 to C-2
93 Congress Avenue

STAFF REPORT: This is a small site consisting of 860 square feet, and is located in the new Wilbur Clark Crest Hotel. The applicant wishes to establish a package store in the hotel. Most of the area is already zoned "C-2" and developed with intensive commercial uses. The staff has no objection to the request.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-65-211 Austin Crest Ventures--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Brownlee, Jr., representing the applicant, stated that the site is a small area on the first floor of the hotel.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be granted as it fits the Commission's policy of granting "C-2" Commercial 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 Austin Crest Ventures for a change of zoning from "C-1" Commercial, Fourth Height and Area to "C-2" Commercial, Fourth Height and Area for property located at 93 Congress Avenue be GRANTED.

C14-65-212 A. S. Duncan and E. W. Cullers, Jr: A to D
733-741 Shady Lane

STAFF REPORT: This site consists of approximately 1½ acres and is developed with a single-family dwelling. The applicant proposes to erect an apartment hotel. The subject property adjoins property that was considered by the Commission at the last meeting, and is pending Council action. This area is designated as industrial in the Master Plan. Fifteen feet of widening for Shady Lane has been offered and the staff recommends the change be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? A. S. Duncan: 3411 Clearview
? Mrs. A. S. Duncan: 3411 Clearview

FOR

FOR

C14-65-212 A. S. Duncan and E. W. Cullers, Jr.--contd.

SUMMARY OF TESTIMONY

Mr. A. S. Duncan stated that it is his opinion that they will benefit by the widening of Shady Lane.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. The requested change conforms to the Master Plan designation of "D" Industrial zoning for this area.
2. The applicant has filed a letter stating that he will dedicate 15 feet of right-of-way for Shady Lane, which the Committee does recognize is inadequate at the present time.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of A. S. Duncan and E. W. Cullers, Jr. for a change of zoning from "A" Residence, First Height and Area to "D" Industrial, First Height and Area for property located at 733-741 Shady Lane be GRANTED.

C14-65-213 Frank Sifuentez: A to GR
503-507 Montopolis Drive

STAFF REPORT: This site consists of 13,000 square feet and is undeveloped. The applicant proposes the construction of a drive-in restaurant. The lot at the northeast corner of El Mirando Street and Montopolis Drive was considered for a change of zoning to "LR" in 1960. Action was deferred pending determination of right-of-way alignment. This was also the case on the lot at the southeast corner. Since these two cases, the right-of-way needs have been determined, and the owner of the subject property has offered widening from his property. It is felt that Montopolis Drive is poorly zoned, having locations of commercial and residential development up and down the street. There is a great deal of vacant property along this street. The requested zoning change would not add or subtract anything from the street.

TESTIMONY

WRITTEN COMMENT

Code

C General Edwards: P. O. Box 1987
D Standard Mfg. Company: P. O. Box 1987

FOR
FOR

C14-65-213 Frank Sifuentes--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Paul Jones, representing the applicant, presented a map outlining the various commercial areas near the subject property. He stated that commercial development is existing up and down Montopolis Drive and in front and back of the property. The property along Montopolis Drive is not used, in that there are some large and small tracts that are not completely developed and are not likely to develop in any set pattern that will fit in with "A" Residential development. The applicant has agreed to dedicate whatever right-of-way is needed, and has requested the City to furnish the field notes of what is needed. The requested zoning is for a drive-in restaurant, and there will be no sale of beer or liquor.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

A motion to grant the request failed to carry.

A majority of the Committee felt the request should be denied because the requested zoning would be inconsistent with the area and because the street is inadequate.

At the Commission meeting, the staff reported a letter to the Commission from Mr. Paul Jones, attorney for the applicant, stating that the applicant would dedicate to the City, whatever right-of-way is necessary on his side of the street for the widening of Montopolis Drive.

Mr. Kinser noted that Montopolis Drive is the only through street between Ben White Boulevard and the Bastrop Highway. It was his opinion that the street is spotted with commercial property along its entire length and is not consistently zoned. The subject property is not suitable for residential development. Mr. Wroe stated that it is his opinion that there is no alternative for this street other than a strip commercial zoning, and he feels the request would fit in with the ultimate strip zoning. The area will more than likely all become commercial, as this is a redeveloping area which is not residentially stable.

Mr. Barrow stated that he did not agree that Montopolis Drive should be developed with strip commercial. It was his opinion that a commercial area should be designated in advance and developed as such, rather than have piece-meal zoning along a street in a strip pattern.

C14-65-213 Frank Sifuentes--contd.

The Director of Planning stated that there is a need for commercial development along the street, but this sort of piece-meal zoning will further blight what is already a seriously blighted area. The subject property is surrounded entirely by residential development at the present time, and these homeowners should be protected from the encroachment of commercial development.

The Commission discussed the future development of the area. Some of the members felt the area should remain residential, and that the request would be the beginning of piece-meal zoning along the street. Others were of the opinion that the area is in a transitional state and will eventually become commercial along the entire street. After further discussion, the Commission

VOTED: To recommend that the request of Frank Sifuentes for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 503-507 Montopolis Drive be DENIED.

AYE: Messrs. Barrow, Hendrickson, Riley, Jackson, Goodman, and Wroe

NAY: Mr. Kinser

ABSENT: Messrs. Lewis and Brunson

C14-65-214 Eric Homann: A to GR
5103-5105 Depew Avenue

STAFF REPORT: This site consists of 3,000 square feet. The applicant lives on the subject property. On the south portion of the lot the applicant has a garage in which he is operating a T.V. and radio repair business. He is asking that the south 50 feet of the lot (where the business is located) be rezoned. This application was prompted by the City Building Inspector, as the operation of the repair business is contrary to the Zoning Ordinance.

Depew Avenue does not have any retail zoning on it except at the north end of the street. The staff feels that since this street is only 50 feet wide and is developed with homes, the introduction of "GR" zoning can set an undesirable precedent.

TESTIMONY

WRITTEN COMMENT

Code

B	Mr. and Mrs. Marvin R. Morrow: 905 East 52nd Street	FOR
C	R. V. Lumpkin: 907 East 52nd Street	FOR
Q	Horace W. Ely: 903 East 51st Street	FOR
V	E. R. Spradling: 815 East 52nd Street	FOR
AC	R. C. Leatherman: 810 East 52nd Street	FOR
AH	Carrington-Pearson: Box 1987	AGAINST

C14-65-214 Eric Homann--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Eric Homann appeared at the hearing and stated that he has been operating this business at this location for eight years, and needs this small site zoned so that he can continue his business.

Several nearby property owners also appeared in favor of the request.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee concluded this request should be denied since it would be an intrusion into a well-defined residential area, and would set an undesirable precedent on Depew Avenue.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Eric Homann for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 5103-5105 Depew Avenue be DENIED.

