

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- February 7, 1967

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

Present

W. Sale Lewis, Chairman  
Howard Brunson  
Ed Bluestein  
Jack Goodman  
Barton D. Riley

Absent

S. P. Kinser  
Edgar Jackson  
Ben Hendrickson  
W. A. Wroe

Also Present

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

MINUTES

Minutes of the meeting of December 13, 1966, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of January 31, 1967.

Present

Howard Brunson, Chairman  
Jack Goodman  
Barton D. Riley  
W. A. Wroe

Also Present

E. N. Stevens, Plan Administration  
Glenn Cortez, Asst. City Attorney  
Bill Burnette, Associate Planner

PUBLIC HEARINGS

C14-66-211 Clarence L. Blakemore: B to LR  
(by John B. Selman)  
4209-4211 Duval Street  
500 Park Boulevard

STAFF REPORT: The subject property consists of 6,600 square feet and is developed with a single-family residence. The stated purpose of the application is for the operation of a dress and antique shop. "C" Commercial zoning is established at the intersection of 43rd Street and Duval and is developed with a drive-in grocery, service stations and other commercial facilities. "B" zoning

C14-66-211 Clarence L. Blakemore--contd.

was established at the northeast corner of 43rd Street and Avenue H in 1960. "GR" General Retail zoning was established on property at the southeast corner of 43rd Street and Avenue H in 1966. "LR" Local Retail zoning was established on property immediately across from the subject property in 1958 as a transition and gradation of zoning to discourage commercial zoning into what was and still is an area that is well-developed and maintained for residential purposes. The staff has two main concerns; the first being the size of the subject property, and second being that Duval Street, with 60 feet of right-of-way is inadequate as planned and should be widened to 70 feet. This would require 5 feet of right-of-way from the subject property. Park Boulevard is also a major street which feeds into Hancock Center. The staff would prefer to have the property zoned "O" Office, therefore requiring a special permit which would offer some control over driveways, parking areas, and any other problems which might arise.

## TESTIMONY

## WRITTEN COMMENT

Code

AD John L. Bledsoe: 4110 A Duval

AGAINST

## PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

FOR

## SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that there is an old existing house on the property at the present time. The applicant wants to use the house for the purpose of selling antiques and other objects of this nature on a small scale. The "LR" zoning on property across the street appears to be developed with a residence that was remodeled into a similar type business. The requested zoning will be a gradation of zoning between the adjoining "C" Commercial property and the property adjoining to the south. The intersection of 43rd Street and Duval is a developed commercial area. The applicant should have sufficient parking in the rear with egress and ingress from the alley. It is not felt that the requested zoning will change the character of the area. Duval Street is a thoroughfare with a great deal of traffic which makes the property valuable as a retail business outlet. Duval Street is already zoned "B", Residence; which shows that the best and highest use will be for retail and limited office uses. Mr. Selman stated that the required right-of-way has not previously been discussed with his client.

No one appeared in opposition to the request.

C14-66-211 Clarence L. Blakemore--contd.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of inadequate right-of-way; however, the Committee stated that they would look with favor on the requested zoning as an expansion of the existing commercial development provided the street is made adequate.

At the Commission Meeting, Mr. Stevens presented a letter to the Commission from John Selman, representing the applicant, stating that his client would provide the necessary 5 feet of right-of-way.

The Commission then

VOTED: To recommend that the request of Clarence L. Blakemore for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail Second Height and Area for property located 4209-4211 Duval Street and 500 Park Boulevard be Granted.

C14-66-212 Laura McCaleb: BB, 1st to B, 2nd  
 707 West 32nd Street  
 3113-3117 King Lane

STAFF REPORT: This site contains 7,980 square feet and is developed with a two-family dwelling. The applicant's stated purpose is for apartments. In 1962, the entire area was changed to "BB" Residence, First Height and Area as the result of an area study by the Commission. "BB" Residence, First Height and Area was recommended by the Commission for the reason that a large part of the area still has substantial residential characteristics and that the streets in the area are inadequate both in right-of-way and paving; some of them having 50 feet in width. The 34th Street Expressway proposal and the Central Expressway when built will have an effect on the residential character of the neighborhood.

In 1966, "B", Residence, Second Height and Area was zoned on the property west of and across the alley from the subject property.

#### TESTIMONY

##### WRITTEN COMMENT

Code

C Maude Cartledge: 701 West 32nd Street FOR

##### PERSONS APPEARING AT HEARING

Code

A Laura McCaleb (applicant) FOR

C Maude Cartledge: 701 West 32nd Street FOR

? Dr. Georgia Legett: 703 West 32nd Street FOR

C14-66-212 Laura McCaleb--contd.

## SUMMARY OF TESTIMONY

The applicant, Mrs. Laura McCaleb, stated that she was originally opposed to the request but since "B", Residence, Second Height and Area was granted immediately across the alley by the Council, it is her opinion the subject property should have the same zoning. She also stated that she would be able to provide sufficient parking spaces.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the zoning is too intense in terms of the existing streets in the area and it would be an intrusion into an established "BB" Residence zone which was established through an area study which recognized the inadequate streets and residential characteristics.

A majority of the Commission concurred with the Committee recommendation, and

VOTED: To recommend that the request of Laura McCaleb for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 707 West 32nd Street and 3113-3117 King Lane be DENIED.

AYE: Messrs. Lewis, Bluestein, Goodman and Riley

NAY: Mr. Brunson

ABSENT: Messrs. Kinser, Jackson, Hendrickson, and Wroe

C14-67-1 C. M. Dowd: Int. A, Int. 1st to GR, 5th  
8550-8634 U. S. Highway 183  
1701-1725 Ohlen Road

STAFF REPORT: The subject property consists of 273,992 square feet and is undeveloped. The stated purpose of the application is for future commercial development of the site. A preliminary plan was submitted and approved on Research Boulevard Commercial Area in 1963. A short form subdivision was submitted that approved the resubdivision of Lot 1, Research Boulevard Commercial Area on January 16, 1967. "GR" General Retail, Fifth Height and Area zoning was established across the street from the subject property in 1964. There are plans to extend Ohlen Road across U. S. Highway 183, which will allow traffic flow to Lanier High School. The staff has no objection to the zoning change as requested.

## TESTIMONY

## WRITTEN COMMENT

## Code

AR	Pat Fowler: 1502 Weyford Drive	AGAINST
AP	F. E. Ingerson: 3402 Mt. Bonnell Drive	FOR
AA	Herman E. McKinney: 504 T.E.C. Building	FOR
AB	Nelson Puett: 5425 Burnet Road	FOR

C14-67-1 C. M. Dowd--contd.

PERSONS APPEARING AT HEARING

Code

K	David & Carol Guy: 8503 Contour Drive	?
Q	Carlos A. Muniz: 8513 Contour Drive	AGAINST

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is a logical use for the subject property.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of C. M. Dowd for a change of zoning from Interim "A", Interim First Height and Area to "GR" General Retail, Fifth Height and Area for property located 8550-8634 U. S. Highway 183 and 1701-1725 Ohlen Road be GRANTED.

C14-67-2 E. L. Milstead Estate: C to C-2  
1500-1506 Barton Springs Road  
416-422 Jessie Street

STAFF REPORT: This site consisting of 9,200 square feet is developed with a commercial building, the first floor of which is vacant and the second floor developed with apartments. The stated purpose of this application is for the sale of alcoholic beverages for on site consumption (lounge). "C" Commercial zoning is established and developed on the area surrounding the subject property. A trailer park is established on property adjacent to the west. "C-2" zoning is established east of Lamar Boulevard, at the corner of Lee Barton Road and Barton Springs Road and also on South Lamar Boulevard. Barton Springs Road has 80 feet of right-of-way in front of the subject property. Future plans for the street propose 90 to 100 feet of right-of-way, which is required for a major thoroughfare, through this area; however, most of the additional right-of-way will come from the south side of the street. Jessie Street with only 50 feet of right-of-way is inadequate for commercial purposes and should also be widened. The Planning Department has no objection to the requested zoning as this is a well-defined and well-developed commercial area; however there is a question as to whether or not the entire lot should be zoned "C-2" as it has been the practice of the Commission to grant "C-2" zoning only to the particular area needing the classification.

