

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- April 4, 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
M. J. Anderson
Ed Bluestein
Barton D. Riley
Jack Goodman
W. A. Wroe
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

MINUTES

Minutes of the meetings of January 10, January 25, February 7 and March 7, 1967, were approved.

ZONING

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

Present

W. A. Wroe, Acting Chairman
Ben Hendrickson
Jack Goodman
Ed Bluestein

Also Present

E. N. Stevens, Chief Plan Administration
Bill Burnette, Associate Planner

PUBLIC HEARINGS

C14-67-27 Van W. Spinks: A to B
1000-1002 Garner Avenue
1801-1805 Treadwell Street

STAFF REPORT: This site, consisting of 11,386 square feet is developed with a single-family dwelling. The applicant is requesting a change in zoning in order to erect a duplex addition to the existing dwelling. This area is

C14-67-27 Van W. Spinks--contd.

predominantly developed with well-maintained single-family residences, and a few duplexes. In 1959, "B" Residence zoning was granted on property to the south which is presently developed with a 12 unit apartment structure. The Commission recommended against that request as it was felt it would be piece-meal zoning in the midst of a single-family area; however, the request was granted by the City Council.

The subject property is larger than that required for a single-family dwelling and the applicant could convert the existing dwelling to a duplex. The staff recommends against this change as the requested zoning would be an intrusion into a well-established residential area. If the request is granted, Treadwell Street and Garner Avenue should both be widened from the existing 50 feet right-of-way. This would require 5 feet of widening from the subject property for both streets.

TESTIMONY

WRITTEN COMMENT

Code

U	Dr. & Mrs. John K. Meadows: Capital Natl. Bank Bldg.	AGAINST
D	Robert W. Forrester: 1808 Dexter Street	AGAINST
C	F. J. Rabel: 1806 Dexter Street	AGAINST
B	D. O. Wilson: 1004 Garner Street	AGAINST
AR	Walter Boatright: 1701 Treadwell Street	AGAINST
?	Mrs. Eula M. Yoast: 1811 Treadwell Street	AGAINST
J	W. H. Armentrout: 1813 Treadwell Street	AGAINST
AD	John F. Figer: 1711 Kerr Street	AGAINST
AC	Porter G. Boydston: 905 Garner Avenue	AGAINST
AL	Mr. & Mrs. H. L. McDuff: 1704 Treadwell Street	AGAINST
AE	Miss Elizabeth Hickey: 1003 Garner Street	AGAINST
AM	R. C. Lozano: 1005 Garner Street	AGAINST

PERSONS APPEARING AT HEARING

Code

D	Robert W. Forrester: 1808 Dexter Street	AGAINST
B	D. O. Wilson: 1004 Garner Street	AGAINST
H	Hoit D. Frierson: 1601 Cliffside Drive	AGAINST
W	J. S. Henderson: 1806 Treadwell Street	AGAINST
W	Bethel Fox Henderson: 1806 Treadwell Street	AGAINST
AZ	Mrs. James R. Weiershausen: 1813 Dexter Street	AGAINST
AC	Porter G. Boydston: 905 Garner Avenue	AGAINST
AP	Paul H. Niemtschke: 1001 Garner Avenue	AGAINST
S	C. V. James: 900 Garner Avenue	AGAINST
C	F. J. Rabel: 1806 Dexter Street	AGAINST
?	Mr. & Mrs. Robert J. Marcott: 1811 Dexter Street	AGAINST

C14-67-27 Van W. Spinks--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that the subject property has a house on the back portion which has been there for several years. Since the house was built, the Ordinance requirement of 5,750 square feet per unit has been passed. The zoning is requested so that a nice duplex can be built on the front of the property. The existing house cannot be remodeled into a duplex because the rental revenue received would not justify the expense. There is sufficient room for off-street parking to accomodate the proposal. There is a 12 unit apartment house in the next block and several duplexes in the immediate area. The proposed development would be very desirable for this area.

Arguments Presented AGAINST:

Nine nearby property owners appeared in opposition to the request. They stated that this area is a single-family residential area that should not be changed. The requested change would tend to change the character of the neighborhood and cause undue traffic congestion. There are vacant lots in this area and if the zoning is changed on the subject property a precedent would be set. Apartments on this property would devalue property in the immediate area. There would not be as much objection if a duplex was built on the property; however, once the zoning is changed, an apartment building could be erected. This is a nice neighborhood with homes that are well-maintained. The requested zoning would detract from this residential area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the streets are inadequate to serve high-density development and because the requested change would be an intrusion into a well-established residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Van W. Spinks for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1000-1002 Garner Avenue and 1801-1805 Treadwell Street be DENIED.

C14-67-28 Ted Wendlandt: A to C
406 West Milton Street
407-413 West Monroe Street

STAFF REPORT: This application covers an area of 52,582 square feet. There is an existing single-family dwelling on the southern portion of the property, fronting onto West Milton Street. The stated purpose of this application is for truck storage. The subject property has 195 feet of frontage on West

C14-67-28 Ted Wendlandt--contd.

Monroe Street and 70 feet of frontage on West Milton Street. "C" Commercial zoning and development is established to the east along South First Street. The subject property is separated from this zoning by Bouldin Creek. A service station is established on property at the southeast corner of South First Street and West Monroe Street. Although property to the north of the subject property, across West Monroe Street, is zoned residential, it is developed with a house and what appears to be some type of commercial storage. The creek has been the dividing line between the commercial and residential development for many years. The staff feels that to extend commercial zoning across the creek would be an intrusion into the residential area and this would necessitate the widening of West Monroe Street from the present right-of-way of 50 feet to 60 feet. The bridge crossing East Bouldin Creek on West Monroe Street is located slightly to the west of the subject property. The proposal would encourage truck traffic on the residential streets because West Monroe Street extends from South First to South Congress Avenue. The staff recommends against the request because of the limitations of the bridge, the inadequate street right-of-way and the existing residential development.

TESTIMONY

WRITTEN COMMENT

Code

AL	Melicio Salazar: 1711-B South First Street	FOR
AD	Oscar Hayes: 312 West Annie	FOR
L	R. H. Ward: 1607 Roma Street	FOR
AW	Lewis Schnelt: 1601 South First Street	FOR

PERSONS APPEARING AT HEARING

Code

?	Walter Wendlandt (representing applicant)	FOR
---	---	-----

SUMMARY OF TESTIMONY

Mr. Walter Wendlandt, representing the applicant, stated that there is a proposal from the Borden Milk Company to store their trucks on the subject property. If the application is granted, they will construct a six foot solid fence around the property, and the area will be paved. There would not be an opening onto West Milton Street as the traffic will enter and leave off of West Monroe. The applicant would be agreeable to dedicating any additional right-of-way that is necessary in this application.

Mr. Wendlandt presented photographs of the property and the existing development for the Committee's consideration. He stated that he realizes a creek is a natural boundary for a zoning limitation, but it is suggested that the creek is not really a boundary in this instance as the commercial development on South First Street can be seen from the subject property. The six foot solid fence that will be erected would be a more realistic division between the residential and commercial property. The fence will not be erected along the creek as the adjoining property is already zoned and

C14-67-28 Ted Wendlandt--contd.

developed commercial and because the subject property slopes toward the creek. It is not logical to think that the subject property will ever be developed residentially.

Mr. Wroe asked if this use could be permitted under a special permit. Mr. Stevens stated that a special permit application could be made for this use if the property was zoned "GR" rather than "C" Commercial.

Mr. Wendlandt stated that he was not aware of the possibility of a special permit but the applicant would be agreeable to a "GR" zoning so that this application could be made, as the proposed use is only an interim use.

Mr. Goodman advised Mr. Wendlandt that under the special permit regulations, the City would require the fulfillment of many different factors such as the control of noise and glare.

Mr. Wendlandt informed the Committee that such control would present no problems to the applicant.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an intrusion into a residential area, and because the streets are inadequate to serve the proposed use. The Committee would look with favor on granting "GR" zoning for the subject property, except for the east 70 feet. They felt that the development of the proposed use could be controlled by the special permit regulations, which would provide protection for the existing residential area. It was further felt that the east 70 feet of the property should not be rezoned in order to provide a buffer between the proposed use and the residential property.

At the Commission meeting, Mr. Walter Wendlandt, representing the applicant, stated that at the Zoning Committee meeting there was discussion about a "GR" zone for the subject property; however, there was nothing said about a 70 foot buffer zone along the east edge of the property. The applicant would be agreeable to "GR" zoning, but due to lack of knowledge there was no discussion about the Committee's recommendation of a 70 foot buffer.

Mr. Goodman advised the Commission that the Committee felt that the 70 foot buffer zone would minimize the noise that could result from the applicant's proposal. It was recognized that "C" Commercial zoning exists to the west and commercial development to the north, and it was felt that the property should have some relief from the Ordinance as this area will eventually go to other uses.

C14-67-28 Ted Wendlandt--contd.

Mr. Goodman stated that the Committee was concerned with the noise factor of trucks coming in and out of the subject property at early hours of the morning, and felt that some protection should be afforded the residential property to the east. It was felt that "GR" zoning would be desirable for the property as this would permit the applicant to develop the property as proposed by special permit which would control the noise factor as well as other objectionable factors that could result. There was concern about the property having access onto West Milton Street as the area for access is so small and the street is inadequate. It was felt that this could be controlled by the special permit regulations.

Mr. Wendlandt stated that the recommendation for the 70 foot buffer was a complete surprise. The applicant does not object to "GR" zoning in order to control development, but should the zoning remain "A" Residential, there could not be any development or parking. The applicant is willing to dedicate additional right-of-way for West Monroe Street and to close West Milton.

Mr. Wroe stated that the residential property owners in this area deserve the same consideration as other residential areas in the City. The request is for a projection of a commercial use, into a residential area, that has some obnoxious features.

Mr. Riley was of the opinion that the creek adjoining the subject property to the west is a natural buffer. He was also concerned about the narrow right-of-way of West Monroe Street and the narrow bridge.

Mr. Wendlandt stated that the creek is a natural buffer, but it offers no protection to the subject property as the commercial development to the west is visible. He felt that a six foot solid fence would offer more of a buffer than the creek.

Mr. Lewis was of the opinion that a fence on the east side of the property, rather than the 70 foot buffer strip would provide the best protection for the residential property owners.

Mr. Bluestein informed the Commission that the Committee discussed this request at length at the Zoning meeting. It was recognized that "C" Commercial zoning exists to the west and north; however, it was the intent of the Committee to recommend denial of this request until a large area was zoned commercial, but pending that time, the Committee offers as a substitute the suggestion of a special permit route that the applicant could follow if he so desires. After further discussion, the Commission concurred with the Committee recommendation to deny the "C" Commercial zoning as requested, but look with favor on zoning the subject property, with the exception of the east 70 feet, "GR". They felt that the east 70 feet of the property should remain as Residential "A".

C14-67-28 Ted Wendlandt--contd.

It was therefore

VOTED: To recommend that the request of Ted Wendlandt for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 406 West Milton Street and 407-413 West Monroe Street be DENIED.

AYE: Messrs. Brunson, Hendrickson, Anderson, Bluestein, Riley, Jackson, Goodman and Wroe

NAY: Mr. Lewis

ABSENT: None

C14-67-29 Mrs. Blanche Fizer: A, 1st to B, 2nd
913 West Lynn Street

STAFF REPORT: This site consisting of 8,050 square feet is developed with a single-family dwelling. The stated purpose of the application is for apartments. Under the proposed zoning, 5 regular apartment units would be permitted. "C" Commercial zoning is established on property to the west between West 10th and West 9½ Streets. "B" Residence, Second Height and Area zoning was established on property adjoining to the south in 1966. At the time, the Commission noted that the applicant had offered to dedicate 5 feet of widening for West Lynn Street and they felt that the requested zoning was a logical extension of the existing "B" Residence, Second Height and Area established to the south.

A letter has been received from the applicant offering to dedicate 5 feet of right-of-way for the widening of the street. Mathews Elementary School is established on property to the west across West Lynn Street.

West Lynn Street is a well used collector street that will increase in use when it ties in with the street pattern proposed as related to the Mo-Pac Boulevard interchange. The staff feels that there should be some caution concerning this request as there will probably be head-in parking off of West Lynn Street which could create a traffic hazard. In view of the existing apartments and commercial zoning pattern, granting of the request is recommended.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

none

C14-67-29 Mrs. Blanche Fizer--contd.

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the applicant's offer to dedicate 5 feet of widening for West Lynn Street and they recognized that the requested zoning does adjoin the subject property to the south; however, they felt this request should be denied because of the heavy traffic congestion and small size of the subject property. It was felt that any building design on such a small parcel would create problems in accommodating the necessary off-street parking. The Committee decided it would be detrimental to the area to grant additional apartment zoning on the small parcel having its access on such a well used street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Blanche Fizer for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 913 West Lynn Street be DENIED.

C14-67-30 R. D. Carter: A to B
 601 Franklin Boulevard
 5306-5310 Guadalupe Street

STAFF REPORT: This application covers an area of 12,160 square feet of undeveloped land. The stated purpose of the application is for apartments. The proposed zoning, if granted, would permit six regular apartment units. The immediate surrounding area is predominantly developed and zoned residential. Two lots east across the street are developed with fairly new duplexes. There are scattered duplexes throughout the area. "B" Residence zoning was established on property at the southeast and northwest corner of Guadalupe Street and Nelray Boulevard in 1954. There is a house existing on the lot at the southeast corner and a nursing home is established on the northwest corner. North of West 55th Street, property was zoned "B" in 1966, based on the thought that "B" zoning would serve as a buffer between the residential development to the east and the commercial development to the north and west. A request for "B" zoning was recently made on property at the intersection of Chesterfield Avenue and Franklin Boulevard, which the Commission recommended denial as they felt it would be an intrusion into a residential area. The request is still pending. The staff feels this request should be denied as the surrounding area is a well-established residential area and the requested zoning would be an intrusion.

The subject property is large enough to develop with a duplex. Guadalupe Street, with a present right-of-way of 50 feet, should be widened to 60 feet as it is a collector street that extends from 45th Street to Highway 183. The right-of-way would be more critical if the request is granted.

C14-67-30 R. D. Carter--contd.

Franklin Boulevard, with 50 feet of right-of-way, should also be widened to 60 feet if the area converts to apartments. The location of the Central Expressway, is proposed through this block and would eventually require the subject property if so extended through the area.

