

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- March 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  
S. P. Kinser  
Ed Bluestein  
Barton D. Riley  
Jack Goodman  
W. A. Wroe

Absent

Edgar E. Jackson  
Ben Hendrickson

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of February 28, 1967.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-67-12      Edgar S. Daugherty: A, 1st to B, 2nd  
6208 Burns Street

STAFF REPORT: This site consists of approximately 7,500 square feet which is undeveloped. Property adjoining to the west, having frontage along Lamar Boulevard, also belongs to the applicant. The stated purpose of this application is for apartments. The proposed zoning would permit a maximum of 5 regular apartment units to be developed on the subject property. "C" Commercial, First Height and Area was requested on the subject property, along with the applicants property adjoining to the west, in 1961. At that time, the Commission recommended that the requested zoning be granted on

C14-67-12 Edgar S. Daugherty--contd.

the front portion (the west 150.54 feet, fronting along Lamar Boulevard), for they felt the requested zoning was logical; however, the zoning was not changed on the east 139.32 feet of the property under consideration. A request for "C" Commercial, First Height and Area zoning was recently considered on property to the south along Denson Street. The Commission felt this request should be granted as it fits the zoning pattern directly to the rear of the property and adjacent to the west. They also felt that the "C" Commercial district should not be extended any further down Denson Street as it would be an intrusion into a residential area. The request is still pending.

Burns Street, with 50 feet of right-of-way, is a short street developed with a single-family dwellings on both sides and connects to Hammack Drive which is also residentially developed. There is a large tract of undeveloped land to the north that is zoned residential "A".

The staff recommends the request be denied as it would be an intrusion into a well-established residential area with the zoning of this lot setting a precedent along Burns Street. The streets serving this property are residential in character with inadequate right-of-way for high density apartment usage.

## TESTIMONY

## WRITTEN COMMENT

Code

P Mary K. Steinocher: 608 Hammack Drive  
D Tullos U. Horn: 6206 Burns Street

AGAINST  
AGAINST

## PERSONS APPEARING AT HEARING

Code

A Edgar S. Daugherty (applicant)

FOR

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that when the "C" Commercial zoning was established on the front portion of his property the Commission also recommended that "B" Residence be established on the rear portion (the subject property) as a buffer zone. It is felt that 5 apartment units, as permitted under the requested zoning, would not be a very great hazard to the area.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning would be an intrusion into a residential neighborhood and because Burns Street is inadequate to serve the higher density request.

C14-67-12 Edgar S. Daugherty--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Edgar S. Daugherty for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6208 Burns Street be DENIED.

C14-67-13 George O. Slaughter: B to C  
1610-1616 Waterston Avenue

STAFF REPORT: This application covers an area of 21,420 square feet and is developed with a single-family dwelling. Property adjoining the subject property to the east is developed with a laundry pick-up station and a washateria. "C" Commercial zoning and development is established along West Lynn Street. Residential zoning and development exists to the north, south, and west of the subject property. The staff feels that this application would be logical if the property was made a part of a site that was served by West Lynn Street; however, since the subject property does not have access from West Lynn Street, the staff feels the request should be denied as it would be an encroachment into a residential area and because Waterston Street, with 40 feet of right-of-way, is inadequate for the proposed use.

## TESTIMONY

## WRITTEN COMMENT

Code		
G	Mrs. Melburn Gartman: 1619 West 14th Street	AGAINST
AT	West Lynn Apartments, Inc.: P.O. Box 5007	FOR
H	Frances M. White: 1617 West 14th Street	AGAINST
J	Rev. James E. Carter: 1613 West 14th Street	AGAINST
AR	Albert S. Johnson: 1519 Palma Plaza	FOR
C	Mrs. Clara Silberberg: 1618 Waterston Avenue	AGAINST
AB	Mrs. A. C. Cherry: 1619 Waterston Avenue	AGAINST
AA	P. J. Anthony: 1613 Waterston Avenue	FOR

## PERSONS APPEARING AT HEARING

Code		
A	George O. Slaughter (applicant)	FOR
AC	Eileen Hunter: 1609 Waterston Avenue	?
D	Israel Bell: 4208 Shoalwood Avenue	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request, and stated that he has no commercial plans for the property at this time. He stated that he is trustee of the subject property, along with property adjoining to the east,

C14-67-13      George O. Slaughter--contd.

and this zoning is requested so that the entire area can be combined under the same zoning classification.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request. He stated that this is not a fancy neighborhood and the people living here are poor. This is a quiet neighborhood and many children play in the streets. If the area is opened up for commercial facilities it will bring more traffic into the area which will create a hazard for the children who play in the streets.

COMMENTS AND ACTIONS 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 developed and redeveloping area and because Waterston Street, with 40 feet of right-of-way, is inadequate to serve commercial property.

The Commission concurred with the Committee recommendation, and unanimously,

VOTED:      To recommend that the request of George O. Slaughter for a change of zoning from "B" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1610-1616 Waterston Avenue be DENIED.

C14-67-14      M. S. Martin: B to LR (as amended)  
1902 University Avenue

STAFF REPORT: This site consists of 5,750 square feet and is developed with apartments. The stated purpose is for leasing land for future commercial use. The subject property is located in the University area. The University owns property between the alley east of University Avenue and Speedway.

University Avenue is a high density street developed with apartments, sororities, and dormitories. "C" Commercial zoning is established along West 19th Street. There have been recent changes of zoning to "C" Commercial in the area to permit high-density development. "C" Commercial zoning was recently established on property to the north of 20th Street on Whitis Avenue for the purpose of permitting a commercial parking area. The staff feels the zoning should remain the same as the requested zoning would be a commercial encroachment into what is now a "B" Residence area, and as access would be from University Avenue, which is an entry to the University and gives one way access to this property.

TESTIMONY

WRITTEN COMMENT

Code

J	Mrs. William P. Danforth: 1400 West Avenue	AGAINST
S	Mrs. Paula M. Steinle: 1909 University Avenue	AGAINST

C14-67-14 M. S. Martin--contd.

## PERSONS APPEARING AT HEARING

## Code

A	M. S. Martin (applicant)	FOR
K	R. G. Mueller, Jr.: 1402 Wooldridge Drive	AGAINST
J	Mrs. W. P. Danforth: 1400 West Avenue	AGAINST
S	Mrs. Paula M. Steinle: 1909 University Avenue	AGAINST
?	Mrs. H. W. Netherton, Jr.: 1909-2001 University	AGAINST
?	Mrs. Russell Fish: 2401 Windsor Road	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of his request and stated that he may have requested the wrong zoning as he is only interested in the rear portion of the subject property. The rear portion of the property is developed with four old sheds, used for parking, that are a disgrace to the area. This change is requested to permit a permanent structure that will have rental parking on the ground floor and two rental rooms, above the parking, for a tailor shop, beauty shop, barber shop, or some similar facility. This will provide an income to help pay for the new structure. The alley adjacent to the subject property is a continuation of Lavaca Street and is perhaps the heaviest travelled alley in Austin. Access to the proposed new structures will be from the alley which will not increase the already existing traffic. The structure is to be built of concrete blocks and will be similar to other buildings along this alley. There are garage apartments on almost all of the lots along the alley. Mr. Martin stated that he does not have any desire to rezone the entire lot as the rear portion of the property is where the change is needed.

Mr. Stevens advised the applicant that an "LR" Local Retail zoning would be required to cover the broad range of uses that is proposed; although, "O" Office zoning would be proper to cover the rental parking. The problem is that access will have to be from University Avenue. It is a requirement that a lot and improvements thereon have frontage on a street rather than an alley.

Mr. Martin requested that this application be amended to "LR" Local Retail.

## Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request. They stated that University Avenue is developed with dormitories, sororities and apartments and any commercial zoning along this street would be an intrusion. Mr. Martin has a 5 unit apartment house developed on his lot at the present time. They further stated that University Avenue is the last attractive entrance into the University area and the requested zoning would be detrimental.

C14-67-14 M. S. Martin--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amended application.

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M. S. Martin for a change of zoning from "B" Residence, Second Height and Area to "LR" Local Retail, Second Height and Area (as amended) for property located at 1902 University Avenue be DENIED.

C14-67-15 Frostex Frozen Foods Co.: D, 6th & A, 1st to D, 6th  
1013-1179A Springdale Road

STAFF REPORT: This application covers approximately 3½ acres of undeveloped land. The stated purpose of the application is for the construction of a Frozen Food Warehouse and other future industrial applications. The subject property has approximately 900 feet of frontage along Springdale Road and is 150 feet deep. "C" Commercial is adjacent to the subject property to the north and "D" Industrial zoning is established on property adjoining to the east and south. "A", "B", and "D", zoning is established on property across Springdale Road. Springdale Road is the eastern boundary of the General Neighborhood Renewal Plan and a portion of the area will eventually be designated for industrial uses.

Springdale Road, with a present right-of-way of 50 feet is scheduled to be widened to 80 feet. Fifteen feet of right-of-way will be required from both sides of the street. The Capital Improvements Program tentatively schedules the acquisition of this right-of-way in 1969. Springdale Road, north of Airport Boulevard, is scheduled to be paved later this year.

Mr. Stevens advised the Committee that there may be a problem with this request because of the Master Plan requirements for the area. Mr. Glenn Cortez, Assistant City Attorney, stated that the Master Plan shows this area as commercial and semi-industrial. The staff has generally taken this to mean "C" Commercial or "DL" type zoning; although there is no precise zoning. There being no precise designation, it is felt that this would be acceptable as the stated purpose is similar to "C" or "DL" type zoning.

Mr. Stevens stated that the staff would be in favor of the request as it is not in conflict with the Master Plan requirements for the area and because of the existing zoning pattern; however, the staff feels the request should be denied because of the inadequate right-of-way of Springdale Road.

C14-67-15 Frostex Frozen Foods Co.--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

D	Missouri-Kansas-Texas Railroad: 2819 Humble Bldg.	FOR
AA	Otto G. Rodhe: 1116 Springdale Road	FOR
M	J. A. Caperton: 1110 Springdale Road	FOR
AE	Standard Mortgage Company: P.O. Box 1987	FOR
Q	Morgan L. Pearce: 811 Capital Natl. Bank Bldg.	FOR

## PERSONS APPEARING AT HEARING

## Code

Arthur Boone (representing applicant)	FOR
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## SUMMARY OF TESTIMONY

Mr. Arthur Boone, president of Frostex Foods, appeared in favor of this request. He stated that the subject property is part of a 10 acre tract they own. The property was purchased so that a new food distribution plant could be built. The building is to be a modern masonry warehouse with ample off-street parking. The proposal is to locate the building approximately 80 to 100 feet behind the present right-of-way line. "D" Industrial zoning is requested on the subject property so that the entire 10 acre tract will have the same classification. The required 15 feet of right-of-way is agreeable.