TESTIMONY

WRITTEN COMMENT

Code

T	Harold S. Johnston: 1531 Barton Springs Road	FOR
U	Morgan L. Pearce: 811 Capital National Bank Bldg.	FOR

C14-67-2 E. L. Milstead Estate--contd.

## PERSONS APPEARING AT HEARING

## Code

E	Carl A. Schueler: 908 Bluebonnet Lane	AGAINST
G	Mr. & Mrs. James Nuse: 406 Jessie Street	?

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Ed Fleming, representing the applicant, stated that the requested change was agreed on between the leasor and the leasee for one important reason. The property has been vacant for some time and has been deteriorating. It is felt that the requested zoning will affect the rental on the property. The tenants plan to paint the building and spend approximately \$7,000 for improvements. Negotiations are being made for the use of a vacant lot to the north that can be used for parking. Parking will be provided.

## Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to the request and presented photographs of the area. They stated that Jessie Street is a very narrow street and is inadequate for the proposed development. The main objection is not the requested zoning but is the parking, as it is insufficient. Cars will have to park along Jessie Street which will create a very dangerous traffic hazard. Mr. Schueler the owner of the adjacent trailer park objected to the possible overflow of parking which would take up the area that he uses for parking.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of inadequate parking facilities. It was also felt that a lounge would be an undersirable use adjoining the existing trailer park.

At the Commission meeting, Mr. Stevens presented a letter along with photographs from Mr. Ed Fleming which showed the subject property and two other parcels of land belonging to the applicant. He stated that the property could be consolidated to take care of the parking requirement. A total of 34 parking spaces are needed to meet the ordinance requirement. The applicant can provide 12 spaces in front and 22 spaces on a lot in the rear which is separated from the site by a body shop. It was stated that the parking area will be paved and lighted. It was felt by the Committee that the parking should not be separated by the body shop because people are usually not willing to walk such a distance.

A majority of the Commission recognized that the subject property is now zoned "C" Commercial and is developed with a commercial building. They noted that the surrounding area is zoned and developed commercially also

C14-67-2 E. L. Milstead Estate--contd.

and where these conditions exist it is the policy of the Commission to grant "C-2" requests; however, they felt the "C-2" zoning should be confined to the building location only.

After further discussion the Commission

VOTED: To recommend that the request of E. L. Milstead Estate for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1500-1506 Barton Springs Road and 416-422 Jessie Street be GRANTED.

AYE: Messrs. Lewis, Bluestein, Riley, and Brunson

NAY: Mr. Goodman

ABSENT: Messrs. Kinser, Jackson, Hendrickson, and Wroe

C14-67-3 Robert L. Ogden: A to GR  
505 Hearn Street

STAFF REPORT: The subject property, consisting of 6,656 square feet is developed with a two-family dwelling. The stated purpose of the application is for a car wash. Across the street from the subject property is a service station and public garage which is zoned "C" Commercial. The zoning was recently changed at Deep Eddy Avenue and Lake Austin Boulevard to "LR" Local Retail, and it would be logical to extend such zoning along Lake Austin Boulevard. Hearn Street is 50 feet wide, and serves as a residential street. The staff feels the "GR" should be denied because of the streets in the area and the surrounding residential development but that "O" Office could reasonably serve as a buffer zone if granted in this location.

## TESTIMONY

## WRITTEN COMMENT

## Code

AC Carl Fuhrmann: Majestic Building  
D Mrs. W. J. Johnson: 515 Hearn Street

FOR  
AGAINST

## PERSONS APPEARING AT HEARING

## Code

A Robert L. Ogden (Applicant)

FOR

## SUMMARY OF TESTIMONY

Robert Ogden stated that there is an inexpensive house on the lot renting for about \$50 to \$60 a month. There is a garage across the street which does a great deal of business, and there are many cars parked in the area. He said it is logically a commercial area, and that there is a great need for a car wash. Since it is a deep lot, it will park many cars at a time.

C14-67-3      Robert L. Ogden--contd.

He felt it would not be harmful to the neighborhood to put a car wash on this site. The car wash bays would be facing the south, which would allow the traffic to exit through the alley.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because it is too intense for this area. It was felt that Hearn Street and other streets north of Lake Austin Boulevard are inadequate for handling commercial traffic.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert L. Ogden for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 505 Hearn Street be DENIED.

C14-67-4      Crestland Homes, Inc.: Int. A, Int. 1st to LR, 1st  
Tract 1: 506-508 Heartwood Drive  
          4901 South First Street  
Tract 2: 507-509 Heartwood Drive  
          4907-4911 South First Street

STAFF REPORT: This application involves two tracts of land totaling 38,917 square feet which are undeveloped. The applicant's stated purpose is for local retail uses such as a drive-in grocery. An application involving a portion of the subject property was submitted last month and was subsequently withdrawn in order to amend the area. In the earlier application, Tract 2 involved the lot at the southeast corner of South First Street and Heartwood Drive and the lot adjacent to the east. Tract 1, involving two lots to the north of Heartwood Drive, has not been changed. In the present application, Tract 2 south of Heartwood Drive has been amended by excluding the lot at the intersection of Heartwood Drive and Creekline Drive and including the lot adjoining the corner lot. Both of the lots involved in Tract 2 have frontage on South First Street. An approved preliminary subdivision for this area, including the subject property, set aside 142 lots for residential use and 8.34 acres at the intersection of Stassney Lane and South First Street, for future commercial development. A nursing home, bounded on three sides by the creek and on the fourth side by South First Street is established on property across the street from the subject property. The creek and flood plain area provides a separation between the proposed development and the residential subdivision to the north, that is almost fully developed with residences. There are only one or two residences developed in this subdivision at the present time. The staff feels the requested zoning will have some affect on this residential subdivision; however, if there is to be a change in the zoning classification, it is felt that it should occur before any further development in the area.



Cl4-67-4 Crestland Homes, Inc.--contd.

Heartwood Drive, with only 50 feet of right-of-way, should be widened to 60 feet as it is the primary access to the proposed commercial facilities. The staff feels that there will be some difficulty in terms of access unless there is some site grading because of the difference in elevation between the subject property and South First Street. It is also felt that there will be some detrimental affect on the lots adjoining Tracts 1 and 2, as they will be abutting commercial property. This could possibly be resolved by the development of a duplex.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that this application, involving the removal of the lot at the intersection of Heartwood Drive and Creekline and the addition of the lot adjoining the corner lot to the south, is basically the same as the one submitted last month. Both tracts under consideration are owned by the owner of the property in this subdivision as well as other property in the area. The applicant still plans to have the larger retail commercial facilities located at the corner of Stassney Lane and South First Street as it was designated when the preliminary approval was given. It is felt that the subject property should be rezoned at this particular time because three of the four lots involved are not at all ideally or even feasibly suited for residential purposes. The lots would not be suitable for duplex or triplex development because of the terrain and the traffic problems. The applicant realizes that there will be some adverse affect on the lots abutting the subject property, but it is felt that the zoning should be changed before these lots are sold. The commercial area will be properly fenced and all necessary precautions will be taken to see that the overall area is protected. The applicant cannot afford to let anyone develop the subject property with something that would not be compatible to the residential area as he is the sole owner at the present time. There has been no discussion with the applicant concerning the 10 feet of right-of-way needed for Heartwood Drive; however, there should not be any problem if and when it is determined that this would be needed.

Mr. Stevens stated that the staff was thinking of the widening in terms of providing for both an entry into a large residential development and as an entry and service into the proposed commercial facilities. The dedication of additional right-of-way will not in itself solve the problem. The paving would need to be widened and the curb recessed to actually change the street as it is now built.

C14-67-4 Crestland Homes, Inc.--contd.

Mr. Baker stated that he would have to confer with Mr. Carrington in regards to widening of the pavement and recessing of the curb. This may be agreeable if such widening took place at the time it is needed rather than now.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of inadequate right-of-way on Heartwood Drive; however, the Committee stated they would look with favor on the request if the street is made adequate.