TESTIMONY

WRITTEN COMMENT

Code

AK Roy Edward Clark: 409 Franklin Boulevard ?

PERSONS APPEARING AT HEARING

Code

	Tom Rice (representing applicant)	FOR
AL	Wayne Jackson: 408 North Loop Boulevard	AGAINST

SUMMARY OF TESTIMONY

Mr. Tom Rice, representing the applicant, stated that the applicant proposes to build a six unit apartment on the subject property with adequate off-street parking. Guadalupe Street extends into the section where there are apartments, approximately three or four blocks to the south. North Lamar Boulevard will feed cars into the University and downtown areas. Apartment development on the subject property would be very desirable at this time. The lot has been vacant since the development of the area in 1936, and it is felt that this is the proper time to proceed with the development. The proposal will cost an estimated \$60,000 which will be placed on the tax rolls of the City. The proposed development will enhance the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the requested zoning is presently an intrusion into a well-established residential area and because the existing street pattern is inadequate to carry the traffic that would be created by this change in zoning. The Committee noted that the expressway is proposed to be located in this area and recommended that the City and State determine the feasibility of acquisition of the subject property for expressway purposes.

At the Commission meeting, Mr. Bluestein stated that he had made a field inspection of this area. He informed the Commission that there is duplex development across the street from the subject property and a large apartment development two or three blocks to the south. There is also apartment development to the north.

C14-67-30 R. D. Carter--contd.

Mr. Osborne, Director of Planning, stated that a number of the lots in this area cannot be developed individually for apartments because of the size. The subdivision pattern in this area is generally 50 foot lots with a few 60 feet lots although the subject property is larger. Because of the 50 foot lots, more than one lot would be needed to provide for sufficient area for apartment development. This single-family residential area was developed between 1945 and 1952. The zoning pattern has been maintained in this area for a number of years even though approximately 70% of the area is rental at the present time. This is still a reasonably well-maintained residential area.

Mr. Tom Rice, representing the applicant, stated that out of 64 lots in this area, only 18 are owner-occupied. The area is primarily a rental area and the requested zoning would be in keeping with the existing development.

Mr. Rice further stated that in accordance with the 2,000 square foot requirement per unit, six apartments can be developed on the subject property and two parking spaces per unit can be provided. This property is close to North Loop Boulevard and Lamar Boulevard so access on the residential streets should not present a problem.

Mr. Osborne advised the Commission that the expressway plan in this area does not have priority or a specific alignment at this time; however, this should be a matter for the Commission to consider as it has been accepted in the plan.

The Commission members noted that this is a single-family neighborhood that is not changing to apartment development at this time, even though it is a rental area. It has been the policy of the Commission to not grant piecemeal zoning. After further discussion, the Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of R. D. Carter for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 601 Franklin Boulevard and 5306-5310 Guadalupe Street be DENIED.

(ABSTAINED: Mr. Bluestein)

C14-67-31 Preferred Homes: A to B
1504-1604 Dalton Lane

STAFF REPORT: This application consists of 5 lots covering an area of 48,450 square feet. The property is undeveloped at the present time. The proposed use is for fourplexes. The proposed zoning would permit a maximum of 24 apartment units or 32 apartment hotel units on the subject property. "GR" zoning was established in 1959 on property across Dalton Lane. "C" Commercial zoning was established on property adjacent to the "GR" area in 1960. The subject property is located in close proximity to the Ben

C14-67-31 Preferred Homes--contd.

White Boulevard and U.S. Highway 183 interchange. There is a height restriction of approximately 20 feet in this area as it is in the flight pattern of Bergstrom Air Force Base. The runway is about 2,000 feet from the subject building site. Any proposal in this area would have to be cleared with airport offices of the City.

The right-of-way of Dalton Lane varies from 40 to 50 feet which is inadequate to serve high-density development. The street should be widened to 60 feet which would require additional widening from the subject property. The staff has no objection to the requested change if the street is made adequate.

TESTIMONY

WRITTEN COMMENT

Code
none

PERSONS APPEARING AT HEARING

Code
? Cecil Perkins (representing applicant) FOR

SUMMARY OF TESTIMONY

Mr. Cecil Perkins, representing the applicant, stated that in addition to the subject property, they have recently purchased two lots adjoining to the south. The zoning change is requested so that fourplexes can be erected on each of the lots under consideration. The units would be single bedroom units. The height limitation presents no problem as the construction will only be one story. The right-of-way needed for the widening of Dalton Lane is agreeable.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the applicant's offer to dedicate the necessary right-of-way for the widening of Dalton Lane. They felt that in view of this offer of dedication, that the request should be granted as it is the highest and best use for the subject property as it is located between existing commercial zoning and the interchange of Ben White Boulevard and Highway 183.

At the Commission meeting, the staff reported a letter from Mr. Cecil D. Perkins, owner of the subject property offering to dedicate 10 feet of right-of-way for the widening of Dalton Lane.

C14-67-31 Preferred Homes--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Preferred Homes for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1504-1604 Dalton Lane be GRANTED.

C14-67-32 James C. Koch: A to B
201-203 Woodward Street
3401 Woodleigh Street

STAFF REPORT: This application consists of two undeveloped lots totaling 16,472 square feet. The stated purpose of the application is for apartments. The requested zoning would permit a maximum of 8 apartment units on the property. The proposed use of the subject property does not comply with the Austin Development Plan. The land use designation for this area is manufacturing and related uses; however, there has been a change in zoning, since the adoption of the Plan in 1961, on property to the west across Woodleigh Street. A request for "O" Office, First Height and Area zoning was requested on that property in 1963; however, the application was later amended to "B". The Commission considered the residential area along Braeswood Road and felt that the "B" zoning would serve as a buffer zone between the residential development to the east and the industrial zoning, and recommended the request be granted. "D" Industrial zoning and development is established on property south of Braeswood Road and east of South Congress Avenue. St. Edwards University is on property to the north of Woodward Street. Braeswood Road and Woodleigh Street are both gravel streets with inadequate right-of-way. Woodward Street, an arterial street, will be widened to 90 feet. This will require 15 feet of right-of-way from the subject property. The staff recommends this request be denied as the proposed use does not comply with the Austin Development Plan and because the streets are inadequate.

TESTIMONY

WRITTEN COMMENT

Code

B	Boyd Shieffer: Route 1, Kyle, Texas	FOR
G	Frank J. Dembinski: 303 E. Woodward Street	AGAINST

PERSONS APPEARING AT HEARING

Code

A	James C. Koch (applicant)	FOR
---	---------------------------	-----

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that he has contacted all of the property owners, with the exception of one, within 300 feet of the subject property. No one is opposed to the change. There is a duplex existing on the corner lot of the subject property and the zoning change

C14-67-32 James C. Koch--contd.

is requested so that another duplex or triplex can be erected. The property is across the street from St. Edwards University and they have no facilities for housing married students. Almost all of the property close to the subject property is rental property. The requested zoning is a logical extension of the already existing "B" zone to the west. This development would not detract from the overall plan of the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning and proposed use is in conflict with the Austin Development Plan.

The Commission members recognized the fact that they did recommend "B" Residence, First Height and Area zoning on property across Woodleigh Street but they still felt this provides a buffer between the existing industrial zoning and residential development. They felt that "B" Residence zoning on the subject property would intrude into the residential area and would conflict with the Master Plan designation for this area. It was then

VOTED: To recommend that the request of James C. Koch for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 201-203 Woodward Street and 3401 Woodleigh Street be DENIED.

C14-67-33 H. S. Chinn: A, 1st to C, 2nd
Rear of 2537-2619 South Congress Avenue

STAFF REPORT: This application covers 58,265 square feet of land that is undeveloped. The stated purpose of the application is for future commercial use. The subject property is an odd shaped parcel of land and is only a portion of the property owned by the applicant. The applicant also owns adjacent property, fronting onto South Congress Avenue, that is already zoned "C" Commercial. "C" Commercial zoning and development is established along South Congress Avenue. To the north and east is residential "A" property developed with the Travis County Juvenile Home. "GR" and "B" zoning is established on property to the west on Cumberland Road. "C" and "GR" zoning was granted on a large tract of land to the north in 1962, which is developed with a shopping center.

The staff recognizes that the applicant's 150 feet of "C" Commercial property fronting onto South Congress is inadequate for a good commercial development and feels there is merit to this request; however, there is some question concerning the Second Height and Area classification and also about the intended use of the property as it is such an odd shaped parcel of land. The property has limited access off of South Congress Avenue.

C14-67-33 H. S. Chinn--contd.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

none

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning is too intensive for the property because of the limited access and the shape of the land. They felt the requested zoning would intrude into an area that is institutional. The Committee stated they would look with favor on granting a less intensive zone for the property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. S. Chinn for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at the rear of 2537-2619 South Congress Avenue be DENIED.

C14-67-34 Garland H. Close: A to O
 4101 Marathon Boulevard
 1004-1006 West 41st Street

STAFF REPORT: This site contains 6,400 square feet and is developed with a two-family dwelling. The stated purpose of the application is for offices. "C" Commercial zoning was established on property to the south, across West 41st Street, in 1964; however, for the most part, the property is still developed with single-family dwellings. "LR" and "C" Commercial zoning is established at the intersection of Alice Avenue, West 40th Street and Marathon Boulevard. "B" Residence zoning is established on property to the west of Alice Avenue and "C" Commercial is on property to the east along North Lamar Boulevard. The staff questions the intrusion of "O" Office zoning to the north of West 41st Street as this is a well-established residential area. From the standpoint of zoning pattern, the "O" Office could be considered as a buffer, but the staff feels this is premature as there is nothing to buffer the residential property from at the present time. The establishment of "O" Office zoning to the north of West 41st Street would encourage more requests of this type on property extending up Marathon Boulevard.

C14-67-34 Garland H. Close--contd.

Marathon Boulevard, with 100 feet of right-of-way is adequate; however, West 41st Street, with a present right-of-way of 50 feet, should be widened to 60 feet if the request is granted. Additional widening for West 41st Street was not acquired when property to the south was zoned "C" Commercial. The staff recommends the request be denied at this time, realizing that some change may occur in the future. Any change should be on a comprehensive basis.

TESTIMONY

WRITTEN COMMENT

Code		
AB	Walter Yates: 1105 West 41st Street	FOR
AS	John W. Wilson: 4104 Marathon Boulevard	AGAINST
T	H. H. Luedecke: 2215 Windsor Road	FOR
D	A. W. Steger: 4109 Marathon Boulevard	FOR

PERSONS APPEARING AT HEARING

Code Jim Mayfield (representing applicant)

SUMMARY OF TESTIMONY

Mr. Jim Mayfield, representing the applicant, stated that he has talked to the neighbors in the area and they are not opposed to the change. Commercial zoning is already existing in the area and the request for "O" Office is only a logical extension of zoning. There is a shopping center established on Lamar Boulevard and a floor covering business at the southwest corner of Marathon and West 41st Streets. The requested zoning would provide a buffer between the residential development existing to the north and the commercial zoning to the south. The necessary widening for West 41st Street should present no problem.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented. A few of the members felt the request should be granted as the requested zoning would provide a buffer between the existing "A" Residential property to the north and the "C" Commercial property to the south; however, a motion to GRANT the request failed to carry and DENIAL is recommended.

At the Commission meeting, Mr. Wroe stated that a few of the Committee members felt that West 41st Street was a proper buffer between the residential property to the north and the commercial property to the south. It was felt that there was no reason for creating another buffer zone to the north of

C14-67-34 Garland H. Close--contd.

West 41st Street as this is a residential area and office zoning would be an intrusion. This specific location is rather small to be developed independently.

Mr. Lewis and Mr. Brunson both felt that the property would not be used for anything other than commercial in the future. They noted that the property is adjacent to commercial zoning to the east along Lamar Boulevard and is across from commercial zoning to the south.

Mr. Goodman was of the opinion that if any more intensive zoning is considered, the entire block should be considered rather than one lot. At this time, the request would be an intrusion into a residentially developed area. There is also a problem of right-of-way on West 41st Street as it is only 50 feet wide.

Mr. Stevens advised the Commission that five feet of right-of-way is needed from the subject property for the widening of West 41st Street which is inadequate to serve commercial property.

Mr. Jim Mayfield, representing the applicant, stated that he is buying the subject property, and would be agreeable to dedicating five feet of right-of-way if something can be worked out so that there will still be enough square footage in the lot to build on. The subject property is only 50 x 132 feet and five feet for widening will reduce the area that can be built on because of the setback that is required.

The Commission was cognizant of the fact that the future owner of the property stated he would dedicate 5 feet of right-of-way for West 41st Street; however, a majority of the members felt this request should be denied at this time because of the inadequate right-of-way of the street, but stated they would look with favor on the requested zoning when the street is made adequate. It was suggested that the Planning staff review the zoning in this block towards a "C" or "GR" zone as this would conform to the zoning in the neighborhood and so that there can be some use in depth along Lamar Boulevard. It was then

VOTED: To recommend that the request of Garland H. Close for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4101 Marathon Boulevard and 1004-1006 West 41st Street be DENIED.

AYE: Messrs. Lewis, Brunson, Hendrickson, Anderson, Bluestein, Riley and Jackson

NAY: Messrs. Goodman and Wroe

ABSENT: None

C14-67-36 Carrie B. Potter & W. E. Klingemann: A to LR
3612-3618 Manchaca Road
 Rear of 3700-3710 Manchaca Road

STAFF REPORT: This application covers approximately six acres of undeveloped land. The stated purpose of the application is for operating a mobile home park. The subject property has 179 feet of frontage on Manchaca Road and approximately 30 feet of frontage on Keats Drive. Porter Jr. High School is located on property to the south and west of Keats Drive. Residences are developed on the fairly large tracts of land to the south along Manchaca Road. "O" Office zoning was recently established on a large tract of land east of Manchaca Road. This zoning was recommended as the Commission felt that office zoning would be proper for the large tracts of land which would be difficult to develop residentially. "O" Office zoning has also been established on property to the south. There is a recent subdivision to the north that is still being developed and a subdivision to the south, approved in 1954, that is developed with 7 single-family dwellings and one duplex. The staff feels that in view of the large tracts of land in this area, that any rezoning should be done in connection with a street plan for the area. It is felt that a street extending from Byron Drive, northerly through the subject property, would be desirable as this would allow the large tracts to develop. In this particular case, it is felt that it would be very detrimental to the school to bring mobile homes along Keats Drive, a school street which is only 50 feet wide. If the zoning on the property is changed, it should be to a lesser degree such as "O" Office; however, it is recommended that the property not be rezoned at the present time without consideration of a street plan.

