

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- May 2, 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  
M. J. Anderson  
Ed Bluestein  
Barton D. Riley  
Jack Goodman  
W. A. Wroe  
Edgar E. Jackson

Absent

Howard Brunson  
Ben Hendrickson

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of April 25, 1967.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-67-35 Planning Commission: Area Study

Area located north of Old West 19th Street, east of Lamar Boulevard and Shoal Creek Boulevard, south a distance from West 24th Street and west of Leon Street and a north-south alley between David Street and Robbins Place

STAFF REPORT: This area study covers approximately 106 parcels of land located in the area north of Old West 19th Street, east of Lamar Boulevard and Shoal Creek Boulevard, south a distance from West 24th Street and West of Leon Street and a north-south alley between David Street and Robbins Place.

C14-67-35 Planning Commission--contd.

This hearing resulted from a recent request by C. C. Nolen, to rezone property located on West 22½ Street to "B" Residence, Second Height and Area. The Commission heard Mr. Nolen's request in February of this year. They felt that any change in the area should be done on a comprehensive basis rather than one lot at a time, and instructed the staff to set a public hearing on the area. All of the area under consideration is "A" Residential property. There appears to be 106 parcels of land and the staff did not feel that the area for study could be split as the problems of developing any one section of the area would be overwhelming to the remaining sections. The area contains approximately 36 gross acres of land, including streets and alleys. The area west of Leon Street and Robbins Place is developed with 97 single-family dwellings, 15 two family dwellings, six apartments and 2 group quarters (dormitories). The figures presented are somewhat misleading as the statistics were gathered for the area from Leon Street westward, which includes property at the corner of West 24th Street and Leon Street that is zoned "O" Office and developed with the Dexter House. This property is not in the area of consideration for rezoning but is in the area statistically. Statistics indicate that 81% of the development in the area is sound and 19% of the development is fair. The average age of the dwellings is approximately 29 years. Thirty-six percent of the 150 units indicate owner-occupancy. The last census, in 1960, reveals that in this particular area the population was 389, increasing to 683 in 1966. This is a large increase but a portion of this was brought about by the building and occupancy of the Dexter House which accounts for 240 people. However, the area is stable and the population has increased 15%, excluding the Dexter House population. There are 23 net acres of residential development in the area, 3 acres of public or semi-public land (such as the Caswell Tennis Courts) and 7 acres of streets and alleys. The density based on the 35 gross acres is 19 people per acre.

The staff compared the area east of Leon Street to Rio Grande Street, consisting of approximately 55 gross acres, to the area under consideration. The statistics for this area indicates that there are 91 single-family dwellings, 27 two-family dwellings, 44 apartments and 34 group quarters (dormitories), making a total of 196 structures in the area. The population of the overall area in 1960 was 1,768. When the area under consideration is excluded, the population in 1960 was 1,379, increasing to 2,416 in 1966. This presents a density factor of approximately 67 people per acre in the 55 gross acre area. This is approximately three times as dense as the population in the area under consideration. Of the 196 units located on the property between Leon Street and Rio Grande Street, 91 are single-family dwellings, meaning that approximately one-half of the area is still subject to apartment development.

The street pattern in the area west of Leon Street is very limited inasmuch as 22½, 22nd and Longview Streets dead-end in this area. Cliff Street is a gravel street that does not intersect Old West 19th Street on the ground. West 24th and West 25th Streets will eventually be made into one way streets as proposed in the Austin Transportation Plan. West 24th Street will be one

C14-67-35      Planning Commission--contd.

way going east. The entrances into the area are severely limited as the primary means of access is from West 24th Street and Robbins Place.

The staff feels that the question of need should be one factor of consideration in expanding the apartment area towards Lamar Boulevard as this would disrupt the present residential characteristics of the area. Some of the lots in the area are of such size that apartment development would not be permitted under rezoning. These people will be penalized and will have to bear the burden of apartments amongst and around them. A point of a different nature for Commission consideration is that the University is in the process of or has acquired land around the University, mainly to the north and east, for the library and the expansion of the University facilities. The City is acquiring or will be acquiring land for expressway or thoroughfare purposes. The taking of land in and around the University area will necessitate relocation of student housing existing in these areas, and the staff feels that the area under consideration could be one of the directions the student housing could move.

Mr. Stevens explained that written objections from the people in the area indicate that they are strongly opposed as outlined in letters of which the following excerpts summarize their reasons.

"Many of us are University faculty or staff members; others are students. Our homes represent in most instances our chief capital investment; and it seems fairly evident that if the pressures certain to be created by re-zoning force us out of our homes, we will pay heavily in relocating: in a time of inflation, this is inevitable. We have no choice, then, other than to oppose re-zoning. It is argued that expansion of the University makes necessary many such changes in the University area. While this may be true, it may also be pointed out that the faculty are also part of the University; that no provision for faculty housing has ever been attempted by the University or made any apt of long-range planning by City authorities; and that in view of these facts, it would not seem unreasonable to ask for some consideration of faculty interests in an area where for obviously good reasons many faculty members have long had their homes. In the past, we have accepted fraternity and sorority houses to the north, with the assurance that this would be a development bounded by 24th Street. The City has thus included student housing of this type in its planning; is it too much to ask that faculty housing, when already long established, be given some thought? Or are students, finally, the only ones who are to enjoy the privilege of living near the University?"

"If this area is changed to a neighborhood for apartments for use by the University students it will destroy the value of our property for residence purposes. My house is only good for

C14-67-35 Planning Commission--contd.

residence purposes. Only 2 years ago I spent \$15,000.00 improving this home for a single residence. The house is now worth about \$37,000.00 and my son's house about \$20,000.00."

## TESTIMONY

## WRITTEN COMMENT

## Code

CP	J. E. Skrivanek: 1106 West 22nd Street	FOR
CE	Charles E. Nemir: 1113 West 22½ Street	AGAINST
CH	Mrs. M. D. Council: 1107 West 22½ Street	AGAINST
EZ	W. C. Gauntt: 201 West Live Oak Street	FOR
DK	Mr. & Mrs. H. T. Kluge, Jr.: 1201 West 22½ Street	AGAINST
AZ	O. B. Douglas: 1101 West 22nd Street	AGAINST
B	Ida Mae Campbell: 1114 West 22½ Street	AGAINST
BV	A. Wilson Nolle: 1910 David Street	AGAINST
CF	Mrs. E. J. Tucker: 1111 West 22½ Street	AGAINST
CD	Stuart Nemir: 1115 West 22½ Street	AGAINST
CX	Joseph & Joan Jones: 2212 Longview Street	AGAINST
CS	J. J. Lagowski: 1114 West 22nd Street	AGAINST
DE	Mr. & Mrs. Harold G. Robinson: 2309 Shoal Creek	AGAINST
A	C. C. Nolen: 1110 West 22½ Street	FOR
?	Jessie L. Lott: 2307 Longview Street	AGAINST
?	J. D. Kasperek: 4513 Avenue H	AGAINST
CV	Marguerite Craig: 2310 Longview Street	AGAINST
BW	Mrs. Alison Dieter: 1906 David Street	AGAINST
CA	Thomas M. Cramfill: 1901 Cliff Street	?
	A petition with 45 signatures	AGAINST

## PERSONS APPEARING AT HEARING

## Code

CD	Stuart A. Nemir: 1115 West 22½ Street	AGAINST
BV	A. Wilson Nolle: 1910 David Street	AGAINST
BW	Mrs. Mary Atwood: 1906 David Street	AGAINST
BS	Grace D. Beacham: 1916 David Street	AGAINST
BT	Mrs. George D. Camp: 1914 David Street	?
BN	Fannye N. Cherry: 1915 David Street	?
CR	Mrs. Greenwood Wooten: 1405 Wooldridge Drive	AGAINST
BZ	Kathleen Molesworth: 1900 David Street	AGAINST
BP	William Maxwell: 1914 David Street	FOR
BP	Mrs. W. Maxwell: 1914 David Street	FOR
DQ	Oliver H. Radkey: 1305 West 22nd Street	AGAINST
DQ	Mrs. O. H. Radkey: 1305 West 22nd Street	AGAINST
DJ	Mrs. Larry B. Shaw: 1207 West 22½ Street	AGAINST
DD	Clarence E. Ayres: 2307 Shoal Creek Boulevard	AGAINST
F	Caroline Crowell: 2311 Longview	AGAINST
F	Ann Tucker: 2311 Longview	AGAINST
CG	W. C. Brown: 2607 Hillview	FOR
CG	Mrs. W. C. Brown: 2607 Hillview	FOR

C14-67-35 Planning Commission--contd.

DX	David K. Brace: 2205 N. Lamar Boulevard	AGAINST
DX	Mrs. D. K. Brace: 2205 N. Lamar Boulevard	AGAINST
DE	Mrs. Harold G. Robinson: 2309 Shoal Creek Boulevard	AGAINST
DB	Mrs. Ruth Isely: 2301 Shoal Creek Boulevard	AGAINST
FG	Mrs. Evelyn Harris: 1809 Vance Circle	AGAINST
FG	Annie Maxwell: 1809 Vance Circle	?
FH	Meril G. Carter: 1813 Vance Circle	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. C. C. Nolen appeared at the hearing and stated that he initiated a request for a change in zoning on property north of West 22½ Street for the purpose of building a small apartment unit in order to increase the economical feasibility of the land. Since the request was initiated, the property owner to the north and the property owner across the street has joined in the request. Other property owners have not been contacted but it is known that there are objections in the area.

Mr. Nolen stated that his main concern is his property, and he feels that rezoning should be considered as it is contiguous to "B" zoning, existing to the west. A change in zoning would permit the erection of a building that would upgrade the property. The only way to upgrade the property is to allow a change in zoning that would permit new construction to take place. The density in this area is increasing rapidly. Mr. Nolen further stated that it is his opinion that the Committee should consider his property along without considering the entire area at this time.

## Arguments Presented AGAINST:

Twenty-six property owners appeared at the hearing in opposition to a change of zoning for this area for the following reasons:

1. The requested zoning would destroy the value of the existing residential property.
2. The streets are too narrow to handle the increased traffic that would be caused by a change.
3. Cars park on both sides of the street making a hazardous traffic problem.
4. This is predominantly a residential area that contains numerous old and established residences. A change in zoning would be unfair to the majority of the homeowners in the area.
5. A change in zoning would make the area undesirable for the existing residential property owners.
6. Development of apartments in this residential area would create many disturbances.
7. Considerable money is spent on the restoration and improvement of the homes in the area as this is a stable and well-developed residential area.

C14-67-35 Planning Commission--contd.

8. Many of the homeowners are people who have lived in the area for a great number of years and cannot afford to relocate.
9. This is a pleasant residential area that should remain as such.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this area should remain "A" Residential for the following reasons:

1. The street pattern limits access to the area and the existing streets are narrow.
2. There is not an immediate need for apartment zoning in the area.
3. Apartment zoning would disrupt the present residential uses.
4. Intermixing of apartments would be to the detriment of the remaining residential property.
5. Many of the residential lots are too small to develop under rezoning.
6. A change in zoning for this area is premature at this time.

At the Commission meeting, Mr. Jackson asked if the Committee had considered the possibility of rezoning a portion of this area to "B" zoning. He stated that this is a changing area at the present time and is non-owner-occupied.

Mr. Wroe explained that the Committee considered the uses in the area and the owner-occupancy of the area. In view of the report by the staff that this area can maintain itself as a residential "A" area, for some time, the Committee felt that the zoning should not be changed.

Mr. Osborne, Director of Planning, advised the Commission that there may be portions of the area where a change would be appropriate. The general area west of Longview Street contains a very substantial residential development that is predominantly owner-occupied. There are a number of single-family and two-family houses in the area. The area is definitely developed with good single-family housing that is in good condition. The area between Longview and Leon Streets and the alley between David and Robbins Place is developed with a mixture of rental units, with more than two units on a lot. One fact that should be considered is the injection of the existing "B" zoning along West 22nd Street that extends approximately 5 blocks off of Leon Street. David Street is a fairly heavy rental street with a fair number of duplex lots or two units on a lot. In the area to the north, there is a mixture of development and uses. It is felt that the area east of Longview extending to Leon Street, is worthy of serious consideration for a change in zoning at this time. From the standpoint of a low density zoning, this would probably not be a suitable solution for the area as it is in close proximity to the University area. Through the area there are a number of individual owners. Some of the lots are small and may be developed with a duplex, house or small apartment. If the area is zoned for apartments, it does not mean the land is available for this type of development because of the size of some of the lots. There is great pressure on the private housing development in relation to the University area. There is an economic reason that

C14-67-35      Planning Commission--contd.

that should be considered as a determining factor. A portion of the land in the area would probably go into apartment use in the near future while it would probably take 10 or 20 years before the majority is developed.