C14-65-215 T. & N. O. Railroad: A to GR

Rear of 4310-4318 Interregional Highway

Rear of 4305-4307 Clarkson Avenue

STAFF REPORT: This request is for a small portion of the railroad right-of-way and is for the purpose of erecting and maintaining an outdoor painted display. Property between the railroad and Airport Boulevard was recently zoned "GR" for the Armstrong Johnson Used Car business. At that time, the Commission felt it was proper to have a business there. A lot at the southwest corner of 44th Street and Clarkson Avenue requested a change to "O" Office in 1963. The Commission felt it would be an encroachment into a residential area and did not recommend that the request be granted. The Hancock Shopping Center is located to the southwest of the subject property. Careful consideration should be given to rezoning the railroad right-of-way, as it presently acts as a buffer between commercial property along the expressway and residential property to the west. One request was granted at Lamar Boulevard where the railroad crosses, but three or four such requests have been denied as it was thought they were hazardous to the intersections.

C14-65-215 T. & N. O. Railroad--contd.

In this instance, it is not felt that this would be a hazard, but it would bring commercial development closer to the residential area. Since the railroad track is the dividing line between commercial and residential, the staff recommends the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

X Saint George Episcopal Church: 4301 East Avenue AGAINST

PERSONS APPEARING AT HEARING

Code

? J. Malcolm Beall: 2608 Great Oaks Parkway FOR
? Mrs. B. B. Backley: 1408 Glencrest AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Malcolm Beall, representing the applicants, stated that the back of the sign will be painted. Outdoor advertising is a legitimate business and it does contribute a service to the community. It is felt that sign advertising has a definite place in the community. The sign should be placed where businesses are conducted and that is right along the Interregional Highway.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that this sign would be an encroachment into a residential area. The rights of these people need to be respected, as the home owners are working hard to maintain their residential values. Most signs are ugly, and a general view of the City by people coming into Austin will be destroyed by a row of signs along this right-of-way. This sign will blight this community. The area is very congested, and a sign would reduce visibility. The overflow of cars from Hancock Center park in the residential streets now, which makes the area hazardous.

COMMENTS AND ACTION BY THE COMMITTEE

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

1. The proposed request would break the buffer between the residential property and commercial development along the Interregional Highway.
2. A billboard or large sign close to residential development would be an intrusion.
3. The proposed use would adversely affect the safety and welfare of the surrounding area.

C14-65-215 T. & N. O. Railroad--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of T. & N. O. Railroad for a change of zoning from "A" Residence, Fifth Height and Area to "GR" General Retail, Fifth Height and Area for property located at the rear of 4310-4318 Interregional Highway and the rear of 4305-4307 Clarkson Avenue be DENIED.

C14-65-216 Sophie Wendlandt Estate: BB to LR
1200-1204 East Avenue
708 East 12th Street

STAFF REPORT: This site contains 10,281 square feet and is undeveloped. The proposed use is for constructing and operating a gasoline service station. Normally, there would be no objection to the proposed zoning at this location, but the Brackenridge Urban Renewal Project includes the site. This proposal has been authorized by the City Council, and there is an application pending in Washington for funds to complete a detailed plan of the area. The Planning Department has prepared a preliminary plan, which proposes the area north of 12th Street to be a part of the expanded hospital complex. Commercial development is proposed along the Interregional Highway south of East 12th Street. Until a detailed plan is adopted, the staff feels that any change in the area would be premature, as it may conflict with the urban renewal plans. The staff is recommending that the applicant consider withdrawal of the request or that the Committee recommend denial.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? Walter Wendlandt: 4610 Horseshoe Bend

FOR

SUMMARY OF TESTIMONY

Mr. Walter Wendlandt, Mr. Ted Wendlandt and Mr. Charles Wendlandt, offered the following information: This is commercial property; the Tax Department of the City says it is commercial and is taxing the property on that basis. The Brackenridge Plan has not been approved. There have been no public hearings on this plan. The Commission should act on an application and consider it as it is. Until such time as the City wants to appropriate money to buy this property, the property should be used in whatever way is consistent with the neighborhood. It is not fair to hold up property for years and years as there is no justification in doing this. The City has a right

C14-65-216 Sophie Wendlandt Estate--contd.

to take the property for the hospital, but they should be willing to pay the fair market price for the property. The citizens of Austin should be entitled to know the full story behind this urban renewal. There is no opposition to the hospital facilities, but this is extremely valuable land, and a full investigation of the basic principles behind this subject should be brought out.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the members felt that even though the subject property is in an area which is proposed for renewal, this should not influence their voting. They felt that since the renewal program was not formally approved and initiated, the owners of private property should be in a position to develop their land in accordance with the existing surrounding development.

One of the members felt that the urban renewal project had advanced to a stage whereby it should be the primary factor involved in zoning considerations in the area. Since the proposed rezoning would conflict with the plan as it now exists, he felt it should be denied. However, the majority felt that since the urban renewal project should not be the overriding factor, and since otherwise the proposed zoning was proper for the area, the request should be granted.

At the Commission meeting, Mr. Osborne, Director of Planning, presented a telegram addressed to Mayor Palmer from the Housing and Home Finance Agency in Washington, D.C. stating that the urban renewal planning grant for the Brackenridge project has been approved. Mr. Osborne stated that this is in fact an urban renewal project that is underway. This particular piece of property will probably be acquired as part of the urban renewal project. It will be incorporated in a larger tract of land and will not be used as the applicant proposes. The preliminary plan does set out this area as part of an overall medical office development at the south end of the proposed hospital complex. The planning stage will take approximately six to nine months, since much of the fiscal planning has been done.

Mr. Glenn Cortez, Assistant City Attorney, stated that legally the Commission can consider the renewal plans, but this should not be the only consideration.

Mr. Wendlandt stated that their position is very simple. The City has made a ridiculously low offer for the property. It seems like they don't want to buy it, but they certainly want to tax it.

Mr. Paul Jones, representing the Urban Renewal Agency, stated that their legal position is such that the Agency per se has no authority to restrict building permits or zoning until there is a renewal plan approved by the

C14-65-216 Sophie Wendlandt Estate--contd.

City Council. As far as the Agency is concerned, their position is just to give fair and forthright notice to the owner or to future owners that this is in an urban renewal area. The property will probably be bought or taken sometime in 1966. In view of the telegram, the contract for the project is being worked on and will probably be ready within a week. It is anticipated that a public hearing will be held within approximately six months with the application for the loan and grant filed shortly thereafter. Insofar as the price on the property at that time is concerned, the property will be considered at its highest and best use.

Mr. Barrow stated that the Commission's position is just to recommend to the Council. The Council will then decide whether or not to grant the request. Mr. Barrow and Mr. Kinser were both of the opinion that this requested change should be considered on the basis of whether or not the request is proper in the context of the existing development of the area. They both felt the change would not affect the land value to any extent.

After further discussion, the Commission

VOTED: To recommend that the request of Sophie Wendlandt Estate for a change of zoning from "BB" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1200-1204 East Avenue and 708 East 12th Street be GRANTED.