TESTIMONY

WRITTEN COMMENT

Code

T	Dr. Rodger E. Bolton: 1304 Mariposa	FOR
R	Mrs. J. A. Sparks: 3607 Manchaca Road	FOR

PERSONS APPEARING AT HEARING

Code

?	Richard Baker (representing applicant)	FOR
S	Walter S. Michalk: 3605 Manchaca Road	FOR

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that a firm contract for the sale of the subject property has been entered into between the owners of this property and a gentleman in the City of Austin who is presently in the mobile home business. This gentleman is interested in expanding into a mobile home operation where trailers can be parked. It is felt that the subject property is a desirable location for the proposed operation. Manchaca Road is presently in a transitional stage. The Commission recently recommended that property east of Manchaca Road be zoned from "A" to "O". "GR"

C14-67-36 Carrie B. Potter & W. E. Klingemann--contd.

and "B" zoning is established on Manchaca Road to the north. Further north on Manchaca Road there is "LR", "C", "O" and "GR" zoning at the intersection of Fort View Road and Manchaca Road. "GR" zoning is granted on property to the north, having frontage on Fredericksburg Road and abutting the subject property. It is unthinkable that in the not too distance future, as South Austin continues to develop, that the zoning on Manchaca Road will continue to change in character. Manchaca Road with 80 feet of right-of-way is classified as a major arterial street and is capable of handling any traffic that would be generated by this change. The subject property is well situated, well located and well designed for the operation of a mobile home park. The lots along Manchaca Road are very large and in all probability, will never develop residentially. "LR" zoning would be consistent with the zoning procedures that have been followed in other areas of the City along major streets. Even with the "LR" classification, the applicant will have to apply for a special permit in order to use the property as proposed. Ingress and egress will be from Manchaca Road and not from Keats Drive.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority of the members concluded that this request should be granted as this is the highest and best use for the property. They noted that the applicant would have to file an application for a special permit in order to use the property as intended and felt this development could be controlled by the requirements of a special permit.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carrie B. Potter & W. E. Klingemann for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 3612-3618 Manchaca Road and the rear of 3700-3710 Manchaca Road be GRANTED.

C14-67-37 Pringle Brothers, Inc.: LR, 1st to C, 1st (as amended)
 2204-2206, 2203-2205 Muroc Street (as amended)
 2203-2207 Justin Lane (as amended)
 6801-6811 Burnet Lane

STAFF REPORT: This application covers 15 parcels of land covering an area of 130,014 square feet. The stated purpose of the application is for the development of multi-family units. Burnet Road and Burnet Lane are both zoned with a mixed zoning pattern consisting of "C", "C-2", "GR" and "LR". "B" zoning is established to the north on Cullin Avenue. "B" Second Height and Area zoning was established in 1961 on property east of Hardy Drive. Also in 1961, a request for "C" Commercial zoning was made on the subject property, property adjoining to the south, fronting onto Burnet Lane, and

C14-67-37 Pringle Brothers, Inc.--contd.

property adjoining to the east. The Commission recommended that "C" zoning be established on the property adjoining to the south, "LR" zoning on the subject property and "O" Office on the property adjoining to the east. The Commission felt that the office zone would serve as a buffer between the residential property to the southeast and the commercial zoning along Burnet Lane. There are two churches established on property to the north across Justin Lane. The homes to the southeast are fairly new and are well-maintained.

If the subject property is zoned as requested, 12 to 27 units could be erected on each of the parcels involved, depending on the area of each lot. If the property was consolidated into one tract, 260 apartment units would be permitted. Under the present zoning, 36 apartment units or 18 apartment hotel units would be permitted. The staff recommends this request be denied as the density allowed under the proposed zoning would be too high for this small area, and the proposed development would create a traffic hazard as Burnet Lane is already a well traveled street.

TESTIMONY

WRITTEN COMMENTS

Code

D	Elva Rhea Collins: 6804-B Hardy Drive	FOR
AS	Cecil Lee Briggs: 1809 Alguno Road	FOR

PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	FOR
T	Calvin Faught: 6801 Burnet Lane	FOR

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, offered the following information: The application for "C" Commercial, Sixth Height and Area zoning was filed in error. It was first thought that "C" Commercial, Sixth Height and Area zoning was established to the west across Burnet Lane and it was felt that this change for the subject property would be a logical extension.

When this tract was submitted for a subdivision plan, the owners dedicated an additional 15 feet of widening for Justin Lane in order to bring the right-of-way from 60 to 75 feet. This is the reason that a few of the lots between Justin Lane and Muroc Street are so narrow. The development of the narrow lots is very difficult. Even under the "LR" zoning classification, the applicants are confronted with the problem of being able to erect only one unit on one of the lots because of the narrowness. By combining all of the lots, 36 units could be developed. It is felt that a higher density zoning classification is justified on the subject property because of the existing "C", "GR", and "B" zoning in the area, the close proximity to Burnet Lane and because Justin Lane, with 75 feet of right-of-way has more than

C14-67-37 Pringle Brothers, Inc.--contd.

adequate width to serve a high density classification. A restrictive covenant will be filed, limiting the development of the property to a reasonable number of units.

Mr. Baker stated that in view of the error in this application, there is a possibility of revising this application to a lower classification but one that would still allow more units than that which is permitted under the present zone. Perhaps the tract adjoining Lots 1 & 2, Block B, on the south side of Muroc Street could be a continuation of the "C" First Height and Area classification which would not affect any property in the immediate vicinity inasmuch as the property abutting this tract is already zoned "C" First Height and Area. This would not detrimentally affect the rest of the property. The tract fronting onto Justin Lane could use a "C" classification also without affecting any other lots. There could be a proper setback line established and adequate parking would be provided. The primary concern for this particular zoning change is to increase the density of the number of units that can be constructed on the tracts without having to join all of the lots into one tract. The lots are so located that it lends itself to the construction of 4 or 6 units on each separate lot. It is felt that a dense classification is necessary even if the change is a combination of "C" First Height and Area and "LR" First Height and Area. Second Height and Area zoning would not be an unusual change in this particular area in that there is "B" Second Height and Area existing to the east.

The "B" Second Height and Area tract is developed with fourplexes. There are office buildings established on the "O" Office tract adjoining the subject property. The applicant is in need of some relief from the Zoning Ordinance in the form of a more dense zoning classification. There is no intention to develop 260 units on the property.

Mr. Bluestein asked the staff if there is any type of zoning classification that could be agreed on with the applicant.

Mr. Stevens stated that there are problems with Second Height and Area zoning as the setback is reduced. The staff does not feel that the setback should be reduced on Justin Lane.

Mr. Baker advised the Committee that the applicant would be willing to enter into some type of restrictive covenant with the City to resolve some of the problems that may be encountered because of the shallowness of the lots. Muroc Street is developed at the present time.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning is too intensive for the subject property.

C14-67-37 Pringle Brothers, Inc.--contd.

At the Commission meeting, the staff reported a letter from Mr. Richard Baker, representing the applicants, requesting that this application be amended by deleting therefrom the request of zoning change on Lots 3 through 7, Block "A", and the east one-half of Lot 2, and Lots 3 through 8, block "B", North Ridge Terrace, Section 6, and also deleting the request for a height and area change from First Height and Area to Sixth Height and Area. Mr. Baker submits that this would be an extension of "C" Commercial, First Height and Area zoning presently existing on the east side of Burnet Lane to Justin Lane and would be directly across from "C" Commercial, First Height and Area zoning now existing between Burnet Road and Burnet Lane.

Mr. Stevens advised the Commission that the amended application covers a request for rezoning to "C" Commercial, First Height and Area for Lots 1 & 2, Block "A", Lot 1 and the west one-half of Lot 2, Block "B", North Ridge Terrace, Section 6. The property covered by this amended application being located at 2204-2206, 2203-2205 Muroc Street, and 6801-6811 Burnet Lane.

Mr. Jackson stated that when this property first came before the Commission, the applicants felt that "LR" zoning should be granted to the entire tract. The Commission recommended granting "LR" on the subject property but felt that "O" Office should be established on the property adjoining to the east as it would provide a buffer. When the "LR" zoning was granted, Muroc Street was not in existence, and was not proposed. The request for zoning was made before the property was subdivided into the various lots. "C" Commercial zoning would be proper and logical for the portion of the property that is in line with the existing "C" Commercial zoning established on Burnet Lane.

The Commission accepted the amended application, and recommended that the request, as amended, be granted at such time the property is replatted to conform to the zoning boundary proposed, as this is a logical extension of existing commercial zoning along Burnet Lane. It was therefore

VOTED: To recommend that the request of Pringle Brothers, Inc., for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area (as amended) for property located at 2204-2206 2203-2205 Muroc Street, 2203-2207 Justin Lane and 6801-6811 Burnet Lane (as amended) be GRANTED.

C14-67-38 Odas Jung: C to C-2
7047-7051 U. S. Highway 290 East

STAFF REPORT: This site consists of approximately 8,562 square feet. The stated purpose of the application is for a lounge. U. S. Highway 290 East is developed and zoned with a mixed zoning pattern consisting of "GR", "C", "O", "LR", and "A". A drive-in grocery is established on property adjoining to the east. The staff feels this is a matter of Commission policy as to whether or not this is a well-established and well-defined commercial area.

C14-67-38 Odas Jung--contd.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

A	Joe Jung: 1500 Summit Street	FOR
W	Oliver Girvin: 6903 Mira Loma Lane	AGAINST
?	Joe P. Gooch: 6901 Mira Loma Lane	AGAINST
?	Mrs. Rober Adamick: 6807 Mira Loma Lane	AGAINST
?	W. E. Schmidt: 6808 Mira Loma Lane	AGAINST
?	A. J. Turner: 6805 Mira Loma Lane	AGAINST
?	Scott Carney: 6900 Mira Loma Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that there is a prospective leasee that would like to open a barbeque cafe and lounge on the subject property. There is a drive-in grocery adjoining to the east that sells beer and there is a motel and cafe, also selling beer, located to the west.

Arguments Presented AGAINST:

Four nearby property owners appeared in opposition to the request. They stated they are opposed to this request because of the residential area existing to the south that is developed with fairly new homes. There is a school located to the north across U.S. Highway 290 and the children from this residential area will have to pass this lounge to go to and from school.

There is no intensive commercial zoning on the south side of Highway 290 and this would be an intrusion. It was felt that the proposed development would bring undesirable elements into the neighborhood. Mira Loma Lane is already a heavily traveled street and the proposal will increase this traffic and create a traffic hazard.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the close proximity to the school. They felt that in view of the existing residential development to the south, that the subject property is not the proper or the logical location for a lounge.

C14-67-38 Odas Jung--contd.

The Commission concurred with Committee recommendation and unanimously

VOTED: To recommend that the request of Odas Jung for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 7047-7051 U.S. Highway 290 East be DENIED.

C14-67-39 L. F. Storm: A to LR
1807 West 35th Street

STAFF REPORT: This site contains 10,900 square feet which is developed with a single-family dwelling. The stated purpose of the application is for future commercial development. The subject property adjoins "O" Office and "LR" Local Retail zoning and is across the street from "LR" and "B" zoning. The staff has no objection to a change to "LR"; however, there are street problems that should be considered. The Camp Mabry Expressway is proposed to go through this area although there is not a definite alignment or plan. The Expressway Plan was recently adopted and made apart of the City's Master Plan. The location and use of land for Expressway purposes should be determined by the City and/or Highway Department prior to or with the development of this property for commercial purposes. In any event, 35th Street will continue to be used as a commercial collector street and should be widened from the present right-of-way of 60 feet to 70 feet. This would require 5 feet of widening from the subject property.

TESTIMONY

WRITTEN COMMENT

Code

R	Mrs. T. A. Bryant: 1815 West 35th Street	FOR
Q	C. C. Cook: 3405 Oakmont Boulevard	FOR
AW	George W. Busby: 6203 Shoalwood	FOR

PERSONS APPEARING AT HEARING

Code

A. S. Duncan (representing applicant)	FOR
---------------------------------------	-----

SUMMARY OF TESTIMONY

Mr. A. S. Duncan, representing the applicant, stated that the zoning change is requested so that the property can be used for future commercial development. The five feet of widening needed for West 35th Street has not been discussed with the applicant, but he will probably be agreeable.

No one appeared in opposition to the request.

C14-67-39 L. F. Storm--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that the applicant's representative stated he would be agreeable to dedicating the necessary right-of-way for West 35th Street, and felt that this request should be granted as it fits the zoning pattern existing in the area. They further recommended that the City and State determine the feasibility of acquisition of the property for expressway purposes.

At the Commission meeting, Mr. Wroe stated that the Committee was in favor of this request if the right-of-way for West 35th Street was made proper.

Mr. Stevens reported that the staff has not received a letter offering to dedicate right-of-way.

The Commission members agreed with the Committee recommendation that the requested zoning fits the zoning pattern existing in the area; however, they felt the request should be denied because West 35th Street is a commercial collector street with inadequate right-of-way. They were cognizant of the Committee recommendation that the City and State determine the feasibility of acquisition of the property for expressway purposes as the expressway is proposed through this area, and felt that this should be brought to the attention of the City Council. After further discussion, the Commission unanimously

VOTED: To recommend that the request of L. F. Storm for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1807 West 35th Street be DENIED.

C14-67-40 George Bolton: A to BB
3016 Windsor Road

STAFF REPORT: This application covers an area of 11,807 square feet of land that is developed with a residential dwelling. The stated purpose of the application is for apartments. "C" Commercial zoning is established on property to the west between Exposition Boulevard, Spring Lane and Windsor Road and Bowman Avenue. "O" Office zoning was established to the south of Windsor Road in 1960. "BB" Residence zoning exists on property to the north and east. A Fire Station is established on property to the south across Windsor Road. The area to the north, east, and south is predominantly residential although there is some duplex development in the area. The homes are well maintained. Windsor Road is classified as a major arterial street with a proposed right-of-way of 90 feet. This will require 15 feet of right-of-way from the subject property, as the present right-of-way is 60 feet. The staff feels this request is in keeping with the present and future development of the area and recommends it be granted.