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 the inadequate right-of-way of Springdale Road; however, they stated they would look with favor on this request if the street is made adequate as the requested zoning is a logical extension of existing zoning.

At the Commission meeting, the staff reported that the applicant has agreed to dedicate the necessary right-of-way for Springdale Road. The Commission then

VOTED: To recommend that the request of Frostex Frozen Foods Company for a change of zoning from "D" Industrial, Sixth Height and Area and "A" Residential, First Height and Area to "D" Industrial, Sixth Height and Area for property located at 1013-1179A Springdale Road be GRANTED.

C14-67-16      Jerry Kasper: A, 1st to C, 6th  
                  6211-6215 Kasper Street  
                  1900 and 1904-1908 Montopolis Drive  
                  6212-6216 Riverside Drive  
                  6205-6209 Kasper Street  
                  6206-6210 Riverside Drive

STAFF REPORT: This site consists of 64,950 square feet and is developed with a single-family dwelling. The stated purpose of the application is for commercial development. The subject property has frontage along Riverside Drive, Montopolis Drive and Kasper Street. "C" Commercial, Sixth Height and Area zoning is established on one lot that adjoins the subject property on three sides. This zoning was established in 1953. "A" Residential zoning and development is established to the west and north of the subject property.

Kasper Street has only 25 feet of right-of-way at one point in front of the subject property and 50 feet of right-of-way otherwise. If the zoning change is granted, the staff feels Kasper Street should be widened to 50 or 60 feet which would require 25 feet from the subject property at one point. Montopolis Drive, with 45 feet of right-of-way, is a neighborhood collector street that is scheduled to be widened to 70 feet. The right-of-way for Montopolis Drive has been set at 70 feet. The alignment has been set as being 35 feet from either side of the present center line. This will effect the subject property by approximately 14 feet. Widening is also planned for Riverside Drive although this will come from the south side of the street and will not effect the subject property.

The staff would have no objection to the zoning change with the exception of the right-of-way problems, although it is felt that the north portion of the property should remain residential "A" so as to provide a buffer between the commercial development and the residential development. It is also felt that if all of the subject property is zoned, the entire block will eventually follow.

#### TESTIMONY

#### WRITTEN COMMENT

Code

none

#### PERSONS APPEARING AT HEARING

Code

A	Jerry Kasper (applicant)
?	Harry Montandon (representing applicant)
?	W. A. Irvin: 1013 East 38½ Street

FOR  
 FOR  
 AGAINST



C14-67-16      Jerry Kasper--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Harry Montandon, representing the applicant, offered the following information: This is a request for the extension of an already existing "C" Commercial zone. The applicant is agreeable to dedicating right-of-way for Kasper Street and it is felt that he will work with the City concerning the right-of-way for Montopolis Drive.

Mr. Wroe asked Mr. Montandon how the applicant would feel about leaving the north portion of property as residential "A" in order to provide a buffer. Mr. Montandon stated that this would be acceptable.

## Arguments Presented AGAINST:

Mr. Bill Irwin, representing the Austin Baptist Association, stated that the Association owns the property to the north and there are plans to develop the property into an active mission with day care facilities. There is no concern about whether or not the property is zoned commercial although there is concern about the type of commercial as this development will be across from the day care activity.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of the inadequacies of the streets; however, the Committee stated they would be in favor of granting "C" Commercial, Sixth Height and Area zoning to the subject property, with the exception of the north 92 feet of the west 150 feet of the property, as the property is located at the intersection of two major streets, and because of the existing "C" Commercial, Sixth Height and Area zoning within the block.

At the Commission meeting, Mr. Montandon, representing the applicant, stated that the applicant is agreeable to dedicating the necessary rights-of-way for widening Kasper Street and Montopolis Drive.

The Commission was cognizant of the applicant's offer of dedication. They felt that "C" Commercial, Sixth Height and Area zoning should be granted to the subject property, with the exception of the north 92 feet of the west 150 feet of the property, with the understanding that the applicant will submit a letter to the City Council dedicating the necessary right-of-way. It was then

VOTED: To recommend that the request of Jerry Kasper for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Sixth Height and Area for property located at 6206-6216 Riverside Drive, 1904-1908 & 1900 Montopolis Drive and 6205-6215 Kasper Street be GRANTED with the exception of the north 92 feet of the west 150 feet of the property that shall remain Residential "A".

C14-67-17      Arthur Gene Howard: C to C-2  
3113-3121 East 12th Street

STAFF REPORT: This application involves two lots totaling 27,380 square feet. The stated purpose of the application is for the sale of liquor for on-site consumption. The property is developed with a motel and a bar-be-que cafe. "C" Commercial zoning is established on property south of East 12th Street. To the north of East 12th Street is residential development. "C-2" zoning is established on property to the east along Airport Boulevard. The subject property is located in an area that is designated as part of the General Neighborhood Renewal Plan.

East 12th Street has 60 feet of right-of-way and is classified as a primary thoroughfare. The proposed right-of-way is to be 120 feet which will require 30 feet of widening from both sides of the street.

The staff raises no objection to the request as this is a well-defined commercial area; however, the Commission should note that the area is not well-developed commercially and that it has been the practice of the Commission to confine "C-2" zoning to only the area where the actual zoning is needed.

#### TESTIMONY

##### WRITTEN COMMENT

Code

V              Standard Mortgage Company: P.O. Box 1987              FOR

##### PERSONS APPEARING AT HEARING

Code

A              Arthur Gene Howard (applicant)              FOR

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he realizes that he is in the Urban Renewal area. There are no plans to build any new structures; the existing structures will be used.

Mr. Brunson asked Mr. Howard if he had any objection to confining the "C-2" zoning to the building only. The applicant stated that this would be agreeable.

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; however, they stated they would be in favor of the request when the applicant submits field notes describing the exact location the "C-2" zoning is needed, as this is a well-defined commercial area.

C14-67-17      Arthur Gene Howard--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of Arthur Gene Howard for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 3113-3121 East 12th Street be DENIED.

C14-67-18      John Tabor: A to GR  
2121-2139 Ben White Boulevard  
2120-2138 Redd Street

STAFF REPORT: This application covers an area of approximately 3 acres that is developed with a single-family dwelling. The stated purpose of the application is for additional parking for the Gibson Product Company and for future commercial expansion. The area is developed with a mixed zoning pattern consisting of "C", "GR", and "A". In 1965, a request for "GR" zoning was made on property adjoining the subject property to the east, at which time the Commission felt that "GR" should be granted with the exception of an 85 foot strip along Redd Street. It was felt that this 85 foot strip should be zoned "B" for buffer purposes. Ten feet of right-of-way was provided from that property for the widening of Redd Street. The staff is in favor of the requested zoning, however, it is felt that "B" should be established on the south 85 feet of the subject property for buffer purposes. It is also recommended that "O" Office be established on the west 30 feet, adjacent to the residential lots, so as to provide some protection for the residences abutting the subject property. The 30 foot "O" buffer strip could be used for parking.

Redd Street, with 50 feet of right-of-way in front of the subject property, is inadequate and should be widened to 60 feet. Ten feet of right-of-way is needed from the subject property so that the alignment of Redd Street will conform with 10 feet which was dedicated from property adjoining to the east.

TESTIMONY

WRITTEN COMMENT

Code

L	William Joe Gage: 4505 Pack Saddle Pass	FOR
N	Stanley Kornfuehrer: 4501 Pack Saddle Pass	AGAINST

PERSONS APPEARING AT HEARING

Code

Russell Rowland (representing applicant)

SUMMARY OF TESTIMONY

Mr. Russell Rowland, representing the applicant, presented the following information: The subject property is under contract contingent upon the

C14-67-18      John Tabor--contd.

requested zoning change. Gibson Discount Store is presently being developed on property adjoining to the east and the subject property was purchased so as to provide protection for this tract. Even though the parking provided on the adjoining tract is adequate, under City requirements, it is felt that the subject property can be used for parking and future expansion. There is no objection to zoning the south 85 feet of the property "B" as this can be utilized for parking; however, it is felt that "O" Office zoning is not needed on the west 30 feet of the property as a buffer zone was not established when "GR" zoning was granted at the intersection of Pack Saddle Pass and Ben White Boulevard. There are fences along the back property line of the residential lots.

Mr. Rowland asked if the "O" Office zoning would permit the applicant to build offices some 30 feet deep fronting onto the parking lot. Mr. Stevens stated that a special permit would be necessary for any use heavier than what is permitted under the "O" district. It is felt that "O" zoning is proper for the east 30 feet as the 5 residential lots are deed restricting and cannot go to a commercial use and some protection should be provided.

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 with the exception of an 85 foot strip along Redd Street and a 30 foot strip abutting the residential lots to the west. The Committee felt that "B" Residence zoning should be granted on the south 85 feet of the property for buffer purposes and that "O" Office zoning should be granted on the 30 foot strip to the west, in order to protect the existing residences.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John Tabor for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2121-2139 Ben White Boulevard and 2120-2138 Redd Street be GRANTED with the exception of the south 85 feet of the property which should be zoned "B" Residence and the west 30 feet of the property that should be zoned "O" Office, First Height and Area.

C14-67-19      Fred B. Werkenthin, Trustee: BB to C  
2219-2225 Swisher Street  
901-909 East 23rd Street  
Add'n Area: 2211-2217 Swisher Street

STAFF REPORT: This site consists of 12,285 square feet and is developed with a single-family dwelling. Property adjoining to the south, containing the same footage, has been included as additional area. The zoning change is requested so that the property can be made available for commercial uses.

C14-67-19 Fred B. Werkenthin--contd.

The Lyndon B. Johnson Library is to be developed on a large area to the northwest of the subject property. The proposed University East Expansion Program will include property located between Red River and Comal Streets and south to 19th Street. This area is developed with high-density residential development. "C" Commercial zoning and development is established to the east along the Interregional Highway.

The subject property is located at the intersection of East 23rd and Swisher Streets. Both streets have 50 feet of right-of-way which is inadequate to serve commercial property. The staff recommends the request be denied as the site does not have highway frontage and as the streets serving the site are inadequate and because the requested zoning would be an encroachment into a high-density residential area serving the University.

#### TESTIMONY

##### WRITTEN COMMENT

Code

none

##### PERSONS APPEARING AT HEARING

Code

Bob Shannon (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Bob Shannon, Trustee for the Villa Capri Motor Hotel, stated that the University of Texas has acquired property that was owned by the Villa Capri and used for their accounting office. This change is requested so that the subject property can be utilized for the accounting department for the restaurant. There would not be many cars in and out of the area so this would not create a traffic hazard.