AYE: Messrs. Barrow, Kinser, Riley, Jackson, and Hendrickson

NAY: None

ABSENT: Messrs. Wroe, Lewis and Brunson

(ABSTAINED: Mr. Goodman)

C14-65-217 M. A. Nations: A to B, 1 to 2
 406-412 East 32nd Street
 3200 Duval Street

STAFF REPORT: The staff reported a letter from the applicant, requesting that this application be withdrawn.

TESTIMONY

WRITTEN COMMENT

Code

H Joe W. Meredith: 3208 Duval No. 1
 ? Stanley P. Finch: 3312 Duval
 ? Fredda Bullard: 1000 Lund Street

FOR
 AGAINST
 AGAINST

C14-65-217 M. A. Nations--contd.

PERSONS APPEARING AT HEARING

Code

A	M. A. Nations: 406 East 32nd Street	WITHDRAWN
T	Harold C. Bold: 3221 Duval	AGAINST
AK	Mrs. H. F. Kuehne: 500 East 32nd Street	FOR
AL	Joseph R. Darnall, Jr.: 3209 Duval Street	AGAINST

COMMENTS AND ACTION BY THE COMMITTEE

The Committee AGREED to accept the withdrawal of this application.

C14-65-218 Bobbye R. Delafield: A to B

2206-2304 South 5th Street

Add'n. Area: 2200-2204 South 5th Street

STAFF REPORT: This tract contains 27,000 square feet and is undeveloped. The property adjoining to the north has been included as additional area. The purpose of the application is for building apartments. The subject property adjoins the Meadowbrook Housing Project on the west. Green Pastures Restaurant, with "C-1" zoning, is located east of South 5th Street. The proposed zoning would allow a maximum of 18 units. The extension of "B" zoning to this property is logical in view of the close proximity of the housing project.

South 5th Street has 60 feet of right-of-way north of the north boundary of the property. From the southern boundary of the property to Oltorf Street it has 55 feet of right-of-way. At the subject property there is only 50 feet of right-of-way. Five feet is needed from the subject property and an additional five feet is needed from the east side of the street in order to bring the street up to standard.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

C14-65-218 Bobbye R. Delafield--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed eventual expansion of "B" Residence zoning to the subject property and the additional area as logical and proper. However, they felt that until South Fifth Street is made adequate, no intensification of the use of the property should occur.

At the Commission meeting, the staff reported a letter from the applicant stating that since South 5th Street in front of her property is inadequate, she hereby offers and dedicates five feet of the subject property for street widening purposes.

The Commission recognized the dedication offer for South 5th Street and concluded that this request should be granted. The Commission then

VOTED: To recommend that the request of Bobbye R. Delafield for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2206-2304 South 5th Street and the additional area located at 2200-2204 South 5th Street be GRANTED.

C14-65-219 Tract 1: Mrs. Charlie Tod Armstrong: B to C-1

1213-1215 Baylor Street

1212 Parkway

Tract 2: Eddie Simmons, et al: B to C

1205-1211 Baylor Street

1210 Parkway

Add'n. Area: 1201-1203 Baylor Street

1016 West 12th Street

1206-1208 Parkway Street

STAFF REPORT: This site consists of two tracts of land totaling approximately 33,000 square feet. The balance of the triangle has been included as additional area as it is felt that all of the property should have the same zoning. The property across the street is zoned "B" Residential, which permits apartment development; however there are very few apartments in there. There are a number of well maintained homes in the area. "O" Office zoning is established on the west side of Baylor Street to the north. "C" Commercial zoning is to the south and east of the subject property. There has been considerable zoning history on this property. Mr. Simmons, one of the applicants for Tract 2, has attempted to change the zoning many times. The back part of this tract was changed recently. There was a request for a change of zoning to "C-1" on the north triangular portion of the lot. This request was withdrawn with the understanding that there would be a re-application that would include more area. There was some indication by the Commission at the time they recommended denial of the request on the one lot,

C14-65-219 Mrs. Charlie Tod Armstrong and Eddie Simmons--contd.

that they would have a different feeling towards it if the new application did include more area. The only recent major change in the area is the extension of 15th Street which goes to the north and west of the property.

TESTIMONY

WRITTEN COMMENT

Code

A	Helen E. Edwards: 1209 Baylor	FOR
D	B. F. Knape: 2902 Oakhurst	AGAINST
W	Thomas A. and Betty Easton: 1214 Baylor	AGAINST
AE	Mrs. Merle Smith: 1213 Castle Hill	AGAINST
AL	Dr. S. F. Waterman: 2208 Meadowbrook	AGAINST
?	Eva A. Degler: 1208 Castle Hill	AGAINST

PERSONS APPEARING AT HEARING

Code

A	W. L. Roper: 1207 Baylor	FOR
N	Jack Lebo: 1501 Parkway	AGAINST
T	Mrs. B. Pennybacker: 1105 Enfield	AGAINST
AC	Mrs. F. W. Schmidt: 1205 Castle Hill	AGAINST
AH	Pauline Duffield: 1219 Castle Hill	AGAINST
AJ	Mrs. Sterling Adair: 1201 Castle Hill	AGAINST
?	W. R. Coleman: 600 West 28th Street	AGAINST
?	Wilman Erwin: 1105 Enfield	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Marvin Braswell and Mr. Eddie Simmons stated that their purpose for requesting this change is because this triangle lends itself to commercial development. It should be developed to its highest and best use. The traffic count in this area is in excess of 6,000 cars, and this area's desirability as home use is a thing of the past. It is now ready for commercial development for shops and services that will serve this area. The four corners of 12th Street and Lamar Boulevard are completely commercial, and there are many other commercial areas near here. In locating commercial enterprises, the first thing that is done is to find where the traffic is; thus when the commercial is put in, it does not increase traffic because the traffic is already there. That traffic is the reason why business people can pay a good price for commercial property. This is going to be a small service center that will attract business only from the immediate surrounding area. Ample parking will be provided as the Ordinance requires one parking space for every 200 square feet of building area. This area is in a transitional period, and this request will not lower any property values in the area.

Cl4-65-219 Mrs. Charlie Tod Armstrong and Eddie Simmons--contd.

Arguments Presented AGAINST:

Nine nearby property owners appeared in opposition to the request, and stated that this area is residential and they would like for it to remain that way. The subject property acts as a buffer between the two different developments. There is too much traffic congestion in the area, and this development will only increase this problem. There are enough businesses in the area that can adequately serve this community. Commercial development will lower the values of the many nice homes. The businesses that are now in the area use the streets for parking, which often makes it impossible to get in and out of driveways and also makes the streets hazardous to drive on.