C14-67-40 George Bolton--contd.

TESTIMONY

WRITTEN COMMENT

Code

C Westernfield Development Co.: P.O. Box 5007 FOR

PERSONS APPEARING AT HEARING

Code

A George Bolton (applicant) FOR

SUMMARY OF TESTIMONY

The applicant appeared at the hearing and stated that he would agree to dedicate any right-of-way that is reasonable for the widening of Windsor Road. The subject lot is one of the largest lots in this area. There are duplexes and rental units in the immediate area so the requested zoning will conform. The proposal is to construct two additional units on the property and remodel the existing house. The lot will not be overloaded. A carport and parking facilities will be provided in front of the units. There will also be sufficient room for turn around parking.

Mr. Goodman asked the applicant if the required 15 feet of widening from the subject property would have any affect on the parking as proposed. Mr. Bolton stated that it would not.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted because of the existing zoning pattern and because the subject property has frontage onto Windsor Road, a major arterial street.

At the Commission meeting, the staff reported that a letter has not been received offering to dedicate the necessary right-of-way for the widening of Windsor Road.

Mr. Bolton stated that he is agreeable to dedicating 15 feet of right-of-way if the street is widened.

The Commission was cognizant of the applicant's offer of dedication and felt this should be made by letter. They felt the requested zoning should be denied at this time because Windsor Road is a major arterial street with inadequate right-of-way. They stated they would be in favor of the request if the street is made adequate.

C14-67-40 George Bolton--contd.

It was therefore

VOTED: To recommend that the request of George Bolton for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3016 Windsor Road be DENIED.

(ABSTAINED: Mr. Lewis)

C14-67-41 Horace Barnhart, Trustee: A to BB (Tr. 1), A to C (Tr. 2)
 Tract 1: 2401-2411 Thornton Road
 Tract 2: Rear of 2401-2413 Thornton Road

STAFF REPORT: This application consists of two tracts of land covering an area of approximately 4 acres. Tract 1 has 330 feet of frontage along Thornton Road and Tract 2, abutting Tract 1, has 33 feet of frontage along Thornton Road. The applicant is requesting that "BB" Residence, First Height and Area zoning be established on Tract 1 to permit possible apartment units at a future date. The "C" Commercial First Height and Area zoning is requested on Tract 2 so as to reinstate first use purpose, furniture manufacturing; reinstate second use as metal air conditioning duct fabrication (metal shop); and request similar use and category for possible new occupant. Tract 2 is developed with a non-conforming commercial building that was established prior to annexation to the City. The area has rural aspects to it and is developed with single-family dwellings. A request for "C" Commercial, First Height and Area zoning was made on the subject property, along with an additional tract, in 1961 at which time the Commission recommended against the request based on the inadequate street pattern in the area. The request went to the Council and was pending for a number of years. Thornton Road, extending from the intersection of Oltorf, dead-ends to the south of the subject property and has only 50 feet of right-of-way.

The paving of the street is fairly recent and extends down to the south property line of the subject property. From that point south, it is a gravel street.

The staff feels that the conditions existing in the previous request are the same. The area is still definitely residential but at the same time, it is realized that the applicant does have a problem trying to do something with the property. To alter the existing building or make any change, would require a zoning change or an application to the Board of Adjustment for a variance. The staff recommends against the commercial zoning at this time because it is felt that the zoning of this property would set a precedent as this is a residential area. It is recognized that there will probably be a change in character in the area in the future, but the only suggestion by the staff at this time would be to rezone the building location only and then zone "B" Residence, First Height and Area for a small strip extending out to the street for access.

Planning Commission -- Austin, Texas

Reg. Mtg. 4-4-67

27

C14-67-41 Horace Barnhart, Trustee--contd.

TESTIMONY

WRITTEN COMMENT

Code

K	A. D. Carza: 906 Josephine Street	FOR
---	-----------------------------------	-----

PERSONS APPEARING AT HEARING

Code

A	Horace Barnhart, Jr. (applicant)	FOR
	Roy F. Beal (representing applicant)	FOR
E	Mrs. P. J. McDonald: 1613 West 6th Street	FOR
?	Lloyd Lochridge: 1030 Brown Bldg.	FOR
N	Mrs. Herman Gunn: 2408 Thornton Road	AGAINST
?	Rose Mary Gunn: 2313 Thornton Road	AGAINST
?	Vernon S. Gunn: 2313 Thornton Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Roy F. Beal, representing the applicant, stated that there is a definite problem in that this property was purchased in 1945. In 1949, a building was constructed on the property that was used for a manufacturing business. The City annexed the property knowing that it was being used as commercial property.

Mr. Beal stated that if the property cannot be rezoned, he stands to lose \$20,000. Tract 2 was sold in 1955 for \$36,000 but the person buying the property was unable to pay the full amount due. The property was valued at not less than \$30,000 and since 1955, more than \$10,000 of improvements have been put on the property. There was no knowledge until last year that the property was not zoned "C" Commercial. The owner in 1961 attempted to have the property zoned commercial but he never carried through with the request.

Mr. Beal further stated that the owner of the property made regular payments until recently, but has been unable to pay any more on the property at the present time.

If the property can be rezoned and sold, the present owner will be able to clear up the financial problems existing.

The building existing on the 4 acre tract is a 50 x 120 foot building that was completed in 1949. The property was outside the City limits at the time. The City annexed the property in 1952 and absorbed it as residential "A" property. The owner did not receive any notification of annexation. The business on the property continued to operate until the sale of the property in 1955. There was never any complaint of a non-conforming use.

C14-67-41 Horace Barnhart, Trustee--contd.

The building is located 350 feet from the street and was so located to avoid traffic lanes. As an added convenience, the street into the property was a dead-end street with a great deal of space for turning around. As the street was improved, it was automatically widened, and will probably eventually tie into Ben White Boulevard. This is an isolated piece of property in the City. The residences in the area are modest and well-kept. The subject property is large enough to allow for sufficient off-street parking and will create no traffic problems. The commercial building is presently more than 500 feet from the nearest residence. It is requested that this change be granted for a use that has been existing on the property for many years.

Mr. Albert Gould, representing the Austin National Bank, stated that Tract 1 is a 75 x 150 foot tract that has been vacant for 17 years. The requested "BB" zoning on this tract would be desirable as it would provide a buffer zone between the commercial that the applicant owns on Tract 2 and the homes across Thornton Road. The property would be more attractive with nice apartments. The requested zoning would not be detrimental to the adjoining property owners as the applicant has more than enough area for operating the business on Tract 2. If the property is not sold, it will revert back to the first lien holder. There would be no objection to dedicating 5 or 10 feet of right-of-way for the widening of Thornton Road.

Mr. Lloyd Lochridge appeared at the hearing and stated that he represents the unsecured creditors involved in this property. The reason for the interest in the rezoning is that the people who represent the secured creditors stand to lose money if the property is not rezoned, and to that extent, the unsecured creditors stand to lose as well. The unsecured creditors would like to have the property zoned for the commercial use to which it is entitled.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request because of the traffic situation. He stated that Thornton Road is a dead-end street that leads to Lamar Boulevard. If the street is opened, there would not be any objection to the change.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted provided Thornton Road is made adequate, as the request is for a use that has been existing for a number of years.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Horace Barnhart, Trustee, for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (Tr.1) and "C" Commercial, First Height and Area (Tr.2) for property located at (Tr.1) 2401-2411 Thornton Road and (Tr.2) the rear of 2401-2413 Thornton Road be GRANTED.

C14-67-42 C. Darrell Hopkins: C, 1st to C, 2nd
 6600-6622 Shirley Avenue
 701-715 Gaylor Street
 700-720 Brentwood Street

STAFF REPORT: This application covers an area of 30,798 square feet that is developed with a single-family dwelling. The stated purpose of the application is to permit the applicant to build closer than 25 feet from the property line. The subject property is bounded by Brentwood, Gaylor, and Shirley Streets. The applicant has encountered a problem in utilizing the subject property due to the 25 foot setback which is required on each side of the tract. A combination office building and small unit warehouse has been designed for the property, but the building as proposed would come closer than 25 feet to the property line at three different points. The Second Height and Area zoning is requested so that the setback can be waived. The property was zoned "C" Commercial, First Height and Area in 1947. The property immediately surrounding the subject property is also zoned commercial. To the north, there is a tract of land that is similar to the subject property in that it is also bounded by streets. "C" Commercial, Second Height and Area zoning was established on that property. The staff realizes that some relief from the Ordinance is necessary for the subject property, but at the same time, the streets are residential with only 50 feet of right-of-way. Streets serving commercial property should have 60 feet of right-of-way. Because of the development existing on the lots facing the involved streets, the staff feels that it would be less difficult to widen Brentwood Street which extends to Guadalupe. If Brentwood Street is widened, the staff recommends that the zoning change be granted in order to accommodate the proposed building.

TESTIMONY

WRITTEN COMMENT

Code

AN	Earl E. Simms, Jr.: P.O. Box 1987	FOR
N	L. C. Morrison: P.O. Box 4044	FOR
AR	H. H. Luedecke: 2215 Windsor Road	FOR
K	W. H. Bullard: P.O. Box 1908	FOR

PERSONS APPEARING AT HEARING

Code

A	C. Darrell Hopkins (applicant)	FOR
?	Gene Childs	FOR

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that the only thing not agreed upon with the staff is the additional widening of Brentwood Street. This was not anticipated but the building can probably be arranged so that a 5 foot sidewalk easement can be dedicated to the City. The lot is surrounded by streets, making it difficult to design a building to fit on the property without encroaching into the 25 foot setback area.

C14-67-42 C. Darrell Hopkins--contd.

If the zoning is granted, there will be sufficient area for the proposed building and sufficient area to provide off-street parking for approximately 40 cars.

Mr. Gene Childs appeared in favor of the request and stated that he intends to occupy approximately 1/3 of the proposed building. Actually there are only two points where the building will come closer to the property line than 25 feet.

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 is too intensive for the area. They recommended that the applicant make application to the Board of Adjustment for a variance from the setback requirement.

At the Commission meeting, Mr. Wroe stated that the Committee felt this request was an attempt to do something by zoning that should be done by a variance from the Board of Adjustment as the problem is the setback requirement.

Mr. Stevens informed the Commission that the applicant's problem is that there are two legal lots joined together as one site. There is a 25 foot setback on each side of the tract because it is surrounded by streets. The setback requirement reduces the building area by approximately one-half. The reason the applicant is requesting that the zoning be changed rather than make application to the Board of Adjustment is so that the design of the building can be more flexible. It is realized that Brentwood Street, Gaylor Street and Shirley Street are all inadequate for commercial development but because of the existing development on these streets, it is felt that it would be more feasible to widen Brentwood Street as it is a long collector street that extends through the area to Guadalupe Street. The staff recommends this request be denied if right-of-way is not acquired.

Mr. Goodman stated that the building layout presented to the Committee proposed cars backing out into the intersection. Mr. Stevens stated that there is an alternate parking layout that proposes parallel parking. The parking layout will have to be approved by Public Works.

Mr. Hopkins stated that he would dedicate 5 feet of right-of-way if the zoning is granted. Mr. Goodman stated that it is his opinion Second Height and Area zoning is not the proper zoning or best use for the subject property. This is more a variance of setback than it is a zoning question. If the Second Height and Area zoning is granted, there is no reason why the applicant or a future owner of the property could not increase the height of the structure. Mr. Hopkins stated that the proposed building will only be 14 feet in height so the height should not cause any objection.

C14-67-42 C. Darrel Hopkins--contd.

Mr. Jackson advised the applicant that the requested zoning would not conform to the zoning in this area and suggested that an application be made to the Board of Adjustment.

Mr. Hopkins requested that this application be postponed for 30 days. The Commission then

VOTED: To recommend that the request of C. Darrell Hopkins for a change of zoning from "C" Commercial, First Height and Area to "C" Commercial, Second Height and Area for property located at 6600-6622 Shirley Avenue, 701-715 Gaylor Street and 700-720 Brentwood Street be POSTPONED for 30 days.

C14-67-43 "A" Realty: C to C-2
 Rear of 6507-6513 Burnet Road
 Rear of 6510-6516 Burnet Lane

STAFF REPORT: This site consists of approximately 3,267 square feet that is developed with a commercial building. The stated purpose of the application is for the sale of alcoholic beverages for on site consumption. "C" Commercial zoning and development is established along both sides of Burnet Lane and Burnet Road. Most of the commercial zoning existing in the area was granted in 1965. Burnet Lane and Burnet Road are both adequate streets and additional widening is not required. The applicant has stated that the requested zoning is to be only for the building.

TESTIMONY

WRITTEN COMMENT

Code

P Superior Constructors: P.O. Box 241 FOR

PERSONS APPEARING AT HEARING

Code

Tom Watts (representing applicant) FOR
 ? Forrest Troutman: Page Building FOR

SUMMARY OF TESTIMONY

Mr. Tom Watts, representing the applicant, stated that this request conforms to the established policy of the Commission as the applicant is requesting only that the building be rezoned. The existing building is new and there is a firm tenant for this use. The subject property is located within a large commercial area, that is developed with a transmission garage, hamburger drive-in, drive-in theater, service station and the Travis County warehouse.

No one appeared in opposition to the request.

C14-67-43 "A" Realty--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as this is a well-established and well-developed commercial area.

A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of "A" Realty for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 6507-6513 Burnet Road and the rear of 6510-6516 Burnet Lane be GRANTED.

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

NAY: Mr. Goodman

ABSENT: None

C14-67-44 Rankin H. Chapman, et al: A to LR
 3503-3711 Kerbey Lane
 3500-3706 Kerbey Lane
 1600 West 35th Street
 Add'n Area: 1514-1516 West 35th Street

STAFF REPORT: The property under consideration is divided into 12 parcels of land containing approximately 62,660 square feet. A 6,030 square foot parcel of land, owned by the City, adjoins to the south, and is included as additional area. The stated purpose of the application is for uses permitted under the local retail zoning. The area is developed with a mixed zoning pattern consisting of "LR", "A", "B", "GR" and "O". In February of this year, there was a request by the applicant to rezone two of the tracts now under consideration. At that time, there was no objection to the change itself, but the staff did question the use of the land as it contained such a small area and it was also felt that the streets were inadequate. Since then, the applicant withdrew the request and has submitted this request for a larger area.