Mr. Stevens advised the applicant, at the Committee's request, that the proposed use would be permitted under the "O" Office classification. Mr. Shannon stated that he would discuss this classification with his client to see if this would suffice for the proposed use.

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 referred to the Full Commission pending a report from the applicant towards amending the application to "O" Office. The Committee felt that "O" Office development would not affect the streets as much as the original request.

C14-67-19      Fred B. Werkenthin--contd.

At the Commission meeting, Mr. Stevens reported that he has talked to Mr. Bob Shannon, representing the applicant, and stated that they wish to continue the request for "C" Commercial zoning. At the zoning Committee meeting, the staff was concerned about bringing separate commercial facilities onto Swisher and East 23rd Streets as both streets are inadequate; however, the applicant proposes to use the subject property for the expansion of the Villa Capri facilities, which has frontage on the Interregional Highway. The staff feels this will not create any more traffic than "O" Office zoning.

Mr. Riley stated that streets serving commercial property should have 60 feet of right-of-way. Property is not zoned for use as there is not control over what can be developed once zoning is granted.

A majority of the Commission felt that there is a trend toward commercial zoning in this area. They noted that "C" Commercial zoning exists to the south, north and east and felt that the requested zoning is logical. It was therefore.

VOTED: To recommend that the request of Fred B. Werkenthin, Trustee for a change of zoning from "BB" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 2219-2225 Swisher Street and 901-909 East 23rd Street and the additional area located at 2211-2217 Swisher Street be GRANTED.

AYE: Messrs. Lewis, Brunson, Anderson, Bluestein and Wroe  
 NAY: Mr. Riley  
 ABSENT: Messrs. Jackson and Hendrickson

(DISQUALIFIED: Mr. Goodman)

<u>C14-67-20</u>	<u>Robert L. Wetmore: A to B</u> 1608 West 39½ Street
<u>C14-67-21</u>	<u>Henry Wetzel, Jr.: A to B</u> 1610 West 39½ Street 3911-3913 Shoal Creek Boulevard

STAFF REPORT: This is two separate applications, by separate owners, for a change of zoning on property located on West 39½ Street. Case C14-67-20 involves an 8,442 square foot lot, developed with a single-family dwelling and Case C14-67-21 involves 14,175 square feet that is also developed with a single-family dwelling. The larger lot is located at the corner of Shoal Creek Boulevard and West 39½ Street and the small lot adjoins to the east. The stated purpose of both applications is for apartments. Mr. Henry Wetzel, Jr., owner of the large lot, also owns property adjoining to the north.

The proposed zoning would permit a maximum of 4 regular apartment units on the small lot and a maximum of 7 regular apartment units on the large lot. There is mixed zoning in the area consisting of "O", "B" and "A". The

C14-67-20 Robert L. Wetmore--contd.  
C14-67-21 Henry Wetzel, Jr.--contd.

staff has no objection to the requested zoning as "B" zoning is already established in the area; however, the staff does question the conversion of West 39½ Street as it appears to be a well-maintained residential street. If "B" zoning is extended down this street, it will set a precedent and other lots along the street may follow.

If the zoning is granted, the staff feels that West 39½ Street, with an existing right-of-way of 50 feet, should be widened. This would require at least 5 feet from the property under consideration.

TESTIMONY

WRITTEN COMMENT (Cases C14-67-20 & C14-67-21)

Code		
J	Mrs. Frieda Dittrich: Case C14-67-20	
	1509 West 40th Street	AGAINST
V	Mr. & Mrs. Joe L. Jackson: 1605 West 39½ Street	FOR
W	Mr. & Mrs. James W. Brown: 1603 West 39½ Street	FOR
AU	Forrest J. Cherico: 6007 Bullard	FOR

PERSONS APPEARING AT HEARING (Case C14-67-20 & C14-67-21)

Code		
	John B. Selman (representing applicant)	
?	William O. Doctorman: 308 West 15th Street	FOR

SUMMARY OF TESTIMONY

Mr. John Selman, representing both of the applicants, stated that his clients would be agreeable to dedicating 5 feet of land for widening of East 39½ Street, if the property is rezoned, because it would provide more access for the proposed development. The Seton Hospital complex is located in this area and it is felt that because of this there has been a precedent set. There is apartment zoning existing on several sides of the property under consideration and the requested zoning is a logical expansion. The entire area is making a tremendous change because of the medical building, consisting of 7 or 8 stories, that is under construction in this area.

Mr. Selman presented a map showing the number of apartments and duplexes in the area. A precedent has been set in the area and it is requested that the zoning be changed on the property under consideration as this would provide more economical and better use of the land. The proposed development on the property will be an asset to the area. The existing structures will be torn down.

No one appeared in opposition to the request.

C14-67-20 Robert L. Wetmore--contd.  
 C14-67-21 Henry Wetzel, Jr.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded these requests should be denied as West 39½ Street is inadequate; however, they stated they would be in favor of the change if the street is made adequate because of the zoning pattern established in the area and because of the near proximity to the proposed Seton Hospital complex.

At the Commission meeting, the staff reported Mr. Robert L. Wetmore and Mr. Henry Wetzel, Jr. have submitted letters offering to dedicate 5 feet of right-of-way, from the property under consideration, for the widening of West 39½ Street.

The Commission unanimously

VOTED: To recommend that the request of Robert L. Wetmore for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1608 West 39½ Street and the request of Henry Wetzel, Jr. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1610 West 39½ Street and 3911-3913 Shoal Creek Boulevard be GRANTED.

C14-67-22 Kate Newman: A to BB  
 2802-2902 Del Curto Road  
 Rear of 2802-2902 Del Curto Road

STAFF REPORT: This application involves 2.08 acres of land that is developed with a single-family dwelling. The stated purpose of the application is for the construction of quadraplexes and triplexes. The proposed zoning would permit a maximum of 45 regular apartment units or 60 apartment hotel units. The subject property, fronting onto Del Curto Road, is a large wooded tract of land with a creek running through it. "C" Commercial zoning is established on property adjacent to the west that fronts onto Manachaca Road. Del Curto Road is developed with well-maintained residences that are on large tracts of land. Residential development is still occurring on this street. The property is large enough to support duplex development as it can be so subdivided.

Barton Skyway, with 90 feet of right-of-way, is proposed to the south and will extend from South Lamar Boulevard to the Interregional Highway. This street has not been developed. Del Curto Road, with 40 feet of right-of-way needs to be widened and this will affect the subject property by 10 feet. The staff recommends that this request be denied as this is a residential area that is continuing to build. The requested zoning would be inconsistent with the type of development that is established.



C14-67-22 Kate Newman--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

P	Mrs. Art Smith: 2811 Del Curto Road	AGAINST
G	Jimmy Lee Brookes: 2800 Del Curto Road	AGAINST
S	Alva Prewitt: 2707 Del Curto Road	AGAINST
D	Mrs. H. D. Rotsch: 2908 Del Curto Road	AGAINST
C	T. M. Lasseter: 3000 Del Curto Road	AGAINST
N	Joseph D. Castle: 2901 Del Curto Road	AGAINST
L	Ford E. Lowcock: 2704 Del Curto Road	AGAINST
H	Norman Kennedy: 2712 Del Curto Road	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Jim Newman (representing applicant)	
?	Mrs. Henry Tomlin, Jr.: 3012 Del Curto Road	AGAINST
K	Jack O'Bannon: 2706 Del Curto Road	AGAINST
K	Mrs. Jack O'Bannon: 2706 Del Curto Road	AGAINST
C	Tom Lasseter: 3000 Del Curto Road	AGAINST
C	Mrs. Tom Lasseter: 3000 Del Curto Road	AGAINST
D	Mrs. Rotsch: 2908 Del Curto Road	AGAINST
S	Alva Prewitt: 2707 Del Curto Road	AGAINST
H	Norman Kennedy: 2712 Del Curto Road	AGAINST
H	Mrs. Norman Kennedy: 2712 Del Curto Road	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Jim Newman, representing the applicant, stated that the subject property is a homestead. It is a beautiful piece of land that needs to be developed. The proposed development would consist of 30 or 40 very attractive and expensive triplexes and quadraplexes that would be an asset to the area. If the request is not granted, there is a possibility that the property can be subdivided and a street dedicated. The property can then be developed with a number of duplexes. There is no objection to dedicating 10 feet of right-of-way for there will be no structures built any closer to the street than 60 or 70 feet.

## Arguments Presented AGAINST:

Seven nearby property owners appeared in opposition to the request. They stated that the home-owners along this street moved into this area because it is one of the urban residential subdivisions in Austin. All of the homes are on very large deep lots. The requested zoning would be piece-meal zoning and would not enhance or upgrade any property in the area. High density development would be inconsistent with existing pattern. Del Curto Road is a very narrow street but it is adequate for the existing residential development; however, it would not be adequate for high-density development.

C14-67-22      Kate Newman--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as Del Curto Road is inadequate to serve the proposed development, and because this area is residential in character.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Kate Newman for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located 2802-2902 Del Curto Road be DENIED.

(DISQUALIFIED: Messrs. Riley and Brunson)

C14-67-23      Terrell Timmermann: A to B  
                  5308-5310 Chesterfield  
                  301 Franklin Boulevard

STAFF REPORT: This site, consisting of 7,125 square feet, is located at the interesection of Franklin Boulevard and Chesterfield Avenue. The stated purpose of the application is for apartments. "C" Commercial zoning is established on property south of North Loop Boulevard and is developed with a cleaners, barber shop, beauty shop, and dance studio. "O" Office zoning and development is established at the intersection of North Loop Boulevard and Leralynn Street. Residential development is established to the north-east and west. An application for "B" Residence zoning was made on the subject property and on property adjoining to the south in 1964, at which time the Committee was concerned with the intrusion of apartments on the rear portion of the site, now the subject property, into the residential area and with the access off of Franklin Boulevard. They were in favor of granting "B" Residence for the front portion with access from North Loop Boulevard and felt that the rear should remain as "A" for single or two-family development. At the Commission meeting, the applicant submitted a letter requesting that the rear portion of the application be withdrawn. "B" Residence zoning was granted on the property fronting onto North Loop Boulevard. There is a drainage ditch in this area that runs along the east portion of the subject property. The staff feels that the granting of "B" on the subject property would tend to set a precedent of strip zoning along Chesterfield Avenue and Franklin Boulevard. If the zoning is granted, five feet of widening would be needed for Chesterfield Avenue; however, if the widening is required from the subject property, it would probably be in the middle of the creek bed, which puts the burden of additional right-of-way on the property owners across Chesterfield Avenue. Franklin Boulevard, with 50 feet of right-of-way, also needs to be widened. The staff recommends that this request be denied as it is felt that the existing zoning pattern is proper, this would be an encroachment into a residential area, and the streets are inadequate and present difficulties in widening due to the existing creek bed.