COMMENTS AND ACTION BY THE COMMITTEE

Some of the Committee members felt the request should be denied because the expansion of commercial zoning throughout the area under consideration would not be compatible with the residential area to the north and west. The majority felt that the area could not be adequately developed except as a unit; this would require commercial zoning throughout the entire site. They recognized the traffic problems at the site, but felt they would not be significantly increased by expansion of the commercial area. However, they felt "GR" General Retail zoning was more suitable for the property than "C" or "C-1" Commercial zoning.

At the Commission meeting, the members discussed the requested "C" and "C-1" Commercial zoning along with the "GR" General Retail recommended by the Committee. It was their feeling that these classifications were too intensive for this congested area. They also recognized the bad traffic situation at this location. The Commission felt the request should be denied, but that "O" Office should be granted because it would permit the best development of the property under the existing circumstances. The Commission also recommended "O" Office for the additional areas with the exception of the tract now zoned "LR" located at 1206 Parkway.

After further discussion, the Commission unanimously

VOTED: To recommend that the request of Mrs. Charlie Tod Armstrong (Tr.1) and Eddie Simmons (Tr.2) for a change of zoning from "B" Residence, Second Height and Area to "C-1" Commercial, Second Height and Area (Tr. 1) and to "C" Commercial, Second Height and Area (Tr. 2) for property located at (Tr. 1) 1213-1215 Baylor Street and 1212 Parkway and (Tr. 2) 1205-1211 Baylor Street and 1210 Parkway and the additional area located at 1201-1203 Baylor Street, 1016 West 12th Street, 1208 Parkway Street by DENIED but to GRANT "O" OFFICE, Second Height and Area.

C14-65-220 Austin Corporation: LR to C-1
3818-3824 Dry Creek Drive

STAFF REPORT: This site contains 5,600 square feet and is undeveloped. The applicant proposes a drive-in grocery with package beer sales. The subject property is located in an area that has been zoned "LR" since 1961. This area was set forth in the original subdivision of the area for commercial use. Insofar as this is an existing well-defined commercial area, it does fit the Commission's policy for granting of "C-1" Commercial zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Marvin Braswell, representing the applicant, stated that the applicant has a firm contract to sell this property for the purpose of building a drive-in grocery. There will also be a laundry pick-up station and a beauty shop in addition to the drive-in grocery. It is felt that since the entire area is zoned for commercial purposes, that once development is started, the entire area will soon follow with commercial development as there are many commercial concerns interested in this location.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee concluded this request should be granted for the following reasons:

1. This area was set forth in the original subdivision as a commercial area and shopping center.
2. The proposed zoning would be compatible with a shopping center area.

Some of the Commission members did not feel that this request was commensurate with the Commission's policy of granting "C-1" zoning.

C14-65-220 Austin Corporation--contd.

A motion to accept the Committee recommendation failed to carry by the following vote:

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

(DISQUALIFIED: Mr. Barrow)

MOTION FAILED TO CARRY AND DENIAL IS RECOMMENDED.

CASE FOR RECONSIDERATION

C14-65-179 Rosa B. Cooper: A to C
 2102 East 12th Street
Add'n. Area: 2100 East 12th Street
 1201-1205 Alamo Street

The staff reported that this application was before the Commission in October of this year. At that time, the Commission's recommendation was to deny the request because the individual lots were too small for commercial development. The application was heard by the City Council in November. The Council referred the application back to the Commission with the request that they study the entire block, giving consideration to commercial or apartment zoning.

The Kealing Urban Renewal area is located to the west of Chicon Street. There is "C-2", "C-1", "LR" and "B" zoning in the area. The General Neighborhood Renewal Project is located to the east of Chestnut Avenue over to Airport Boulevard. The 15th Street Expressway extension is planned just north of the subject property, and is proposed to have 300 feet of right-of-way. The final location may be shifted to the south, involving a portion of the subject property. Chicon Street with a proposed 70 feet right-of-way and Chestnut Avenue, with a proposed 90 feet of right-of-way, are planned to cross the expressway.

The current thinking is that the area between Chicon Street and Poquito Street will be zoned for retail uses. The area bounded by Poquito, the expressway, and the alley between East 12th and East 11th will be high-density apartments. South of there, it is hoped to have low density residential use. The existing street pattern will be changed ultimately, with a loop street built to serve the high-density apartment zoning.

The staff would like to recommend that the half block (where the subject property is located) be considered for "B" Residential zoning; "C" Commercial is not recommended. The staff also recommends the zoning of the

CP14-65-179 Rosa B. Cooper--contd.

block to the south of the subject property to "B" zoning. It is felt that the lots in this area are not adequate for commercial sites; and that individually, the lots are not adequate for apartments. Under the requirements of the Ordinance, lots would have to be combined to have an adequate apartment site.

Mr. Barrow stated that the subject property should be zoned in accordance with the existing street development.

Mr. Kinser stated that this application should be denied as the subject property is not large enough for commercial development. It was his opinion that this is not the time to consider rezoning the entire block because the traffic situation is not suitable for apartment development. After further discussion, the Commission

VOTED: To recommend that the request of Rosa B. Cooper for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2102 East 12th Street and the additional area located at 2100 East 12th and 1201-1205 Alamo Street be DENIED.

SPECIAL PERMITS

<u>CP14-65-9</u>	<u>Mary Lee School:</u>	1. Dormitory (to house 28 girls)
	400-410 West LiveOak	2. Training Center
	2100-2108 Wilson	3. Parking Area
	401-411 Crockett	4. Laundry Area
	2101-2107 Hodges	5. Administrative Area
		6. Outdoor Recreation Area

STAFF REPORT: This application has been filed as required under Section 4, sub-section 11, paragraph (a), and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin.

The site is an entire block bounded by Wilson, West Live Oak, Hodges and Crockett Streets. The site has two existing church buildings which are to be remodeled into a vocational boarding school for borderline mentally retarded girls. One of the buildings will become a dormitory housing 28 girls. The other building will house a training center, administrative area, and laundry. There will also be a paved parking area and outdoor recreation area. Access to the parking area will be from Wilson Street. Hodges Street is a gravel street with 50 feet of right-of-way. The driveway, off of Wilson Street, goes into an unimproved parking area. The applicants propose to continue using this driveway as the entrance, and there will be 11 parking spaces provided.

CP14-65-9 Mary Lee School--contd.