Kerbey Lane, with a present right-of-way of 50 feet, needs to be widened. To bring the street to an adequate width, 5 feet of widening is needed from the west side of the street up to Lot N, at which point the necessary right-of-way would taper to zero feet. On the east side of the street, 5 feet of widening is needed from the property under consideration up to Lot C, at which point the right-of-way increases to 10 feet. This alignment is recommended in view of the existing commercial development on the west side of Kerbey Lane at the intersection of West 38th Street, and because right-of-way can utilize existing publicly owned land on the east side of Kerbey Lane. If Kerbey Lane is made adequate, the staff has no objection to the request.

C14-67-44 Rankin H. Chapman, et al--contd.

Mr. Stevens advised the Committee that it may be necessary to widen West 35th Street through this area but this would depend on the alignment of the proposed expressway. The expressway is proposed to extend through this area and West 35th Street may be used as a frontage road or as part of the expressway.

TESTIMONY

WRITTEN COMMENT

Code

R	Frank R. Rundell: P.O. Box 455	FOR
P	Mrs. Charles Parks: 208 West 31st Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Rankin H. Chapman (applicant)	FOR
?	Forest Troutman (representing applicant)	FOR
N	Eric Moberg: 3706 Kerbey Lane	FOR
L	R. G. Mueller: 3511 Jefferson	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Forest N. Troutman, representing the applicant, stated that this application is a resubmission of an application made earlier. The original application and resubmission was done primarily as a suggestion of the Planning Department so that more area could be covered. The use proposed would not be inconsistent with the use that exists on all of the surrounding property. There is no definite use for any of the lots under consideration other than the small lot to the south, abutting the City property, on which a client proposes to operate a small specialty shop. This client has stated that there will not be more than three customers in this shop at one time. In addition, there has been discussion with Mr. Bill Ward, Assistant City Attorney, about the use of the City property for parking. If five feet of widening is taken from the small lot facing onto West 35th Street, the property would not be worth very much. The applicant owns 4 of the 12 parcels under consideration. This property cannot be used residentially and it is felt that the requested zoning would be for the highest and best use of the property.

The applicant appeared at the hearing and stated that the corner lot is very small and 5 feet of widening taken from this lot would leave only a small area to develop. The lots under consideration are relatively shallow and it is felt that the property owners will not agree to dedicating right-of-way. Most of the traffic would be from cars coming in to trade and not cars passing through so additional right-of-way should not be needed.

C14-67-44 Rankin H. Chapman, et al--contd.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request. He stated that the 38th and 35th Street interchange is a very dangerous intersection because there is a question as to who has the right-of-way. The City should acquire property to widen the street. The traffic flow will be greatly increased in this area until the expressway is in effect because of the hospital complex to the east. Kerbey Lane with only 50 feet of right-of-way is inadequate to handle commercial traffic. There is an overflow of traffic now because of the existing commercial businesses and apartments in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Kerbey Lane and West 35th Street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rankin H. Chapman, et al for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 3503-3711 Kerbey Lane, 3500-3706 Kerbey Lane and 1600 West 35th Street and the additional area located at 1514-1516 West 35th Street be DENIED.

C14-67-45 Lela Parkinson Estate: A to O (as amended)
1067-1211 South Interregional Highway

STAFF REPORT: This site consisting of 51,685 square feet is undeveloped except for a single-family dwelling. The stated purpose of the application is for the sale of the estate to a purchaser who will erect a gasoline station. The subject property is a legal lot. "LR" zoning was established on the southern portion of the subject property along with a tract adjoining to the south, in 1962, at which time the Commission recommended denial; however, the zoning was established and a service station is now existing on the adjoining property. The developer of the "LR" property to the south made application to the Board of Adjustment for a sign that would project higher than the requirement, but this request was denied. The site is in effect a hillside having a grade of approximately 40% from the frontage road of the Interregional Highway to the east boundary of the property. There is approximately 35 or 40 feet of difference between the frontage road and the top of the bluff where there is residential development. Inglewood and Lupine Lane both dead-end into this bluff.

The merit of this application for "LR" zoning is that there is "LR" zoning with an existing "LR" use to the south. South of the "LR" property there is "BB" zoning. "O" Office zoning is established on property north of

C14-67-45 Lela Parkinson Estate--contd.

Riverside Drive. "O" Office zoning was also recently established on property to the west across the Interregional Highway, that is developed with a service station. The staff realizes that this property has development problems and feels that some change of zoning should be considered. Even though the property has 576 feet of width, only 329 feet of this actually fronts along the frontage road of the Interregional Highway. There is a large tract of publicly owned land between the subject property and Riverside Drive, being a distance of approximately 300 plus feet. It was first thought that there would not be access permitted from the subject property to Riverside Drive through the publicly owned tract; but in checking with the State Highway Department, they have indicated that they will permit a drive through this tract to Riverside Drive. This is not recommended by the staff because the access onto Riverside Drive from the subject property would be very critical as this is the intersection of two major streets.

The right-of-way for the Riverside Drive Expressway and interchange with the Interregional Highway is proposed in this area and will require a large portion of the subject property. The City has negotiated with the Kassuba Development Company, to the east, for the acquisition of right-of-way for this expressway. Any development on the subject property, inasmuch as a large portion of the property will be required for right-of-way purposes, should be closely related to this expressway proposal. The staff feels that "O" Office zoning would be the appropriate zoning classification for the site in view of its relation to the highway and adjacent residential property. "O" Office zoning would permit retail uses including a service station by special permit allowing the Commission to have some control over such development. Development of this site should recognize alignment of the expressway, the existing substantial residential development on top of the bluff, the bluff line, the shallow depth of the property, limited access, and the necessity to cut a site out of the side of the hill. There is concern from the property owners in the area with regard to this request as it is felt that the proposed development will destroy the beauty of this approach to Austin.

TESTIMONY

WRITTEN COMMENT

Code

V	Mrs. Mildred K. Lindahl: 1317 Bonham Terrace	AGAINST
W	Mrs. Mabel Thomson: 1315 Bonham Terrace	AGAINST
R	Victor Friedrichs: 1103 E. Riverside Drive	AGAINST
X	Charles H. Becker: 1313 Bonham Terrace	AGAINST
G	I. F. Bingham: 1100 Manlove	AGAINST
K	Earl Durflinger: 1503 Inglewood	AGAINST
?	Phillip J. Miller: 1310 Edgecliff	AGAINST
F	H. H. Stone: 1101 Manlove	AGAINST
C	R. L. Wyatt, Jr.: 1405 E. Riverside Drive	AGAINST
B	Roy Hocker: 1317 E. Riverside Drive	AGAINST
E	Mrs. Virenne F. McKeney: 1500 Inglewood	AGAINST

C14-67-45 Lela Parkinson Estate--contd.

S	John H. Kavanaugh: 1307 Bonham Terrace	AGAINST
Z	Curtis W. Rowland: 1305 Bonham Terrace	AGAINST
D	Fraser A. Caldwell: 1704 S. Congress	AGAINST
H	Crispi Wood: 1102 Manlove	AGAINST
?	E. Joe Duckworth: 1105 Manlove	AGAINST
Y	W. W. Turner: 1703 Mariposa Drive	AGAINST
L	Ruel E. Snow: 1506 Lupine Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

B	Roy Hocker: 1317 Riverside Drive	AGAINST
B	Naoma Hocker: 1317 Riverside Drive	AGAINST
?	Louis Wilkerson: P.O. B0x 1409 (representing applicant)	
?	Paul D. Jones: 608 Brown Building	AGAINST
M	E. L. Munson: 1502 Lupine Lane	FOR
M	Mrs. Dorothy Munson: 1502 Lupine Lane	FOR
?	E. Joe Duckworth: 1105 Manlove Street	AGAINST
L	Ruel E. Snow: 1506 Lupine Lane	AGAINST
X	Charles H. Becker: 1313 Bonham Terrace	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Louis Wilkerson, representing the applicant, presented the following information: This is the last parcel of property belonging to the Lela Parkinson Estate. When the Interregional Highway was developed through this area, a portion of the Parkinson property was acquired, leaving only the subject property. The property required for the Interregional, together with the natural topography of the land, leaves the subject property as a relatively shallow piece of land that drops off sharply. Because of these conditions, the property is relatively wasted as Residential "A" property. The subject property has been listed with a real estate agent for some time and he finally said that the property could not be sold for residential purposes. An option to sell all of what is left of this estate has been granted to Humble Oil and Refining Company, with the object of the option being that it must be recognized that the classification of all the property must be such that a service station can be erected.

The status and economics of this is that the estate has granted Humble Oil and Refining an option, not yet exercised, and is contractual obligated to make application for a zoning change. This contractual obligation is from approximately the middle of the subject property to the southern end.

The subject property is simply not usable for residential purposes. Insofar as the service station business is concerned, there is no real economic pressure to obtain "LR" zoning as contact has been made by a nearby property owner who says that he would also like to purchase the property. This proposal cannot be accepted at this time because of the option to Humble Oil

C14-67-45 Lela Parkinson Estate--contd.

and Refining Company. The subject property adjoins "LR" zoning to the south and is fronting onto the frontage road of the Interregional Highway. The requested zoning is a logical extension of "LR" zoning.

Arguments Presented AGAINST:

Mr. Paul Jones, representing Mr. C. Wood and Mr. R. Hocker, Sr., nearby property owners, appeared in opposition to the request and presented a map reflecting the property owners in this area who also oppose the request. Mr. Jones stated that in looking at the subject property on the ground, none of it is at grade. There is a retaining wall at the south that runs approximately 2 or 3 feet and then the property slopes back up. There is a knob on the top part of the property. The normal argument for "LR" zoning as an extension would be fine except for the terrain problem. At the deepest point, it is 112 feet wide and at the narrowest point it is 46 feet wide. When the Gulf Service Station purchased the "LR" property adjoining to the south they acquired as a buffer two lots along the top of the hill. This belongs to Gulf and this gives the depth that is necessary to develop in order not to intrude into the residential area. It is meaningless to say that there is just a bluff line as the property is terraced from where the homes are built to the subject property. When the shallowness of the property is considered, it is realized that it starts at 6 feet above grade and goes to 40 feet above grade which is going to require a tremendous cut into the hill in order to provide an adequate building site. When this is done, there will be serious problems created for the residential property. In addition, if the development is allowed, there will be a problem of a sign that will have to be high enough to be seen over the underpass on the Interregional Highway. There will be lights in the bedroom windows of the residences existing on top of the hill. The terrain, location, depth of the property, the necessary cut, and the sign are factors that should be considered. It is felt that the staff's recommendation of "O" Office would be appropriate as it is realized that the property is no longer residential property. "O" Office would permit a reasonable development on the property but would protect the people in the area so that all of the factors previously stated could be controlled. The control of these factors by special permit regulations would protect the adjacent residential area.

Six nearby property owners appeared in opposition to the request. They stated they are opposed to this change because the subject property adjoins a residential area that is owner-occupied. The value of these homes would be reduced if commercial zoning is established on the subject property. The cutting into the hill, which would be necessary to provide a building site, would cause the homes immediately behind and above this area to shift on then insecure soil, causing them to crack and rendering them unsafe. The requested zoning would set a precedent and other residential property on top of the hill will soon follow. The streets are residential dead-end streets and a precedent of this type of zoning would tend to bring commercial traffic into the area. This approach to the City is one of natural beauty and the proposed development would destroy what so many people are striving to preserve.

C14-67-45 Lela Parkinson Estate--contd.

Special emphasizes should be given to this beautiful approach to the City as it is one of the few that is remaining. There is a sufficient number of service stations in this area and another one is not needed. When a property owner has a piece of worthless land, there should not be an attempt to balance the loss of his property with property belonging to people who have developed and paid taxes on good residential property. Zoning is suppose to protect the property owner and if the change is granted, no one will be able to depend on zoning when purchasing property in the City.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the requested zoning is not compatible with the aesthetic value of the highway, the residential development to the east, and because of the inadequacy of the size of the lot that is available for building. They stated they would look with favor on granting "O" Office, First Height and Area zoning as the highest and best use for the property.

The Committee stated they would not be in favor of the subject property having access through the large tract of publicly owned land to the north as this would create a long private drive which would encourage private use of the public land, and because access at this point would be critical as this is the intersection of two major streets.

The Committee further felt that the site with its present limitations would be further limited by the right-of-way acquisition for the Expressway as this would reduce the size of the site. Development of this property should relate to the expressway plan. It was therefore recommended that the City and or State acquire the right-of-way needed for the River-side Drive interchange.

At the Commission meeting, Mr. Wilkerson stated that in view of the Committee's recommendation to look with favor on "O" Office zoning, it is requested that this application be amended to "O" Office, First Height and Area.

Mr. Lewis was of the opinion that to permit development on this property would not be logical as the expressway proposal is a firm proposal and any development would result in the City having to pay a higher price for acquisition of right-of-way.

Mr. Stevens advised the Commission that the expressway plan does not include construction priority. Mr. Bluestein informed the Commission that the Committee felt they did not have the jurisdiction to hold up development on property pending right-of-way acquisition; however, it was urged that the City and or State acquire the right-of-way needed.

Mr. Goodman stated that this is a piece of land classified as residential, but has no value in this classification. The Committee felt the request for "LR" zoning should be denied but at the same time felt that the highest

C14-67-45 Lela Parkinson Estate--contd.

and best use on a zoning basis should be considered. "O" Office zoning was suggested regardless of the fact that right-of-way will eventually be acquired.

Mr. Wilkerson reiterated the fact that the subject property is the last piece of an estate that is being liquidated. There is an outstanding option, unexercised, granted to Humble Oil and Refining Company, that provides what type of zoning should be established on the property. Whether the zoning is changed to "LR" is not as critical as there is a so-called second contract to a gentleman who indicates he would like to use the property for office development. This use would be in the area south of the middle portion of the property. The indications are to the effect, that development would occur on the property south of the middle portion if it is rezoned for office use. There is an old house that is deteriorating on the property now which may be used for this development. Mr. Wilkerson further stated that it is his understanding that no attempt will be made to utilize the northern portion of the area by way of construction. The prospective purchaser is aware of the expressway proposal through the area. An economical use of the property as residential "A" cannot be made because of the narrowness of the property and the vast slope. A zoning change is requested so as to provide some relief where the property can be sold to some one that can find a use. If "O" Office zoning is recommended, this would be agreeable.