C14-67-23      Terrell Timmermann--contd.

TESTIMONY

WRITTEN COMMENT

Code

AP      William Joe Gage: 4505 Pack Saddle Pass  
AY      Alvin W. Nord: 5305 Chesterfield

FOR  
AGAINST

PERSONS APPEARING AT HEARING

Code

R. J. Potts (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Robert Potts, representing the applicant, stated that the subject property is a vacant lot and the entire east portion of the property is in the drainageway. The applicant feels that the subject property is not appropriate for residential use because of the creek bed running along the side. It is essentially an unuseable piece of ground without a higher zoning classification.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this requested should be denied as this would be an intrusion into a residential area and because access to the property would be from Franklin Boulevard which has inadequate right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Terrell Timmermann for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5308-5310 Chesterfield Avenue and 301 Franklin Boulevard be DENIED.

C14-67-24      F. Y. Herrin: C to C-2  
1327-1329 South Congress (1311 So. Congress)  
1306 The Circle

STAFF REPORT: This application covers 6,300 square feet and is developed with a vacant building. The stated purpose of the application is for a package store. South Congress Avenue, zoned with "C" and "C-2" classifications, is a well-established commercial area. It is the practice of the Commission to grant "C-2" zoning in well-established and well-defined commercial areas; however, the "C-2" zoning is usually confined to the exact location needing this classification.

C14-67-24 F. Y. Herrin--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

Z Ruth R. Crawford: 1410 So. Congress Avenue  
 K Kelly McAdams: 1425 Preston Avenue

AGAINST  
 FOR

## PERSONS APPEARING AT HEARING

## Code

A F. Y. Herrin (applicant)

FOR

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the existing building on the property is 150 feet deep. The triangular portion of the property behind the building is used for parking. The existing building has been vacant for sometime and this change is requested so that the building can be rented to a retail package store.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as this is a well-defined and well-developed commercial area; however, they stated that the requested "C-2" zoning should be granted only to the existing 150 foot building, fronting onto South Congress.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of F. Y. Herrin for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1327-1329 South Congress (1311 So. Congress) and 1306 The Circle be GRANTED only for the existing 150 foot building fronting onto South Congress Avenue.

C14-67-25 Mamie C. Bourke: A to B  
 5611 Woodrow Avenue  
 (5623 Woodrow Avenue)

STAFF REPORT: This application covers an area of 15,326 square feet and is developed with a single-family dwelling. The stated purpose of the application is for apartments. The proposed zoning would permit a maximum of seven regular apartment units on the subject property. The surrounding area is predominantly residential. "B" and "LR" zoning is established to the east on Roosevelt Avenue and "C" Commercial zoning is established on property to the northeast which is developed with a bowling alley.

C14-67-25 Mamie C. Bourke--contd.

Woodrow Avenue, with 50 feet of right-of-way, is proposed to be widened to 80 feet. This will require 15 feet from the subject property. The staff recommends that this request be denied as this would be an intrusion into a residential area and if granted, would tend to set a precedent of strip zoning along Woodrow Avenue.

## TESTIMONY

## WRITTEN COMMENT

## Code

V	Primitive Baptist Church: 915 East 52nd Street	FOR
AL	Bailey & Carpenter: 5700 Grover	FOR
L	C. H. Carpenter: 5612 Roosevelt	FOR

## PERSONS APPEARING AT HEARING

## Code

A	Mamie C. Bourke (applicant)	FOR
	John B. Selman (representing applicant)	FOR

## SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that there is "C" Commercial zoning to the east that is developed with a bowling alley and a very large parking area. "LR" zoning is established to the south along Roosevelt Avenue and "B" zoning is established on property between Roosevelt Avenue and Grover Avenue. McCallum High School is on property east of Grover Avenue. The houses in this area are modest and the proposed development would be an asset to the area. Woodrow Avenue is a well-traveled street and apartment zoning is a logical use for the property in this 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 denied as the requested zoning would be an intrusion into a residential area.

At the Commission meeting, the staff reported a letter from Mr. John Selman, representing the applicant, stating that the applicant agrees to dedicate 15 feet of right-of-way for the widening of Woodrow Avenue.

The Commission was cognizant of the offer of dedication, but felt this request should be denied as this is a residential area and the requested zoning would be an intrusion.

C14-67-25 Mamie C. Bourke--contd.

It was therefore

VOTED: To recommend that the request of Mamie C. Bourke for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5611 Woodrow Avenue (5623 Woodrow Avenue) be DENIED.

C14-67-26 Richard W. Pohl, et al: A, 1st to LR, 2nd  
 2405-2511 & 2701-2807 West 35th Street  
 3428-2616 & 2700-2904 West 35th Street  
 3413-3425 & 3501-3513 Exposition Boulevard  
 3418-3428 & 3500-3512 Exposition Boulevard

STAFF REPORT: This application, covering 8.32 acres of land, is made by 16 different property owners. The property contains 20 parcels of land that has been divided into four tracts. The stated purpose of the application is for the construction of a shopping center and other local retail establishments. The subject property is located at the intersection of Exposition Boulevard and West 35th Street. All of the property, to the north of West 35th Street, backs up to Camp Mabry, and one of the lots is adjacent to State owned property located to the east. The Austin State School is located to the south and adjoins a portion of the subject property. Jefferson Street to the east has a number of commercial facilities but this development is approximately 2/3 of a mile from the subject property. To the west and southwest is residential development, with the exception of a commercial corner at the intersection of Pecos and West 35th Street that is developed with a drive-in grocery. There is a new residential subdivision to the north and also along Balcones Road.

Exposition Boulevard, with a present right-of-way of 60 feet, is proposed to be widened to 70 feet. The alignment is set and an additional 10 feet of widening will be required from the east side of the street. Thirty-fifth Street, with a present right-of-way of 60 feet, is a proposed throughfare which is to be widened to 90 feet requiring 10 feet from the south side of the street and 20 feet from the north in order to bring the street to the planned standard.

The 1964 traffic count indicated that this intersection had approximately 9,500 cars per day. The 1966 traffic count indicates approximately 12,255 cars per day. The staff recognizes the increased traffic count is a condition of change for the subject properties and very probably presents problems for the subject property as presently used. It is felt however, that changing the zoning as requested would have a detrimental and blighting affect on the good housing located to the south and southwest. Traffic circulation will be carried to some degree by the existing residential streets. If the subject property is zoned commercial, other land owners will feel the burden of abutting commercial facilities and will want to expand the zoning.

C14-67-26 Richard W. Pohl, et al--contd.

The staff realizes there is some merit in a zoning change, particularly for the land abutting State property, but it is felt this should be a low-density townhouse type development or apartment development with control of the site. At this time, there is no provision in the Ordinance for this type of development.

The staff recommends the request be denied as the streets are inadequate for commercial use, the parcels are irregular in shape which would present problems of access, and this would be an intrusion into a well-developed residential area existing to the southwest.

Mr. Wroe asked the staff about the status of the unopened street north of West 35th Street extending into Camp Mabry. Mr. Stevens informed the Committee that Camp Mabry claims, by letter, that this street belongs to them and it is 80 feet wide. It is their stated intention to use this street for egress and ingress into the Camp Mabry area.

## TESTIMONY

## WRITTEN COMMENT

## Code

AB	Robert L. McKinney: Fort Lee, Virginia	AGAINST
?	R. H. "Dick" Einck: 305 West 6th Street	FOR
?	C. B. Carpenter: Municipal Air Terminal	FOR
?	John D. Barton: 201-A Capital Natl. Bank Bldg.	FOR
?	Harry E. Montandon: 2412 North Interregional	FOR
?	Robert L. Smithers	FOR
?	Charles A. Beth	FOR
?	Conway Taylor	FOR
?	A. S. Duncan	FOR
?	Glen E. Lewis: 201 E. San Antonio, Lockhart	FOR
?	David H. & Marckell F. Thomas: 3200 Hillview Rd.	AGAINST
AB	C. H. McCuiston, M.D.: 3A Medical Arts Square	AGAINST
?	Charles C. Pickle, Jr.: 2710 Carlton Road	AGAINST
T	Hilton H. Hagan: 2704 Warren Street	AGAINST
AR	Mrs. Helen B. Burleson: 2703 Warren Street	AGAINST
?	J. D. Newberry: 2803 Mt. Laurel Drive	AGAINST
?	William J. Wise: 3300 Jamesborough	AGAINST
?	Mr. & Mrs. H. G. Steen: 3301 Jamesborough	AGAINST
?	W. R. Devine: 3204 Hillview Road	AGAINST
?	Dr. & Mrs. Lester J. Reed: 3502 Balcones Drive	AGAINST
?	Wallace H. Scott, Jr.: 609 Perry-Brooks Bldg.	AGAINST
AV	Mr. & Mrs. P. M. Helms: 3406 Hillview Road	AGAINST
?	Mr. & Mrs. Charles L. New: 3318 Pecos	AGAINST
?	Mr. & Mrs. Howard E. Brown: 3504 Balcones Drive	AGAINST
?	Mr. & Mrs. Norris W. Parker: 3501 Balcones Drive	AGAINST
AD	Westminster Presbyterian Church: Exposition at Carlton Road	AGAINST
AS	Harvey Roberts: 3410 Hillview Road	AGAINST
?	Dale & Madel Whitson: 2804 Carlton Road	AGAINST

C14-67-26 Richard Pohl, et al--contd.