Departmental comments are as follows:

- | | | |
|--------------------------|---|---|
| Health | - | No objections, approved: sanitary sewer line available. |
| Tax Assessor | - | No objections to structure or use, 1965 (current taxes) unpaid. |
| Office Engineer | - | (1) Require request for commercial driveway into parking lot. |
| Fire Prevention | - | O.K. |
| Traffic Engineer | - | O.K. provided no direct ingress and egress to LiveOak Street from 11 parking spaces. No other entrances shown on plot plan. |
| Storm Sewer | - | Drainage O.K. |
| Electric | - | O.K. |
| Director of Public Works | - | No driveway shown on plats, please resubmit when driveway is shown. |
| Water and Sewer | - | O.K. Water and sanitary sewer available. |
| Fire Protection | - | See map. |
| Building Inspector | - | After investigating the application of Mrs. Charlene Crump to operate an eleemosynary school at 400-410 West LiveOak, 2100-2108 Wilson Street, it has been determined that the school would comply with the provisions of Section 4, paragraph 11 sub paragraph (a) which permits an eleemosynary institution. This decision is based in part upon the fact that any school which performs a function that relieves the State of Texas of a burden that would otherwise have to be performed by the State, would qualify as an eleemosynary institution. Furthermore, I have on file a copy of the incorporation papers whereby the State of Texas granted this school a charter as a non-profit and charitable organization and as such it will be exempt from the state franchise tax. Application was also made to Mr. Tom De Steiguer, City Tax Attorney for exemption from City property taxes and this exemption has been granted. However, I |

CP14-65-9 Mary Lee School--contd.

have no copy of this exemption.

Based on foregoing information, I am approving this application and am returning signed application to your office.

Approval of this application in no way relieves the applicant from complying with Building Code regulations that have been discussed earlier. Also the eleven parking spaces as shown on plot plan will have to be improved (asphalt) parking spaces.

There are two substandard streets. It is felt they should be widened to standard. This would affect the Crockett Street side of the property by 5 feet and the LiveOak side by 9 feet. There is some commercial in the area with homes surrounding the subject property. The buildings are facing mainly towards the intersection of Wilson and LiveOak Streets. It is preferred to keep the entrance at the proposed location as both Wilson and LiveOak Streets are collector streets. Any service to the back of the property should be limited.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	Mrs. Charlene Crump: 2204 Bluebonnet Lane	FOR
A	Robert L. Crump: 2204 Bluebonnet Lane	FOR
U	Mr. and Mrs. George F. Krueger: 2100 Hodges	?
AB	Mrs. Clara Hall: Wilson Street	FOR
?	John Burnett: Rt. 6 Box 78 Austin	FOR
?	Mrs. John Burnett: Rt. 6 Box 78 Austin	FOR
?	Rev. Walter W. Koenig, Jr.: 3606 Winfield	FOR
?	Mrs. Ethel Landers: 2117 South Lamar	FOR
?	Nita Frances Morgan: 1500 East Riverside Drive Apt. B202	FOR
?	Mrs. Gertrude Teeple: 4310 Avenue F	FOR
?	Mrs. Leona Winston: 2117 South Lamar	FOR

SUMMARY OF TESTIMONY

Mrs. Charlene Crump, Dr. John Burnett and Rev. Walter W. Koenig, Jr. appeared at the hearing on behalf of this request and offered the following information: The proposed use of this property is a vocational training school for mentally retarded girls age 16 and older. Some of the girls are orphans and some are from deprived homes. These girls are at an age where they would normally be going to college or business schools, but they are not able to do this. The school has been established on South Lamar Boulevard for three years. Most of the girls are working most of the time. They are trained for jobs and placed, so that for all practical purposes, they are just residents commuting to and from work. The training these girls receive would not create any annoyance to the neighborhood. The area is just three blocks from South Congress, which is commercial, and close to Oltorf and South First Streets which are also commercial. A home and school for these girls is needed in a quiet, peaceful area.

The school owns one vehicle. Of the six employees only two drive cars to and from work, and park there. At the most, there would likely be only three cars in the parking area, except for visitors on Sunday afternoon. The school would generate considerably less traffic than a church or even residential development. These girls are not juvenile delinquents or wayward girls. They are not forced to stay in the program. If they did not fit in well with the neighborhood they would be sent to an institution. They present no danger. The school has rules and regulations that each of these girls must abide by. They are not restricted to the area as they do go to and from work by City transportation. The average length of stay for the girls is one year. These girls are very carefully selected, and this is the only school in the state that the State of Texas has to which they can send this type of girl. These places are desperately needed. This is a private non-profit organization.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded this request should be granted subject to compliance with departmental requirements. The Committee did not feel that the applicant should be required to dedicate any right-of-way for the streets, but did recommend that the parking area be set back 9 feet so that if it is necessary to widen the street in the future, unimproved land will be available.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the site plan of the Mary Lee School for a special permit for a vocational boarding school for borderline mentally retarded girls for property located at 400-410 West LiveOak, 2100-2108 Wilson, 401-411 Crockett and 2101-2107 Hodges subject to compliance with departmental requirements and further setback of the parking area.

CP14-65-10 Kassuba Development Corporation: 256 unit apartment dwelling group
 1101-1115, 1227-1421 Tinnin Ford Road
 2101-2211 South Lakeshore Boulevard
 2102-2210 Elmont Drive

STAFF REPORT: This application has been filed as required under Section 5, paragraph 8e and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The site is 18 acres, having frontage on, and access from, Tinnin Ford Road (Tinnin Lane), South Lakeshore Boulevard, and Elmont Drive. Proposed is an apartment dwelling group consisting of eight buildings containing a total of 256 units. There will be 342 off-street parking spaces, two foot bridges, and connecting walks and drive.

Departmental comments are as follows:

Tax Assessor	-	No objections to structure or use, 1965 (current) taxes unpaid.
Health	-	Approved: Sanitary sewer line available
Fire Prevention	-	O.K.
Traffic Engineer	-	O.K.
Electric	-	O.K.
Director of Public Works	-	Driveway locations and width O.K. Need request and plan on them before construction begins.
Office Engineer	-	(1) Subdivision Plat needs to be recorded (streets not dedicated) (2) Will require request for driveways into parking lots where streets are public thoroughfares.
Fire Protection	-	This plan does not give thought to any of the emergencies that might arise. There is no drive for fire fighting operations for moving trucks near the building for fire fighting or for life saving operations. It appears that all operations will have to be made manually with the men dragging lines approximately 300 feet and likewise carrying any ladders needed the same distances or more.
Water and Sewer	-	Provision must be made for fire hydrants as specified by Fire Department. (8 " line looped thru parking lot from Lakeshore Drive to Tinnin Ford Road)

CP14-65-10 Kassuba Development Corporation--contd.

Building Inspector

-

Approval of this special permit indicates compliance with Zoning Ordinance insofar as open space, setback and parking arrangement is concerned, building code requirements must still be complied with.

This office will accept any recommendations from Fire Chief Dickerson's office as to location and number of fire plugs.

Mr. Stevens reported that Mr. Montgomery, representing the applicant, has worked out an agreement with Mr. Dickerson, Fire Chief.

This property is in the process of being subdivided. It has not been recorded and the streets that serve the property have not been developed. The property has been annexed to the City. The staff recommends approval of the special permit pending the change of the site-plan according to departmental requirements, and subject to recording of the plat.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? Frank E. Montgomery (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Frank Montgomery appeared to represent the applicant.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee concluded this request should be granted subject to compliance with departmental requirements.