Mr. Jackson stated that it is known that at sometime in the future right-of-way will be required for this interchange; however, unless this right-of-way has some time element, the Commission cannot deny a zoning request on that basis. Mr. Goodman stated that one of the disturbing elements of the requested change to "LR" was the establishment of a service station on this property because of the aesthetic view of the highway; however, there should be some recourse so that the property owner can use this property. Under the special permit conditions, the Planning Commission would have some authority to control whatever development would be on the property with regard to a service station and see that the development complies with the requirements listed under the special permit classification.

After further discussion, the Commission accepted the amended application. It was felt that "O" Office First Height and Area zoning should be granted on the subject property as this would provide for the highest and best use of the property. The Commission discussed the recommendations by the Committee with regard to access through the publicly owned land and the recommendation that the City and or State acquire the right-of-way needed for the Riverside Drive Expressway and interchange. They concurred with the Committee recommendation and requested that this be brought to the attention of the City Council. It was then

VOTED: To recommend that the request of Lela Parkinson Estate for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area (as amended) for property located at 1067-1211 South Interregional Highway be GRANTED.

(ABSTAINED: Mr. Riley)

SPECIAL PERMITS

CP14-67-4 Frank C. Barron: 58 unit apartment dwelling group
 1206-1318 Atkinson Road
 6901-6923 Grand Canyon Drive (Proposed)
 1215-1321 Westheimer Drive (Proposed)

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, Texas. Proposed is an apartment dwelling group containing 58 units, 116 parking spaces, privacy fences, one swimming pool and related laundry and storage facilities. The subject property is zoned "B" Residence, First Height and Area. The departmental comments were reviewed as follows:

Storm Sewer

- Plan complies with requirements.

Health

- Approved. Sanitary Sewer available.

Fire Protection

- The Fire Department recommends that fire hydrants (three) be installed as shown on the plat.

Tax Assessor

- No objections to development. Taxes unpaid for 64, 65 and 66.

Traffic Engineer

- OK

Fire Prevention

- Follow fire department recommendations on water supply.

Office Engineer

- Request for commercial driveways required.

Electric

- OK

Water and Sewer

- Water and Sanitary sewer main are proposed for Cameron Park Section. One, which will serve this tract. Three fire hydrants are proposed, one at the intersection at Atkinson Road and Grand Canyon Drive, one at Grand Canyon Drive and Westheimer and Cahill Drive.

Director of Public Works

- Driveway locations meet with our approval with the corrections as noted on the plat - driveway radii to be 5' minimum. Will need request and approval of driveway plans before construction begins on them.

CPI4-67-4 Frank C. Barron--contd.

Building Inspector

- (1) West building is only 18' from Atkinson Road, should be 25'.
- (2) Apartment F, designated as the owners apartment contains only one unit. The Ordinance calls for every structure to contain a two-family or more dwelling unit.
- (3) Proposed carports will need to be attached where they are less than 90' back from street line.
- (4) Some parking spaces may need to be rearranged, however, this seems no problem as the number is adequate.
- (5) Approval subject to resubdivision of land creating lot as proposed in this application.
- (1) Very little usable open space has been provided.
- (2) It will be very difficult to use several of the parking spaces as they are now proposed.

Advanced Planning

Mr. Stevens reported that the necessary subdivision of the property is in process. The staff has no objection to the request pending compliance with departmental reports and subject to the approval of the subdivision. If the subdivision is not approved, at least 10 feet of right-of-way is needed for widening of Atkinson Road.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

A Frank C. Barron (applicant)

FOR

CP14-67-4 Frank C. Barron--contd.

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that he is familiar with a few of the comments by the various departments.

Mr. Goodman asked where garbage pickup would be provided. Mr. Barron stated that the garbage pickup would be the contracted type that would require about four disposals.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the Commission pending compliance with departmental reports.

At the Commission meeting, the staff reported that the applicant has complied with departmental requirements thus far noted and recommended approval subject to approval of the proposed subdivision, and correction of the site plan to encompass the departmental reports.

The Commission then

VOTED: To APPROVE the request of Frank C. Barron for a special permit to erect a 58 unit apartment dwelling group to be located at 1206-1318 Atkinson Road, 6901-6923 Grand Canyon Drive (Proposed) and 1215-1321 Westheimer Drive (Proposed) 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.

CP14-67-5 The Cherrylawn Corporation: 36 unit apartment dwelling group
 6109 Cherrylawn Circle
 6205-6227 Manor Road

STAFF REPORT: This application has been filed as required under Section 5-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 36 units, 66 parking spaces and no swimming pool. The subject property is zoned "B" Residence, First Height and Area.

The staff reviewed the following departmental comments:

- | | |
|-------------|--|
| Health | - Approved. Sanitary Sewer Line Available. |
| Storm Sewer | - Plan complies with requirements. |

CP14-67-5 The Cherrylawn Corporation--contd.

Director of Public Works

Tax Assessor
Fire Protection

Traffic Engineer

Electric
Fire Prevention

Advanced Planning

Building Inspector

Water and Sewer

- The driveways meet with our approval, however, we will need a request and approval before any work is done on them.
- No objections to development.
- It is the recommendation of the Fire Department that two fire hydrants be installed as marked in red on the plat.
- May be necessary to restrict parking on Manor Road.
- Electric OK.
- Follow fire department recommendations on water supply.
- (1) Very little usable open space has been provided.
- (2) A minor modification in parking layout is recommended as per sketch.
- (1) Two carports appear to be in violation of 90' setbacks from Manor Road, if so they need to be attached to the principal building.
- (2) The nine (9) parallel parking spaces along Manor Road need to be shown with a 4' maneuvering space between every other car.
- (3) A portion of the West building in this project is located in the area zoned Residential "A".
- (4) Nothing herein gives approval from a building code standpoint.
- Two fire hydrants are required for fire protection: 2-5½" fire hydrants. 2-12" x 6" tapping sleeves and 2-8" tapping valves complete in place - estimated cost \$1,080.00. The sanitary sewer department shall be notified when proposed buildings are laid out so that existing mains in area can be checked to determine if concrete encasement will be required.

CP14-67-5 The Cherrylawn Corporation--contd.

Office Engineer

- Require request for commercial driveways.

Mr. Stevens stated that the staff questions one of the driveways as it comes out at an angle to Manor Road. If it can be relocated, the staff would prefer that it be located at right angle to Manor Road. The staff recommends approval subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

none

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, appeared at the hearing and asked for a list of the requirements.

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 reports.

At the Commission meeting, Mr. Stevens reported that the applicant has had to remove six of the proposed units until he can apply for further zoning consideration on a portion of the property. The parking and layout will remain the same. The staff recommends approval of this plan, as revised, subject to the approval of the parking by the Building Inspector's office.

It was therefore

VOTED: To APPROVE the request of The Cherrylawn Corporation for a special permit to erect a 36 unit apartment dwelling group to be located at 6109 Cherrylawn Circle and 6205-6227 Manor Road and authorized the Chairman to sign the necessary resolution.

(DISQUALIFIED: Mr. Brunson)

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

R146

SUBDIVISION COMMITTEE

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

The staff reported that the following subdivision was referred to the Commission without action: C8-67-10 Peyton Place

It was therefore

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

PRELIMINARY PLANS

C8-67-10 Peyton Place
Peyton Gin Road and Japonica Drive

The staff reported that this is a preliminary plan that was before the Subdivision Committee at the last regular meeting. It was referred to the full Commission pending further study and consideration of a possible revision to the plan. The preliminary has been revised and has been circulated to the various City departments. The difference between this plan and the original plan is that the loop street, Starmist Drive, was shifted northerly. It was originally proposed one-half block south, with the lots abutting Peyton Gin Road having double frontage. The subdivider shifted the street northerly to accommodate lots along Peyton Gin Road to be used for commercial and also to have residential lots backing up to the commercial lots. The staff feels this is the best layout, if commercial property along Peyton Gin Road were acceptable. However, the proposed commercial is being recommended against by the department.

Departmental comments are as follows:

1. Lots in Blocks A & B cannot be platted until full width of Edgeway Drive is provided.
2. Cul-de-sac required, or fiscal arrangements in lieu therefore, for both ends of Edgeway Drive, and the west end of Hearthside Drive.
3. Location of Japonica Drive must be approved by the Austin Independent School and the school will need to participate in plat to dedicate the necessary right-of-way.

The street was shifted slightly from the original plans and the change is that it is pulled into the school tract to make a better intersection and cross the creek at a better angle. Mr. Temple Mayhall, representing the School District, appeared at the Subdivision Committee meeting and did not object to this.

C8-67-10 Peyton Place--contd.

4. Lots 1-3, Block D, cannot be platted until Fieldstone Drive is extended through the Reese Tract.

5. Recommend against the creation of apartment and commercial tracts.

This layout was planned to accommodate commercial property fronting onto Peyton Gin Road and apartment usage on three fairly large tracts located just west of the church tract and east of Japonica Drive. The staff objects to the layout from the standpoint of the proposed commercial and apartment tracts.

An attempt was made, fairly recently, to revise a preliminary of a residential subdivision located east of the church property, to provide a tract for similar commercial usage. The staff recommended against the layout to accommodate the commercial usage on the basis of the land use along Peyton Gin Road. The Commission agreed with this recommendation and rejected the revision. The staff again recommends against the creation of commercial tracts fronting onto Peyton Gin Road for this subdivision on the same basis, as it is felt that residential property should be platted along Peyton Gin Road so that there will not be strip commercial zoning along this street. The reason being, is that Peyton Gin Road is and will probably be for some-time, one of the only access streets to Lanier High School and the elementary school. All of the property on the south side of Peyton Gin Road, which is included in a preliminary plan of Wooten Village is platted and proposed for residential use. All of the land along Peyton Gin Road is residential toward the west end of Peyton Road until it intersects Research Boulevard.

6. If this layout is approved, the Commission should instruct the staff to notify Mr. Reese that his property is involved in the future extension of Fieldstone Drive.

Whatever Mr. Reese does in terms of development on his tract, will involve a dedication of the street.

7. If this plan is approved, there will have to be a vacation of that portion of the street between Peyton Gin Road and Starmist Drive. There is a portion of the street along the side of the Sneed property, running north off of Peyton Gin Road up to the school tract, that is a part of the school tract that was required for access.

This should be approved by the Sneeds since they own the abutting property to the west and this will effect how the property is used.

8. The Reese, Sneed and church tracts should be included in the preliminary plan to indicate provision for their portions of future right-of-way.

9. Annexation to City required.

10. Compliance with departmental reports.

C8-67-10 Peyton Place--contd.

Mr. Oscar Holmes, engineer for the developer, stated that this plan shows 4 lots in the Reese tract although there may be only 3 in the final plan, and Mr. Reese would retain the one home site north of the proposed Fieldstone Drive. This layout is in keeping with the plan suggested by the Planning Department. The original preliminary plan proposed Japonica Drive in a location in keeping with the street as dedicated at the present time, adjoining the school tract.

Mr. Lewis asked if there has been any objection to this revised plan by Mr. Reese. Mr. Holmes informed the Commission that he has not talked to Mr. Reese. There is a loop street, dedicated by separate instrument, that bounds the school tract on three sides, although it is not developed on the ground. The subdivider is considering buying a tract of land abutting the proposed Japonica Drive on the east, from the School District. After it is acquired, the property could then be sold to Mr. Reese.

Mr. Foxworth advised the Commission that Mr. Reese was mailed a notice and was told that a hearing would be held on this preliminary plan at the last Subdivision Committee meeting. He was also given a copy of the Planning Department's suggested layout prior to submission of this plan. He has voiced no opposition.

Mr. Jackson stated that if the Commission approved this layout, it would be tantamount to saying that commercial uses along Peyton Gin Road will be approved. He was of the opinion that a schematic should be worked out showing residential development in the event the property is not rezoned for commercial.

Mr. Holmes stated that a sketch was presented showing how the property could be developed if not zoned for commercial use. The property could be used for apartments and access to Peyton Gin Road could be limited.

Mr. Foxworth said that it is realized that zoning and subdivision are two separate functions but when a layout is created that sets up a particular use and it is not zoned for that use, there is a problem of what to do with the property. The staff objects to the proposed strip zoning along Peyton Gin Road. If a zoning request is granted and "LR" or "GR" zoning is established, there will be a portion of the Sneed tract that will probably go commercial also and then a precedent is set.

Mr. Holmes explained that the subdivider is trying not to mislead the Commission by saying that this is a 100% residential subdivision, and then a short time later come back in for a zoning change. There is a schematic on this property that can be used for residential. This can also go, with some modification, to "LR" which is the zoning that will be applied for. If the zoning is denied, the tract fronting onto Peyton Gin Road could be used for apartments and if not for apartments, for residential development.

C8-67-10 Peyton Place--contd.

Mr. Foxworth informed the Commission that the staff would recommend against the creation of residential lots facing onto Peyton Gin Road with cars backing out into the street. Residential lots should be platted backing up to Peyton Gin Road.

Mr. Holmes stated that a zoning request is to be initiated in the next few weeks. Mr. Foxworth suggested to Mr. Holmes that this preliminary plan be postponed until the property is annexed and a zoning application is made. Mr. Holmes said they would not like to come in with a request for annexation until there is some indication on how the property can be developed.

Mr. Foxworth stated that the staff is not opposed to the original layout that proposed residential lots backing up to Peyton Gin Road with the provision that access be from the interior loop street. Peyton Gin Road is a collector street and because of the length, traffic and the property it serves should not have traffic backing out onto it.

Mr. Holmes stated that an alternate plan would be to have apartments on the property with a private drive completely around. Mr. Jackson advised Mr. Holmes that multi-unit apartments may not be approved on the property. This is why there should be further study with the staff so that the problems can be worked out.

Mr. Foxworth suggested that this request be postponed until the zoning is established as this is the issue that needs to be solved; however, zoning cannot be established until the property is annexed to the City. The property cannot be used for any purpose other than single-family or duplex development without a zoning change which does require annexation first.

The Commission discussed the information presented and concluded that this request should be referred back to the Subdivision Committee pending further consideration of layout and proposed uses. They felt that the preliminary plan could not be approved at this time without giving tacit approval to the zoning. After further discussion, the Commission

VOTED: To REFER the preliminary plan of PEYTON PLACE to the Subdivision Committee, pending further study of the zoning problems.