AR	Dan J. Driscoll: 3416 Hillview Road	AGAINST
AQ	Blanche L. & Fred W. Edmiston: 2803 West 35th St.	AGAINST
?	William B. Chapman: 104 Westhaven Drive	AGAINST
AT	Mr. & Mrs. E. T. Livingston, Jr.: 3408 Hillview	AGAINST
?	B. Iden Payne: 2708 Carlton Road	AGAINST
?	W. S. Gatewood: 3000 Exposition Boulevard	AGAINST
?	Mrs. W. S. Gatewood: 3000 Exposition Boulevard	AGAINST
AA	James B. Atlee: 3411 Hillview Road	AGAINST
H	Otis E. Tucker: 7009 Gorver	FOR
U	Mr. & Mrs. Ted E. Norton: 2800 Warren Street	AGAINST
Z	Eloise Roach: 3409 Hillview Road	AGAINST
AX	R. K. Webster: Adjutant General's Dept.	AGAINST
R	John J. McKay: 204 Perry-Brooks Building	AGAINST
V	Thelma J. Pohl: 601 Roosevelt Ave., Council Bluff, Iowa	FOR
AG	C. E. Reeves: 2805 Warren Street	AGAINST
AV	Gilbert S. Bradley: 3402 Hillview Road	AGAINST
AJ	Robert & Claire Breihan: 2705 Warren Street	AGAINST
	(1 petition, 4 signatures)	FOR
	(1 petition, 151 signatures)	AGAINST

## PERSONS APPEARING AT HEARING

## Code

E	Richard Pohl (applicant)	FOR
	Dan Moody, Jr. (representing applicant)	FOR
	Will Garwood (representing applicant)	FOR
G	Josie E. Champion: 3406 Glenview	FOR
G	Mrs. C. C. Champion: 3406 Glenview	FOR
P	Alfonze L. Nelson: 3407 Exposition	FOR
P	Mrs. Alfonze L. Nelson: 3407 Exposition	FOR
P	Kristen Kay Nelson: 3407 Exposition	FOR
F	Adolph A. Miller: Box 40, Elgin, Texas	FOR
B	Mrs. John Rodriguez: 4600 Strass Drive	FOR
U	Mrs. Ted E. Norton: 2800 Warren Street	AGAINST
N	Elgean Shield: 3405 Exposition	FOR
N	Mrs. Elgean Shield: 3405 Exposition	FOR
N	Elgean Shield II: 3405 Exposition	FOR
N	Jerome Shield: 3405 Exposition	FOR
N	Suzy Shield: 3405 Exposition	FOR
AW	Lloyd Lochridge: 3400 Hillview Road	AGAINST
AF	F. Scott Lagrone: 3305 Hillview Road	AGAINST
AT	E. T. Livingston: 3408 Hillview Road	AGAINST
AJ	R. E. Breihan: 2705 Warren Street	AGAINST
E	Mrs. Richard Pohl: 3406 Exposition Boulevard	FOR
AR	Dan J. Driscoll: 3416 Hillview Road	AGAINST
AR	Mrs. Dan J. Driscoll: 3416 Hillview Road	AGAINST
AA	James B. Atlee: 3411 Hillview Road	AGAINST
AA	Mrs. James B. Atlee: 3411 Hillview Road	AGAINST
X	Mr. & Mrs. H. M. Oetting: 2808 Warren Street	AGAINST



C14-67-26 Richard Pohl, et al--contd.

AQ	Fred Ward Edmiston: 2803 West 35th Street	AGAINST
AQ	Blanch L. Edmiston: 2803 West 35th Street	AGAINST
H	Otis E. Tucker: 7009 Grover	FOR
D	Jeff Thompson: 2506 West 35th Street	FOR
D	Mrs. Jeff Thompson: 2506 West 35th Street	FOR
A	Mrs. Pearl McKarnin Acers: 2800 West 35th Street	FOR
B	John F. Rodriguez: 4600 Strass Drive	FOR
?	Thelma Grace Westbrook: 835 West 12th Street	FOR
?	Col. Albert A. Worrel: 2804-2806 Warren Street	AGAINST
?	W. S. Gatewood: 3000 Exposition	AGAINST
?	Mrs. W. S. Gatewood: 3000 Exposition	AGAINST
?	Mrs. Myra Lea Summers: 2713 Mt. Laurel Lane	AGAINST
?	George E. Ramsey, III: 2711 Mt. Laurel Lane	AGAINST
?	Harvey Roberts: 3410 Hillview Road	AGAINST
?	Mrs. Harvey Roberts: 3410 Hillview Road	AGAINST
?	Dale Whitson: 2804 Carlton Road	AGAINST
?	C. B. Carpernter: 5518 Helen Street	FOR
?	Madell Whitson: 2804 Carlton Road	AGAINST
?	Eloise Roach: 3409 Hillview Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Dan Moody, representing the applicants, presented numerous maps and photographs of the area. The following information was presented: This is an application by owners of 20 parcels of land, who are attempting to remedy a problem that is not of their making. A number of the subject property owners live on the tracts involved and most of them have owned this property for a number of years. In 1958 there was an application for "LR" zoning made on one of the subject parcels, north of West 35th Street. Most of the other subject property owners opposed the application feeling that the area should remain residential; however, now it is felt that times have changed and the property cannot stay residential. An application for "LR" zoning was made on a triangular portion of the subject property, north of West 35th Street, in 1966. The Commission recommended against the request by a split vote and the request was then withdrawn. There is a significant difference in that application and the present application. More area is included in this application and there is a unity of purpose. There are no plans as to what is going to be developed but it is the property owners intention and purpose to work together for an orderly and suitable development for the entire area. The property under consideration is split into many parcels but it is not the through that they will be used as single tracts. It is felt that this application should be granted because of a combination of conditions that are unique at this intersection. There has been a definite and most significant change in the area over the years. The traffic count at this intersection in 1958 was approximately 2,000 cars per day. In 1966, the figure increased to approximately 12,000 cars per day. This is a six-fold increase in only eight years. This intersection is considered as one of the major intersections of the City of Austin.

C14-67-26      Richard Pohl, et al--contd.

There are other commercial developments in this general area but they are not located at the intersection of two major streets. A 1950 aerial photograph of the area shows that this was a rural residential area. A 1966 aerial photograph shows that a great deal of development has taken place in that 15 year period. Development is still occurring in this area. Approximately 100 lots are being opened in the Herman Brown Subdivision to the north.

This area has changed considerably, not through the action of the applicants, but around them. They have now become located at the intersection of two major arteries serving the northwest section of town. All of the people protesting this application have contributed to this growth causing a great increase in traffic. The subject property is unique in the sense that it is surrounded by a large degree of natural boundaries as a major portion of the property abuts State owned property. There is multi-family uses and duplex development in this area that is continuing to expand. The perimeter of the property under consideration is some 2,770 feet of which only 6% abuts single-family, owner-occupied dwellings. The total area involved in this application is equal to or larger in size than many other commercial developments in the City.

Mr. Moody submitted a number of letters from real estate agents in Austin stating that it is their opinion this property is no longer suitable for residential purposes. At least two of the tracts have been listed for sale for sometime and no one will buy the property for residential development. The subject property is deteriorating as the owners cannot justify the expenditure of money on fixing these residences because they feel they are no longer in a residential area. The proposed development will not harm the view of the residences to the south and southwest as the view in the area is generally towards the west. It is felt that the requested zoning will permit a very nice shopping center for the people in the area. If the request is denied it will prevent the applicants from the highest and best use of their property.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request for the following reasons:

1. This is a well-established residential area that should be maintained.
2. There is not a need for another commercial center as there are 3 or 4 in the very near vicinity.
3. The residential property in the area will depreciate in value if the proposed encroachment is allowed.
4. There are many families with small children in this area and the proximity of retail facilities and the increased traffic resulting would not be in the best interest of these families.
5. The proposed zoning would detract from the pleasant, peaceful atmosphere of the neighborhood.

C14-67-26      Richard W. Pohl, et al--contd.

6. The traffic hazard at this intersection is extremely dangerous and the requested zoning of property to commercial would cause an even greater hazard.
7. Traffic passing through this area will be funneled through the existing residential streets that are not adequate for this use.
8. The view of the hills to the northwest will be destroyed if this development is allowed.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning would not be in keeping with the residential character of the area and the street pattern cannot support the proposed intensive use of the property. The Committee noted the continuing development and upgrading of the neighborhood.

At the Commission meeting, Mr. Osborne stated that it is his understanding that the staff pointed out, at the Zoning Committee meeting, the possible zoning of at least a portion of the subject property for low density apartment development. This area has unique problems attached which have some bearing with respect to apartment zoning. These problems should be reiterated so that the Commission will have an opportunity to determine whether or not "B" First Height and Area zoning should be considered for a portion of the property. From the staff's standpoint, it is felt that the area to the north of 35th Street should bear some consideration towards apartment zoning as it is bounded on the north by Camp Mabry and on the south by the heavily traveled 35th Street. The area to the southeast of the intersection, in general along 35th Street and abutting the State School Property should also be considered for this type zoning. This portion of the property offers the greatest potential for "B" zoning. The area on the southwest side of the intersection presents many problems as it is adjacent to a substantial single-family area which is still developing.

Mr. Brunson stated that the Zoning Committee discussed apartment zoning and felt that some relief, in the form of apartment zoning, could be granted to the lots on the north side of 35th Street and those abutting the State School property; however, the request was for "LR" zoning and the Committee felt that request should be denied.

Mr. Osborne stated that it is questionable as to whether or not the lots could be developed individually for apartment usage because of the size and shape. In affect, any apartment zoning in this area almost assumes that at some point there will be consolidation of lots. In general, most of the lots to the north of 35th Street could be developed with apartments. Mr. Wroe asked what affect a change in zoning would have on the undeveloped property to the west and north. Mr. Osborne said that a change in zoning could be used as a precedent although it would not necessarily be a precedent. The property to the north has problems as there is a creek in the area that would make single-family development rather difficult.

C14-67-26      Richard W. Pohl, et al--contd.

Mr. Brunson stated that the Committee was also concerned about the street pattern in the area. A great deal of study would have to be given to the street needs before a change to apartment zoning could be considered because of the increased traffic that would be generated. Mr. Osborne stated that street widening should occur in this area regardless of the zoning.

Mr. Goodman stated that his main concern is that the property is not under a single ownership and therefore the development of apartments could be spasmodic, particularly in view of the inadequate streets. The Austin Development Plan sets out a guide in that residential planning should require that neighborhoods be identified and planned for a basic population, provision should be made for adequate streets and public facilities, and desirable land in the neighborhood should be preserved for residential use. If the subject property was under one ownership, and there was a planned development of the usage of the property such as apartments, townhouses, etc., and if there was assurance that the traffic generated from the use would not be distributed on the residential streets, apartment zoning would have some merit; however, in the absence of any planned development for the property or for a request for "B" zoning, the Commission should consider only the request that has been made, and action should be deferred on apartment zoning consideration pending a request from the owner or owners at another hearing.

Mr. Stevens advised the Commission that since the zoning hearing, the staff has received two letters from nearby property owners and a prepared statement from Mr. Dan Moody, attorney for the applicant. Mr. Moody filed the statement, under the policy of the Commission, as new evidence to be heard at the Commission meeting. Since it has been submitted to the Planning Department, the staff must present it to the Commission, although there is a question as to whether or not the statement presents any new evidence.