Mr. Lewis asked if all of the people in the area were notified of this study and if so, what is their feeling with regard to a change in zoning. Mr. Osborne explained that the majority of the people in the area do not want a change; however, many of the individuals have recognized that a change will occur but they would prefer that the change not occur now.

Mr. Osborne recommended that the area to the east of Longview Street to Leon Street be considered for a change in zoning to "B" Second Height and Area as this would allow the highest and best use for the land in an area that is changing. He stated that the balance of the area is not at the present time a pressure area and there is reason for leaving that portion in the present classification.

Mr. Wroe stated that it is his opinion that "BB" zoning in this area would be proper; however, appraisers have priced this land above "BB" development and above residential development. Any change in ownership is traded on a higher use basis. Both "BB" and Residential "A" are uneconomical in the area for a change but under the present zoning Ordinance, if "B" is injected into the area there is no way the existing street pattern could accommodate the increased automobile traffic. This is a fringe area near the University pressure area, and there is a very good chance that as redevelopment around the immediate University area changes to high density development, this will temporarily alleviate some of the pressure in this area whereas in 5 or 10 years a new traffic pattern can be developed and the area could then be rezoned.

Mr. Osborne stated that there are indications that a pressure situation is occurring in this area due to the amount of land available for market. With the University East and renewal projects, there will be additional private land removed from the market. There will be private housing for students removed and as a result this will bear on the area under consideration and may accelerate the rebuilding and reuse of the area to multi-family use. The street pattern presents a problem as the streets are narrow but are not substandard, and they compare with streets in other areas of the City with the same type of development. At the present time, there is no solution to the street problem.

Mr. Goodman was of the opinion that it would be more appropriate to consider a change in this area after the location of the Central Expressway has been firmly established. If the Expressway is located within the area, the entire area and street pattern will have to be restudied. More intensive zoning at this time would increase the problems that are existing.

Mr. Osborne stated that a general street widening plan would be difficult to implement because of the number of individual property owners. There is a substantial real estate need occurring in the University area as a result

C14-67-35 Planning Commission--contd.

of the growth of the University, and the conversion of privately used land into publicly used land.

The streets are substantial in character, and most of them are of such width that traffic can be carried in a slow fashion. This is not desirable but this is a situation that will not change. Parking along the streets may occur even more as this is a pressure area and many people commuting to the University park here.

Mr. Wroe stated that apartment development follows the price of the land and the land in the area of consideration is not priced as high as land in the University area; therefore, developers will buy this land as opposed to land closer to the University. This means that there will be apartment development along the interior of Longview Street and West 22nd Street. The traffic problems will then be thrust into the interior of the area where the problems already exist. If any zoning change is considered, the entire area should be changed so that access will not be cut off. It is felt that any zoning change would be detrimental to the area.

Mr. Jackson stated that this is no longer a suitable area for residential development. The area is changing and the change is towards apartment development. The existing streets are narrow but they are not any more narrow than other streets in high density areas. A change should be seriously considered on the area east of Longview Street as the use existing is mixed.

Mr. Wroe reviewed the Committee's reasons for recommending that the area remain as Residential "A". He stated that it is his opinion that immediate development in the University periphery would preclude the extended pressure on this area which is relatively far from the main campus area. After further discussion, the Commission

VOTED: To recommend that the area located north of Old West 19th Street, east of Lamar Boulevard and Shoal Creek Boulevard, south a distance from West 24th Street and west of Leon Street and a north-south alley between David Street and Robbins Place remain zoned as "A" Residential, First Height and Area.

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

NAY: Mr. Jackson

ABSENT: Messrs. Brunson and Hendrickson

C14-67-46 Mary N. Sala: A to BB  
2103-2105 Alta Vista

STAFF REPORT: This site consisting of 18,526 square feet is developed with a two-family dwelling. The stated purpose of the application is to create a triplex by adding an additional unit. The subject property is surrounded by "A" Residential zoning and development. "B" zoning, granted



Cl4-67-46 Mary N. Sala--contd.

in 1962, is established to the south of East Live Oak Drive. Travis Heights Elementary School is established on property to the east of Alameda Drive.

A request for "B" Residence, First Height and Area zoning was made on the subject property in 1964, at which time the Commission was of the opinion that the requested change would not be consistent with the residential use existing in the area. It was recommended that the request be denied. The staff feels that the requested zoning would be piece-meal zoning, and would not be consistent with the surrounding zoning and development. It is recommended that the request be denied.

## TESTIMONY

## WRITTEN COMMENT

## Code

Z	Mrs. L. E. Lane: 2017 Travis Heights Boulevard	AGAINST
AA	Frank H. Ashmore: 2017 Travis Heights Boulevard	AGAINST
Q	Emil H. Spillmann: 2110 Travis Heights Boulevard	AGAINST
AG	Mr. & Mrs. Joseph L. Erickson: 2103 Travis Heights	AGAINST
H	Thomas B. Barnette: 2008 Travis Heights Boulevard	AGAINST
E	Mr. & Mrs. Weldon Mayer: 2007 Alta Vista	AGAINST
M	W. T. Barron: 406 West 33rd Street	AGAINST
N	R. B. Estepp: 2100 Travis Heights Boulevard	AGAINST
B	Mrs. Bertha E. Johnson: 2101 Alta Vista	AGAINST
AE	Chester Heep: 2007 Travis Heights Boulevard	AGAINST
AQ	Pinecreek Company: 811 Capital National Bank Bldg.	FOR
AL	William H. Davis: 2107 Alameda Drive	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	Mary N. Sala (applicant)	FOR
AP	Mr. & Mrs. Wilbourn Weaver: 2004 Alta Vista	AGAINST
W	Von Linder: 2113 Alta Vista	AGAINST
W	Gussie Linder: 2113 Alta Vista	AGAINST
N	R. B. Estepp: 2100 Travis Heights Boulevard	AGAINST
N	Mrs. R. B. Estepp: 2100 Travis Heights Boulevard	AGAINST
Y	Mrs. W. A. Rice: Route 6 Box 143	FOR
Q	Emil H. Spillmann: 2110 Travis Heights Boulevard	AGAINST
AA	F. H. Ashmore: 2017 Travis Heights Boulevard	AGAINST
AA	Mrs. F. H. Ashmore: 2017 Travis Heights Boulevard	AGAINST
F	Mrs. Glynn Hopkins: 2005 Alta Vista	AGAINST
X	Earl Coleman: 5315 Martin Avenue	AGAINST
?	George B. Russell: 2103 Alta Vista	FOR
?	Mrs. Theo. Lockwood: 2107 Travis Heights Boulevard	AGAINST
?	Ernest S. Watson: 2105 Travis Heights Boulevard	AGAINST
?	Mrs. Ernest S. Watson: 2105 Travis Heights Boulevard	AGAINST

C14-67-46 Mary N. Sala--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. George Russell, representing Mrs. Sala, stated that the applicant has a duplex on the property, and would like to add another unit. The proposed apartment would conform to the specifications of the City. There is a two-story duplex across the street to the west and a four unit apartment structure is established on two lots to the south. The structure existing on the subject property is located to the rear providing sufficient room for building onto the front of that structure so that it will conform to the structures on either side. This will make a better looking apartment. Mrs. Sala's husband was recently killed in Vietnam and the zoning is requested so that an additional apartment unit can be built in order to provide more income for her education and support of her child.

## Arguments Presented AGAINST:

Eleven nearby property owners appeared in opposition to this request and stated that this is a very nice residential area that should be retained as such. The people in the area are proud of the existing homes, and they feel that a change of zoning to allow apartments would be an intrusion. One lot in an area should not be rezoned to accommodate one property owner as there are many property owners that should be given equal consideration. The subject property is not large enough for apartment development. The traffic situation is very bad because of the school and because of the limited access to the area. Alta Vista is a one-way street and if apartment zoning is established, this would create a need for another one-way street. To add more traffic would be hazardous as cars would be parking along the streets. People bought their homes in this area because of the residential characteristics and a change in zoning would tend to set a precedent.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as apartment zoning would be an intrusion into the residential area and be detrimental to the neighborhood development. The street pattern is not sufficient for the proposed development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mary N. Sala for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2103-2105 Alta Vista be DENIED.

C14-67-47      Miss Vernon D. Moore: A, 1st to B, 2nd  
                  309-311 West 39th Street  
                  3811-3817 Avenue B  
                  310 West 38½ Street

STAFF REPORT: This site covers an area of 19,000 square feet, which is developed with two-single-family dwellings. The stated purpose of the application is for apartments. The proposed zoning would permit 12 regular apartment units or 25 apartment hotel units. "B" Second Height and Area zoning was established on three parcels of land to the south along West 38th Street in 1962, at which time right-of-way was dedicated for the widening of West 38th Street. An application for apartment zoning on property to the east along West 39th Street was withdrawn as the Commission felt the entire area should be studied as an area rather than rezone one lot at a time and because West 38½ Street is inadequate. Baker Jr. High School is located on property to the northeast of Avenue B and "C" Commercial zoning is established at the northwest intersection of Avenue B and West 40th Street. There are two additional applications for "B" Second Height and Area zoning on property north of West 39th Street at this time. The staff feels that rezoning and redevelopment of the property to West 40th Street for a lower density development could logically occur; however, before this does occur, the streets should be made adequate. Avenue B has only 30 feet of right-of-way in front of the subject property although it does widen to the north. Fifteen feet of right-of-way is needed from the subject property in order to bring the street to the standard width. If West 38½ Street, with only 30 feet of right-of-way, is to be used as a street rather than an alley, 10 feet of widening from the subject property is needed. West 38½ Street and Avenue B are both gravel streets. The staff feels that the three requests before the Committee at this time are only the first of many that will follow; however, before the zoning is changed, street needs should be considered.

## TESTIMONY

## WRITTEN COMMENT

## Code

AL	Mitchell Wolf: 3903 Avenue C	FOR
Z	Mrs. Katherine Baker: 312 West 39th Street	FOR
F	Lorene R. Cook: 207 B West 39th Street	AGAINST
AE	Hyde Park Presbyterian Church: 3913 Avenue B	FOR
C	Lillie B. Moon: 301 West 39th Street	AGAINST
E	Frank W. Cook: 207 B West 39th Street	AGAINST'
B	S. W. McKinley: 6104 Wynona	FOR

## PERSONS APPEARING AT HEARING

## Code

E	Frank and Lorene Cook: 207 B West 39th Street	AGAINST
D	Mrs. F. S. King: 207 West 39th Street	AGAINST
AJ	G. E. and Eleanor Mallard: 3900 Avenue C	FOR
J	Mrs. Maude Busch: 3807 Avenue B	AGAINST
?	Miss Helen M. Beck: 3807 Avenue B	AGAINST
?	Mrs. T. A. Norton: 3117 Hemphill Park	FOR

C14-67-47 Miss Vernon D. Moore--contd.

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

The applicant was present on behalf of this request and stated that she is a retired teacher and has lived at this location for many years. The property is up to standard and there have been many attempts to sell it as "A" Residential property, but no one wants to buy residential property in this area. The general neighborhood has gone down steadily. There are many apartment units and rent houses now existing in the area. The only way the property can be sold is if the zoning is changed. There have been three attempts made to have the City pave Avenue B but this paving has not occurred. The school is an open school that will eventually be closed. Mr. Norton, representing Mr. W. W. Ransom, property owner across from the subject property, stated that Mr. Ransom is in favor of the requested change. He stated that Mr. Ransom has two duplexes on his property that are 55 years old. One of the duplexes has been vandalized to the point that he was advised not to rebuild it because the cost would not be justified. A change in zoning would help the entire area.