SUBDIVISION PLATS -- FILED

C8-67-26 Allandale West, Section 7
Bullard Drive and White Rock

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

VOTED: To ACCEPT for filing the final plat of ALLANDALE WEST, Section 7.

SUBDIVISION PLATS - CONSIDERED

The staff reported that all departmental reports have been completed and recommended that the following final plats be approved. The Commission then

VOTED: To APPROVE the following final plats:

C8-67-15 Thomas Gardens
 Gladiola Blvd. and Daffodil Drive
C8-67-13 Avon Heights, Section 7
 Bluebonnet Lane and Holland Avenue

C8-66-10 Northwest Hills, Mesa Oaks, Phase 3 Revised
 West Rim south of Deepwoods

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, tax certificates, completion of departmental reports and annexation. The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS MESA OAKS, Phase 3, Revised, pending the requirements as noted.

C8-67-18 Wooten Village, Section Four
 Cottonwood, Peyton Gin and Brookfield

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

VOTED: To DISAPPROVE the final plat of WOOTEN VILLAGE, Section 4, pending the requirements as noted.

C8-67-19 Westover Hills, Section 3, Phase 3
 Mesa Drive and Silverhill Lane

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, completion of departmental reports, annexation and subject to the approval of Section 2, Phase 2. The Commission then

VOTED: To DISAPPROVE the final plat of WESTOVER HILLS, Section 3, Phase 3, pending the requirements as noted.

C8-66-45 Point West of Westover Hills
 Mesa Drive and Hyridge Drive

The staff recommended disapproval of this final plat pending the required fiscal arrangements, completion of departmental reports, annexation, sewer approach main and subject to the reversing of the building lines on Lots 1, Block K, Lot 8, Block X and Lot 5, Block Z.

C8-66-45 Point West of Westover Hills--contd.

The Commission then

VOTED: To DISAPPROVE the final plat of POINT WEST OF WESTOVER HILLS, subject to the conditions as outlined.

C8-67-25 Garden of Meditation
Memory Drive

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

VOTED: To DISAPPROVE the final plat of GARDEN OF MEDITATION, pending completion of departmental reports.

C8-66-42 Westover Hills, Section 3, Phase 2
Tallwood and Honeysuckle Trail

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, tax certificate, completion of departmental reports, annexation, and a 25 foot setback from Silverspring Drive on Lot 5, Block D is required. The Commission then

VOTED: To DISAPPROVE the final plat of WESTOVER HILLS, Section 3, Phase 2, pending the conditions as outlined.

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

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

VOTED: To DISAPPROVE the final plat of UNIVERSITY HILLS, Section 4, Phase 1, pending the required fiscal arrangements.

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

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

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

C8-67-14 Greenwood Hills, Section 4
Suburban Drive and Raintree Lane

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, annexation, completion of departmental reports and a cul-de-sac required at east end of Raintree and Tamworth or additional fiscal arrangements in lieu thereof.

C8-67-14 Greenwood Hills, Section 4--contd.

The Commission then

VOTED: To DISAPPROVE the final plat of GREENWOOD HILLS, Section 4, pending the conditions as outlined.

C8-67-16 Flournoy's Sweetbriar, Section 3
Bramble Drive and Glenhollow

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

VOTED: To DISAPPROVE the final plat of FLOURNOY'S SWEETBRIAR, Section 3, pending the conditions as outlined.

C8-63-35 Barton Hills, Section 6
Barton Hill Drive south of Ridgeview

The staff recommended disapproval of this final plat pending the required annexation and requested that the staff be given permission to poll the Commission upon completion of the first reading of the annexation. The Commission therefore

VOTED: To DISAPPROVE the final plat of BARTON HILLS, Section 6, pending annexation and authorized the staff to poll the Commission upon completion of the first reading of the annexation.

C8-66-41 River Oak Lake Estates, Section 1
Parmer Lane and U.S. 81

The staff recommended disapproval of this final plat pending additional easements, fiscal arrangements, completion of departmental reports and dedication of City's half of Cedar Bend Drive. The Commission then

VOTED: To DISAPPROVE the final plat of RIVER OAK LAKE ESTATES, Section 1, pending the requirements as noted.

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

The staff recommended disapproval of this plat pending the required annexation and requested that the staff be given authorization to poll the Commission upon completion of the first reading of the annexation. The Commission therefore

VOTED: To DISAPPROVE the final plat of WOOTEN TERRACE, Section 2, pending the required annexation and authorized the staff to poll the Commission upon completion of the first reading of the annexation.

C8-67-1 Southwind Addition, Section 1
 Guadalupe south of Beaver

The staff recommended disapproval of this final plat pending completion of departmental reports and the volume and page of vacated sanitary sewer easement shown on plat. The Commission therefore

VOTED: To DISAPPROVE the final plat of SOUTHWIND ADDITION, Section 1, pending the requirements as noted.

SHORT FORM PLATS - FILED

C8s-67-45 Parker & Howard Subdivision
 Koenig Lane and Avenue F

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

VOTED: To ACCEPT for filing the short form plat of PARKER & HOWARD SUBDIVISION.

C8s-67-33 The Doke Subdivision
 Lake Austin Boulevard

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

VOTED: To ACCEPT for filing the short form plat of THE DOKE SUBDIVISION.

C8s-67-48 Brawner's Subdivision
 Manchaca Road north of Edgeware

The staff reported that this is a one lot subdivision that has not cleared departmental reports at this point, but it is requested that the Commission consider a variance from requiring the signature of the adjoining property owner in that he does not wish to join in the platting. A letter has been received from the owner of the subject property requesting that this variance be granted. The balance of the tract is rather large and the proposed Barton Skyway will extend through the property. Since an attempt was made to get the adjoining owners to participate, and due to the fact that the balance of the tract does have ample access on Lightsey Road, (Barton Skyway) a major street, the staff recommends that the variance be granted and this short form plat be accepted for filing. The Commission then

VOTED: To ACCEPT for filing the short form plat of BRAWNER'S SUBDIVISION, granting a variance from requiring the signature of the adjoining property owners.

C8s-67-41 John H. Tyler III Subdivision Tract 2
Charlotte Street and Waterston Street

The staff reported that the tracing of this short form plat has not been returned and recommended it be rejected for filing. The Commission then

VOTED: To REJECT for filing the short form plat of JOHN H. TYLER III
SUBDIVISION Tract 2, pending the return of the tracing.

C8s-67-43 Northwest Hills, Section 10, Phase 1
Farwest Boulevard

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

VOTED: To REJECT for filing the short form plat of NORTHWEST HILLS,
Section 10, Phase 1, pending return of the tracing.

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

The staff reported that this short form plat was before the Commission at the last regular meeting at which time it was accepted for filing. A variance from requiring the signature of the adjoining owner was granted subject to submission of a letter from the applicant stating that an attempt had been made to get the adjoining property owner to join in the platting. A letter to this effect has not been received and the tracing of the plat has not been returned. The staff recommends this short form plat be rejected for filing pending the return of the tracing and submission of the letter in question. It is also recommended that the staff be authorized to poll the Commission when the letter has been received, and the plat has complied with all other requirements so that administrative approval can be given.

Mr. Goodman stated that the staff should be authorized to poll the Commission, but only if the requirements have been met within three days. It was then

VOTED: To REJECT for filing the short form plat of RAMSEY-PUETT COMMERCIAL AREA, pending return of the tracing and submission of a letter to the effect that an attempt was made to get the adjoining property owner to join in the platting, and authorizing the staff to poll the Commission if the letter is submitted within three days.

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following short form plats:

<u>C8s-67-22</u>	<u>Lindy Huber Subdivision, Resub. of part of Tract 1</u>
	<u>Old U.S. Highway 183</u>
<u>C8s-67-29</u>	<u>Jack D. Funderburgh Subdivision</u>
	<u>Ridge Oak Road and McCarty Road</u>
<u>C8s-64-152</u>	<u>Joe P. Jekel Subdivision</u>
	<u>Pecan Street and McNeil Road</u>

C8s-67-37 Barton Hills, Section 5, Resub. of Lots 17 & 18, Block 1
Ridgeview Street and Barton Parkway

The staff reported that all departmental reports have been received and this short form plat has complied with all requirements of the Ordinance. The staff recommends that this short form plat be approved, authorizing the staff to hold the plat from record pending vacation of an easement and showing of the necessary volume and page on the plat. The Commission then

VOTED: To APPROVE the short form plat of BARTON HILLS, Section 5, Resub. of Lots 17 & 18, Block 1, authorizing the staff to hold the plat from record pending vacation of an easement and showing of the necessary volume and page on the plat.

C8s-67-39 Yett Addition
Thrasher south of Riverside Drive

The staff reported that this is a two lot subdivision located on Thrasher Lane south of Riverside Drive. There is a problem involved in that a variance is required on the signature of the adjoining property owners. A letter has been received from the applicant, stating that the adjoining property owners have been contacted and they do not wish to join in the platting. All requirements of the Ordinance have been met and all departments have cleared this request. The staff recommends this short form plat be approved and the variance granted. The Commission then

VOTED: To APPROVE the short form plat of YETT ADDITION, granting a variance from requiring the signature of the adjoining property owners.

C8s-67-46 Powell Lane Subdivision, Section 2
Powell Lane and North Lamar

The staff reported that this short form plat has cleared all departmental reports but a variance involving the signature of the adjoining property owners is required. This short form plat involves three lots, Lots "A",

C8s-67-46 Powell Lane Subdivision, Section 2--contd.

"B" and "C", and there is a tract of land between them. The three lots between the lots in this subdivision were platted out originally and a variance was granted to exclude the balance of the property. Since that time, there have been a number of tracts sold, by metes and bounds, by the original owner, Mr. Sam McDonald, who still owns a portion of the tract. A letter has been received from Mr. Thomas T. Smith, attorney for Mr. McDonald, stating that Mr. McDonald is not willing to participate in any long form or short form subdivision.

There is a problem involved by excluding the balance of the tract in that additional widening is needed from the balance of the property owned by Mr. McDonald, for the widening of West Powell Lane. In this short form, Lots "A" and "B" are owned by one party and Lot "C" is owned by another. The two property owners involved are providing their portion of the requested widening for West Powell Lane. The property belonging to Mr. McDonald is not providing any widening as he is not joining in the platting.

Mr. Cortez advised the Commission that when Mr. McDonald decides to come in with a subdivision, right-of-way could then be required.

Mr. Foxworth explained that Mr. McDonald has sold all of the existing tracts by metes and bounds and has never been platted or approved by the Commission. The owner of Lot C, Mr. Thomas Arnold, has been trying to get Mr. McDonald to work out a subdivision with him. The uses that are on Mr. McDonald's property are all that will be allowed without a subdivision.

Mr. Lewis asked how much property is in the balance of the tract. Mr. Foxworth stated that there is approximately six to ten acres. A request for "C" Commercial zoning was recently granted on the property. After further discussion, the Commission

VOTED: To APPROVE the short form plat of POWELL LANE SUBDIVISION, Section 2, granting a variance from requiring the signature of the adjoining owner.

C8s-67-44 Wooten Park Square, Section 2
Anderson Lane and Mullen Drive

The staff reported that this is a short form subdivision located at the northwest corner of Anderson Lane and Mullen Drive. It is part of what was originally Wooten Park Square. The balance of that preliminary plan was withdrawn so that this short form plat could be submitted. The applicant would like to exclude the balance of the tract of land to the north and west of the three lots proposed. There will have to be a storm sewer put across the property all the way to the west at some point in the future when the remainder of the property is subdivided. There is also an access problem on Lot 17, immediately to the north of Lot 18, because of a rose bed island in the middle of Mullen Drive. A letter has been received from

C8s-67-44 Wooten Park Square, Section 2--contd.

the applicant stating that a variance is requested because of the access problem on Lot 17 and because there is a concrete pipe problem on the rest of the property. The applicant agrees that if and when the remaining property is shortformed or longformed, he will abide by access requirements and concrete pipe requirements on all property brought in. In view of the letter from the applicant, the staff recommends this short form plat be approved, granting a variance to exclude the balance of the tract. The Commission then

VOTED: To APPROVE the short form plat of WOOTEN PARK SQUARE, Section 2, granting a variance exluding the balance of the tract.

C8s-66-36 Rundberg Addition, Revised
I.H. 35, Rundberg and Middle Fiskville

The staff recommended disapproval of this short form plat pending the required annexation. The Commission therefore

VOTED: To DISAPPROVE the short form plat of RUNDBERG ADDITION, Revised, pending the required annexation.

C8s-67-42 Mueller & Danforth Subdivision
West 35th Street and Jefferson Street

The staff reported that this is a one lot short form located on West 35th Street west of Jefferson Street. The plat has cleared through all departments but there is a variance involving the signature of the adjoining property owner, and there is a problem as additional right-of-way is required for the widening of West 35th Street.

Mr. Stevens stated that the staff has no objection to this short form but the property from which it came is developed with a service station. The problem is that West 35th Street, with 60 feet of right-of-way, should be widened to 70 feet. The subject property is also located in one of the alternate routes of the Camp Mabry Expressway. The staff has briefly discussed this with the Legal Department and it was suggested that the plat could be approved with a 5 foot dedication for additional widening of the street.

Mr. Mueller appeared at the hearing and stated that it will take approximately six weeks to hear from the main office of the service station to see if they will dedicate 5 feet of widening. The Sinclair service station has been contacted previously and they have indicated that they would not even want to sell 5 feet of the property much less dedicate it because of the permanent installations on the property.

Mr. Stevens advised the Commission that one of the alternate locations of the expressway is to the south. If it does go to the south, 35th Street will be retained as a collector street with 70 feet of right-of-way. If the other location is used, 35th Street will be required as a part of the

C8s-67-42 Mueller & Danforth Subdivision--contd.

expressway and the entire portion of the subject property will be needed. Mr. Cortez stated that under the subdivision statutes, it provides that before a subdivision is approved it shall conform to the general plans for the streets. There is a plan for the extension and the widening of West 35th Street and this should be considered by the Commission.

Mr. Foxworth stated that the two tracts as shown on the plat are not two legal lots. Approval of this short form plat will allow services that will increase the traffic. Mr. Mueller stated that there is one tract that could be built on without a subdivision. He objected to the 5 feet of right-of-way because this same type of problem occurred on property he owned on Springdale Road, where 17 or 18 feet of right-of-way was required which was given under protest. In turn, Public Works had to set the curb and gutter line back 5 more feet. Until such time as this right-of-way is needed through here, it should not be required that it be dedicated.