The Committee had considerable discussion about the submitted plan. Some of the members did not feel they had the legal responsibility to review the plan on the basis of incompatible planning and some members felt it should be known to the public that they thought the layout submitted was not the best planning for the particular site.

CP14-65-10 Kassuba Development Corporation--contd.

The staff reported that the plat has been changed in accordance with one of the departmental requirements, and recommended that the permit be approved subject to final approval of the subdivision which the subject property is part of. The Commission therefore

VOTED: To recommend the site plan of KASSUBA DEVELOPMENT CORPORATION for a special permit for a 256 unit apartment dwelling group located at 1101-1115, 1227-1421 Tinnin Ford Road, 2101-2211 South Lakeshore Boulevard and 2102-2210 Elmont Drive be APPROVED pending approval of the subdivision.

CP14-65-10 Kassuba Development Corporation--contd.

Building Inspector

- Approval of this special permit indicates compliance with Zoning Ordinance insofar as open space, setback and parking arrangement is concerned, building code requirements must still be complied with.

This office will accept any recommendations from Fire Chief Dickerson's office as to location and number of fire plugs.

Mr. Stevens reported that Mr. Montgomery, representing the applicant, has worked out an agreement with Mr. Dickerson, Fire Chief.

This property is in the process of being subdivided. It has not been recorded and the streets that serve the property have not been developed. The property has been annexed to the City. The staff recommends approval of the special permit pending the change of the site-plan according to departmental requirements, and subject to recording of the plat.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? Frank E. Montgomery (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Frank Montgomery appeared to represent the applicant.

COMMENTS AND ACTION BY THE COMMITTEE

A majority of the Committee concluded this request should be granted subject to compliance with departmental requirements.

The Committee had considerable discussion about the submitted plan. Some of the members did not feel they had the legal responsibility to review the plan on the basis of incompatible planning and some members felt it should be known to the public that they thought the layout submitted was not the best planning for the particular site.

CP14-65-10 Kassuba Development Corporation--contd.

The staff reported that the plat has been changed in accordance with one of the departmental requirements, and recommended that the permit be approved subject to final approval of the subdivision which the subject property is part of. The Commission therefore

VOTED: To recommend the site plan of KASSUBA DEVELOPMENT CORPORATION for a special permit for a 256 unit apartment dwelling group located at 1101-1115, 1227-1421 Tinnin Ford Road, 2101-2211 South Lakeshore Boulevard and 2102-2210 Elmont Drive be APPROVED pending approval of the subdivision.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported that no meeting of the Subdivision Committee was held on November 29, 1965, as previously scheduled, since no preliminary plans had been presented for consideration.

PRELIMINARY PLANS

C8-63-63 College Heights

New Burleson Road and Hillbriar

The staff reported a letter had been received from the engineers for the developer requesting a six-months extension on the preliminary approval of the plan. The Commission therefore

VOTED: To GRANT a six-months extension of the preliminary plan of COLLEGE HEIGHTS.

C8-65-26 Westover Hills Section Three

Old U. S. 183 and Balcones Drive

The staff reported a letter had been received from the engineers for the developer requesting a six-months extension on the preliminary approval of this plan. The Commission therefore

VOTED: To GRANT a six-months extension of the preliminary plan of WESTOVER HILLS, Section Three.

SUBDIVISION PLATS - FILED

C8-65-44 Abbate Subdivision

Gunter Street and Abbate Circle

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

Planning Commission -- Austin, Texas

Reg. Mtg. 12-14-65

39

C8-65-44 Abbate Subdivision--contd.

The Commission therefore

VOTED: To ACCEPT the final plat of ABBATE SUBDIVISION for filing.

C8-65-49 Preswyck Hills, Section Four, Phase 1
Tipton Drive

The staff reported that there is a United Gas Pipe line that crosses the property that will require the joinder of United Gas Company on the plat. Pending this requirement, the staff recommends this plat be accepted for filing. The Commission therefore

VOTED: To ACCEPT the final plat of PRESWYCK HILLS, Section Four, Phase 1, for filing pending the signature of United Gas.

SUBDIVISION PLATS - CONSIDERED

C8-64-68 North Park Estates
North Lamar, north of Braker Lane

The staff recommended disapproval of this plat pending the required fiscal arrangements, additional easements, completion of departmental reports and the 50 foot transmission line easement that is incorrectly shown. The Commission therefore

VOTED: To DISAPPROVE the final plat of NORTH PARK ESTATES, pending the requirements as noted.

C8-65-41 Preswyck Hills, Section Four
Springdale Road and Norwood Hill Road

The staff recommended disapproval of this final plat pending completion of departmental reports, the correct building lines on lots 60 and 61 and clearance on alignment of west right-of-way line of Springdale Road. The engineers for the developer are requesting this be disapproved pending these items so that the staff can poll the Commission upon completion. The Commission therefore

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PRESWYCK HILLS, Section Four, pending completion of departmental reports the correct building lines on lots 60 and 61 and clearance on alignment of west right-of-way line of Springdale Road and authorized the staff to poll the Commission upon completion.

C8-65-42 Springdale Hills, Section Three
East 19th West of Russet Hill Drive

The staff reported that when this subdivision received preliminary approval at the subdivision meeting of September 7, 1965, one of the conditions was

C8-65-42 Springdale Hills, Section Three--contd.

a commitment from the owner of the property to the west, Mrs. Nash Phillips, to locate a collector street on his property one tier of lots away from this subdivision. The staff recommends disapproval pending this commitment and pending the required fiscal arrangements and completion of departmental reports.

Mr. Thomas Watts, engineer for the developer, stated that the letter of commitment from Mr. Phillips is centered on the necessity of committing Mr. Phillips to an intersection at proposed East 51st Street. The developer would like the Commission to approve this section of the subdivision so that it can be polled within 7 days, with no ties whatsoever on the adjoining property. There was previous discussion on where East 51st Street is to be located also. It is agreed that a possible location of the street should be put on the plan so that people in the subdivision would be forewarned that there is a possibility of a thoroughfare going in there but the developer has got to provide whatever is good planning and whatever is required. The letter is not a contract and is not necessary. It has been agreed by all parties that the proper location for a collector street is to connect with 51st Street.

Mr. Foxworth stated that one reason the Planning Department wants the letter is because in Sections I, II and III, there is a continuing block length without a break. On the Planning Department plan, there was a collector street going through Section III. When working with the engineers and Mr. Marshall, they came up with a plan to locate the street up the draw. The staff agreed if they would give a statement saying that the street would be at that location the street would not be required at the location as proposed by the Planning Department. The staff wanted assurance that the subdivider of the adjoining tract would put the street in.

Mr. Barrow stated that it is his opinion that this is reasonable and there should be a collector street in this general location.