At the Commission meeting, Mr. Stevens read a letter from the applicant, stating that he would be agreeable to dedicating the additional 10 feet along Lot 28. Mr. Baker stated that Mr. Carrington would do anything that was needed to be done to provide the lots with facilities. Since Mr. Carrington owns the entire subdivision, he wants to have the property zoned so he will be able to advise people upon purchasing the property. There were some 6 to 8 acres in the south portion of the subdivision which were set aside in the preliminary plan for commercial purposes. Mr. Goodman stated that the property would lend itself to retail use rather than residential. Mr. Brunson stated that a buffer zone should be required to provide some separation between commercial and residential development. He looked upon the area as a convenience center. Mr. Baker said he had not discussed with Mr. Carrington the possibilities of widening the pavement but there would be no objections to widening the right-of-way 10 feet, although he does not wish to widen it now. His understanding was to dedicate this additional 10 feet starting at the intersection of South First Street and extending east the depth of one lot. There is concern about having sufficient square footage if 10 feet is taken from the north. Mr. Stevens stated that a setback may be required.

The Commission considered the request in terms of access to the subject property as well as its effect on the residential area. They concurred with the Committee decision; however, the Commission stated they would look favorably towards the change if adequate right-of-way and a buffer zone were provided. It was then

VOTED: To recommend that the request of Crestland Homes, Inc. for a change of zoning from Interim "A", Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at (Tract 1) 506-508 Heartwood Drive, 4901 South First Street and (Tract 2) 507-509 Heartwood Drive and 4907-4911 South First Street be DENIED.

C14-67-5 Theo P. Meyer, Jr.: A to O  
4204-4212 Red River Street

STAFF REPORT: This application involves an area of 64,340 square feet and is developed with two single-family dwellings. The stated purpose of the application is for offices. The subject property has been before the Commission two previous times, the last of which was in March, 1965. At that

C14-67-5      Theo P. Meyer, Jr.--contd.

time, the Commission recommended denial with the statement that they could see that the situation in this area could change and would call for the reconsideration of the application. When the application went to the City Council, it was referred back to the Commission for an overall area study.

A number of changes occurring in the area prevented the completion of the study. "O" Office zoning was recently established on property to the north on Red River Street between East 44th Street and Ellingson Lane, although the Ordinance passage is pending right-of-way. "GR" zoning was recently granted on property to the east at the corner of East 43rd Street and Red River Street. There is a doctor's office and clinic, with "O" Office zoning developed on property to the north. "LR" zoning is established on property at the northeast corner of Ellingson Lane and Red River Street and is developed with a nursing home and church. There is also a large area on 45th Street that has been zoned "B" Residence since the area study was started. An application for "BB" zoning on property to the north along Caswell Avenue was made approximately two years ago. Hancock Shopping Center with "GR" zoning is located across from the subject property to the east. The original zoning application on the subject property was for "B" First Height and Area, but this request has been withdrawn and the applicant is now requesting that the property be zoned "O" Office. The requested zoning would permit a 42 unit apartment hotel. The staff feels there is a change in the area because of the recent granting of "GR" and "O" zoning and does not object to the request. The staff recommended against the original request as it was felt the zoning would be an intrusion into an established residential area on the west side of Red River Street.

A portion of Red River Street, at one point in front of the subject property, has 80 feet of right-of-way which tapers to 60 feet. Ten feet of additional right-of-way is needed from both sides of the street. With this 10 feet provided from the subject property, the staff has no objections to the requested change although it is recommended that the back 60 feet of the subject property be zoned no heavier than "B" as it would permit apartments or parking but would keep office development away from the residential property.

## TESTIMONY

## WRITTEN COMMENT

## Code

AB	Lillie J. Zakrison: 807 Park Boulevard	AGAINST
M	Mrs. Clara J. Miles: 4305 Caswell Avenue	FOR
N	A. E. Cocke: 4307 Caswell Avenue	FOR

## PERSONS APPEARING AT HEARING

## Code

	E. H. Smartt (representing applicant)	FOR
A	Theo P. Meyer, Jr. (applicant)	FOR
?	Mrs. Theo P. Meyer, Jr.: 2900 Stratford Drive	FOR
AQ	Mrs. Ruby Ray: 4213 Red River Street	FOR

C14-67-5      Theo P. Meyer, Jr.--contd.

?	Wm. O. Doctorman: 308 West 15th	FOR
D	Fred Coffey: 810 Park Boulevard	?
?	R. Ogden: 1301 Kent Lane	FOR
J	Theron D. Carroll: 800 Park Boulevard	AGAINST
?	Mrs. Theron D. Carroll: 800 Park Boulevard	AGAINST

## SUMMARY OF TESTIMONY

## ARGUMENTS PRESENTED FOR:

Mr. Herbert Smartt, representing the applicant, stated that the subject property has been before the Commission two previous times. The last time, the request went to the Council but was referred back to the Commission pending an area study. The request was pending for almost two years. During that two-year period, there has been a significant change in the development of this particular area. The changing character of the neighborhood was brought to the attention of the Commission when this request was previously heard. It was pointed out that the change would continue. This change has continued and has accelerated in the area due to the University condemning property in the area. More intensive development has increased a great deal in the last two years. The applicant has stated that he wishes to zone this particular tract "O" Office as it is felt this type of development would allow the highest and best use for the property. Hancock Center, immediately across the street, does and will have an affect on future development in this area. It is realized that Red River Street, being a major traffic artery, has only 60 feet of width in front of a portion of the subject property and the applicant has agreed that the street should be widened and is willing to give a small area so that the street will conform. The development plans for the subject property consist of a fine office complex as the property lends itself to that type of development. This is a very expensive and valuable piece of property. It is certainly not property that could be developed for residential purposes as the highest and best use. Office development is much more desirable from the applicant's standpoint.

Mr. Riley asked Mr. Smartt about the 60 foot buffer recommended by the Planning staff. Mr. Smartt stated that it is his opinion that this will be satisfactory as it will provide for a parking area.

Mr. Bill Doctorman stated that the property is valued at approximately \$1.50 a square foot. If the requested zoning is granted, the applicant could build 42 apartment units. The prevailing rate for Garden apartment units in this area is not to exceed \$1,500 per unit. In addition, apartment space rents for eighteen or nineteen cents a square foot. Office space, which the applicant contemplates, will rent for a minimum of twenty-five cents per square foot. The subject property could be subdivided into 5 residential lots which would make very expensive residential property. The residential character of this property has been destroyed by the development of Hancock Center across the street.

C14-67-5 Theo P. Meyer, Jr.--contd.

ARGUMENTS PRESENTED AGAINST:

A nearby property owner appeared in opposition to the request and stated that aesthetic values should be considered in this request. This is a residential area and to change the zoning on the subject property would tend to set a precedent on the west side of Red River Street. "O" Office zoning is not the proper zoning at this location. If there could be assurance that the property would be developed with office development, there would not be as much opposition; however, once zoning is granted there is no control over what is developed and the development of apartments would be very detrimental.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is in keeping with the changing character of the neighborhood. However, they felt that "B" Residence, First Height and Area should be granted on the west 60 feet of the property as this would provide a buffer zone.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Theo P. Meyer, Jr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4204-4212 Red River Street be GRANTED and to GRANT "B" Residence, First Height and Area to the west 60 feet of the subject property.

C14-67-6 Nelson Puett, Jr. & Raymond Ramsey: Int. A, Int. 1st to C, 6th  
7901-7923 U. S. Highway 183

STAFF REPORT: This site consisting of 17,424 square feet is undeveloped. The stated purpose of the application is to erect and operate a drive-in grocery. In order to provide the subject property with utilities a short form subdivision would have to be submitted. "C" Commercial zoning is established to the north. To the east is a 200 unit apartment development and to the south is the proposed H.E.B. Shopping Center. The staff has no objections to this zoning change. Zero to twenty feet may be needed along North Lamar Boulevard, but this will be worked out when the property is subdivided. The proposed expressway system would consume a major portion of the subject property.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

Arthur Pihlgren (representing applicant)

FOR

C14-67-6 Nelson Puett, Jr. & Raymond Ramsey--contd.

B	O. D. Kendrick: 2907-A Red River	?
?	John D. Wheat: 5704 Louise Lane	?

## SUMMARY OF TESTIMONY

Arthur Pihlgren, representing the applicant stated that the property to the north has been zoned "C" Commercial for many years. He could see no reason for not zoning the subject property "C" Commercial, Sixth Height and Area.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted because they felt that it was a logical use for the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nelson Puett, Jr. & Raymond Ramsey for a change of zoning from Interim "A" Interim, First Height and Area to "C" Commercial, Sixth Height and Area for property located at 7901-7923 U. S. Highway 183 be GRANTED.