Mr. Foxworth advised the Commission that the staff recommendation is that the variance from requiring the signature of the adjoining owner be granted but that 5 feet of right-of-way from the subject property be required. Mr. Mueller stated that he would dedicate the necessary 5 feet under protest. After further discussion, the Commission

VOTED: To DISAPPROVE the short form plat of MUELLER & DANFORTH SUBDIVISION, pending the dedication of 5 feet of right-of-way for the widening of West 35th Street, and granting a variance from requiring the signature of the adjoining property owner.

C8s-67-47 Freewater Addition, Resub. of part of Lots 6 & 10, Block 4
Center Street and Garden Villa

The staff reported that this short form plat involves a variance from requiring the signature of the adjoining property owner. A letter has been received requesting that this variance be granted. The staff recommends that the variance be granted but that this short form plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of FREEWATER ADDITION, Resub. of Lots 6 & 10, Block 4, pending completion of departmental reports, and granting a variance from requiring the signature of the adjoining property owner.

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

The staff reported that this short form plat was before the Commission at the last regular meeting, at which time it was accepted for filing, with a variance granted on the dead-end street with no cul-de-sac provided and a variance on the width of Lot 1, provided a building setback line is placed behind the 30 foot neck. A report from the Building Inspector's

C8s-67-26 Ruilmann Subdivision--contd.

office indicates that Lot 1, with only 30 feet of frontage on West 16th Street is in violation of the Zoning Ordinance. The staff recommends this short form plat be disapproved pending the required additional easements, completion of departmental reports and subject to consideration by the Board of Adjustment on a variation from Zoning Ordinance requirements. The Commission then

VOTED: To DISAPPROVE the short form plat of RUILMANN SUBDIVISION, pending the requirements as noted.

C8s-67-23 George L. Robertson Subdivision, Resub.
East 12th Street and Angelina Street

The staff reported that action on this short form plat was deferred at the last Commission meeting because the Commission was concerned about a variance that is required on Lots 4 & 8 as they are both substandard from a width standpoint. The main concern of the Commission was that Lot 4 is substandard because the Kealing Urban Renewal Plan, which has been approved, proposes an alleyway through the property which takes up the north 20 feet of the lot, thereby leaving it only 45 feet wide. Without the alley, the lot would have been a standard 65 feet wide.

Mr. Osborne stated that in checking the files, there are at least four or five instances of similar circumstances in which the Commission granted the same type of variance that is required on this property.

Mr. Paul Jones, representing the Urban Renewal Agency, explained that the front $87\frac{1}{2}$ feet of Lot 4 is owned by Miss Mae De Lewis who owned the entire tract at the time the City Council adopted the Urban Renewal Plan in 1963. At that time, the lot was 65 feet in width and 85 feet in depth. It was an existing substandard lot as it contained less than the required square footage. The dwelling unit on the property is and was standard at the time the Urban Renewal Plan was adopted. The subject property is located in what is described as the conservation area.

Mr. Jones presented the approved urban renewal plan showing the proposed location of the Angelina Street alleyway. He stated that in creating this alleyway, 20 feet was acquired from Miss Lewis's property, reducing the front width of the lot from 65 feet to 45 feet. The front of the lot is only 45 feet wide but the rear is 50 feet wide. Miss Lewis has agreed to purchase and will bid on a piece of ground behind the subject property, that came out of another tract, so that she will in affect have nearly 8,000 square feet of land area in her lot eventually. This means that Lot 4 will have 45 feet of width at the front, 50 feet of width at the rear and the square footage will be nearly 8,000 square feet. The 8,000 square feet in the lot more than meets the area requirements for a single-family lot.

C8s-67-23

George L. Robertson Subdivision, Resub.--contd.

One problem the agency is confronted with is that under the State law, the agency does not have the authority to acquire by eminent domain, property to the north, nor additional property from Miss Lewis, as the property to the north is developed with a Humble Service Station that was existing when the plan was adopted and is still existing. Therefore, the agency cannot acquire any part of the property without the consent of the owner and they have not consented. Since this is in a rehabilitation section and not clearance, consideration has to be given to the character of the structure on lot 4. The structure is standard and is being used in conformity with the Urban Renewal Plan for the area. This puts the agency in the position of looking at the lot and not being able to buy it unless Miss Lewis is willing to sell and she is not. She wants to put more money into the structure to bring it up to City standards. There is nothing the agency can do in this situation and that is why the variance is requested.

Mr. Osborne stated that in this case, what the Commission is faced with is essentially the same as in similar cases dealing with private property owners. The individual has a lot that is not a standard width but does have more than enough area and the adjoining property owners will not sell any portion of their property so that the lot can be brought up to a standard width. In the past, the Commission has granted this sort of variance as long as there was sufficient lot area. The lot area for Lot 4 exceeds the minimum 5,700 square feet. This is a valid request for a variance in that the agency is faced with a set of circumstances that puts it in the same position as an individual private property owner, without the power to acquire additional land except by voluntary purchase. The Planning staff recommends this variance be granted as it is in keeping with what the Commission has done in the past and is not contradictory to the practices of the Commission.

Mr. Lewis asked if the creation of this lot with a substandard width is an error of the agency. Mr. Osborne stated that it is an error on the part of the agency and the Planning Department in the sense that the overall, and not detailed, plan was adopted.

Mr. Lewis asked if the granting of this variance would set a precedent. Mr. Osborne explained that there are circumstances in this case that should be considered in the same way a private property owner is considered, such as individual ownership and upgrading of individual homes by people living in the area.

Mr. Wroe stated that there is an existing standard structure on this property which prevents the agency from acquiring the entire area. He asked what the necessity was for the variance as the residence is existing. Mr. Jones advised the Commission that the agency was requested to put this in the plan. Miss Lewis owns the front 87½ feet and she is going to purchase the back 87½ feet. She can remain on the property as she is entitled to stay there. If the variance is not granted, Miss Lewis will not be able to make improvements to the dwelling as the width will be substandard.

C8s-67-23 George L. Robertson Subdivision, Resub.--contd.

The 20 feet for the creation of the alley was acquired by threat of condemnation. Mr. Jackson stated that the Commission has granted variances of this type before for individuals on lots where they only had 40 feet of frontage. He was of the opinion that the request for a variance is valid.

Mr. Wroe asked why an alley is needed in this location when alleys are no longer being provided in subdivisions. Mr. Osborne informed the Commission that this alley relates to the proposed apartment development along 12th Street which is on the north side of the alley. There is a desirable feature in having alleyways in apartment areas, particularly in a situation such as this where 12th Street is a heavily traveled street and garbage pickup can be provided off of the alley rather than the busy street.

Mr. Foxworth stated that the staff recommends this short form plat be disapproved at this time pending completion of departmental reports and additional easements. The Commission discussed the information presented and concluded that the requested variances are valid and justified. It was then

VOTED: To DISAPPROVE the short form plat of GEORGE L. ROBERTSON SUBDIVISION, Resub, pending completion of departmental reports and additional easements, and granting a variance on the width of Lots 4 & 8.

C8s-67-30 Oak Park Subdivision, Resub.
Oakclaire Drive and Oakclaire Lane

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

VOTED: To DISAPPROVE the short form plat of OAK PARK SUBDIVISION, Resub., pending completion of departmental reports.

ADMINISTRATIVE APPROVAL

The staff reported that eight 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-67-38	<u>White & Diseker Subdivision</u>
	Ridgehaven and Berkman
C8s-67-32	<u>Ashdale Place</u>
	Ashdale Drive and Burnet Road
C8s-67-31	<u>Harvey Subdivision</u>
	Oak Springs Drive and Airport
C8s-67-18	<u>Angus Valley & Angus Valley, No. 2, Resub.</u>
	Mustang Chase and Gateway

ADMINISTRATIVE APPROVAL--contd.

C8s-67-21	Angus Valley No. 2, Resub. of Lot 7, Block B
	<u>Mustang Chase and Gateway</u>
C8s-67-25	<u>Hood-Medack Subdivision</u>
	<u>Leisure Drive</u>
C8s-67-7	<u>Gregg & Bryant Subdivision</u>
	<u>Texas State Highway 71</u>
C8s-67-40	<u>San Jose Subdivision</u>
	<u>Santos Street and Montopolis</u>

REPORTS

CASE FOR RECONSIDERATION

C14-65-34 A. E. Cocke: A to BB
4305-4307 Caswell Avenue

The staff reported that this application for a change of zoning from "A" Residence, First Height and Area to "BB", Residence, First Height and Area was heard by the Commission, March 1, 1965, and by the Council March 25, 1965. The Commission, after hearing considerable opposition, recommended against the request as it would be an intrusion into a well-developed residential area. No action was taken by the City Council on the request pending an area study. This study was started by the Planning Department but was not completed because of continuous zoning changes in the area. The most recent change in the area is that of the Theo Meyer property on Red River Street to the east and south of the subject property. The Commission recommended "O" Office be granted on the Meyer property, which was granted by the Council.

Mr. Richard Baker, representing Mr. Cocke, has requested that the Council conclude this application as it has been pending for sometime. The Council has recently referred it back to the Commission for reconsideration and recommendation. The staff feels that although there have been recent changes in the area, the immediate area along Caswell Avenue and west thereof is still well-developed residentially and recommends the request be denied.

The Commission discussed this request and felt that there has not been sufficient change in the area to warrant rezoning of the subject property. They felt that the requested zoning would still be an intrusion into a well-established residential area. It was then unanimously

VOTED: To recommend that the request of A. E. Cocke for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4305-4307 Caswell be DENIED.

POSTPONED CASE

CPI4-67-3 Land Mark Construction Company: 60 unit apartment dwelling group
729-909 East Oltorf Street

The staff reported that this request for a special permit was postponed at the last Commission meeting pending a revision to the site plan. There has been no contact with the applicant and the staff recommends the request be postponed for another 30 days. The Commission then

VOTED: To POSTPONE this request for a special permit for 30 days.

OTHER BUSINESS

C2-67-4 ZONING ORDINANCE: Interim Revisions
 Consideration of amendment to the Zoning Ordinance pertaining to extension of area of City Council consideration of off-street parking requirements to the west of the University to Lamar Boulevard (Section 10-C)

The Director of Planning advised the Commission that the City Council has requested that the Commission consider an amendment to the Zoning Ordinance concerning the extension of the area of City Council consideration of off-street parking requirements for approximately a 20 block area to the west of the University of Texas between Rio Grande Street and North Lamar Boulevard and between 19th and 29th Streets. Under the Zoning Ordinance, the Council has the prerogative of reviewing all off-street parking requirements around the central business district, along each side of the Capitol area and on each side of the University to 29th Street. In the past, the required off-street parking in this area has often been reduced below the City-wide requirements. More recently, the Council has required the full or near the full parking requirements.

On March 21, 1966, at a Special Meeting, the Commission recommended a new off-street parking schedule to the Council and this was adopted. The Commission also recommended that this special consideration area be removed from the Council prerogative for all residential uses but that the Council would still have the prerogative for consideration of all commercial uses, recognizing that there are many problems in the area around the University where the commercial areas are extensively built up. There was a feeling on the part of the Commission and staff that it was not unreasonable for the Council to look at specific problems in this area, but felt that special consideration of parking requirements on all apartment and residential uses should be eliminated. The Council discussed this recommendation and rejected it. The Council has now asked the Commission to recommend on extending the area of special consideration to the west of Rio Grande Street.

The Planning Department recommends against the enlargement of the special consideration area and noted the original recommendation by the Commission. It is recognized that there are many established problems in the commercial areas but it is felt that any apartment development should be required to have the City-wide parking requirements.

C2-67-4 ZONING ORDINANCE: Interim Revisions--contd.

Mr. Jackson stated that he realizes that special consideration on commercial property is needed; however, the cost of land in the University area for residential or apartment development is going up and beyond economics by which people can develop the property and make money. Developers are attempting to erect as many apartments as possible on the land in this area and this creates automobile problems.

The Commission members were of the opinion that most of the problems in the University area stem from parking and felt that this problem will increase. They were of the opinion that the area of special consideration by the Council should not be extended. It was then unanimously

VOTED: To recommend that an amendment to the Zoning Ordinance pertaining to the extension of the area of City Council consideration of off-street parking requirements, as described in Section 10-C, be DISAPPROVED.

C10-67-1(f) ALLEY VACATION

The east 189 feet of alley located between Lawton Avenue and Jefferson Street north of West 35th Street

The staff reported that this request for the vacation of the east 189 feet of the alley located between Lawton Avenue and Jefferson Street north of West 35th Street is made by the abutting property owner Mr. R. G. Mueller. Mr. Mueller wishes to vacate the alley and provide a drive through for trash pickup and so that the area can be incorporated into the driveway and parking area of the new community center.

Mr. Hendrickson asked if the garbage trucks could get in and out of the 16 foot alley. Mr. Stevens stated that Mr. Reuben Rountree, Director of Public Works, has indicated that they can serve the property. The staff recommends this vacation subject to the retention of the necessary drainage, and electrical easements, and subject to the retention of 10 feet of right-of-way for future widening of Jefferson Street. The Commission then

VOTED: To recommend that the east 189 feet of the alley located between Lawton Avenue and Jefferson Street north of West 35th Street be VACATED, subject to the retention of the necessary easements and subject to the retention of 10 feet of right-of-way for future widening of Jefferson Street.

AYE: Messrs. Lewis, Brunson, Anderson, Bluestein, Riley, Jackson,
Goodman and Wroe

NAY: Mr. Hendrickson

ABSENT: None

C10-67-1(g) STREET VACATION
Elgin Avenue northwest of Stratford Drive

The staff reported that this request to vacate Elgin Avenue northwest of Stratford Drive is made by Mr. Robert L. Ogden, representing the abutting property owner. The request is made so that the area of the street can be returned to the owner of the abutting land in order to restore the frontage of the lot along the newly created Stratford Drive.

The staff recommends this vacation subject to the retention of the sanitary sewer, water department and gas easements. The Commission then

VOTED: To recommend that Elgin Avenue northwest of Stratford Drive be VACATED, subject to the retention of the necessary easements.

ADJOURNMENT: The meeting was adjourned at 10:50 p.m.

Hoyle M. Osborne
Executive Secretary