##### Arguments Presented AGAINST:

Six nearby property owners appeared in opposition to this request because of the narrow unpaved streets that serve the area, and because the dust from these streets cannot be controlled. Additional cars brought by a change in zoning would only increase this dust problem, and create a dangerous traffic situation. If apartments are allowed, there will not be sufficient parking and cars will be parked along the street. Trash cans will be placed in full view of the nearby neighbors and this would be undesirable.

Mr. Wilson a nearby property owner stated that his residence sits fairly close to Avenue B and if widening is required, it will take a portion of his home.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of inadequate streets; however, they stated that they would be in favor of granting "BB", First Height and Area zoning if the street is made adequate.

At the Commission meeting, Mr. Stevens reported a letter from Mrs. Z. T. A. Norton, representing the applicant, offering to dedicate 10 feet of widening for Avenue B. At the Committee meeting, the staff had reported that 15 feet of right-of-way was needed from the subject property for the widening of Avenue B. This also brought up the question of whether or not West 38½ Street was an alley or a street. The staff reported that if West 38½ Street was to be used as a street, and not an alley, 10 feet of widening would be

C14-67-47      Miss Vernon D. Moore--contd.

needed from the rear of the subject property for this widening. Since the Committee meeting, the staff has discussed the right-of-way problems with the Director of Public Works and he has indicated that only 10 feet of right-of-way is needed from the subject property for the widening of Avenue B because of the location of the existing structures along this street which limits the possibility of being able to acquire 60 feet of right-of-way. Public Works feels that they can build a 40 foot roadway within the 50 feet of right-of-way, which does include the 10 feet from the subject property. Public Works has also indicated that additional right-of-way for West 38½ Street is not needed because it is not a full street from the standpoint of traffic pattern and circulation.

Mr. Osborne stated that the character of the zoning pattern in this area should be considered. There is a non-residential use located to the southwest and apartment zoning along West 38th Street and Speedway. This presents a fairly substantial basis for granting "B" zoning; however, the staff recommends against Second Height and Area zoning. It is recommended that "BB" Second Height and Area zoning or "B" First Height and Area zoning be granted in this area. Granting "BB", First Height and Area, as recommended by the Committee, is questionable as being feasible zoning. The general type of development is aimed at keeping cost down and this involves a great many factors. Land has to be acquired, and that normally means that a house is on the property, and the house has to be removed. This has to figure in the cost of the development per unit. In order to keep the apartment development cost down within the University level price range, as this area is generally rented to University students, a "BB" First Height and Area zoning would not be sufficient. The area is already piece-meal zoned for apartments. The area south of West 38½ Street should go into a "B" Second Height and Area classification as this pattern is established. The area to the north of West 38½ Street should be zoned "B" First Height and Area to a certain point. Access into the area is reasonably good because West 39th Street extends to Guadalupe Street and Speedway which are both major streets.

Mr. Sidney Purser appeared at the Commission meeting and stated that he represents Miss Moore and the prospective purchaser of the subject property.

Mr. Cortez advised the Commission that the Planning Commission meeting was not advertised as a public hearing and additional testimony could jeopardize the validity of the hearing. The Commission members felt that all of the pertinent information had been given at the Zoning meeting and felt that additional testimony at this point would be improper.

Mr. Wroe stated that the Zoning Committee, in arriving at their recommendation, felt that "BB" First Height and Area zoning was the classification that could apply to this entire area and would allow redevelopment. There are a great many apartment developments in Austin that do not create the problems that an intensive apartment development does. The Committee felt that with "BB" zoning for this area, with the existing street pattern,

C14-67-47      Miss Vernon D. Moore--contd.

would permit redevelopment and still offer some protection for the existing residential development. There was a question of economics as some of the property is priced too high to allow development under a less intensive zone; however, this is not a zoning problem. Mr. Jackson stated that he does not agree with the Committee recommendation of "BB" Residence, First Height and Area zoning for this area. The Commission needs to recognize that this is a changing area that will go into multi-unit apartment development. The new parking requirements alleviate some of the units that can be developed on property. If the property is zoned, it should be zoned for an intensive apartment development as this is no longer a residential area. The street pattern is not going to change, but as individual requests for zoning come before the Commission and Council, widening can be acquired. Mr. Jackson further stated that in his opinion "B" First Height and Area or "BB" Second Height and Area zoning is not the proper zoning for this area. A precedent of "B" Second Height and Area has been set on West 38th Street; to deny the request for the same zoning would be inconsistent.

Mr. Riley stated that the Committee was also concerned about high density development in this area because of the Baker Jr. High School located to the northwest. Mr. Jackson stated that the Commission conducted an area study in another section of Austin and recommended that "BB" zoning be granted; however, since that time, apartment development has not occurred in the area because the price of land does not allow development of the highest and best use. "BB" Zoning does not help any area very much. Mr. Riley felt that "BB" zoning provides for more useable open space and thought this should be an important factor to consider. Mr. Wroe stated that many zoning requests could be called speculative zoning. Property that needs a zoning change is usually priced lower than property that is already zoned. Mr. Lewis agreed with Mr. Jackson and felt that "BB" zoning is not conducive to an investor or a developer.

After further discussion, a motion to grant "B" Residence, Second Height and Area zoning failed to carry by the following vote:

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

It was then

VOTED:        To recommend that the request of Miss Vernon D. Moore for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 309-311 West 39th Street, 3811-3817 Avenue B and 310 West 38½ Street be DENIED but that "BB", Residence First Height and Area be GRANTED.

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

C14-67-48      Thomas C. Wommack: A to O  
 4409 Manchaca Road

STAFF REPORT: This site consists of 10,860 square feet of undeveloped land. The stated purpose of the application is for building a doctor's office. There is a mixed zoning pattern in the area consisting of "C", "GR", "LR", "O", "A" and "B". Manchaca Road, with a present right-of-way of 60 feet in front of the subject property, is classified as a major arterial street with a proposed right-of-way of 80 feet. Beginning at the north line of the subject property, Manchaca Road has 80 feet of right-of-way; however, from the intersection of Redd Street and Manchaca Road there is only 40 feet of right-of-way. Because of the alignment of the road, 20 feet of widening is needed from the subject property. In view of the mixed zoning pattern and development in this area, the staff feels the requested zoning is proper; however, until the street is made adequate, it is recommended that the request be denied.

Mr. Cortez advised the applicant that if the street is not made adequate, the Commission would have to consider the property and decide whether or not "O" Office zoning could be granted for property on a street with inadequate right-of-way. In the Transportation Plan that was adopted by the City Council, Manchaca Road is proposed to have 80 feet of right-of-way.

#### TESTIMONY

##### WRITTEN COMMENT

Code

V      Broadway Oil Company: Majestic Building, San Antonio      FOR

##### PERSONS APPEARING AT HEARING

Code

A      Thomas C. Wommack (applicant)      FOR

#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that the plans to develop a doctor's office, with adequate off-street parking, on the rear portion of the property. He was of the opinion that it would be foolish to have 80 feet of right-of-way in front of his property and then have the right-of-way narrow down. He stated that he would discuss the right-of-way with the City.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of the inadequate right-of-way of Manchaca Road; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as the zoning is proper for the area.

C14-67-48      Thomas C. Wommack--contd.

At the Commission meeting, Mr. Wommack advised the Commission that he had discussed the right-of-way with the Planning staff and they had informed him that the Committee recommendation was to deny because of the inadequate right-of-way of Manchaca Road. He stated that he is in favor of widening the road because a traffic problem does exist but felt that to deny this request would not help that problem. Mr. Wommack further stated that he would try to work with the City on the right-of-way question before the request goes to the City Council.

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

VOTED:      To recommend that the request of Thomas C. Wommack for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4409 Manchaca Road be DENIED.

C14-67-49      Martha Ann Zivley: B to C  
2713-2715 Hemphill Park

STAFF REPORT: This site consisting of 9,888 square feet is developed with a single-family dwelling. The stated purpose of the application is for operating a typing service and related uses. "C" Commercial zoning is established on property to the west and south, and "B" zoning is established to the east and west along Nueces Street. "O" Office zoning is established on property at the intersection of West 28th Street and Nueces Street. "C" zoning on property to the north was established in 1966, at which time the Commission recommended the request be granted as this is a high density area and because it was a logical extension of the existing "C" Commercial area. It was also felt that commercial zoning would be consistent with the overall zoning pattern established and would allow the highest and best use for the land.

The staff feels that this request is consistent with the zoning pattern established and recommends that the request be granted.

#### TESTIMONY

#### WRITTEN COMMENT

Code

none

#### PERSONS APPEARING AT HEARING

Code

A      Martha Ann Zivley      (applicant)

FOR



C14-67-49 Martha Ann Zivley--contd.

#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that the existing residence is a very old house that should be preserved. The property is zoned for 14 apartments but it is felt that the existing building should not be changed as it is very well adapted for the proposed use. Most of the people coming into this business are graduate students and faculty members who come at different times of the day.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as it is in keeping with the zoning pattern developing in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Martha Ann Zivley for a change of zoning from "B" Residence, Third Height and Area to "C" Commercial, Third Height and Area for property located at 2713-2715 Hemphill Park be GRANTED.

C14-67-50 John L. Adams: A to O (as amended)  
1407-1409 Morgan Lane

STAFF REPORT: This site covers an area of 17,400 square feet which is developed with two single-family dwellings. The stated purpose of the application is for office and future commercial uses. The subject property fronts onto Morgan Street which is zoned and developed residentially. A request for "C" Commercial zoning for a welding shop was made on the property adjoining the southern boundary of the subject site in 1965, at which time "B" zoning was requested along the western portion of the subject property in order to provide a driveway from Morgan Lane to the welding shop. The Commission recommended denial of this request for it was felt that this would be an intrusion into a well-developed residential area and would set a precedent to the detriment of the area; however, the Council did grant the "C" Commercial, but denied the request for "B" on the subject property. To the south along Fort View Road there is "GR", "C" and "O" Office zoning. A large church is established on property to the west at the intersection of Morgan Lane and Banister Lane.

The staff feels that Morgan Lane is residential, in width and development, and should remain that way.

C14-67-50      John L. Adams--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

V	Smith Properties, Inc.: P.O. Box 1827	AGAINST
Q	H. M McWright: 1605 Morgan Lane	AGAINST
J	Mr. & Mrs. Phil S. Crawford: 1407 Eva Street	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	John L. Adams (applicant)	FOR
R	Hollis W. Polvado: 1501 Morgan Lane	AGAINST
X	Earnest F. Puryear: 1504 Morgan Lane	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request, and stated that he wishes to make legal the now existing use of his property. The property contains two residence, one in the front portion of the lot and another in the rear which is used as an office. Since buying the property a year ago approximately \$5,000 has been spent on improvements. When the property was purchased, two University boys were using the rental building for an office to study. The change in zoning is requested so that these boys can continue to use the building as an office. If the change is not granted, the building will be rented to a family. The welding shop that was located to the rear of the property under consideration is no longer there, but the building is being leased to a tool company. Trucks do not enter the tool company area more than two or three times a month. The requested change to allow an office on this property would be better for the area because there would be fewer cars for this use.

## Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request. He stated that this is a residential street and the paving is not sufficient to allow for commercial traffic. The people in this area are homeowners who do not want to have commercial property nearby.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as it would be an intrusion into a well-defined residential area and because Morgan Lane with only 50 feet of right-of-way is inadequate for commercial traffic.

At the Commission meeting, the staff reported a letter from the applicant requesting that this application be amended to "O" Office, First Height and Area.

C14-67-50 John L. Adams--contd.

The Commission discussed the original request and the amendment to "O" Office. They stated they would not be in favor of the original request to "C" Commercial or the amended request to "O" Office because of the existing residential character of Morgan Lane. After further discussion, the Commission unanimously

VOTED: To recommend that the request of John L. Adams 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 1407-1409 Morgan Lane be DENIED.