Mr. Glenn Cortez, Assistant City Attorney, stated that there has been a Court of Civil Appeals case which has held that all hearings must be open to the public and there must be notice of such hearing. It is the position of the Legal Department that the nature of the statement presented by Mr. Moody is such that it could come within the prohibition of the court rules on this matter and therefore, it is advised that the statement by Mr. Moody or the replies from nearby property owners not be considered by the Commission.

Mr. Osborne advised the Commission that Mr. Moody's statement can be presented to the City Council at the proper time.

After further discussion, the Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of Richard W. Pohl, et al for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, Second Height and Area for property located at 2405-2511 & 2701-2807, 2428-2616 & 2700-2904 West 35th Street and 3413-3425 & 3501-3513, 3418-3428 & 3500-3512 Exposition Boulevard be  
DENIED.

## SPECIAL PERMITS

CP14-67-2      Southwest Industrial Properties, Inc.: 94 unit apartment  
                  1801-1843 South Lakeshore Drive      dwelling group  
                  1330-1408 Arena Drive

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The subject property, containing 163,204 square feet, is zoned "B" Residence, First Height and Area. The site consists of two lots having a combined frontage of 326 feet on Arena Drive and 563 feet on South Lakeshore Drive. Proposed is an apartment dwelling group containing 94 apartment units, 176 parking spaces, a recreation building and two swimming pools.

Departmental comments were reviewed as follows:

- |                    |  |
|--------------------|--|
| Tax Assessor       | - 1966 taxes unpaid this date.   |
| Storm Sewer        | - OK   |
| Fire Protection    | - (See plat for recommended fire hydrant location)   |
| Fire Prevention    | - No objections  |
| Traffic Engineer   | - OK   |
| Health             | - Approved. Sanitary Sewer Line available.   |
| Building Inspector | - In checking the plans for special permit on the property located on South Lakeshore Boulevard, we have only two comments to make:  |
|                    | (1) The approval of this project does not in any way approve the construction of the buildings pertaining to building code.  |
|                    | (2) Our plat shows a public utility easement of 10' between lots 3 and 4 and buildings are being erected over this easement. In our opinion the easement should be moved to some other location to where the structures would not interfere. |
| Electric           | - Note: There is an electric easement between lots 3 and 4 there is a 12.5 line on this easement. If it becomes necessary to reroute this line the property owner will have to bear the expense.   |

CPI4-67-2      Southwest Industrial Properties, Inc.--contd.

Director of Public Works

- Head-in parking off of South Lakeshore Boulevard is OK since it is 44' deep measured from the curb, however, we will need a letter of request and approval of driveway, before construction begins.

Office Engineer

- (1) Require request for all commercial driveways to be made to the Department of Public Works.

Advanced Planning

- (2) Suggest that head-in back-out parking on South Lakeshore Drive be eliminated.
- 1. Very little usable open space has been provided for the number of units proposed.
- 2. The parking layout on South Lakeshore Drive should be modified as head-in parking is not recommended from this street.

Water &amp; Sewer

- Existing water main will be under proposed buildings. This will have to be moved to east property line of Lot 4 and extend westerly in South Lakeshore Drive to connect to existing water main. Easement will be required across lot 4. Estimated cost is shown on enclosed sheet. Existing sanitary sewer will be under buildings II and III. This line will have to be relocated to clear buildings. Suggested relocation would be to extend main northerly to creek then northeasterly to connect to existing sewer main in parking area. Easement will be required for the sewer main. Estimated cost is shown on attached sheet.

## TESTIMONY

WRITTEN COMMENT  
Code

none

PERSONS APPEARING AT HEARING  
Code

? Clifford Coffman: 610 Scarbrough Bldg.

FOR

CP14-67-2 Southwest Industrial Properties, Inc.--contd.

#### SUMMARY OF TESTIMONY

Mr. Clifford Coffman, representing the applicant, stated that the applicant will make all of the changes that are required. The parking will be changed so that it will be parallel with South Lakeshore Drive.

The architect for the developer appeared at the hearing and presented an artist's conception of the proposed development. He stated that the buildings are located so as to provide as much open space as possible. The density of units to the land area is less than what the property is zoned for.

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 referred to the full Commission pending compliance with departmental requirements.

At the Commission meeting, Mr. Stevens reported that the applicant has agreed to comply with all departmental requirements prior to construction. The staff feels the intent of the Ordinance has been met and recommends this special permit be approved subject to the notations on the face of the plat and the withdrawal of a special permit on this same property.

Mr. Stevens stated that the applicant has submitted a request to withdraw the existing special permit on the property. After further discussion, the Commission noted that this special permit fulfills the eight factors that are to be considered as listed in Section 10-B, paragraph 4 of the Ordinance. It was therefore

VOTED: To APPROVE the request of Southwest Industrial Properties, Inc. for a special permit to erect a 94 unit apartment dwelling group to be located at 1801-1843 South Lakeshore Drive and 1330-1408 Arena Drive and authorized the Chairman to sign the necessary resolution.

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.

CP14-67-3 Land Mark Construction Company: 60 unit apartment dwelling  
729-909 East Oltorf Street group

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The subject property, fronting onto Oltorf

CP14-67-3 Land Mark Construction Company--contd.

Street, is zoned "B" Residence, First Height and Area. Proposed is an apartment dwelling group containing 60 apartment units, 130 parking spaces, a party house, 1 enclosed swimming pool, 2 picnic areas and playgrounds.

The staff reported that the site plan being presented has been checked by the various City departments and reports are available; however, Mr. James Eichelberger, representing the applicants, has informed the staff that he wishes to modify this site plan as to the location of the various buildings, and therefore requests that this application be postponed.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

	James Eichelberger (representing applicants)	FOR
C	Major Colon S. Avvil: 802 Long Bow Lane	FOR
C	Mrs. Doris M. Avvil: 802 Long Bow Lane	FOR

SUMMARY OF TESTIMONY

Mr. Eichelberger stated that the reason he wishes to modify the site plan is that a more recent mapping of the property indicates that the trees are mislocated on the original map, therefore the architect needs to locate the buildings as related to both the terrain and the trees. A postponement of 30 days is requested.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be postponed for 30 days pending submission of a revised site plan.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Land Mark Construction Company for a special permit to erect a 60 unit apartment dwelling group to be located at 729-909 East Oltorf Street be POSTPONED FOR 30 DAYS.

R146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of February 20, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission.



R146 SUBDIVISION COMMITTEE--contd.

The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission.

It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of February 20, 1967, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT for filing the following final plats:

C8-67-13	Avon Heights, Section 7
	Bluebonnet Lane and Holland Avenue
C8-67-14	Greenwood Hills, Section 4
	Suburban Drive & Raintree Lane
C8-66-41	River Oak Lake Estates, Section 1
	Parmer Lane and U. S. Highway 81
C8-63-35	Barton Hills, Section 6
	Barton Hills Drive and Deepwood
C8-67-15	Thomas Gardens, Section 2
	Daffodil Drive and Gladiola
C8-67-16	Flournoy's Sweetbriar, Section 3
	Bramble Drive and Glenhollow Path

C8-66-34	University Hills, Section 4, Phase 1
	U. S. Highway 290 and Geneva Drive

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, completion of departmental reports and the required annexation. The Commission then

VOTED: To ACCEPT for filing the final plat of UNIVERSITY HILLS, Section 4, Phase 1, and DISAPPROVE pending the requirements as noted.

C8-67-7	Cameron Park, Section 3
	Cameron Road and Fairbanks

The staff recommended this final plat be accepted for filing and disapproved pending the required fiscal arrangements, completion of departmental reports, annexation, submission of tax certificates, and the showing of a setback line on the lots siding Irving Lane.

C8-67-7          Cameron Park, Section 3--contd.

Mr. Howard Bengston, representing the applicant, stated that the setback lines have been shown.

After further discussion, the Commission

VOTED:      To ACCEPT for filing the final plat of CAMERON PARK, Section 3, and DISAPPROVE pending the requirements as noted.

C8-67-8          Cameron Park, Section 1-A  
Cameron Road and Westheimer

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, additional easements, completion of departmental reports, and tax certificates. The Commission then

VOTED:      To ACCEPT for filing the final plat of CAMERON PARK, Section 1-A, and DISAPPROVE pending the items as noted.

C8-67-9          University Hills, Section 4, Phase 2  
Geneva Drive

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, completion of departmental reports, annexation, the exclusion of Lots 2-6, Block A from the plat to allow for preliminary revision of Geneva Circle, permission from Water District #8 to serve with water, and reverse building lines on Lot 39, Block A. The Commission then

VOTED:      To ACCEPT for filing the final plat of UNIVERSITY HILLS, Section 4, Phase 2, and DISAPPROVE pending the requirements as noted.

## SUBDIVISION PLATS - CONSIDERED

C8-67-1          Southwind Addition, Section 1  
San Jose Street and Guadalupe

The staff reported that this final plat is still lacking departmental reports from the engineering department of Public Works and additional easements from the electric and telephone company are needed. The report from the Sanitary Sewer Department, involving existing sanitary sewer easements is as follows:

"Request that plat be changed to agree with preliminary filed. There is an existing sanitary sewer easement that is adjacent and parallel to the west lot lines of Lots 7 & 14, Block C of the preliminary as shown. This easement would be in the center of Lots 7 & 14, Block C of the final plat. Easements have been acquired on both sides of this subdivision and southerly to within 300 feet of Powell Lane. The proposed sanitary sewer main has been designed and we waited for one easement to be obtained before beginning construction. This proposed main is required to provide sanitary sewer service to this subdivision".

C8-67-1 Southwind Addition, Section 1--contd.

The engineer for the developer has stated that he has an agreement from Mr. Victor Schmidt, Director of Utilities, to relocate the easements between the common line of Lots 7 & 8 and lots 13 & 14. If this is cleared, there will have to be some evidence of this, and since this is a recorded easement at this time, it will require vacation. The staff recommends this plat be disapproved pending completion of departmental reports and a further report from the Water Department on the relocation of the sanitary sewer easement and the vacation of the existing easement and the volume and page shown on plat in the event the Water Department allows the easement to be relocated.

Mr. Hudson, engineer for the developer, requested permission to have the staff poll for approval of this plat following vacation of this easement by the City Council. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of SOUTHWIND ADDITION, Section 1, pending the requirements as noted and authorized the staff to poll the Commission upon completion.

C8-67-5 Wooten Terrace, Section 2  
Putnam Drive and Teton Drive

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports, and annexation. The Commission then

VOTED: To DISAPPROVE the final plat of WOOTEN TERRACE, Section 2, pending the requirements as noted.