C14-67-7 P.R.P. Building Corporation: A & O, 1st to O, 2nd  
 2708-2816 Swisher Street  
 801-821 Comanche Street  
 2803-2817 Oldham Street  
Add'n Area: 2700-2706 Swisher Street  
 800-820 Wahrenberger Street  
 2701-2801 Oldham Street

STAFF REPORT: The application covers an area of 63,300 square feet and includes property that was recently changed to "O" Office and 3 lots that are zoned "A" Residential, First Height and Area. The change requested is from "A" and "O" First Height and Area to "O" Office, Second Height and Area. Because of the type of zoning requested, and because "A" Residential, First Height and Area is existing on the two remaining parcels of property in this block, the balance of the block has been included as additional area. When a previous application for "O" Office, First Height and Area was submitted on a portion of this property, Dr. Rainey, one of the applicants dedicated the necessary right-of-way for Oldham Street. The other streets, Comanche, Swisher and Wahrenberger are gravel with only 50 feet of right-of-way. This is one of the staff's objections in the "O" Office zoning. These streets need to be paved in order to serve as office or apartment development. There is a drainage problem, in advance of paving that needs to be corrected. Mr. Ronald Zent initiating the application has indicated they will file a paving petition for the necessary paving. He is also indicating they will take care of the drainage problem as there is a natural drainage through the subject

C14-67-7 P.R.P. Building Corporation--contd.

property. Prior to the development, the proposed storm sewer pipe will have to be installed in the drainage way. The applicant has stated that a drainage way under the site will create a problem and they will, therefore, relocate the drainage way along Swisher Street at their cost.

From a standpoint of granting "O" Office, Second Height and Area the staff sees no particular problem other than the necessary paving of the streets. There is a thoroughfare proposed to the south of this block. The existing zoning pattern both Use and Height and Area is well established for this area. Such classifications include "BB" Residence, Second Height and Area, "O" Office, Second Height and Area, "C" Commercial, Fifth Height and Area, "B" Residence, Second Height and Area and "C" Commercial, Fourth Height and Area. The character of the area is toward office development. St. David's Hospital is located to the north of the subject property. The staff has no objection to the request as it furthers the existing zoning pattern.

## TESTIMONY

## WRITTEN COMMENT

## Code

K	Otto Lippmann, M.D.:	9 Medical Arts Square	?
P	Oliver W. Suehs, M.D.:	14 Medical Arts Square	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Ronald Zent (representing applicant)	FOR
?	Thomas G. Price: 5905 Highland Hills Drive	FOR
?	Dr. Georgia Legett: 804 Comanche	FOR
?	Robert B. Lloyd: St. David's Hospital	AGAINST
?	John R. Rainey, M.D.: 8 Medical Arts Square	FOR

## SUMMARY OF TESTIMONY

## ARGUMENTS PRESENTED FOR:

Mr. Ronald Zent stated that it is his opinion that the entire block should be zoned "O" Office, Second Height and Area so that in the future there would be no problem for the development of offices. The applicants would be agreeable to "B" Second Height and Area. This was discussed with the Planning staff and it was agreed that a change to "O" Office Second Height and Area should be requested. Mr. Zent further stated that Mr. Reuben Rountree, Director of Public Works, is in the process of preparing a paving petition for having the streets paved. Oldham and Comanche Streets will have 5 feet of additional right-of-way.

## ARGUMENTS PRESENTED AGAINST:

Mr. Robert Lloyd, representing the Board of Trustees of St. David's Hospital, appeared in opposition to the request because of insufficient parking and

C14-67-7      P.R.P. Building Corporation--contd.

because of the narrowness of the street that will be providing the ingress and egress. He further stated that the Board of Trustees requested the Commission to carefully consider the number of parking spaces that will be provided. If adequate egress and ingress is not provided, it will be very detrimental to St. David's Hospital.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted due to the already existing zoning pattern which includes "O" Office as well as other various Height and Area zoning surrounding the subject property.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of P.R.P. Building Corporation for a change of zoning from "A" Residence and "O" Office, First Height and Area to "O" Office, Second Height and Area for property located at 2708-2816 Swisher Street, 2803-2817 Oldham Street, 801-821 Comanche Street and Add'n Area: 2700-2706 Swisher Street, 800-820 Wahrenberger Street and 2701-2801 Oldham Street be GRANTED.

C14-67-8      Landrum Hickman: A to LR  
1406-1410 West Avenue

STAFF REPORT: This application covers an area of 19,584 square feet and is developed with a single-family dwelling. The stated purpose is for a drive-in grocery. In 1955, at the initiation of the Commission, public hearings were held for the area and as a result two "O" Office areas were established; these areas being located between 19th Street and 12th Street and generally from 6th Street to 9th Street (with the exception of the property located along West Avenue). Since that time there have been zoning changes in the area. "O" Office, First Height and Area zoning was granted in 1963 for property located at the southeast corner of West Avenue and West 15th Street. In 1965 there was a request for "O" Office, Second Height and Area zoning on property at the northeast corner of West 14th Street and West Avenue. The Commission recommended against the Second Height and Area district as they felt it was too intensive for the area; however, it was recommended that "O" Office, First Height and Area be granted as this would provide the best use of the property and complete the zoning pattern in the area. The Council granted "O" Office, Second Height and Area as requested. There was a request for apartment zoning on property to the north of 17th Street approximately a year ago at which time the zoning was granted by the Council subject to certain restrictions. This is an area that is developed primarily with residences. There are a number of older homes in the area which are large and well-kept.

The subject property is located at the intersection of West Avenue and the proposed extension of 15th Street which will go westerly from Lamar Boulevard and tie into Enfield Road. The requested zoning is based entirely on the



C14-67-8 Landrum Hickman--contd.

thought that 15th Street will be extended through the area. The extension of 15th Street is to be only the first phase which will eventually be an expressway tying into the Central Expressway. This will intersect south of St. Martin's Lutheran Church, located between Rio Grande and Nueces Streets and West 16th and West 15th Streets. There will be a 100 feet of right-of-way extending westerly from West Avenue with 80 feet or more of paving. The proposed expressway through the area will require a large portion of the subject property but this is in the future. There will be a grade difference of approximately 2 or 3 feet between the subject property and the extension of 15th Street. Property adjoining the subject property to the north has been acquired by the City for this extension and it is anticipated that bids for the construction will be let within the next few months and construction may begin by the latter part of this year.

The staff feels that this is very substantial residential area, although the development of the expressway may result eventually in some change in the area, possibly to office or apartment zoning, but the staff feels this is in the future and to change the zoning now would be premature. The requested change would be inconsistent with the type of development and zoning that now exists in the area and denial is recommended.

## TESTIMONY

## WRITTEN COMMENT

## Code

C	William P. Danforth: 1400 West Avenue	AGAINST
B	Lloyd A. Doggett, DDS: 1210 Parkway	AGAINST
W	Dr. Roman Berezovy: 1510 West Avenue	AGAINST
P	St. Martin's Ev. Lutheran Church: 606 W. 15th	AGAINST
Y	Mrs. W. T. Caswell: 1502 West Avenue	AGAINST
X	Mrs. Samuel W. Mickey: 1504 West Avenue	AGAINST
S	Max H. Bickler: 901 W. 16th Street	AGAINST
	Petition (18 signatures)	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Marvin Braswell. (representing applicant)	FOR
C	Mr. & Mrs. William P. Danforth: 1400 West Ave.	AGAINST
?	Edwin J. Pfluger: 2208 Sunny Slope Drive	AGAINST
?	Paul Billnitzer: 514 E. 49th Street	AGAINST
?	H. F. Voss: 1304 West Avenue	AGAINST
?	Mrs. H. F. Voss: 1304 West Avenue	AGAINST
?	Mrs. W. Allison: 1502½ West Avenue	AGAINST
X	Mrs. Samuel W. Mickey: 1504 West Avenue	AGAINST
?	Mrs. George E. Shelby: 1700 West Avenue	AGAINST
S	Max Bickler: 901 West 16th	AGAINST
Q	John C. Horton: 904 San Antonio Street	AGAINST
Y	Mrs. Will Caswell: 1502 West Avenue	AGAINST

C14-67-8      Landrum Hickman--contd.