C14-67-51 Mrs. Roland Freund: LR to GR  
 4700 Heflin Lane  
 4701 Farm Highway 969

STAFF REPORT: This application covers an area of 57,120 square feet of undeveloped land. The stated purpose of the application is for a drive-in restaurant. There is "LR" zoning existing on the subject property and on the property to the west at the intersection of Farm Road 969 and Springdale Road. A request for "GR" zoning was granted on property to the north along Springdale Road but the Ordinance has not been passed. Springdale Road, Heflin Lane and Farm Road 969 have an adequate right-of-way.

This area has recently been annexed to the City and is predominantly zoned Interim "A" and "A". The staff feels that the existing "LR" or the requested "GR" zone on the subject site would be appropriate for this area; however, "LR" zoning does not permit the drive-in restaurant.

#### TESTIMONY

##### WRITTEN COMMENT

Code

B Jack Ritter, Jr.: 313 Capital Nat'l Bank Bldg. FOR

##### PERSONS APPEARING AT HEARING

Code

A	Mrs. Roland Freund (applicant)	FOR
?	Phillip Baker: 1400 Cotton Street	AGAINST
S	Murry Owens: 1711 Chicon Street	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

The applicant was present at the hearing and stated that she realizes there is very little difference between "GR" and "LR" zoning; however, a "GR" zone would permit a drive-in restaurant as proposed on the subject property.

C14-67-51      Mrs. Roland Freund--contd.

Arguments Presented AGAINST:

Mr. Murry Owens and Mr. Philip Baker appeared at the hearing and stated that they are opposed to the change because the First Baptist Church is established on property south of Heflin Lane. This church faces the subject property and it is felt that a zoning change which permits a drive-in restaurant would not be appropriate. The people attending this church are there to serve God and it is felt that a retail business of any kind would interfere.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be referred to the Commission pending map revision to indicate surrounding lot arrangement and location of existing church on Heflin Lane.

At the Commission meeting, Mr. Stevens advised the members that the staff had failed to update the staff report map of this area for the Zoning meeting. At the Zoning hearing, there was testimony from members of a church, located to the southeast, with regard to Celeste Circle, a street to the south of Heflin Lane which was not shown on the map, and the location of the church which was also not shown. The members of this church were opposed to a zoning change that would permit the sale of beer in close proximity to their church. The Committee felt that the map should be revised, showing the additional information, before a recommendation was made.

The map has been revised and does show Celeste Circle to the south of Heflin Lane and the church on property to the south. There appears to be approximately 250 feet between the nearest corner of the subject property and the property line of the church property. This was part of the Committee's concern. Because of the size of the subject property and the distance from the church property, the staff feels that the drive-in restaurant, as proposed by the applicant, could be located on the subject property outside of the 300 foot boundary that is required between a church and establishments selling beer. "LR" zoning does permit the sale of beer for off-premise consumption and "GR" zoning permits the sale of beer for on-premise consumption.

The Commission members felt that in view of the distance between the subject property and the church property, that the requested zoning is proper for the area. It was then

VOTED:      To recommend that the request of Mrs. Roland Freund for a change of zoning from "LR" Local Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 4700 Heflin Lane and 4701 Farm Highway 969 be GRANTED.

C14-67-52      Zelma Broome: A to BB  
511 East Monroe

STAFF REPORT: The subject site consisting of approximately 10,000 square feet is developed with a two-family dwelling. The stated purpose of the application is for building a triplex. "B", First Height and Area zoning was recently granted on property to the north along East Side Drive and on property along Sunset Lane. "B" Second Height and Area zoning has been granted on property to the north along Newning Avenue and Park Lane. Even though "B" zoning has been granted in this area, the immediate surrounding area is zoned and developed residentially. The staff feels that "BB" zoning on the subject property would be an intrusion into a well-established residential area and recommends the request be denied.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

H	L. G. Riss: 1704 East Side Drive	AGAINST
J	J. J. Pinget: 1706 East Side Drive	?
R	Dorothea Senechal: 6930 Brace, Houston	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

A	Zelma Broome (applicant)	FOR
---	--------------------------	-----

#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that she also owns the property adjoining to the west. The subject property is a long lot with a great deal of yard space that no one uses. The zoning is requested so that another unit can be built on the portion of the property that is not being used. Adequate off-street parking will be provided.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning would be an intrusion into a well-defined residential area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Zelma Broome for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 511 East Monroe be DENIED.

C14-67-53      Herman Waters: A, 1st to B, 2nd  
                  6906 Guadalupe Street  
                  601-605 Swannee Drive

STAFF REPORT: This site consists of 11,250 square feet which is developed with a two-family dwelling. The stated purpose of the application is for apartment rentals. Under the proposed zoning, 15 apartment hotel units could be developed. A request for "B" Second Height and Area zoning was made on property to the north in 1966, at which time the Commission recommended denial as it was felt that the requested zoning was too intense for the area and would be piece-meal zoning; however, the Council granted the request. "LR" and "C" zoning is established on property to the south along Kenniston Drive. Swannee Drive, with only 50 feet of right-of-way, is a stub street which dead-ends into "D" Industrial property to the west. This street is inadequate to serve high-density development. Guadalupe Street has 60 feet of right-of-way which is adequate.

The staff feels that the units permitted under the requested zoning would overcrowd the subject property. The applicant has stated that he only wants to have 5 or 6 units but if the change is granted, 15 units could be developed. It is recognized that property to the north is zoned "B" Second Height and Area but the staff feels that any change in this area should be done on a comprehensive basis and should be to a lower density.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

F	C. B. Smith, Sr.: P.O. Box 579	FOR
D	Don Jackson: 6002 Spancreek Circle	FOR
B	Mr. & Mrs. Elmer L. Smith: 6904 Guadalupe Street	AGAINST
AF	S. T. Whited: 6905 Guadalupe Street	AGAINST
Y	Mary Ritchie: 7003 Guadalupe Street	AGAINST
AE	Bennie L. Wylie: 6903 Guadalupe Street	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

A	Herman Waters (applicant)	FOR
C	Jessie Mitchell: 4512 Depew	AGAINST
?	Gale Price: 1112 Travis Heights Boulevard	?
?	Wilson H. Thompson: 1401 Hillcrest Drive	FOR

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

The applicant was present at the hearing and stated that all of the houses in this area have been moved in over a 10 to 12 year period. Property to the north is zoned "B" Second Height and Area although it is developed at the present time with a run down two-story building that is condemned. There are duplexes to the south and to the north. To the east is a triplex.

C14-67-53      Herman Waters--contd.

The zoning change is requested so that apartments can be built on the property. It is recognized that 15 units would be too many units for the property but it is felt that the property can support 12 units with adequate parking. Any new development in the area would greatly improve the area that is rundown. The surrounding property owners think this change is requested so that a hot rod garage can be put on the back of the property but this is not the intent of the change.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request. He stated that he is for any improvement in the neighborhood but the applicant's yard looks like a junk yard. There are old cars parked by his property and the people in the area do not want to have any more hot rods that would disturb the people.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded this request should be denied as the requested zoning is too intensive for the area; however, they recommended that "B" Residence, First Height and Area be granted as this is in keeping with the changing character of the neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Herman Waters for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6906 Guadalupe Street and 601-605 Swanee Drive be DENIED but that "B" Residence, First Height and Area be GRANTED.

C14-67-55      Elton C. Marcum & Fred Coffey: A to O  
                  810-812 Park Boulevard  
                  4200-4204 Red River Street

STAFF REPORT: This application covers two lots totaling 29,230 square feet. The stated purpose of the application is so that the zoning will conform to the zoning of adjacent property. This stated purpose is made in reference to a recent change in zoning that was granted on property to the north owned by Mr. Theo Meyer. "O" Office zoning was granted on Mr. Meyer's property but the Ordinance has not been passed because of right-of-way requirements for Red River Street which are in the process of being worked out. Hancock Shopping Center, zoned "GR" in 1959, is located across from the subject property to the east. To the north is "O" Office zoning. "A" Residential zoning and development is established to the south and west. The staff feels that the corner lot could be changed on the basis of adjoining commercial and office zoning; being across the street for a major shopping facility and having frontage on a thoroughfare street, but there is concern as to the effect a change of zoning would have on Park Boulevard as it is a well-established residential street. The staff feels that a change of zoning for

C14-67-55 Elton C. Marcum &amp; Fred Coffey--contd.

property other than the corner lot along this street would destroy the residential area and start strip zoning along Park Boulevard. The staff recommends that the request on Mr. Coffey's property (the interior lot) be denied to limit the spread of zoning into the residential area but that the corner lot be granted to permit a use that can be maintained in terms of increased surrounding commercial activity. If the two lots were combined as one site, the staff would be in favor of the change.

## TESTIMONY

## WRITTEN COMMENT

## Code

G	Mr. & Mrs. Theron D. Carroll: 800 Park Boulevard	AGAINST
?	Raymond F. Dawson: 723 Park Boulevard	AGAINST
?	David E. Sponberg: 720 Park Boulevard	AGAINST
?	Keith & Frederic Fries: 721 Park Boulevard	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	Elton C. Marcum (applicant)	FOR
B	Fred Coffey (applicant)	FOR
G	T. D. Carroll: 800 Park Boulevard	AGAINST
G	Mrs. T. D. Carroll: 800 Park Boulevard	AGAINST
Q	Joel W. Aldridge: 803 Park Boulevard	AGAINST
?	W. R. Fristoe: 713 Park Boulevard	AGAINST
?	Mrs. R. F. Dawson: 719 Park Boulevard	AGAINST
?	Robert A. Manire: 719 Park Boulevard	AGAINST
?	Mrs. Robert A. Manire: 719 Park Boulevard	AGAINST
?	Guy W. Gifford: 805 Park Boulevard	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Elton Marcum was present at the hearing and stated that a change in zoning is requested so that the property will conform with the adjacent property to the north and across the street. There are no immediate plans for any construction on the property. The property is no longer suitable for residential development because of the large shopping center and because of the heavy traffic load carried by Red River Street.

Mrs. Coffey appeared at the hearing and stated that the residential area along Park Boulevard is a nice area but it is changing. She stated that she has an empty house on this street that has been empty for four years. There is rental property next to this lot and across the street is a duplex.



C14-67-55 Elton C. Marcum & Fred Coffey--contd.

## Arguments Presented AGAINST:

Six nearby property owners appeared in opposition to the request. They stated that the people in this area feel that it is not right to sacrifice the 10 or 20 lovely homes along this street for the benefit of one or two people. The residents of the area would like to see commercial and apartment development stay to the east of Red River Street as any change along this street will set a precedent. A change of zoning at the end of Park Boulevard would be the breach that would destroy the existing residential status and at the same time, decrease property values. The traffic hazard that already exists would be increased. A problem exists at this time because the people who work in Hancock Center are not allowed to park in the area so they park their cars along both sides of Park Boulevard. To allow a change of zoning would create too much additional traffic. The homes in the area are lovely, well-maintained homes and the homeowners would like the area to stay as it is.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and noted that the houses on the subject property are oriented toward Park Boulevard and not Red River Street. A majority of the members felt that the request should be denied as the requested zoning would initiate strip zoning down Park Boulevard.

At the Commission meeting, Mr. Osborne stated that the area along Park Boulevard is a nice residential area that has been retained despite the development of the shopping center east of Red River Street.

A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Elton C. Marcum & Fred Coffey for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 810-812 Park Boulevard and 4200-4204 Red River Street be DENIED.

AYE: Messrs. Anderson, Wroe, Riley, Bluestein, and Jackson

NAY: Messrs. Lewis and Goodman

ABSENT: Messrs. Brunson and Hendrickson

C14-67-56 J. V. Walden: A to B  
3613-3617 Munson Street

STAFF REPORT: This application covers 21,624 square feet of land that is developed with a single-family dwelling. The change in zoning is requested for the erection of a multi-unit apartment house. The proposed zoning would permit a maximum of 10 regular apartment units. "C" Commercial property, developed with approximately 140 apartment units, adjoins the subject property to the south. "B" zoning is established on property to the

C14-67-56 J. V. Walden--contd.

north along Springdale Road and is developed with approximately 100 apartment units. "GR" zoning is established on property to the west of Airport Boulevard. "A" Residential zoning and development is adjacent to the subject property to the east, west and north, across Munson Street. The staff feels that the residential area to the west will eventually go to commercial as it fronts onto Airport Boulevard. Munson Street, with 50 feet of right-of-way, is inadequate for the proposed development and should be widened to 60 feet. Springdale Road, a major arterial street with a proposed right-of-way of 120 feet, will carry most of the traffic in this particular area to 12th Street which will be the crosstown expressway.