C8-64-45 Barton Village, Section 2, & Resub. Lot 3, Block H, Barton Hills, 1  
Barton Skyway and South Lamar Boulevard

The staff reported that the owner of this subdivision is requesting postponement to allow for a revision to the preliminary plan of this property. This final plat was filed 30 days ago and there is a question as to whether or not some action is needed in order to comply with the rules and regulations.

Mr. Cortez, Assistant City Attorney, stated that under the statutes, action is required within 30 days.

Mr. Oscar Holmes, engineer for the developer, stated that there has been a change in the plans and they would like to revise the preliminary.

Mr. Foxworth stated that in view of the fact that some action is required on this final plat, it is recommended that it be disapproved at this time, pending a revision to the preliminary plan. The Commission therefore

VOTED: To DISAPPROVE the final plat of BARTON VILLAGE, Section 2, & Resub. Lot 3, Block H, Barton Hills, 1, pending a revision to the preliminary plan.

C8-66-47      Laurel Grove at Lanier, Section 2  
                 Viking Drive

The staff reported that all departmental reports have been completed and recommended that this final plat be approved. The Commission then

VOTED:      To APPROVE the final plat of LAUREL GROVE at Lanier, Section 2.

C8-67-4      Charles Street Addition, Section 2  
                 Charles Street and Gunter Street

The staff reported that all departmental reports have been completed and recommended that this final plat be approved. The Commission then

VOTED:      To APPROVE the final plat of CHARLES STREET ADDITION, Section 2.

#### SHORT FORM PLATS - FILED

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

VOTED:      To ACCEPT for filing the following short form plats:

<u>C8s-67-21</u>	<u>Angus Valley No. 2, Resub. of Lot 7, Block B</u>
	<u>Mustang Chase and Gateway</u>
<u>C8s-67-30</u>	<u>Oak Park Subd., Resub. Lots 17 &amp; 18, Block 4, Resub.,</u>
	<u>Oakclaire Drive and Oakclaire Lane                      <u>Sec. 2</u></u>

C8s-67-18      Angus Valley & Angus Valley No. 2 Resub.  
                 Mustang Chase and Gateway

The staff reported that this property is in Angus Valley, northeast of Highway 183 and Duval Road. It has been platted once before and this is a replatting of some of the lots in Sections 1 & 2. There is a problem involving lots 3 & 4 of the original Angus Valley Section 1. The east 296 feet approximately was sold off without benefit of subdivision approval and without any street access. Angus Valley, Section 2, was platted to the south, adjoining Section 1, creating lots 1, 2 & 3. Mr. E. J. Hood owns the west portion of Lot 3 in Section 1, and Mr. W. B. Talley owns the west part of Lot 4. To get approval of these lots, in order to receive water service, the balance of the property had to be included and street frontage is required. Mr. Hood dedicated a street to the County into the proposed Lot 4. The problem is that the road which was dedicated to and accepted by the County creates a stub dead-end street without any turn around provision. The staff has discussed various solutions to this problem with Mr. Hood but he did decide to dedicate the road to the County.

Mr. Foxworth further stated that there is one possibility of solving this problem and that is to require a setback line on Lot 4, belonging to Mr. Craig, so that this street can be brought through and nothing can be built

C8s-67-18      Angus Valley & Angus Valley No. 2 Resub.--contd.

within the setback area. The staff recommends that a 75 foot setback line north of the south line of Lot 4 be required and that this short form plat be accepted for filing only as there are still departmental reports that are lacking.

Mr. Stevens stated that he would like to discuss the 75 foot setback line with the owner before final action is taken. The Commission then

VOTED: To ACCEPT the short form plat of ANGUS VALLEY & ANGUS VALLEY No. 2, Resub. for filing, granting a variance on the dead-end street with no cul-de-sac provision, subject to further study of the 75 foot setback requirement.

C8s-67-22      Lindy Huber Subdivision, Resub. of part of Tract 1  
Old U. S. Highway 183

The staff reported that this is a small one lot subdivision located on old U. S. Highway 183, west of Balcones Drive. This request involves a variance on the signature of the adjoining owner. A letter from Mr. Claude F. Bush, Jr., surveyor for the developer, has been received, requesting that this variance be granted as the adjoining owner does not wish to participate in the subdivision at this time. The staff recommends the variance be granted and the short form plat be accepted for filing. The Commission then

VOTED: To ACCEPT for filing the short form plat of LINDY HUBER SUBDIVISION, Resub. of part of Tract 1, GRANTING a variance from requiring the signature of the adjoining owner.

C8s-67-25      Hood-Medack Subdivision  
Leisure Drive

The staff reported that a variance involving the signature of the adjoining owner is required on this short form plat. A letter has been received from the surveyor requesting that the variance be granted. The staff recommends this short form plat be accepted for filing and the variance be granted. The Commission then

VOTED: To ACCEPT for filing the short form plat of HOOD-MEDACK SUBDIVISION, granting a variance on the signature of the adjoining property owner.

C8s-67-27      Ramsey-Puett Commercial Area  
Lamar Boulevard and U. S. Highway 183

The staff reported that this property is located in the "Y" between North Lamar Boulevard and Research Boulevard north of Anderson Lane. The tracing is out and there is a variance involved. The staff's original recommendation was to reject for filing because the tracing is in another City department; however, there is a print in the file and the applicant has requested that

C8s-67-27      Ramsey-Puett Commercial Area--contd.

this short form plat be considered. There is a variance involved on the signature of the adjoining property owner; and the staff has not received a letter from the applicant requesting a variance.

Mr. Thomas Watts, engineer for the developer, stated that the real estate agent involved in handling this property has said that he talked to the owner of the balance of the tract and he does not wish to join in the platting. Mr. Watts further stated that it is his understanding that the real estate agent has a letter in his possession stating that the owner of the balance of the tract does not wish to join in the platting and requested that a variance be granted from requiring his signature. This property started out as a six acre tract and approximately one acre has been taken out of the tract. The City would like to have an additional 20 feet of right-of-way along the west side of Lamar Boulevard and Mr. Ramsey and Mr. Puett are in the process of negotiating with the City for this right-of-way.

Mr. Stevens stated that the 20 feet referred to requires only a minor portion from this tract as the bulk of the right-of-way will come from the north. The Master Plan requirement for North Lamar Boulevard is 120 feet. If the Commission approves the requested variance, the remaining 5 acres becomes an approved building site. A 25 foot setback, at the most, is required and the construction of any building, with parking in the setback area, on the remaining 5 acre tract could be detrimental to the acquisition of the additional right-of-way needed. This additional right-of-way could eliminate a tier of parking, depending on design. After further discussion, the Commission

VOTED:      To ACCEPT for filing the short form plat of RAMSEY-PUETT COMMERCIAL AREA, granting a variance from requiring the signature of the owner of the balance of the tract, on the condition that the applicant submits a letter stating that an attempt has been made to get the owner of the balance of the tract to join in the platting.

C8s-67-26      Ruilmann Subdivision  
West 16th Street west of Pearl Street

The staff reported that this is a short form subdivision located at the west end of West 16th Street west of Pearl Street. There are two variances involved. This property is proposed to be divided into two lots. The subject property abutts right on the end of the dead-end of the existing West 16th Street which originally went through to Shoal Creek Boulevard. This section was vacated and is now part of the abutting lots. One of the variances involved is that this is a dead-end street with no turnaround provision. This has been in existence for many years and was created by the vacation of the eastern portion of the street. The dead-end portion is in affect only a one lot depth from Pearl Street. The second variance that is involved is that Lot 1, as proposed, only has 30 feet of width at the street and 30 feet of width at the building setback line. The Ordinance requires that a lot have

C8s-67-26 Ruilmann Subdivision--contd.

a minimum frontage of 33 feet at the property line and 50 feet at the building line. There is a bluff that runs diagonally through the property and there are only certain places where the lots can be utilized for a building site without going into an enormous expense to cantilever. The proposal is to divide the property so that one building can be erected on Lot 2 above the bluff, and the other building can be erected on Lot 1. This would give access to each of the two lots from the end of West 16th Street. It is the staff's understanding that a duplex will be built on each lot. A letter has been received from Mr. Conway Taylor, representing the applicant, requesting that the variances be granted because of terrain features peculiar to the property.

Mr. Taylor was present at the hearing and presented a site plan to the Commission for review. He stated that the plan has been through the Fire Department, Public Works and the Building Inspection Department. The proposal is to build a duplex on each lot and because of the topography of the land, variances are needed.

Mr. Stevens stated that there is a question concerning the 30 foot neck as this may be an area for an application to the Board of Adjustment.

Mr. Foxworth stated that in the past, the Commission has required the building setback line behind an area such as this. The staff recommends that the building setback line be established behind the 30 foot neck.

Mr. Stevens advised the Commission that because of the topography, a valid application could be made to the Board of Adjustment. After further discussion, The Commission

VOTED: To ACCEPT for filing the short form plat of RUILMAN SUBDIVISION granting a variance on the dead-end street with no cul-de-sac provision and granting a variance on the width of Lot 1, provided the building setback line is behind the 30 foot neck, and authorized the staff to poll the Commission upon completion.

C8s-67-29 Jack D. Funderburgh Subdivision  
Ridge Oak Road & McCarty Road

The staff reported that this short form plat involves a variance from requiring the signature of the adjoining owner to join in the platting. A letter has been received, requesting that this variance be granted. The Commission then

VOTED: To ACCEPT for filing the short form plat of JACK D. FUNDERBURGH SUBDIVISION, granting a variance from requiring the signature of the adjoining property owner.

C8s-67-24      Richard D. Hodges, Sr. Subdivision  
Guadalupe Street and West 11th Street

The staff recommended that this short form plat be rejected for filing as there are problems that need further study. The Commission then

VOTED:      To REJECT for filing the short form plat of RICHARD D. HODGES, SR. SUBDIVISION.

C8s-67-28      North Park Estates, Resub. Lots 4-7, Block D  
Eubank Drive and North Bend Drive

The staff recommended that this short form plat be rejected for filing pending the return of the tracing. The Commission then

VOTED:      To REJECT for filing the short form plat of NORTH PARK ESTATES, Resub. Lots 4-7, Block D, pending return of the tracing.

#### SHORT FORM PLATS - CONSIDERED

C8s-67-23      George L. Robertson Subdivision, Resub. portion of Blocks 8 & 9  
East 12th Street and Angelina Street

The staff reported that this is a subdivision of a part of Blocks 8 & 9, located on East 12th Street where Angelina Street runs through it. This is a part of the Kealing Urban Renewal Area. This subdivision involves property which is now a part of Angelina Street itself which will have to be vacated. There is a separate request for the vacation of that portion of Angelina Street.