## SUMMARY OF TESTIMONY

## ARGUMENTS PRESENTED FOR:

Mr. Marvin Braswell stated that he is representing the owner of a chain drive-in grocery as the conditional purchaser of the property. An extensive study has been made of the area and particularly the amount of multi-family uses now existing. The crosstown expressway has been taken into consideration and it is felt that the subject property will eventually be a retail corner. The proposed development would not serve as a shopping center area, but will serve as a neighborhood convenience center with such business as a drive-in grocer, beauty shop and barber shop. It is felt that the transition of West Avenue has started. Approximately 23% of the area is zoned for office development and there is only a small portion that is still developed residentially. There are many fine homes in the area but it is felt, whether this change is granted or not, that there will be changes in the near future as this area has lost its desirability as a residential area.

The type of building that will be erected will be a modern building that will provide only services which are not presently available. It is felt that the area can support this type of facility although there are no plans to begin construction for approximately 2 years. The purpose of any commercial establishment is to absorb what traffic is there and not create more traffic. It will probably be 8 or 10 years before the expressway is started and the property can be put to better use during that time.

A drive-in grocery cannot sell beer within 300 feet of a church or school and the subject property is not within this area. Twenty-nine percent of a drive-in grocery's business is from the sale of beer which is strictly a convenience operation. The area of the lot will permit a building approximately 5,000 square feet which will leave approximately 15,000 square feet for off-street parking.

Mr. Braswell further stated that it is his opinion that the area will eventually be developed with high-rise apartments or offices and businesses that will create a high density population, as approximately 70 to 80% of the area is now development with multi-family uses. The area will be changing as the expressway will create business uses and destroy the residential character of the area.

## ARGUMENTS PRESENTED AGAINST:

Mr. William P. Danforth, a nearby property owner, appeared in opposition to the request and submitted a petition with 18 signatures and photographs of the homes in the area. Mr. Danforth and eleven nearby property owners stated they were opposed to the request for the following reasons:

1. The requested zoning would be piece-meal zoning and would be detrimental to the residential character of the neighborhood.

C14-67-8      Landrum Hickman--contd.

2. Any change at this time is premature.
3. West Avenue is a street of fine, old and respectable homes and the proposed change would destroy these values.
4. The proposed change is not in conformity with the City Planning study.
5. Many traffic problems would be created.
6. The subject property is too near property belonging to St. Martin's Lutheran Church and school property.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning would be an intrusion into a well-established and well-developed residential area and would be piece-meal zoning. They also felt that any change of zoning in the area at this time would be premature.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Landrum Hickman for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1406-1410 West Avenue be DENIED.

C14-67-9      C. C. Nolen et al: A, 1st to B, 2nd  
1108-1112 West 22½ Street

STAFF REPORT: This site consists of 13,000 square feet and is developed with a garage apartment and a residence. The applicant's stated purpose is for remodeling the property to accommodate additional University of Texas students. The requested zoning if granted, would permit 8 regular apartment units or 17 apartment hotel units. There has not been any recent zoning in the area with the exception of property located immediately west of Leon Street north of West 22nd Street which was recently zoned "B" Residence, First Height and Area. There was a request for "B" Residence, First Height and Area zoning on property to the north of the subject property in 1961, at which time the Commission recommended denial because of the inadequate street and the intrusion into a residential area. The request was later withdrawn. A field trip into the area has been made by the staff and it appears that the situation is the same. There is some change in the area with regard to rental of rooms but the area is still predominantly residential. There is considerable traffic along the streets and a great deal of parking along the curb. West 22½ and West 23rd Streets dead end and do not go on through to Lamar Boulevard. There is apartment and dormitory development east of Leon Street. The area from 19th Street to Lamar Boulevard up to property zoned "O" Office along 24th Street is the only remaining residential development in the area. The staff realizes that the area may eventually go toward apartment development but it is felt that this is not the time. The staff is of the opinion that the rezoning of only one parcel at a time should be discouraged until some thought

C14-67-9 C. C. Nolen et al--contd.

can be given to the entire area. Traffic, street width and paving, and existing development should be considered in order to determine what density should be allowed or if the density should be increased. It is recommended that the request be denied as the re-zoning of one lot would be on a piece-meal basis and any change in the area should be made after an area study or hearing.

## TESTIMONY

## WRITTEN COMMENT

## Code

AH	J. J. Lagowski: 1114 West 22nd Street	AGAINST
AV	Henry Kluge: 1201 West 22½ Street	AGAINST
AQ	Hersthe T. Manuel: 1202 West 22½ Street	AGAINST
Y	Mrs. M. D. Council: 1107 West 22½ Street	AGAINST
B	Ida Mae Campbell: 1114 West 22½ Street	AGAINST
U	Stuart S. Nemir: 1115 West 22½ Street	AGAINST
V	Charles E. Nemir: 1113 West 22½ Street	AGAINST
D	Jessie L. Lott: 5001 Highland Court	FOR
W	Mrs. Effie P. Tucker: 1111 West 22½ Street	FOR

## PERSONS APPEARING AT HEARING

## Code

A	C. C. Nolen (applicant)	FOR
?	Larry B. Shaw: 1207 West 22½ Street	AGAINST
Y	Mrs. M. D. Council: 1107 West 22½ Street	AGAINST
?	Mrs. Larry B Shaw: 1207 West 22½ Street	AGAINST
B	Ida Mae Campbell: 1114 West 22½ Street	AGAINST
U	Stuart S. Nemir: 1115 West 22½ Street	AGAINST
AV	Henry Kluge: 1201 West 22½ Street	AGAINST
?	H. A. Scott: 1208 West 22½ Street	AGAINST
?	Wolf Jessen: 2311 Shoal Creek Boulevard	AGAINST

## SUMMARY OF TESTIMONY

## ARGUMENTS PRESENTED FOR:

The applicant was present at the hearing and stated that he represents his mother and two sisters who share the undivided interest in the subject property. Mr. Nolen advised the Committee that his mother moved into the area a number of years ago and has been renting rooms to boys for many years. There is a two room garage apartment on the property that is being rented and there are 8 boys who rent rooms in the residence. There are three apartment units on property immediately to the north. The pattern towards rental property has been growing for a number of years. There has been a change in the past three years as people now want to rent apartments rather than rooms. Students are beginning to go to apartments in order to find quiet places to study. There is marked trend toward smaller type apartments.

C14-67-9 C. C. Nolen et al--contd.

A site plan for the development is not available at this time but the change is requested so that small apartment type units can be developed.

Second Height and Area is requested for height of the building so that adequate parking can be provided underneath. The change is motivated by economics and the changing mode of the neighborhood.

ARGUMENTS PRESENTED AGAINST:

Seven nearby property owners appeared in opposition to the request. They stated that some of the people in the area rent to students but if an apartment house is allowed the number of cars that would be brought into the area would create a traffic hazard and would make the area an undesirable place to live. This is a quiet neighborhood with dead-end streets and very little traffic at the present time. Most of the homes are owner occupied and it is felt that this change would depreciate the value of the property. There are a number of cars parked along the curb now and if this is allowed there will be many more as sufficient off-street parking is seldom provided. The requested zoning would be an intrusion into the area and would completely change the residential characteristics.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and in view of mixed feelings, referred the case to the full Commission.

At the Commission meeting, Mr. Lewis suggested that the Planning Department conduct an area study since the Commission felt they had no boundaries in which to extend the proposed zoning change. Mr. Goodman felt it would be piece-meal zoning to change only that portion requested, and stated that the change should be for higher-density.

Mr. Brunson stated that the area around the University is changing rapidly and it will need more dwellings to accomodate students going to the University.

Mr. Osborne stated that an area study would not solve the problem, and suggested a public hearing be held in 8 weeks, allowing the department some time to prepare notices. He also said the department would need some time to make some preliminary investigations because it may be desirable to zone only 2 blocks.

The Commission felt the case should be postponed for 8 weeks giving the planning staff time to prepare a preliminary investigation of the area and send out notices to surrounding property owners.

C14-67-9 C. C. Nolen et al--contd.

After further discussion, the Commission

VOTED: To recommend that the request of C. C. Nolen, et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1108-1112 West 22½ Street be POSTPONED.