The staff does not object to the requested zoning as it is felt that the area is changing toward apartment development; however, before this occurs, the streets should be made adequate.

## TESTIMONY

## WRITTEN COMMENT

## Code

C	J. C. Schutt, Jr: 3703 Munson Street	AGAINST
K	Mrs. Willie Haehnel: 3609 Munson Street	AGAINST
D	J. C. Schutt, Jr.: 3707 Munson Street	AGAINST
Q	Queenie Littman: 1210 W. 12th Street	AGAINST
S	Standard Mortgage Co., Inc.: P. O. Box 1987	FOR

## PERSONS APPEARING AT HEARING

## Code

A	J. V. Walden (applicant)	FOR
?	Phil Mockford (representing applicant)	FOR
B	Eddie Booth: 3619 Munson Street	AGAINST
B	Mrs. Eddie Booth: 3619 Munson Street	AGAINST
R	J. A. Awalt: 3704 Munson Street	AGAINST
K	Mrs. Willie Haehnel: 3609 Munson Street	AGAINST
?	Sheryl Walden: 11814 Cedar Valley Cove	FOR
?	James Walden: 11814 Cedar Valley Cove	FOR
?	Steve Valdez: 3702 Munson	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Phil Mockford, representing the applicant, stated that most of the property in this area is undeveloped or vacant. Most of the property appears to be abandoned or is no longer owner-occupied. There are several lots that are developed with two-family dwellings. The best use of this area is proven by the two apartment complexes in the immediate vicinity and their success, not only beauty wise, but operation wise. This is an apartment neighborhood because of the access to Airport Boulevard and Springdale

C14-67-56 J. V. Walden--contd.

Road and because of the close proximity of the commercial established along Airport Boulevard. It is realized that Munson Street has only 30 feet of paving and the necessary right-of-way would not be objectionable if the street is going to be widened.

Arguments Presented AGAINST:

Four nearby property owners appeared in opposition to this request. They stated that there are two apartment complexes in this area and since they have been developed, there has been no peace for the residential property owners. There will not be enough room for cars to park so they will have to park along the street. The street has just been paved and the people in this area would not like for the City to tear it up and repave it. If an apartment is allowed, there will be many children in the area without any place to play and they will end up playing in the neighboring yards.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded this request should be denied as Munson Street is inadequate and because the proposed development is premature for the area.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate 5 feet of right-of-way for the widening of Munson Street.

Mr. Osborne stated that Munson Street should be widened if apartments are developed. The area to the south is zoned "C" Commercial and is developed with apartments. The area to the north is also developed with a large apartment complex. To the west is a moderate sized trailer court fronting onto Airport Boulevard. There are fairly large tracts of land in this area but some are narrow. The staff feels that this is an area where there is a question as to what development will occur. There are drainage problems but this is not a true flood area. There is some pressure in the area for multi-family development; partly because of Bergstrom Air Force Base and part due to the fact that approximately 50% of the current population in Austin is under 25 years of age and there is a tendency to live in apartments. This area is susceptible to low priced or moderate priced apartments.

The area between Springdale Road and Gunter Street is the type of area that should be studied so that some conclusion can be made as to what changes will occur. If the Commission feels an area study should be made, the applicant can hold this request in abeyance, pending the study, or he has the right to procede to the City Council with the request. An area study would take approximately 60 days.

The applicant was present at the hearing and stated that he would like to postpone this request pending the area study.

C14-67-56 J. V. Walden--contd.

The Commission members felt that this area is changing and were of the opinion that an area study should be made. They felt that this request should be postponed pending the result of the area study. It was then

VOTED: To recommend that the request of J. V. Walden for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3613-3617 Munson Street be POSTPONED.

C14-67-57 Jake Silberstein: C to C-2  
1407-1411 East 7th Street

STAFF REPORT: The site consists of 6,300 square feet of undeveloped land. The stated purpose of the application is for a lounge. The area to the east and west is predominantly "C" Commercial. To the south, along both sides of East 6th Street, is "C-2" Commercial zoning. To the north is the State Cemetery which is unzoned. To the north along Navasota Street is "B" zoning. The staff feels that this request is a matter of Commission policy as to whether or not this is a well-defined and well-developed commercial area. In the past, the Commission has recommended that "C-2" zoning changes be granted only to the portion of the property needing the change.

## TESTIMONY

## WRITTEN COMMENT

## Code

R W. C. Gauntt: 201 W. Liveoak

FOR

## PERSONS APPEARING AT HEARING

## Code

A Jake Silberstein (applicant)

FOR

? Ben Fuentes: 2903 Prado

FOR

? E. M. Perez: 8611 Montana

?

## SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that he would like to build a commercial building on the subject property to be used as a lounge. Plans and specifications have been drawn and there is a man who wants to lease the property. Mr. Silberstein stated that he has been paying taxes on this property for 25 years and he has never received any income from the property. A zoning change to permit the construction of a new building will bring income from the property and help pay the taxes. The subject property is an old lot and the proposed building will be a nice place that will help to upgrade East 7th Street.

Mr. Ben Fuentz, contractor for the applicant, stated that the applicant would like to put a beautiful building on the property that will help the looks of the neighborhood. He stated that there is a liquor store existing at the corner of East 7th Street and Onion Street and this is in keeping.

C14-67-57      Jake Silberstein--contd.

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 this portion of East 7th Street is still residential in character.

At the Commission meeting, Mr. Riley and Mr. Wroe advised the Commission that the Committee recognized that East 7th Street is zoned "C" Commercial, but it was felt that there is not a well-developed commercial usage in this area, as there are existing residences on the south side of this street. Mr. Goodman stated that the application is not based on a commercial area as the area is zoned "C", but the request is for "C-2" which permits a lounge. He stated in his opinion there is no need for a lounge which would penetrate the interior of the block. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jake Silberstein for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1407-1411 East 7th Street be DENIED.

C14-67-58      John Osorio, et al: A to C  
8300-8314 Georgian Drive  
Rear of 8316-8402 Georgian Drive

STAFF REPORT: This application covers approximately 10 acres of undeveloped land. The stated purpose of the application is for a mobile home park. The subject property has 344 feet of frontage along Georgian Drive and extends back approximately 810 feet. Under the Zoning Ordinance, based on the requirement of 6,000 square feet of land for the first trailer, and 600 square feet for each additional trailer, the 10 acre site would permit a maximum development of 717 trailers. Trailer Parks are required to have site plan approval by both the Building Inspector and the City/County Health Officer.

"GR" zoning was granted on approximately 5 acres of land adjoining to the south in 1956. To the west, along Lamar Boulevard, there are large deep lots, some of which are vacant. A request for "C" Commercial zoning in 1966, is pending on property to the south. "C" was granted but the Ordinance has not been passed. South of West Powell Lane, "C" zoning was granted for the Red Arrow Freight Company. To the east, across Georgian Drive, is a residential subdivision which is developed with single-family dwellings. Residential development also exists on property to the north along Georgian Drive.

The staff is opposed to creating such an intensive zone at this location as it is felt that the 5 acre tract of "GR" property to the south is adequate for development in this area; however, if a development plan came in for the expansion of the "GR" zoning to the east or north, it would be reasonable

C14-67-58 John Osorio, et al--contd.

to expect some expansion to accommodate a particular development plan. The staff feels the establishment of 10 acres of "C" Commercial property, which would permit a broad range of commercial uses including a trailer park, would be putting too much of a burden on Georgian Drive and on the residential development to the east.

Preliminary approval of a subdivision and filing of a final plat on property to the north extends and dead-ends Guadalupe Street to a point which is one tract of land north of the subject property. It is felt that there should be consideration for the extension of Guadalupe Street southward. The street could possibly be extended to the south to West Powell Lane or it could be extended through the subject property to Georgian Drive. Subject to a street and subdivision design, apartment zoning could be established on a portion of the property as a buffer between the existing residential development and the commercial development. Some protection should be given the residential property to the east regardless of any change. The staff feels that any development should be tied to a street plan.

It is hoped that Georgian Drive, a collector street with 60 feet of right-of-way, will be extended to Anderson Lane to the south. West Powell Lane, to the south, has only 45 feet of right-of-way. The staff feels that it would be difficult to maneuver trailers on the narrow streets.

## TESTIMONY

## WRITTEN COMMENT

## Code

E	Mrs. Dean Skinner: 8501 North Lamar	FOR
AQ	Sam McDonald: Capital National Bank Building	FOR
T	C. M. Cogburn: 108 Red Oak Circle	AGAINST
AN	Mrs. Pinkie Howse Brodie: 214 Powell Lane	AGAINST
W	Wilson B. Davis: 102 Red Oak Circle	AGAINST
V	Mr. & Mrs. James A. Screws: 104 Red Oak Circle	AGAINST
X	V. A. Herzik: 100 Red Oak Circle	AGAINST
AB	J. R. Splettstosser: 107 Red Oak Circle	AGAINST
R	Bartford F. Heath: 105 Oertili Lane	AGAINST
P	Howard F. Slataper: 8407 Georgian Drive	AGAINST
AD	Mr. & Mrs. Louis J. Absnaider, Jr.: 108 White Oak Dr.	AGAINST
?	Mrs. J. T. Elmore: 204 Red Oak Circle	AGAINST
?	Mrs. Billy Roberts: 206 Red Oak Circle	AGAINST
?	Mrs. Jackson L. Jones: 202 Red Oak Circle	AGAINST
?	Dr. & Mrs. Kenneth Oehler: 208 Red Oak Circle	AGAINST
?	M. M. Collins: 200 Red Oak Circle	AGAINST
?	Mr. & Mrs. Oscar Ray: 201 Red Oak Circle	AGAINST

## PERSONS APPEARING AT HEARING

## Code

?	Frank Hoagland (representing applicant)	FOR
Z	Alex Limon: 103 Red Oak Circle	AGAINST
R	Mrs. B. F. Heath: 105 Oertli Lane	AGAINST

C14-67-58      John Osorio, et al--contd.

P	Mrs. H. F. Slataper: 8407 Georgian Drive	AGAINST
Y	Genar H. Galarza, Jr.: 101 Red Oak Circle	AGAINST
AB	J. R. Splettstosser: 107 Red Oak Circle	AGAINST
J	Helen Shuler Kohler: 8410 Georgian Drive	AGAINST
M	Mrs. A. C. Scherbek: 8320 Georgian Drive	AGAINST
AA	Otis B. Autry: 105 Red Oak Circle	AGAINST
?	James J. Darrough: 103 White Oak Drive	AGAINST
?	Claud Harr: 101 White Oak Drive	AGAINST
?	Robert S. Barnett: 1612 Broadmoor	FOR
?	Geogre D. Gage: 305 Oertli Lane	AGAINST
?	James E. Betak: 207 Oertli Lane	AGAINST
?	W. L. McCarley, Jr.: 308 Oertli Lane	AGAINST
?	Lucille McCarley: 308 Oertli Lane	AGAINST
?	Mr. & Mrs. Robert G. Richardson: 209 Oertli Lane	AGAINST
?	Mrs. Opal Shafer: 6105 Janey Drive	AGAINST
?	Clifford O. Coffman: 301 E. Powell Lane	AGAINST
?	Carroll R. Morrison: 206 E. Powell Lane	AGAINST
?	A. G. Nelson: 303 White Oak Drive	AGAINST
?	Robert A. Martin: 203 White Oak Drive	AGAINST
?	A. S. Dovall: 301 White Oak Drive	AGAINST
?	Dr. & Mrs. Kenneth Oehler: 208 Red Oak Circle	AGAINST
?	Mrs. J. T. Elmore: 204 Red Oak Circle	AGAINST
?	Mrs. Thomas Culbert: 210 Red Oak Circle	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Frank Hoagland, representing the applicant, presented aerial photographs of the subject property and stated that it is presently undeveloped. It is realized that under the proposed zoning, a number of units for a mobile home park would be allowed; however, the people who have an option to buy the property propose a Five-Star Mobile Home Park which Austin does not have. This will enhance the area much more than the existing vacant property.