There are two lots within this subdivision that require a variance. Lots 4 & 8 are both substandard from a width standpoint. Lot 4 as proposed is 45 feet wide and Lot 8 is 36½ feet wide. The Ordinance requires a minimum width of 50 feet. Lot 8 is a legal lot in that it was existing before the Ordinance was adopted. It is the staff's understanding that it is under separate ownership and they have joined in the plat. Lot 4 is substandard because the Kealing Urban Renewal Plan, which has been approved, proposes an alleyway through this property which takes up the north 20 feet of the lot, thereby leaving the lot only 45 feet wide. Without the alley, the lot would have been 65 feet wide. There is an existing house on Lot 4 that appears to be in good condition.

Normally a short form of this nature does not dedicate any public right-of-way such as a street or alley, other than for widening, but it is the staff's understanding that the City has a contract with the Urban Renewal Agency for fiscal arrangements for all streets, alleys, and installation of all utilities in connection with these projects. Since the development of the alley, paving, etc. is covered by the projects within the contract, it is felt that this request can be handled by a short form plat.



C8s-67-23      George L. Robertson Subdivision, Resub. portion of Blocks  
8 & 9--contd.

Mr. Stevens stated that he has discussed the status of Lot 4 with the Building Inspector's Office and their interpretation of enforcement on this would be that they would permit this as it is, but if the owner of Lot 4 wishes to add on to the building in the future, requiring a future permit from that office, they would have to apply to the Board of Adjustment for a variance. The staff feels that the approval of this lot creates a problem for any future owner as any change to the structures would require an application for a variance to the Board. The staff has no basis, under the terms of the Subdivision Ordinance, to recommend the variance although there are extenuating circumstances as this area is under the control of the Urban Renewal Agency. The requested variance would probably have a very small result under the overall development of the plan.

Mr. Foxworth stated that the staff does recommend the variance on Lot 8 as this is a recognizable lot under the "grandfather" clause of the Ordinance.

Mr. Riley asked how the property would eventually be used.

Mr. Osborne stated that this layout and subdivision was developed in accordance with the plan submitted by the Urban Renewal Agency and approved by the Commission and City Council. In developing the general plan, some aspects were shown in detail but it did not show the sort of problem that creates a 45 foot lot rather than a standard 50 foot lot. The plan did show the alleyway and cul-de-sac of Angelina Street. The result of abiding by the plan is that it caused one lot to become less than a standard width in order to create the alley in accordance with the plan. Lot 8 is also involved, although it is under separate ownership and is not owned by the Agency. There is also a lot just outside of this subdivision which exists in its present form, which will be added to by future actions of the Agency. In following the plan, 5 feet has been lost from Lot 4.

Mr. Brunson asked if this is a privately owned lot. Mr. Foxworth informed the Commission that Lot 4 is owned jointly by a private individual and the Urban Renewal Agency. It is the staff's understanding that the Agency intends to sell the balance of the lot to the private owner so that eventually the entire lot will be under one ownership.

Mr. Foxworth reported a letter from Mr. Paul Jones, representing the Urban Renewal Agency, stating that this variance is requested for the following reasons:

"Lot 4 of said subdivision is owned by Miss Mae De Lewis, a feme sole. Prior to the Kealing Urban Renewal Plan, Miss Lewis's lot fronted on Comal Street 65 feet. The Urban Renewal Agency, in carrying out the Kealing Plan, acquired the north 20 feet of her property, which is reflected on the plat as part of the alley. However, the structure remaining on the lot is standard and is being used in a manner not inconsistent with the Urban Renewal Plan so that the Urban Renewal Agency does not have the legal authority to acquire the balance of the property.

C8s-67-23      George L. Robertson Subdivision, Resub. portion of Blks.  
8 & 9--contd.

Lot 8 is owned by Mr. Fred G. Smith and wife, and the conditions which were described with regard to Lot 4 are similar with regard to Lot 8."

Mr. Glenn Cortez, Assistant City Attorney, stated that this substandard lot resulted from the taking, under the police power, of right-of-way for the alley. It was taken under the threat of condemnation so the owner of Lot 4 had no choice. This left a substandard lot.

Mr. Wroe stated that in complying with the Urban Renewal Plan, a standard lot has been reduced creating a lot that cannot be further developed. Mr. Cortez explained that the lot is developed at the present time. In the event the owner wishes to develop the property in another manner, it would require an application to the Board of Adjustment and there would be sufficient reason for the Board to grant a variance.

Mr. Lewis stated that the Commission has in the past turned down many applications such as this one. The Urban Renewal is under scrutiny by all citizens and if approval is given to this lot, the Commission would be giving tacit approval to all urban renewal. Mr. Wroe stated that urban renewal was put into the area to correct many things, including substandard lots. They are now asking the Commission to correct a condition they have created and approve a substandard lot. If urban renewal continues with as much acreage as they now have, they should fit their plans with the City requirements so that a proper planning basis can be obtained.

Mr. Osborne explained that this is a question as to whether or not there is a realistic and bona-fide hardship existing. This resulted from something that was beyond the control of the agency and the individual property owner. The Urban Renewal Plan calls for the creation of this alley. They are in the process of creating this alley in accordance with the plan that has been approved by the Commission and the City Council. A portion of the lot belongs to the Agency and the remainder belongs to another individual. The Agency is arranging, in the course of this, to supplement the area of the lot so that it will not be substandard.

The Commission discussed the existing problem and concluded that further study should be made before any action is taken. They were concerned about setting a precedent and felt that more facts to support this request should be presented. It was therefore

VOTED:      To DEFER action of the short form plat of GEORGE L. ROBERTSON SUB-DIVISION, Resub. portion of Blocks 8 & 9, for 30 days.

C8s-67-9      Mrs. A. J. Pace Subdivision, Resub. Lots 3-5  
West Monroe and South First Street

The staff reported that the owner of this subdivision has requested that this short form plat be withdrawn. This was before the Commission at the

C8s-67-9 Mrs. A. J. Pace Subdivision, Resub. Lots 3-5--contd.

last meeting at which time it was accepted for filing only. The staff recommends that the applicant be allowed to withdraw the short form plat. The Commission then

VOTED: To ACCEPT the withdrawal of the short form plat of MRS. A. J. PACE SUBDIVISION, Resub. Lots 3-5.

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

The staff recommended this short form plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of PLAINVIEW HEIGHTS, Resub. part of Lots 2 & 3 S. ½ Block 9, pending completion of departmental reports.

C8s-67-17 Patrick H. Murphy Subdivision  
East 12th Street and Harvey Street

The staff reported that all departmental reports have been completed and recommended that this short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of PATRICK H. MURPHY SUBDIVISION.

C8s-67-13 Comanche Addition  
Comanche, Oldham & Swisher

The staff reported that all departmental reports have been completed and recommended this short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of COMANCHE ADDITION.

## ADMINISTRATIVE APPROVAL

The staff reported that three 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 plats:

- C8s-67-20 Chapman's Acre  
Georgian Drive north of Dean Drive
- C8s-67-19 Ulit Subdivision, Resub of south ½ of Tract 10  
Sanchez Street south of East 19th
- C8s-67-15 Sam Huston Heights Resub. Lot 5  
Greenwood Avenue and Pennsylvania

## REPORTS

## REQUEST TO WITHDRAW SPECIAL PERMIT

CP14-66-1      George P. Macatee, II: 96 unit apartment dwelling group  
1330-1334 & 1400-1408 Arena Drive  
1801-1843 South Lakeshore Drive

The staff reported a request to withdraw the special permit on this property that was approved by the Commission in February, 1966. This request for withdrawal is in accordance with the conditions as set forth in a new request for a special permit (Case No. CP14-67-2), on this same property. The Commission therefore

VOTED:      To ACCEPT the withdrawal of this special permit.

## REQUEST TO WITHDRAW ZONING APPLICATION

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

The staff reported a letter from Mr. Forest N. Troutman, representing the applicant, requesting that this zoning application be withdrawn. The Commission therefore

VOTED:      To ACCEPT the withdrawal of this zoning request.

## OTHER BUSINESS

R140      PLANNING COMMISSION - General  
Request appointment of two members of the Planning Commission to work with Director and interested groups on Townhouse regulations

The Director of Planning requested appointment of two or more members of the Commission to work with Director, staff, and interested groups on townhouse regulations.

The Chairman advised Mr. Osborne that he would make the necessary appointments the following week.

R146      STANDING COMMITTEES  
Appointment of new member to serve on the Subdivision Committee

The staff reported that a new member is needed to serve on the Subdivision Committee because of the resignation of Mr. S. P. Kinser.

The Chairman appointed Mr. M. J. Anderson to serve on this Committee.

C10-67-1(d) STREET VACATION

North 170 feet of Angelina Street between  
Cotton and East 12th Streets

The staff reported that this is a request by the Urban Renewal Agency to vacate the north 170 feet of Angelina Street between Cotton and East 12th Streets. This vacation is recommended, subject to the retention of the necessary sanitary sewer, water, electric and telephone easements, as the request does conform with the approved Urban Renewal Plan for this area. The Commission then

VOTED: To recommend that the north 170 feet of Angelina Street between Cotton and East 12th Streets be VACATED subject to the retention of the necessary easements.

C10-67-1(e) STREET VACATION

Fort View Road between Banister Lane and Ben White Boulevard

The staff reported that this request for the vacation of Fort View Road between Banister Lane and Ben White Boulevard, is made by Mr. Robert J. Potts, Jr., representing the abutting property owner. The property to the south is presently zoned "GR" General Retail. This particular right-of-way would become a part of the property to the south and would probably be rezoned for commercial development.

The building of Ben White Boulevard isolated this portion of Fort View Road, leaving a 4,200 square foot triangular shaped parcel of unused right-of-way. The right-of-way of Banister Lane is 50 feet except at the intersection with Ben White Boulevard at which point it is in excess of 60 feet because of the existing alignment of Fort View Road. To provide 60 feet of right-of-way for Banister Lane, for at least the depth of the "GR" property so that the alignment can be continued, the easterly 5 feet of the area covered by this request should be retained for future widening. The staff recommends this vacation be approved subject to the retention of 5 feet of widening for Banister Lane and subject to the retention of the necessary sanitary sewer, and storm sewer easements. The Commission therefore

VOTED: To recommend that Fort View Road between Banister Lane and Ben White Boulevard be VACATED, subject to the retention of the necessary easements, and subject to the retention of 5 feet of right-of-way for future widening of Banister Lane.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

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Hoyle M. Osborne  
Executive Secretary

APPROVED:

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Chairman