Mr. Watts said that their conclusion is based on an engineering standpoint and not just planning. Something will have to be done at this location as it is a low point that drains the entire area. The original street extends for a distance of approximately 1700 feet and the proposed street is only approximately 1800 feet and is in a much better location. Either street would serve as a collector street but the westerly location will serve more purposes than just a collector. It will serve a dual function whereas the other one will not.

Mr. Barrow stated that this street was required on the original preliminary and now the developers do not agree to the same location that was approved.

Mr. Kinser stated that the developer of the subject subdivision and the adjoining property owner were going to work out a location for that street. Now

C8-65-42 Springdale Hills, Section Three--contd.

there is a new proposal but neither of the developers are present. The Commission is entitled to the owners being at the meeting and stating their position. To approve this plan would be extending the block length even more than it was originally extended. The Commission should not place the burden of providing the street on the adjoining property owner without that owner being present to say if it is agreeable.

Mr. Watts stated that he does represent both developers and that Mr. Phillips has no desire to get out of the location of the collector but he does not see the reasoning of why he should be asked for a letter when the location of the collector could be worked out on a preliminary of the entire tract.

Mr. Jackson stated that the Commission just wants to know that the collector street is provided on the plan that is being considered.

Mr. Foxworth stated that the reason the street is wanted is because it would generally serve all of the area. The staff has talked to Mr. Marshall and agreed that if they did locate the street one block to the west that it would serve their purpose in addition to the purpose the staff has in mind, but the road keeps getting pushed closer to Springdale Road.

Mr. Jackson said that the Commission is only considering Mr. Marshall's subdivision at this time. The Planning Department has recommended that a collector street be provided and the Commission feels it should be as proposed.

Mr. Watts stated that the collector street as shown is not a very good collector street.

Mr. Jackson stated that if they can come up with an alternate location that is suitable for both developers and the Planning Department that location could be considered.

Mr. Watts stated that there is some disagreement as to what the best location for the street is.

Mr. Foxworth informed the Commission that another condition of the preliminary approval was in connection with a 40 foot strip left off of Cal Marshall's property. The Commission required that a letter of intent be submitted stating that this 40 foot strip would be developed as a part of the adjoining tract. That letter has been received. Another condition of the preliminary approval was the alignment of East 51st Street. The proposed location of East 51st Street, as recommended by the Planning Department and the Director of Public Works, is such that it would not affect the lots in this section of the subdivision. It is felt that there is no particular problem on this and that question is more or less resolved.

C8-65-42 Springdale Hills, Section Three--contd.

Mr. Watts stated that the question is not resolved on the part of the man that holds the tentative option to buy the adjoining tract. It is not quite right to settle the alignment of that street without a total study of the tract.

Mr. Purser, engineer for the developer, stated that they object to the letter of commitment from Mr. Phillips as a matter of principle. The burden of obtaining the letter from Mr. Phillips is put on Mr. Marshall. They both object to this letter.

After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of SPRINGDALE HILLS, Section Three, pending the required fiscal arrangements, completion of departmental reports, submission of a letter from Mr. Phillips, owner of the property to the west, on the location of the collector street and if the staff can get some evidence that these requirements have been met, the Commission authorizes the staff to poll the Commission.

C8-65-47 Dunbarton Oaks in University Hills
Loyola Lane and Williamette Drive

The staff recommended disapproval of this plat pending the required fiscal arrangements, additional easements, completion of departmental reports and tie sanitary sewer easement on creek to property lines. The Commission therefore

VOTED: To DISAPPROVE the final plat of DUNBARTON OAKS in UNIVERSITY HILLS, pending the requirements as noted.

C8-65-48 Kealing Project (Urban Renewal)
Rosewood Avenue and Angelina Street

The staff recommended disapproval of this plat pending the required fiscal arrangements, additional easements, completion of departmental reports, submission of tax certificates, and vacation of existing streets.

Mr. Foxworth stated that they had talked to Mr. Wayne Golden of the Urban Renewal Agency and he stated that it will probably be another month before they submit an application to vacate the existing streets.

Mr. Paul Jones, representing the Urban Renewal Agency stated that the agency is a non-taxable organization. The City, with the co-operation of the Agency is suppose to be doing everything that requires fiscal arrangements at their own expense.

Mr. Hoyle Osborne, Director of Planning, stated that the fiscal arrangements will be taken care of.

C8-65-48 Kealing Project--contd.

Mr. Barrow stated that some evidence that these fiscal arrangements are taken care of should be submitted to the Commission.

Mr. Nolan Purser inquired if the tax certificates were necessary to comply with the Ordinance. Mr. Barrow stated that it is his opinion that the Commission should be given some statement from the City that this requirement can be waived.

Mr. Paul Jones stated that there are approximately 100 parcels of land in this project. The taxes have been paid from when the property was purchased or condemned. There are records that will indicate they have been paid up until the Agency acquired the property.

After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of KEALING PROJECT (Urban Renewal) pending the required fiscal arrangements, additional easements, completion of departmental reports, submission of tax certificates and vacation of existing streets.

C8-65-24 West Gate Square

West Gate Boulevard and Jones Road

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

VOTED: To APPROVE the final plat of WEST GATE SQUARE.

SHORT FORMS - FILED

C8s-65-163. Subdivision of Lot 12, Blk. C of the Eddie Ludwig Subdivision
Victor Street

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 the Subdivision of Lot 12, Block C of the EDDIE LUDWIG SUBDIVISION, pending the return of the tracing.

SHORT FORMS - CONSIDERED

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

The staff reported that this short form plat was brought to the Commission in June, 1965, at which time it was disapproved pending completion of departmental reports and determination of adequate cul-de-sac provision. They

C8s-65-72 Rivercrest Addition--contd.

were proposing to vacate the westerly portion of the cul-de-sac and tie into the Barrow property at a different location which is further east from the original location. Since the original disapproval of the plat, the owner has received approval from the County Commissioner's Court to vacate that street. A variance is required as they have not provided a standard cul-de-sac. After further discussion, the Commission

VOTED: To APPROVE the short form plat of RIVERCREST ADDITION, Section 2, Resub. Lot 66, Block A, and Lot 21, Blk. D, granting a variance on the radius of the cul-de-sac.

(DISQUALIFIED: Mr. Barrow)

C8s-65-165 Wilbur Davis Subdivision

Manor Road and Chestnut Avenue

The staff reported that this subdivision is located on the southeast corner of Chestnut Avenue and Manor Road. A variance is involved on the signature of the owner of the balance of the tract. A letter from Mr. Marlton O. Metcalfe, engineer, requests this variance be granted as Mr. Jennings, the owner of the balance of the tract, refuses to join in the subdivision.

Mr. Foxworth stated that in considering the variance for the exclusion of the balance of the property, that widening is needed for Manor Road across the balance of the tract. After further discussion, the Commission

VOTED: To APPROVE the short form plat of WILBUR DAVIS SUBDIVISION, granting a variance on the signature of the owner of the balance of the tract.