Mr. Hoagland presented pictures of similar developments showing 103 units, in groups, on the property. Each of the trailer groups would have its own playground area in the middle and double parking around. No trailer would be accepted that is under 55 feet long. If there is opposition from the people in the area it is because they do not realize how nice this development would be. There are many homes in the area that are rundown and there is a trailer park in close proximity. The proposed development would be very desirable for this area. Both West Powell Lane and Georgian Drive need more right-of-way unless a driveway can be brought in from Lamar Boulevard or there is access through the proposed Guadalupe Street extension.

C14-67-58      John Osorio, et al--contd.

Arguments Presented AGAINST:

A number of people appeared in opposition to this request. They stated that they are opposed because the applicant only shows one extension to town and that is on Georgian Drive and West Powell Lane. These streets are very narrow and congested at the present time. There are many children walking to school in this area and to add additional traffic would make the conditions hazardous. The requested zoning and development would depreciate the value of the residential homes and would cause a problem in the school that is already overcrowded. Most people in the area feel that they have never seen an attractive trailer park and this would be a detriment, as transients do not improve an area as the permanent homeowner does. Homes were bought in this area with the understanding that the area would remain as residential. It would be very difficult for trailers to maneuver on the existing narrow streets. The property owners along West Powell Lane and Georgian Drive helped to pay for the cost of paving and the streets do not have curbs or gutters. West Powell Lane has only approximately 20 feet of paving. The requested zoning would be detrimental to the existing residences.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded this request should be denied as the requested zoning would be improper for the area and the proposed development would be too intensive for the existing access. They stated they would look with favor on granting a less intense zone.

At the Commission meeting, Mr. Jackson noted that the Committee stated they would look with favor on a less intense zone for the subject property. He asked what zone would be recommended. Mr. Goodman stated that the Committee did discuss a less intensive zone and it was felt that "GR" zoning would be proper as it would permit the proposed use by special permit which would allow the Commission to control the development.

Mr. Stevens stated that the Committee also considered the extension of Guadalupe Street through the subject property as proposed by the staff, and felt that any future development should be tied to a street plan. There is a need for the extension of Guadalupe Street through the subject property.

The Commission members agreed that Guadalupe Street should be extended and felt that this could be required through a special permit. They agreed with the Committee recommendation that the requested zoning is improper for the area because of the intense development that would be allowed and felt that the request should be denied; however, they stated they would look with favor on "GR" zoning for the property, with provision for the extension of Guadalupe Street. "GR" zoning would permit the proposed use by a special permit.



C14-67-58      John Osorio, et al--contd.

It was then

VOTED: To recommend that the request of John Osorio, et al for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 8300-8314 Georgian Drive and the rear of 8316-8402 Georgian Drive be DENIED.

C14-67-59      G. E. Mallard: A, 1st to B, 2nd  
3900-3904 Avenue C  
300-302 West 39th Street

STAFF REPORT: This application covers an area of 15,000 square feet which is developed with two single-family dwellings. The stated purpose of the application is for apartments. The proposed zoning would permit 10 regular apartment units or 20 apartment hotel units. The immediate surrounding area is zoned and developed residentially. "B" Second Height and Area zoning is established on property to the south, fronting onto West 38th Street. The request for "B" Second Height and Area zoning on the subject property is one of three requests in this area that are before the Committee. There are no particular street needs involved in this request, but the staff feels that consideration of rezoning should be given to the entire block rather than one lot at a time, and to a lower density.

#### TESTIMONY

##### WRITTEN COMMENT

Code		
AG	Miss Vernon D. Moore: 315 West 39th Street	FOR
AH	S. W. McKinley: 6104 Wynona	FOR
AL	Frank W. Cook: 207-B West 39th Street	FOR
S	J. R. Stubbs: 3911 Avenue C	FOR
AP	Lorene R. Cook: 207-B West 39th Street	FOR
G	Hyde Park Presbyterian Church: Avenue B at 40th St.	FOR
N	Mitchell Wolf: 3903 Avenue C	FOR
B	K. M Baker: 312 West 39th Street	FOR

##### PERSONS APPEARING AT HEARING

Code		
A	G. E. Mallard: (applicant)	FOR
A	Eleanor Mallard: 3900 Avenue C	FOR
?	Paul Hardy (representing applicant)	FOR
?	Les Lovell: 6409 Cary	FOR

#### SUMMARY OF TESTIMONY

Mr. Al Bauerle, representing the applicant, stated that a change to "B" Second Height and Area zoning would allow the land in this area to be used for the highest and best use. This area is no longer residential as the

C14-67-59      G. E. Mallard--contd.

cost of the land precludes the cost of building new residences. Any development in the area would be an improvement over what is existing. The accessibility to the property is adequate as the streets are wide and Guadalupe Street is only a short distance from the subject property.

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 density allowed under the requested zoning is too great; however, the Committee felt that "BB" Residence, First Height and Area should be granted as the proper zoning of the area adjacent to and north of West 38th Street. It was felt that low density apartment zoning would permit redevelopment of the area with recognition of the remaining sound housing.

At the Commission meeting, Mr. Jackson stated that in his opinion this area is changing to multi-family use and the requested zoning is proper.

Mr. Osborne stated that he recommends against any change in zoning on property north of West 39th Street. Despite some of the problems in the area, it has been maintained as a single-family and two-family area. In general, this is a sound residential area, particularly along this street. A change to "B" Second Height and Area zoning for this area would create serious problems for the existing residential development.

Mr. Wroe stated that "BB" zoning is the best intermediate use for the area as it will allow for redevelopment. There are 4 lots in the area which are requesting a change and "BB" zoning will allow for this intermediate use. Intensive zoning could be detrimental to existing residences.

Mr. Lewis and Mr. Jackson were both of the opinion that the trend in this area is towards "B" Second Height and Area zoning. They stated that this type of zoning already exists along West 38th Street and Speedway and a change of zoning on the subject property would be consistent with the establishing pattern. They further felt that "BB", First Height and Area zoning would not allow the property to develop to its highest and best use.

Mr. Riley and Mr. Goodman felt that this area is not ready for "B" Second Height and Area zoning as this is too intensive because of the existing residential development and because of the school located on property to the west.

C14-67-59      G. E. Mallard--contd.

After further discussion, a motion to grant "B" Residence, Second Height and Area zoning failed to carry by the following vote:

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

It was then

VOTED:     To recommend that the request of G. E. Mallard, Sr., for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3900-3904 Avenue C and 300-302 West 39th Street be DENIED. but that "BB" Residence, First Height and Area be GRANTED.

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

C14-67-60      Paul Hardy: A, 1st to B, 2nd  
                  3912-3914 Avenue C  
                  301-303 West 40th Street

STAFF REPORT: This site covers an area of 13,800 square feet which is developed with a single-family dwelling. The stated purpose of the application is for apartments. The surrounding area is predominantly zoned "A" Residential, but this request is one of three for "B" Second Height and Area zoning in this area. "B" Second Height and Area zoning exists to the south along West 38th Street. Baker Junior High School is located to the west of Avenue B and "C" Commercial zoning is established on property to the west along Guadalupe Street. The staff does not object to apartment zoning of a lower density but it is felt that West 40th Street should be the boundary for this zoning.

## TESTIMONY

## WRITTEN COMMENT

## Code

AP	Mitchell Wolf: 3903 Avenue C	FOR
AC	Mrs. W. O. Whitley: 4001 Avenue C	AGAINST
F	Mrs. Katherine Baker: 312 West 39th Street	FOR
AT	J. R. Stubbs: 3911 Avenue C	FOR
L	Hyde Park Presbyterian Church: Avenue B at 40th St.	FOR

## PERSONS APPEARING AT HEARING

## Code

A	Paul Hardy (applicant)	FOR
?	Al Bauerle (representing applicant)	FOR
E	G. E. Mallard: 3900 Avenue C	FOR
E	Eleanor Mallard: 3900 Avenue C	FOR
?	Les Lovell: 6409 Cary	FOR

C14-67-60      Paul Hardy--contd.

#### SUMMARY OF TESTIMONY

Mr. Al Bauerle, representing the applicant, stated that the proposed zoning would be the highest and best use for the property. The character of the area is changing and it is no longer a residential area.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the density allowed under the requested zoning is too great; however, the Committee felt that "BB" Residence, First Height and Area should be granted as the proper zoning of the area adjacent to and north of West 38th Street. It was felt that low density apartment zoning would permit redevelopment of the area with recognition of the remaining sound housing.

At the Commission meeting, Mr. Jackson stated that the request for "B" Residence, Second Height and Area zoning on the subject property is sound zoning and belongs in the zoning pattern that is establishing.

A motion to grant "B" Residence, Second Height and Area zoning, as requested, failed to carry by the following vote:

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

It was therefore

VOTED:        To recommend that the request of Paul Hardy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3912-3914 Avenue C and 301-303 West 40th Street be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED.

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

C14-67-61      Sam P. Lung: A to B  
                  4520-4522 Duval Street

STAFF REPORT: This site consisting of 13,000 square feet is developed with two single-family dwellings. The stated purpose of the application is for apartments. Under the proposed zoning, the subject property can be developed with six regular apartment units and no apartment hotel units. The area to the north is developed predominantly with "A" Residential development. To

Cl4-67-61 Sam P. Lung--contd.

the south is "C", "LR", and "B" zoning. The staff would be opposed to the request if a strip zoning should develop along Duval Street; however, it is felt that "B" zoning on the subject property would provide a buffer between the existing commercial property to the south and the residential development to the north.

Duval Street, with a present right-of-way of 60 feet, is classified as a major arterial street with a proposed right-of-way of 70 feet. Five feet of widening would be needed from the subject property. Until the street is made adequate, the staff recommends this request be denied.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

Z	T. R. Rex Eastburn, Jr.: 4524 Avenue H	FOR
Y	Mrs. E. J. McCain: 4520-4522 Duval Street	?
K	Mrs. Ella B. Clark: 4517 Avenue H	FOR

##### PERSONS APPEARING AT HEARING

###### Code

?	John Selman (representing applicant)	FOR
---	--------------------------------------	-----

#### SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that there is an existing duplex on the property and the applicant proposes to build a small apartment complex. A new unit would be built and the other units improved. It is felt that the requested zoning could be a buffer zone between the existing residential area to the north and the commercial area to the south. The widening of Duval has been discussed with the applicant and he is agreeable. A letter to this effect will be submitted to the Commission.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of the inadequate right-of-way of Duval Street. They stated they would be in favor of the requested zoning as a buffer zone if the street is made adequate.

At the Commission meeting, Mr. Stevens reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate 5 feet of right-of-way for the widening of Duval Street.

Mr. Osborne stated that this area along Duval Street has been able to maintain itself as a residential area. The staff recommends against the extension of zoning down this street.

C14-67-61 Sam P. Lung--contd.

Mr. Goodman stated that the Committee felt that the requested zoning would serve as a buffer between the existing commercial property to the south and the residential property to the north. The Commission felt that in view of the offer to dedicate right-of-way for the widening of Duval Street, this request should be granted. It was then

VOTED: To recommend that the request of Sam P. Lung for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4520-4522 Duval Street be GRANTED.

C14-67-62 Ira O. Lauderdale, et al: A, 1st to B, 2nd  
1104-1126 Clayton Lane

STAFF REPORT: This application covers approximately 8 acres of land. The stated purpose of the application is for apartment construction. The subject property has 575 feet of frontage along Clayton Lane and extends back approximately 734 feet. The proposed zoning would permit a maximum of 263 regular apartment units or 527 apartment hotel units. Because of the size of the property, apartment development would probably occur in more than one building which would require a special permit. The Commission would then have some control over the development of the property if it is developed with multi-structures. The surrounding zoning and development to the south, north and east is for apartments and commercial development. The subject property adjoins 27 lots, developed with single-family dwellings, to the west. The staff has no particular objection to the requested zoning, because of the existing zoning and development, but note this rezoning will be an added burden to the existing residential dwellings.

Clayton Lane has 70 feet of right-of-way and Cameron Road to the east varies from 50 to 80 feet; however, this street is planned as a major arterial street that will be widened to 90 feet. This will not affect the subject property.