(DISQUALIFIED: Mr. Riley)

C14-67-10 Rankin H. Chapman: A to LR  
Tract 1: 3503-3505 Kerbey Lane  
Tract 2: 3500-3502 Kerbey Lane  
1600 West 35th Street

STAFF REPORT: The application involves Tracts 1 and 2 which contain 3,445 and 4,100 square feet respectively. The applicant's stated purpose is for the uses permitted in a "LR" Local Retail district. The requested change appears to be in accordance with the overall pattern of the area. To the northwest and south of Tracts 1 and 2 are "C" Commercial districts. Other less restrictive zoning districts are "GR" to the south, "O" to the east, and "LR" to the north. At present there are no plans for the area with the exception of a crosstown expressway; however, this will be sometime in the future. The main concern that the staff has at this time is centered around the small area which the two tracts contain. There is some question dealing with off-street parking especially if any land from the property is needed for future widening of Kerbey Lane. Other than the off-street parking situation, the staff has no objections to the requested change, for it fits into the overall commercial development of the area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

X Hollis Lovell: 4613 Ridge Oak Drive

AGAINST

##### PERSONS APPEARING AT HEARING

Code

? Forrest Troutman (representing applicant)

FOR

? Kenneth Gorbet

AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Forrest Troutman, representing applicant, stated that the intended use for the property will be strictly as a specialty shop. This is not inconsistent with the zoning around the property.

C14-67-10 Rankin H. Chapman--contd.

Arguments Presented AGAINST:

Kenneth Gorbet who operates a business on the south side of West 35th Street, appeared in opposition to the request. He stated that it would add to an unnecessary traffic hazard in the area. Mr. Gorbet stated that people were already parking on one side of the street and crossing over due to the "No Parking" signs on the south side of West 35th Street. He felt that the yield sign should be changed to a stop sign in order to eliminate the existing traffic problem.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and in view of mixed feelings, referred the case to the full Commission.

At the Commission meeting, the applicant requested that the application be postponed. The Commission then

VOTED: To recommend that the request of Rankin H. Chapman for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at Tract 1: 3503-3505 Kerbey Lane and Tract 2: 3500-3502 Kerbey Lane and 1600 West 35th Street be POSTPONED.

C14-67-11 Karl V. Stolle: A, 1st to O, 2nd  
5101-5103 Depew Avenue  
900-902 East 51st Street

STAFF REPORT: The subject property consisting of 10,400 square feet is located at the corner of Depew Avenue and East 51st Street. The applicant's stated purpose is for building a small office. The right-of-way for East 51st Street has been established at 70 feet which will require 10 feet from the subject property. A "C" Commercial district extends along Airport Boulevard, south of the subject property. At the intersection of Airport Boulevard and East 51st Street is a service station which sides into the subject property. The staff has no objections to the request for "O" Office First Height and Area zoning on this lot. It is felt that "O" Office zoning can serve as a buffer zone; however, there is objection to the Second Height and Area classification because the setback requirements are less and because it would permit a greater density. If East 51st Street was made adequate, the staff would have no objection to "O" Office, First Height and Area zoning.

TESTIMONY

WRITTEN COMMENT

Code  
none

C14-67-11 Karl V. Stolle--contd.

PERSONS APPEARING AT HEARING

Code

Ed Padgett (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Ed Padgett, representing the applicant stated that a real estate or insurance office would be built on the subject property provided the request was granted. He said they would be able to provide for parking on both sides of the building.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because "O" Office, Second Height and Area zoning would be too intense along East 51st Street which has inadequate right-of-way. However, the Committee would look with favor upon "O" Office, First Height and Area provided the right-of-way was made adequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Karl V. Stolle for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 5101-5103 Depew Avenue and 900-902 East 51st Street be DENIED.

SPECIAL PERMIT

CP14-67-1 P.R.P. Building Corp.: 70 unit apartment dwelling group  
2803-2817 Oldham Street  
801-821 Comanche Street  
2708-2816 Swisher Street

STAFF REPORT: This application has been filed as required under Section 5-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. The subject property consisting of 63,300 square feet is zoned "O" Office, and "A" Residence, First Height and Area. The original site plan proposes an apartment dwelling group containing 70 units with 99 off-street parking spaces, two swimming pools and an equipment storage room. The amended site plan has been filed, but the staff would like to have the departmental comments on the original site plan in the minutes as the revisions have not been checked. The site will be over an acre when the various lots are consolidated into one site. The revised site plan proposes 70 units on the property with 100 parking spaces.



CP14-67-1      P.R.P. Building Corp.--contd.

Departmental comments are as follows:

Water and Sewer

Building Inspector

Health

Fire Protection

Advanced Planning

Fire Prevention  
Electric

Traffic Engineer  
Tax Assessor  
Storm Sewer

- Plan is satisfactory. City will abandon water main in alley.
- (1) Replatting of property to create one tract.  
(2) Vacating of alley.  
(3) Change zoning to Second Height and Area.  
(4) Extend zoning to cover entire tract.
- Approved: Sanitary Sewer Line available.
- Recommend that fire hydrant be placed at 25th and Swisher Streets.
- (1) Modification in the parking layout at the north entrance is necessary to provide adequate maneuvering space.  
(2) If the alley is vacated five or more spaces on the south side of the tract as now laid out will not be usable.  
(3) Walkways should be provided between the interior parking area and structures. The applicant has agreed.
- O.K.
- Electric Department will at no expense to property owner, relocate poles in an island on Swisher Street.
- No comment.
- No objections.
- (1) A rearrangement of driveways on Swisher Street will allow a necessary curb inlet to be installed.  
(2) A storm sewer is necessary to drain the low point in Swisher Street.  
(3) The storm sewer and inlet in Swisher Street and the storm sewer in Comanche Street will need to be installed in order to prevent the flooding of the site. This will be done at the owners expense.

CP14-67-1 P.R.P. Building Corp.--contd.

Public Works

- The driveways as shown on the plan meet with our approval, however, would recommend that the 13' 4" driveway on Comanche Street be widened to 18' or 20'. The alley, if not vacated, will have to be paved with concrete and asphalt as shown on the plans.

Office Engineer

- (1) Alley must be paved with concrete or vacated.
- (2) A request to construct driveways must be made to Public Works Department.

Mr. Stevens stated that a revised plan has been received by the staff. It was pointed out that most of the technical problems have been worked out on the new plat. He went on to state that the staff recommends approval provided certain conditions are met. The conditions stated were:

- (1) The Council grant "O" Office, Second Height and Area.
- (2) A short form be filed and approved.
- (3) A front setback of 25 feet be required on Tract 2 of the original short form subdivision. (the corner section of the plat).
- (4) Technical correction be noted on the site plan.
- (5) The remaining technical problems be corrected.

It was pointed out by the staff that an alley would divide part of the building site into two areas. The off-street parking would occur on both sides of the alley and off of the surrounding streets.

Mr. Wroe asked if Oldham Street is open. In reply to Mr. Wroe's question, Mr. Stevens stated that enough right-of-way had been obtained on Oldham Street for 30 feet of pavement. He also stated that Swisher Street and Comanche Street were gravel roads with 50 feet of right-of-way, but were to be paved 40 feet wide as approved by the Director of Public Works.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Ronald Zent suggested that if the Committee was concerned about the zoning, to leave one lot zoned "O" Office, First Height and Area and zone the other lot "O" Office Second Height and Area.

Arguments Presented AGAINST:

Mr. Robert Lloyd, representing the Board of Trustees of St. David's Hospital, appeared in opposition to the request because of parking and traffic problems.

CP14-67-1      P.R.P. Building Corp.--contd.

He stated that the street was used a great deal by students from the Law School area that come through Medical Arts Square to get out and their only recourse is to go through the hospital property. If the streets are widened and Swisher Street not improved, egress will be only to south bound traffic. Anyone desiring to go north, will have to go through the Hospital property. The alley around Medical Arts Square is private and is supposed to be used only by the doctors and employees. If this proposal is allowed, it will be difficult to keep this alley private due to the increase in traffic. The paving of this area may encourage the City to open West 30th Street and relieve the pressure from St. David's Hospital.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be referred to the full Commission pending compliance with departmental reports. At the Commission meeting, Mr. Stevens reported that the parking requirements had been complied with and would be separated by the alley which they wish to leave open. The staff recommends approval of this special permit subject to the following conditions:

- (1) "O" Office, Second Height and Area zoning.
- (2) A short form be filed and approved.
- (3) A front setback of 25 feet be required on Tract 2 of the required short form subdivision (the corner section of the plat).
- (4) Technical correction be noted on the site plan.
- (5) The remaining technical problems be corrected.