C8s-65-164 Dry Creek Subdivision, Section Two

Bull Creek Road and Dry Creek Drive

The staff reported that this is the second one lot subdivision out of this tract. A previous variance was granted for the lot at the corner of Dry Creek Drive and Bull Creek Road and this lot adjoins that lot. There is a variance involved on the signature of the adjoining property owner. There is a letter from Mr. Paul Jones, representing the applicant, stating that the adjoining owner does not wish to sign the plat and requesting that this variance be granted. There are some drainage problems on the balance of the tract and it appears that there will be some unusable tracts if there are any more short forms on this property. The staff recommends that the Commission instruct the staff not to accept any additional short forms on this property until plans for the balance of the property are made. After further discussion, the Commission

VOTED: To APPROVE the short form plat of DRY CREEK SUBDIVISION, Section Two, granting a variance on the signature of the adjoining property owner and the Commission instructs the staff not to accept any additional short forms on this property until plans are made for the balance of the property.

C8s-65-106 Industrial Terrace Annex
Farm Road 1325 and Longhorn Boulevard

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

VOTED: To APPROVE the short form plat of INDUSTRIAL TERRACE ANNEX.

C8s-65-143 Resub. Lot 3, Blk. 4, Shoalmont Addition, Resubdivision
Montview, east of Shoalmont

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

VOTED: To DISAPPROVE the short form plat of SHOALMONT ADDITION, Resubdivision, Resub. Lot 3, Blk. 4 pending completion of departmental reports.

C8s-65-144 Alff Addition, Resub. Lots 1 and 12
Pedernales Street

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

VOTED: To DISAPPROVE the short form plat of ALFF ADDITION, Resub. Lots 1 and 12, pending completion of departmental reports.

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

The staff recommended disapproval of this short form plat pending the required fiscal arrangements, additional easements, and completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the short form plat of Resub. Lot A, Blk. H in COUNTRY AIR, Section One, pending the requirements as noted.

C8s-65-159 Henry Hall Subdivision, No. 5
Victor Street

The staff recommended disapproval of this short form plat pending completion of departmental reports and additional information that is required to determine necessity for drainage easement. The Commission therefore

VOTED: To DISAPPROVE the short form plat of HENRY HALL SUBDIVISION, NO. 5, pending the requirements as noted.

C8s-65-160 Patton's Addition #2
U. S. Highway 290

The staff reported that this is a one lot subdivision out of the Patton property that is located on U. S. Highway 290. The Commission may recall that there was a one lot short form for the Texaco Company two meetings ago. There is a variance involving the signature of the adjoining property owner. This request for a variance is on the part of the owners of the subject property, which is the Gulf Oil Corporation. The reason for this is because there is considerable drainage problems connected with the balance of the tract which the City does not want to get involved in calculating what the easements would be. The Drainage Department made a recommendation **not to require the** balance of the property on the Texaco short form. Under those same conditions, this variance is recommended. There are fiscal arrangements required for the Sanitary Sewer and the staff recommends this plat be disapproved. The Commission therefore

VOTED: To DISAPPROVE the short form plat of PATTON'S ADDITION #2, pending the required fiscal arrangements, and granting a variance on the signature of the adjoining property owner.

C8s-65-21 Seabrook's Resub. Lots 18-21, Block D, Manor Road Addition
East 19th Street and Greenwood Avenue

The staff recommended disapproval of this plat pending completion of departmental reports and pending a five foot dedication for East 19th Street, which the developer has agreed to. This dedication needs to be put on the plat. The Commission therefore

VOTED: To DISAPPROVE the short form plat of SEABROOK'S RESUB. Lot 18-21, Block D, MANOR ROAD ADDITION, pending completion of departmental reports, and pending the 5 foot dedication for East 19th Street being put on the plat.

C8s-65-167 Pettus & McLean Subdivision
Virginia Avenue and Cater Drive

The staff reported that this subdivision is located on the corner of Virginia Avenue and Cliff Street. There is a variance involved in the width of the corner lot which is under separate ownership. The corner lot is not 60 feet wide on the street as required by the Ordinance. The lot is 47.7 feet wide at the street, but it does flare out pretty readily. At the building line it appears to be approximately 57 or 58 feet wide. The staff does recommend the variance due to the fact that the lots adjoining to the east have been approved which leaves this lot between approved lots and the street. The Gas Company report on this plat has not been received. The Commission therefore

VOTED: To DISAPPROVE the short form plat of PETTUS & MCLEAN SUBDIVISION, pending the Gas Company report and granting a variance on the width of the corner lot.

ADMINISTRATIVE APPROVAL

The staff reported that nine 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-65-147	<u>Resub. Lot 1, Blk. 4, Westfield B</u>
	Windsor Road and Keating Lane
C8s-65-143	<u>T. H. Neal Addition</u>
	Cullen Lane and Slaughter Lane
C8s-65-155	<u>Bunche Road Subdivision</u>
	Webberville Road and Sam Houston
C8s-65-156	<u>Resub. Lot 8, Block F, Northwest Hills, Section 4</u>
	Mountainclimb Drive and Dry Creek
C8s-65-157	<u>Resub. Lot 1, Miles Terrace</u>
	Jones Road and Manchaca Road
C8s-65-158	<u>Resub. Lot 2, Frontier Village, Section III</u>
	Ben White and Pack Saddle Pass
C8s-65-161	<u>Resub. Lots 2A & 2, Dyess Hts.</u>
	Lola Drive and Powell Lane
C8s-65-162	<u>Plaza Granados Resubdivision</u>
	Del Robles Road
C8s-65-166	<u>Resub. Lot 12 and the West 54.5 feet of Lot 13, Blk. G,</u>
	Morrow Street <u>Northgate Addition</u>

OTHER BUSINESS

R140 PLANNING COMMISSION - GENERAL

At a special meeting of the Planning Commission, held Tuesday, November 30, 1965, called for the purpose of discussing long-range planning and development of the City, it was moved, seconded, and unanimously adopted to recommend to the City Council that it officially contact the proper authorities of the State of Texas, the University of Texas, the State Highway Department, Travis County, and other appropriate governmental units, with a view to forming a committee from these governmental entities and the City of Austin to coordinate planning in the City and County, and to recommend that a member of the Planning Commission, preferably the Chairman or Vice-Chairman, be a member of such committee.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL:

It was reported by the staff that the following subdivisions were considered by telephone poll.

SUBDIVISION APPROVAL BY TELEPHONE POLL--contd.

A majority of the Commission

VOTED: To APPROVE the following plats on the dates shown:

- C8-65-5 Parkwood at University Hills, Section One
Loyola Lane
(11-23-65)
- C8-65-7 Wooten Village, Section Three
Brookfield Drive and Fairfield Drive
(11-23-65)
- C8-65-35 Jamestown, Section Two
Fairfield Drive and Jamestown Drive
(11-26-65)

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

Hoyle M. Osborne
Executive Secretary

APPROVED:

Chairman