#### TESTIMONY

#### WRITTEN COMMENT

##### Code

B Ruth H. MacPherson: 1120 Clayton Lane  
 ? Standard Mortgage Company  
 ? Birdie A. Maddox

FOR  
 FOR  
 AGAINST

#### PERSONS APPEARING AT HEARING

##### Code

? Chris Crow (representing applicant)

FOR

C14-67-62      Ira O. Lauderdale, et al--contd.

#### SUMMARY OF TESTIMONY

Mr. Chris Crow, representing the applicant, stated that there is no specific project planned for the subject property at this time. It is felt that the very nature of the area precludes its being developed by housing subdividers. The property is of sufficient size so that apartments can be developed. There is apartment zoning across the street and commercial zoning to the north. A church is established on property at the corner of Cameron Road and Clayton Lane. At this time, the demand in the area for more apartments has boosted the price of the land to such that it is not appropriate for residential development.

Mr. Goodman advised Mr. Crow that his main concern is for the residential development to the west of the subject property. He asked if a buffer of some type is planned. Mr. Crow stated that he would be more concerned about the residential area if there had been a great deal of opposition. This is not any different than other apartment projects close to residential areas where buffers have not been required. A buffer zone at this time might restrict the development of the property.

There will probably be a row of parking along the western portion of the property and in back of the apartments.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted as the requested zoning is a logical extension of the existing "B" zoning to the south and because the requested zoning would permit the highest and best use of the property.

At the Commission meeting, Mr. Osborne stated that the staff had originally recommended that "B" First Height and Area zoning be granted in this area; however, "B" Second Height and Area was established on property south of Clayton Lane. This area should have developed under the "B" First Height and Area provision but because of the pattern established, the staff has no other choice but to recommend that "B" Second Height and Area be established.

The Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of Ira O. Lauderdale, et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1104-1126 Clayton Lane be GRANTED.

C14-67-63      Albert Kleiman: LR, 1st to LR, 2nd  
                  3710-3712 Crawford Avenue  
                  1505-1507 West 38th Street

STAFF REPORT: This site contains 10,375 square feet. The stated purpose of the application is for apartments. The proposed zoning would permit 13 apartment units on the subject property. There is mixed zoning in the area consisting of "A", "B", "O", "LR", and "C". The Height and Area classification is also mixed as there is Second and Third Height and Area zoning to the north, east, and west; however, the higher density Height and Area Districts are established on larger tracts of land. Because of the size of the subject property, the staff feels that the development of 5 apartment units, as allowed under the present zoning, would be more suitable than the development of 12 or 13 units as allowed under the proposed zoning. The subject site is a small lot located at a three-way intersection. The development of the property under the requested zoning would permit the structures to come within ten feet of Crawford Avenue and West 38th Street; increase the height to 45 feet and double the density. The staff feels that such a request would overcrowd the property and possibly create a hazardous intersection in terms of limited parking arrangements and maneuvering. Widening for West 38th Street may be necessary at this location. The staff feels that the subject property can be developed under the present zoning.

#### TESTIMONY

##### WRITTEN COMMENT

Code

D      Newton Wilds: 2736 Virginia Street, Houston      FOR

##### PERSONS APPEARING AT HEARING

Code

?      John Selman (representing applicant)      FOR

#### SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that this is a question of density. The subject property is zoned "LR" but will be used for apartments. The staff raised the question as to whether or not this property can accommodate the number of units allowed under the proposed zoning. Architects can design and determine the number of units that would fit on this property. If the property is zoned as requested, and the architects and contractors comply with the Ordinance as to parking and use, there is no reason why this request should not be granted. This is an area with mixed zoning as well as height and area classifications. The staff has stated that the lots which are zoned Second and Third Height and Area are large lots; we feel the subject property should have the same consideration as the larger lots in the area because of the existing zoning and development. The proposed zoning and use is the highest and best use for the property.



C14-67-63      Albert Kleiman--contd.

There will not be an ingress or egress problem because there is an island in West 38th Street that will permit the traffic to circulate. This island also offers an attractive buffer. West 38th Street is a major arterial street in the area of mixed zoning. The Commission and City Council has set a precedent as other requests for a change in height and area classifications have recently been granted. If right-of-way for West 38th Street is necessary, this would be agreeable. This request is in keeping with the existing zoning and development in the area.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be granted subject to right-of-way being provided, if necessary, for widening of West 38th Street, as the requested zoning conforms to the existing zoning and development in this area.

At the Commission meeting, and at the request of the Commission, Mr. Stevens reiterated the fact that "LR" Local Retail, Second Height and Area zoning doubles the density; permits a 10 foot setback; and, permits structures of 45 feet in height; however, the Committee felt that the request should be granted because the zoning pattern and development in the area is well-established. Since the Committee meeting, it has been established that additional right-of-way is not needed from the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Albert Kleiman for a change in zoning from "LR" Local Retail, First Height and Area to "LR" Local Retail, Second Height and Area for property located at 3710-3712 Crawford Avenue and 1505-1507 West 38th Street be GRANTED.

#### SPECIAL PERMIT

CP14-67-6      Towne Oaks Apartments: 161 unit apartment dwelling group  
                          7904-7932 Interregional Highway  
                          404-516 Anderson Lane

STAFF REPORT: This application has been filed as required under Section 5 and 6, and in accordance with 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 161 units, 322 off-street parking spaces, 3 swimming pools, six laundry rooms, 1 recreation building, two service stations, and 1 retail structure to be leased. The 13 acre site under consideration was originally part of the Wonsley property which contained approximately 90 acres. The subject site is zoned "GR" General Retail and "C" Commercial.

CP14-67-6 Towne Oaks Apartments--contd.

The applicant has submitted photographs showing development similar to what is proposed. This request has been circulated to the various City departments and comments are as follows:

## Electric

- This permit is clear as far as the City of Austin is concerned.

## Storm Sewer

- Plan complies with requirements; driveway pipes required in Anderson Lane. Owner will provide necessary installation of driveway pipe on Anderson Lane to conform to requirements of City of Austin and State Highway Department.

## Water and Sewer

- 1. The owners have made arrangements with this department for extension of water and sewer lines for Phase 1 of the proposed development.
- 2. Fire hydrants along highway right-of-way will be installed as part of the City's water main extension. All on-site Fire Hydrants will be the responsibility of the owner.

## Director of Public Works

- Driveways OK, however, driveway returns should be a minimum of 2.5 feet off of division line. Need driveway request and approval before construction begins on them.

## Building Inspector

- 1. Overall layout looks ok.
- 2. The word "street easement". I am assuming this is a private road. If not, could be many problems.
- 3. Resubdivision of property necessary.
- 4. This in no way approves building, plumbing & heating & air code requirements.
- 5. The work club bothers me, however, can see nothing wrong if it is for the pleasure of the occupants. If for public, would create serious complications.

CPI4-67-6 Towne Oaks Apartments--contd.

Traffic Engineer  
Health

Fire Prevention

Fire Protection

Tax Assessor:  
Office Engineer  
Advanced Planning

- O.K.
- APPROVED: Sanitary Sewer Line available.
- Follow Fire Department recommendations on water supply.
- Fire hydrants as recommended by the Fire Department are shown in red.
- No objections
- Request for driveways required.
- 1. What is meant by street easement?
- 2. What access will be provided Phase I of the plan?
- 3. A few parking spaces do not have proper access or depth.
- 4. Phase I layout does not coincide with plan-pool area.
- 5. Access from Hwy 183 is from westbound lane only as there are no crossovers along this section of highway.

The applicant has been working with the Director of Utilities towards the installation of the necessary water, sewer and fire hydrants. The staff recommends approval of this request subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

? W. E. Jones (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Bill Jones, representing the applicant, appeared at the hearing and stated that he has cleared a number of the items with the various City Departments. Mr Goodman asked about garbage pick-up. Mr. Jones stated that this would be a commercial pick-up. All of the driveways are private. An easement has been given to satisfy the mortgage company and the applicant will develop the street and put it in.

CPl4-67-6      Towne Oaks Apartments--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Stevens reported that the requirements by the various City departments have been discussed with Mr. Jones, representing the applicant. He has stated that all of the requirements have been met, but notations pertaining to such requirements have yet to be placed on the plat. The staff recommends approval, subject to the requirements being formalized and the site plan being corrected to reflect such agreements, and asked the Commission to authorize the staff to give administrative clearance when the conditions have been complied with. It was then

VOTED: To APPROVE the request of Towne Oaks Apartments for a special permit for the erection of a 161 unit apartment dwelling group to be located at 7904-7932 Interregional Highway and 404-516 Anderson Lane, subject to compliance with departmental comments and authorized the Chairman to sign the necessary resolution upon completion.

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.

## POSTPONED CASE

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

The staff reported that this request was before the Commission at the last meeting, at which time the Commission recommended postponement so that the applicant could make application to the Board of Adjustment for a variance from the setback requirements. The applicant has filed an application with the Board, and requests that this zoning request be postponed for another 30 days pending the decision of the Board of Adjustment. The Commission therefore

VOTED: To POSTPONE the request of C. Darrell Hopkins for 30 days.

## PENDING CASE

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

The staff reported that this request was postponed from the Commission meeting in February of this year, pending an area study. This study has

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

been completed, and the Commission has recommended that the area remain Residential "A". In view of this recommendation, the staff recommends that this request be denied as it would be inconsistent with the surrounding development and zoning.

The Commission members felt that this request should be denied as the existing street pattern in the area is inadequate for the increased traffic that would be created by a change in zoning. It was therefore

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

(DISQUALIFIED: Mr. Riley)

R146      SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of April 17, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

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

VOTED:      To ACCEPT the attached report and to spread the action of the Subdivision Committee of April 17, 1967, on the minutes of this meeting.

#### PRELIMINARY PLANS

C8-67-17      Twin Oaks Industrial Subdivision  
                 Ben White & Warehouse Road

The staff reported that this preliminary plan was considered at the Subdivision Committee meeting of April 17, 1967. Due to a problem in mailing, the engineer and the owner did not receive notice of the hearing until after the meeting, and they have requested that it be heard by the full Commission. The plan was approved at the Subdivision Committee meeting, subject to a number of conditions. All of the conditions have been agreed to with the exception of three. The engineer, Mr. Doak Rainey, has requested that the three conditions be discussed at the Commission Meeting. The three conditions are the right-of-way width of Warehouse Road, the fronting of Lots 1 & 2, Block A on Ben White Boulevard, and the right-of-way on Willow Springs Road.

C8-67-17      Twin Oaks Industrial Subdivision--contd.

The preliminary plan submitted shows the right-of-way of Warehouse Road to be 70 feet and the Ordinance requires streets serving industrial property to have 80 feet of right-of-way. With regard to Lots 1 & 2, Block A, fronting onto Ben White Boulevard, the staff suggested that they be subdivided to face Warehouse Road because of access problems to the lot and because there is an existing crossover on Ben White Boulevard at the intersection of Warehouse Road. As the plan exists, all access to Lot 1, Block A would have to be from the east.

Mr. Doak Rainey, engineer for the developer, stated that there are other lots in this area, to the east, that front onto Ben White Boulevard, which would have the same access problem as Lots 1 & 2 in that there is no crossover to serve this area. The subdivider would like to create these two lots facing onto Ben White Boulevard because they will have greater value than they will if the frontage is on the interior street.

Mr. Foxworth stated that it is his opinion that there will not be any particular traffic hazard as such. This was only a suggestion by the department, rather than a recommendation, because of the access to the lot and not because of the traffic. It is felt that from the access standpoint, it would be best to front lots onto the interior street.

Mr. Rainey stated that it is his opinion that the value of the lots would be reduced if required to front onto Warehouse Road. The lots will be used for a light commercial use. He further stated that with regard to the width of Warehouse Road, it cannot be extended to the north of Alpine Road because of a drainageway, and since it will in effect be only one block long, and not a through street, 70 feet of right-of-way should be sufficient. Manufacturing Boulevard is now open and partially paved.

Mr. Riley advised Mr. Rainey that streets in industrial subdivisions are required to have 80 feet of right-of-way because of the large trailer trucks that use the streets and because of traffic.