After further discussion, the Commission unanimously

VOTED: To APPROVE the request of the P.R.P. Building Corporation for a special permit to erect a 70 unit apartment dwelling group to be located at 2803-2817 Oldham Street, 801-821 Comanche Street and 2708-2816 Swisher Street.

The Chairman announced that any interested party aggrieved by this decision, may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

#### R146      SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of January 23, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was therefore

VOTED: To ACCEPT the staff report and to spread the action of the Subdivision Committee of January 23, 1967, on the minutes of this meeting.

## SUBDIVISION PLATS - FILED

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

C8-67-4 Charles Street Addition, Section 2  
Charles Street and Gunter Street  
C8-67-5 Wooten Terrace, Section 2  
Putman Drive and Teton Drive

C8-64-45 Barton Village, Section 2 Resub. of Lot 3, Blk. H, Barton Hills,  
Barton Skyway and South Lamar Boulevard Sec. 1, Revi.

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

VOTED: To ACCEPT the final plat of BARTON VILLAGE, SECTION 2, Resub. of Lot 3, Block H, Barton Hills, Section 1, Revised for filing, pending submission of tax certificates.

## SHORT FORM PLATS - FILED

C8s-67-12 Plainview Heights Resub. of part of Lots 2 & 3, south ½ of Block 9  
East 39th Street and Interregional Highway

The staff reported that departmental reports have not been received and recommended this short form plat be accepted for filing only. The Commission therefore

VOTED: To ACCEPT the short form plat of PLAINVIEW HEIGHTS, Resub. of part of Lots 2 & 3, south ½ of Block 9, for filing.

C8s-67-13 Comanche Addition  
Comanche Street, Oldham Street and Swisher Street

The staff reported that the owner, Charles F. Pelphrey has already dedicated the necessary right-of-way for Oldham Street as required by the Public Works Department. The staff recommends the short form plat be accepted for filing and to grant a variance on the width of Oldham Street. The Commission therefore

VOTED: To ACCEPT the short form plat of COMANCHE ADDITION for filing, granting a variance on the width of Oldham Street.

## SHORT FORM PLATS - CONSIDERED

C8s-67-7 Gregg & Bryant Subdivision  
Texas State Highway No. 71

The staff recommends disapproval of this short form plat pending compliance with departmental reports.

C8s-67-7 Gregg & Bryant Subdivision--contd.

The Commission therefore

VOTED: To DISAPPROVE the short form plat of GREGG & BRYANT SUBDIVISION, pending completion of departmental reports.

C8s-67-9 Mrs. A. J. Pace Subd. Resub. of Lots 3, 4 and 5  
West Monroe and South 1st Street

The staff reported that this request would require two variances. The first one being to provide right-of-way for Jewel Street because it appears to be only 20 feet in width. The subject property provides no widening for Jewel Street. The second variance would require a variance from the Master Plan requirement on the width of South 1st Street. No right-of-way was provided from the corner lot because of an existing building on both property lines, ( South 1st Street & Jewel Street). The property owner could not dedicate any widening without leaving the building out in the street or moving the building back.

Glenn Cortez stated that from the Ordinance viewpoint, it would be impractical because of the limited terms of the Ordinance. The owner would be unable to subdivide unless the building was torn down. If they were to dedicate the necessary right-of-way, it seems possible for us to draw up an instrument allowing an encroachment of the building on the street until the building is remodeled or rebuilt. Mr. Stevens said the owner had not been approached on this possibility and asked for permission from the Commission to do so.

Mr. Foxworth stated that the owner was widening the existing corner lot 4 feet. As far as can be determined at this time, the width and alignment of the right-of-way on Jewel Street has never been determined. After further discussion, the Commission

VOTED: To POSTPONE the short form plat of MRS. A. J. PACE SUBDIVISION, Resub. of Lots 3, 4 and 5, and instructed the staff to discuss further the right-of-way problems with the owner, and authorized the staff to give administrative approval to this plat if the owner agreed to dedicate the right-of-way in accordance with an agreement acceptable to the Legal Department.

#### ADMINISTRATIVE APPROVAL

The staff reported that the following 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-66-153 Preswyck Hills Commercial Area  
Rogge Lane and Springdale Road

## ADMINISTRATIVE APPROVAL--contd.

C8s-66-87	Bouldin Addition Resub. Lots 1-3, Block 5	
	West Annie and South 2nd Street	
C8s-67-6	Northern Commercial Subd. Resub. of Lots 1 and 2	
	Banyon Street and North Lamar Boulevard	
C8s-67-8	O'Reilly's Subdivision Resub. of Lots 11 & 12, Block 2	
	East 13th Street and San Bernard Street	
C8s-67-10	Original City of Austin, Texas Resub. of Lots 1-4, Incl.,	
	Rio Grande Street, West 10th, & Nueces	Block 129
C8s-67-11	Perkins Valley, Sec. 2, Resub. of Lot 1, Blk. A & Lot 1,	
	Cecil Drive & Bluff Springs Road	Blk. B
C8s-66-149	C. R. Law Subdivision	
	Manor Road and Comal Street	

R809

SUBDIVISION CONTACT

Mr. Foxworth explained that this contact involves two tracts of land located at the south end of South 2nd Street and adjoining Bouldin Creek which are owned by Mr. and Mrs. H. W. Krause. There are several problems connected with these tracts and the purpose of this presentation is to get the Commission's ideas and opinions as to the feasibility of accepting and approving a short form plat of these tracts.

Mr. Foxworth stated that the owners would like to submit a short form plat combining the two tracts together into one lot. One of the lots is an existing subdivided lot with a house on it. The other is a separate tract of land acquired by the Krauses from the Dawson property, the balance of which lies south of and across Bouldin Creek from these lots.

The first problem is that South 2nd Street is a dead-end street with no turn around provision. It is the staff's opinion that the street cannot be extended across the creek without creating a great expense and other problems, and to require a cul-de-sac would use up most of these two lots.

The second problem is that South 2nd Street is only 40 feet in width. It is the staff's feeling that if the street is not extended, there would be no particular need to widen the street.

The third problem is drainage. The City has no drainage easement for Bouldin Creek and its tributaries, and if the Dawson property is included in the short form plat, as required by Ordinance, easements would have to be provided. Also, the drainage department would require some channel work within the easements, thereby creating a cost on Dawson's property which he may not be able to provide at this time. There will be some easements required on the Krause property also, and further checking will be required to determine that the property can be served with all utilities.

The owner has discussed this situation with the staff and would like to build another unit on the lot and tie it to the existing one creating a duplex.

R809 SUBDIVISION CONTACT--contd.

The owners feel that this would be an improvement since the triangular lot has been used by a group of teenage boys as a meeting place.

Mr. Foxworth explained that variances would be required to approve a short form as outlined and asked the Commission if they would favor granting the variances and instruct the staff to accept a plat.

After further discussion, a majority of the Commission AGREED that they would look with favor upon granting the variances and instructed the staff to accept a short form plat on the Krause property subject to all necessary easements to serve this property being provided.

## OTHER BUSINESS

C2-66-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT

Area south of Ben White Boulevard, west of Montopolis Drive (Daffodil Drive)

The Director of Planning advised the Commission that this request for a change in the Austin Development Plan from Manufacturing and Related Uses to Low Density Residential, for approximately 350 acres, was referred to the Commission by the City Council.

The Commission considered this same request in June, 1966, at which time it was recommended that the subject property be redesignated to Low Density Residential. The City Council denied the request. Mr. E. D. Bohls, owner of a portion of the property under consideration, recently requested by letter, that the City Council reconsider the original request. Consequently, the request has been referred to the Commission for reconsideration.

When the original request was before the Commission, the Planning Department recommended that the area be changed as requested because of the existing pattern and development in the area. The staff feels the conditions are the same and again recommend the change as requested.

The Commission reviewed the information (see original minutes of Case No. C2-66-1(c)), and concurred with their previous recommendation. They felt the request should be granted as this is the proper and logical designation for the land in this area. It was then

VOTED: To recommend that the land use designation for approximately 350 acres of land located south of Ben White Boulevard and north of Burleson Road be changed from Manufacturing and Related Uses to Low Density Residential.

AYE: Messrs. Lewis, Bluestein, Brunson, and Goodman

NAY: Mr. Riley

ABSENT: Messrs. Kinser, Jackson, Hendrickson, and Wroe

C2-67-4(a) ZONING ORDINANCE: Interim Revisions  
Proposed amendment to the "O" Office District provisions

The Director of Planning recommended to the Commission that the "O" Office District in the Zoning Ordinance be amended to cover the following items:

Amend 12. to read:

Offices or headquarters for associations of businesses, trades, professions, industries or social service groups.

Amend 15. to read:

Business machines display, sales and rental.

Amend 16. to read:

Accessory uses which shall include:

- (a) Signs as permitted in Section 11, provided that:
  - (1) No permanent sign shall be permitted except that pertaining to the occupancy of the building; and
  - (2) All permanent signs shall be placed flatwise against the building and no sign of a flashing or intermittently lighted type shall be erected.
- (b) Service and repair of office or business machines
- (c) Storage of equipment, products or supplies
- (d) Employee or customer training facilities
- (e) Facilities for scientific analysis, engineering, data processing and computing.
- (f) Fence, hedge or enclosure wall as provided in Section 5
- (g) Public parking area
- (h) Semi-public parking area

The Commission discussed the proposed amendments as presented by the Planning Department. They were of the opinion that the proposed changes were primarily for clarification purposes and felt that the Ordinance should be amended. After further discussion, the Commission unanimously

VOTED: To recommend that the Zoning Ordinance be amended to cover the items as presented and instructed the Legal Department to prepare the necessary amendment to the text.

Mr. Osborne presented to the Commission for consideration, a proposed amendment to the Zoning Ordinance pertaining to the addition of a new district called "GO" General Office. This amendment is outlined as follows:

- A. In "GO" General Office District no building or land shall be used and no building hereafter shall be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Any use permitted in "O" Office District
  - 2. Blueprinting, whiteprinting, xerography or similar reproduction processes.



C2-67-4(a) ZONING ORDINANCE: Interim Revisions--contd.

3. Business machines service and repair
4. Commercial off-street parking facilities
5. Data processing or computing service
6. Employment service
7. Office of any kind
8. Radio or television studio (transmitter, tower and antenna in accordance with Section 10A)
9. Commercial artist and advertising agency
10. Post office or postal station
11. Sale of architect's, artist's, engineer's or office supplies
12. Sale of cameras, photographic and optical supplies
13. Typing, addressing or similar service
14. Accessory uses which shall include:
  - (a) Signs in accordance with the provisions in Section 5-A
  - (b) Storage of equipment, products or supplies
  - (c) Employee or customer training facilities
  - (d) Facilities for scientific analysis and engineering
  - (e) Fence, hedge or enclosure wall as provided in Section 5
  - (f) Public parking area
  - (g) Semi-public parking area
15. USES by special permit only, which shall include:
  - (a) Motel, when located on a designated state or federal highway and in compliance with Sections 32.1 to 32.21 of the Austin City Code. The following accessory uses may also be permitted provided they are operated primarily for the convenience of the guests of such motel:
    - (1) Soda fountain, soft drink stand, candy or smoke shop for retail sales only.
    - (2) Personal service shops.
    - (3) Restaurant or cafeteria having not more than three (3) seats for each unit in such motel.
    - (4) Gasoline filling station.
  - (b) Trailer court, when located on a site of not less than thirty thousand (30,000) square feet and when abutting a designated state or federal highway and in compliance with Sections 32.1 to 32.21 of the Austin City Code. The following uses may also be permitted provided they are operated primarily for the convenience of the trailer court residents, and that no public entrance to a building containing any of these uses is closer than one hundred (100) feet to a public street:
    - (1) Soda fountain, soft drink stand, candy or smoke shop, retail sales only.
    - (2) Personal service shops.
    - (3) Restaurant or cafeteria having not more than three (3) seats for each trailer parking space in the court.
  - (c) Drive-in theater located on a site of not less than ten (10) acres and when located on a designated state or federal highway or a street designated as a thoroughfare on the adopted thoroughfare plan of the City of Austin and in compliance with Sections 25.2 to 25.19 of the Austin City Code.

C2-67-4(a) ZONING ORDINANCE: Interim Revisions--contd.

- (d) Veterinary hospital or dog kennel when located on a site of not less than ten (10) acres.
- (e) Public stable or riding academy when located on a site of not less than ten (10) acres.
- (f) USES permitted in the "LR" Local Retail District without a special permit, when located on a site adjoining or across the street from an "LR" Local Retail District or other less restricted district.
- (g) Apartment Dwelling Group, in accordance with the provisions concerning Apartment Dwelling Groups in Section 5, Paragraph 8, sub-paragraph (e).

**B. GENERAL PROVISIONS**

1. All uses permitted herein shall store all materials within a building; sales or display of merchandise shall be conducted within a building, or in an open space other than the required front, rear or side yard areas providing such open space is enclosed on all sides by a solid fence or wall not less than six (6) feet high.
2. Whenever property in an "GO" General Office District adjoins property in a "B" Residence District or more restrictive district, upon use of the property in the "GO" General Office District for a use not permitted in a "B" Residence or more restrictive district, there shall be provided for the extent of the common boundary one of the following:
  - (a) A solid or louvered type wall or fence not to exceed six (6) feet in height, and designed and maintained to meet minimum City of Austin code requirements.
  - (b) A hedge or adequate planting screen generally not exceeding six (6) feet in height and in which plant materials shall be kept in a healthy growing condition.

Such requirements may be waived when the owner of the adjoining lot agrees in writing to such waiver.

Mr. Osborne advised the Commission that this proposed amendment would be established as a separate and new district, although it does tie in with the "O" Office District.

The Commission reviewed the items described in the proposed amendment and asked questions. They agreed that further study should be made on this proposal before a final recommendation is made.

C10-67-1(c) ALLEY VACATION

Alley located between Salina and Chicon Streets  
north of Pennsylvania Avenue

The staff reported that this is a request to vacate the alley located between Salina and Chicon Streets, north of Pennsylvania Avenue, made by the Urban Renewal Agency, Gladys P. Smith Graves, David A. Crawford, Mary Crawford Kimbles and Emma Lee Crawford, being all of the abutting property owners along this alley. This vacation is recommended as being in conformance with the Urban Renewal Plan, with the recommendation conditioned on the retention of the necessary sanitary sewer easements, electric easements (south 10 feet until electric utilities are relocated) and telephone easements (north 10 feet until telephone utilities are relocated).

After further discussion, the Commission unanimously

VOTED: To recommend that the alley located between Salina and Chicon Streets, north of Pennsylvania Avenue, be VACATED subject to the retention of the easements as described.

## CASES FOR REVIEW

C10-65-1(L&M) STREET AND ALLEY CLOSING

(L) Woolridge Street from East 26½ Street to San Jacinto Boulevard, and all alleys within blocks encompassed by Speedway, San Jacinto Boulevard and East 26½ Street

(M) East 23½ Street from Red River to Swisher, East 23rd Street from Red River to Oldham, Sabine Street from Manor Road to East 24½ Street, Oldham Street from East 23rd Street to East 24th and all alleys within blocks encompassed by the following streets -- Red River, East 24th Street, Swisher Street, East 23rd Street, Oldham Street and Manor Road

The staff reported that this request was before the Commission in August, 1965, at which time the Commission voted to approve the request for the vacation of the streets and alleys, as described above, after the University of Texas had acquired all of the property abutting the subject streets and alleys, and subject to retaining those parts of the streets and alleys necessary for the widening of Red River Street and Manor Road and subject to the retention of the necessary easements.

The University of Texas is now requesting, by letter, that all of the streets, alleys and public ways within this same area, along with East 26½ Street and East 29th Street between Speedway and San Jacinto Boulevard, be vacated at this time. The staff does recommend this vacation subject to the same conditions set forth in the original recommendation and subject to the University paying for the relocation of the various utilities.

C10-65-1(L&M) STREET AND ALLEY CLOSING--contd. .

After further discussion the Commission unanimously,

VOTED: To REAFFIRM the original recommendation of August 24, 1965, to VACATE the above described streets, alleys and public ways, and further recommend the vacation of East 26½ Street and East 29th Street, between Speedway and San Jacinto Boulevard, after the University of Texas has acquired all of the property abutting the subject streets and alleys, and subject to retaining those parts of the streets and alleys necessary for the widening of Red River Street and Manor Road and subject to the retention of the necessary easements; with the condition that the University of Texas pay for the relocation of the various utilities.

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

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Hoyle M. Osborne  
Executive Secretary

APPROVED:

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Chairman