Mr. Foxworth stated that the street along the west side of the property is actually Willow Springs Road. The owner of the property under consideration has talked to the Woodward Manufacturing Company, owner of property to the west, for the purpose of trying to get Willow Springs Road vacated, but they do not wish to vacate nor widen it to 80 feet. At the Subdivision Committee meeting, the staff recommended that this street be vacated simultaneous with final platting of the lots abutting this street which final plat will re-dedicate the 40 feet as an alley. Both property owners could then use the street as an alley. There is one problem in requesting vacation of the street. Woodward Manufacturing Company would need to join in this request for vacation of the street. If they refuse to join in there could be a problem.

Mr. Stevens stated that if the applicant and Woodward Manufacturing Company would prefer the street versus an alley, then the subdivider of the subject property could dedicate an additional 20 feet from his property to widen Willow Springs Road to 60 feet, with the other 20 feet to come from the property to the west.

C8-67-17      Twin Oaks Industrial Subdivision--contd.

Mr. Rainey stated that Woodward Manufacturing Company does not want to join in vacating or widening of the street at the present time. He asked if the portion of the subject property west of Manufacturing Boulevard could be held in abeyance until this problem can be settled. He further stated that it would probably be from 3 to 5 years before that section is developed. .

Mr. Wroe stated that he is opposed to an alley being located between a manufacturing company and an industrial area. Alleys are usually not lighted and this tends to create trouble. The street should be widened to 80 feet or closed entirely.

Mr. Stevens stated that the staff would be agreeable to excluding Block C, west of Manufacturing Boulevard, from this plan. After further discussion, the Commission

VOTED:      To APPROVE the preliminary plan of TWIN OAKS INDUSTRIAL SUBDIVISION, to the west line of the proposed manufacturing Boulevard and the south line of the proposed Alpine Road, excluding Block C from approval at this time, subject to 80 feet of right-of-way for Warehouse Road and subject to the requirements as agreed to by the engineer and the Planning Department.

## SUBDIVISION PLATS - FILED

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

VOTED:      To ACCEPT for filing the following final plats:

C8-67-35	<u>Jamestown, Section 3</u>
	Jamestown Drive and Plymouth Lane
C8-67-11	<u>Burnet Road Terrace</u>
	Burnet Road and Penny Lane
C8-67-23	<u>Angus Valley, No. 4</u>
	West Cow Path & Mustang Chase
C8-67-12	<u>Highland Hills Northwest, Section 4</u>
	Far West Boulevard and Spurlock Drive

C8-67-34	<u>Westover Hills Section 3, Phase 4</u>
	Silverarrow Circle

The staff reported that reports have not been received from several departments and recommended that this final plat be accepted for filing only, subject to the required tax certificates. The Commission then

VOTED:      To ACCEPT for filing the final plat of WESTOVER HILLS, Section 3, Phase 4, pending the required tax certificates.

C8-67-3      Cherry Creek, No. II  
Manchaca Road south of Stassney Lane

The staff reported that reports have not been received from several departments and recommended that this final plat be accepted for filing only, subject to the required tax certificates. The Commission then

VOTED:      To ACCEPT for filing the final plat of CHERRY CREEK, No. II, subject to the required tax certificates.

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:

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

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

C8-67-25      Garden of Meditation, Blk. 4, Forest Oaks Memorial Park  
Memory Drive

C8-67-28      University Hills, Section 4, Phase 3  
Bucknell Drive

The staff reported that this final plat has complied with all departmental reports and met all requirements of the Ordinance. The staff recommends approval pending verification of the annexation, and requests permission to hold the plat until this has been verified. The Commission then

VOTED:      To APPROVE the final plat of UNIVERSITY HILLS, Section 4, Phase 3, pending verification of the annexation and authorized the staff to hold this plat until the annexation has been verified.

C8-66-10      Northwest Hills, Mesa Oaks, Phase 3  
West Rim north of Deepwood

The staff reported that this final plat has complied with all departmental reports and met all requirements of the Ordinance. The staff recommends approval pending verification of the annexation. The Commission then

VOTED:      To APPROVE the final plat of NORTHWEST HILLS, Mesa Oaks, Phase 3, pending verification of the annexation.

C8-67-26      Lafayette Place  
Bullard Drive & White Rock Drive

The staff reported that the owner of this subdivision is requesting a name change from Allandale West, Section 7 to Lafayette Place. The staff has



C8-67-26      Lafayette Place--contd.

no objection to the change and recommends this plat be disapproved pending the required fiscal arrangements, completion of departmental reports and additional easements. The Commission then

VOTED: To DISAPPROVE the final plat of LAFAYETTE PLACE, subject to the requirements as noted, and GRANTING the name change as requested.

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

The staff recommended disapproval of this final plat pending the required tax certificates. The Commission then

VOTED: To DISAPPROVE the final plat of CAMERON PARK, Section 3, pending the required tax certificates.

C8-67-18      Wooten Village, Section 4  
Peyton Gin Road and Cottonwood

The staff recommended disapproval of this final plat pending the required annexation and the required volume and page on the plat. The Commission then

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

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

The staff recommended disapproval of this final plat pending the required annexation, additional easements and completion of departmental reports and requested permission to poll the Commission when the requirements are completed. The Commission then

VOTED: To DISAPPROVE the final plat of GREENWOOD HILLS, Section 4, pending the requirements as noted and authorized the staff to poll the Commission upon completion.

## SHORT FORM PLATS - FILED

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

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

C8s-67-57    Frank Walling Subdivision  
Columbus Street and South 3rd  
C8s-67-59    Daniel A. Chance Subdivision  
McCarty Lane and West View

## SHORT FORM PLATS - FILED--contd.

C8s-67-60 Rivercrest Addition, Sec. 3, Resub. Lots 30-32, Lots 37-  
Rivercrest Drive and Troll Haven 39, Blk. A  
C8s-67-67 Westover Hills, Section 2, Resub. of Lots 6 & 7, Blk. K  
Hyridge Drive at Mountainwood Circle

C8s-67-58 Rogers Brothers Subdivision  
Shoal Creek Boulevard

The staff reported that this subdivision is located at the west end of 17th Street at the point where the bluff drops to Shoal Creek Boulevard and North Lamar. A zoning change was recently granted on the property. A letter has been received from Mr. Claude F. Bush, Jr., surveyor for the applicant, requesting that a variance be granted from requiring the signature of the adjoining property owner as he does not wish to be included in the platting. The owner of the balance of the property, Mr. Edward Joseph, sold the back part of what was originally Lot 18, facing Shoal Creek Boulevard, to tie in with the McClendon property located to the south. The staff recommends this plat be accepted for filing subject to compliance with departmental reports. The Commission then

VOTED: To ACCEPT for filing the short form plat of ROGERS BROTHERS SUBDIVISION, pending compliance with departmental reports, and granting a variance on the signature of the adjoining property owner.

C8s-67-65 J. A. Prewitt Subdivision  
Spicewood Springs Road west of Highway 183

The staff reported that this is a one acre tract of land located to the south of Spicewood Springs Road. The balance of the tract from which the subject property came is approximately 80 acres. The subject property was retained when the balance of the tract was sold. A letter has been received from Mr. J. A. Prewitt and Mrs. Bessie M. Prewitt, requesting that a variance be granted from the signature of the adjoining property owner, Mr. E. E. Stuessy, as he does not wish to develop his property and join in the platting at this time. The only objection the staff has, is that the granting of a variance would preclude the widening needed for Spicewood Springs Road from the balance of the tract; however, before the 80 acre tract is further developed with more than one building, it will take another subdivision and right-of-way will be required. Spicewood Springs Road is proposed to be widened to 80 feet and the subject property is providing their portion of the necessary right-of-way. The Commission therefore

VOTED: To ACCEPT for filing the short form plat of J. A. PREWITT SUBDIVISION, granting a variance on the signature of the adjoining owner.

C8s-67-66      Towne Oaks  
Anderson Lane west of I.H. 35

The staff reported that this is a proposal to subdivide the subject property into 4 tracts. A variance is required from the signature of the adjoining property owners. A letter has been received from Mr. Wilburn E. Jones, requesting that this variance be granted as one of the key owners of the adjoining property does not wish to join in the platting at this time.

The original Wonsley tract, from which the subject property came, included all of the property bounded on the north by Wonsley Drive, on the east by I.H. 35, on the south by Northeast Drive and on the west by the southerly prolongation of Georgian Drive. When the balance of the Wonsley property was zoned "GR", the City required the provision for the extension of Georgian Drive through the property. It is the staffs understanding that the City now has a street deed for that portion of Georgian Drive through the unsold portion of the Wonsley tract. The necessary widening for Wonsley Drive was also provided at the same time. If the City does have the street deed for Georgian Drive, and the required widening for Wonsley Drive was provided, the staff would be in favor of granting the variance. After further discussion, the Commission

VOTED:      To ACCEPT for filing the short form plat of TOWNE OAKS, granting a variance from the signature requirements of the adjoining property owners, and subject to the verification of the street needs as outlined.

#### SHORT FORM PLATS - CONSIDERED

C8s-67-55      Grant Park Resub. of Lot 96 & part of Lot 97  
East 19th Street and Temple Drive

The staff reported that this short form plat has complied with all departmental requirements but there is a variance involved on the signature of the adjoining property owner. The owner of the subject property owns Lot 96 and the east half of Lot 97; a second party owns the other half of Lot 97 and all of Lot 98. A letter has been received from the applicant requesting that a variance be granted from requiring the signature of the adjoining owner as he does not wish to join in the platting. With regard to the variance, 10 feet of right-of-way for the widening of East 19th Street is needed from the other lot that is not included in this plat. Widening is being provided from the subject property. After further discussion, the Commission

VOTED:      To APPROVE the short form plat of GRANT PARK Resub. of Lot 96 and part of Lot 97, granting a variance from the signature of the adjoining property owner.

C8s-67-56      W. Y. Ferrick Subdivision  
Wade Avenue and Scenic Drive

The staff reported that this property is located at the northwest corner of Scenic Drive and Wade Avenue. The property owner, Mr. W. Y. Ferrick bought the original lot on the corner, which is part of the Herman Brown Addition, and half of the adjoining lot to the north. The portion of the lot that the applicant bought to the north amounts to only the south half of the lot and changes the width at the rear only. A letter has been received requesting that a variance be granted from requiring the signature of the adjoining property owner. The Commission therefore

VOTED:      To APPROVE the short form plat of W. Y. FERRICK SUBDIVISION, granting a variance on the signature of the adjoining property owner.

C8s-65-44      Mokry & Cameron Subdivision, Section 2  
Banister Lane east of South 3rd Street

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

VOTED:      To APPROVE the short form plat of MOKRY & CAMERON SUBDIVISION, Section 2.

C8s-67-34      Greenwood Hills, Section 3, Resub. Lots 7-9, Block L  
Sheffield Drive & Seminole Drive

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

VOTED:      To APPROVE the short form plat of GREENWOOD HILLS, Section 3, Resub. Lot 7-9, Block L.

C8s-66-36      Rundberg Addition  
I.H. 35 and Rundberg Lane

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

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

C8s-67-64      Golden Square Subdivision  
North Loop & Hancock Drive

The staff recommended disapproval of this short form plat pending a clearance from the gas company.

C8s-67-64 Golden Square Subdivision--contd.

The Commission then

VOTED: To DISAPPROVE the short form plat of GOLDEN SQUARE SUBDIVISION, pending the required clearance from the gas company.

## ADMINISTRATIVE APPROVAL

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

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

C8s-67-53 Wooten Park Square, Resub. of Lots 13 & 14, Block B  
Wooten Park Drive and Anderson

C8s-67-54 HHRH Resubdivision  
Hickman Avenue and Berkman

C8s-67-61 Fiskville School Addition, Resub. of Lots 6 & 7, Blk. 4  
Lamar Boulevard and Beaver Street

C8s-67-62 Perkins Valley, Section 3  
Cecil Drive and Bluff Springs Road

C8s-67-63 Powell Lane Subdivision, Section 2, Resub. of Lots A & B  
Lamar Boulevard and West Powell Lane

## REPORTS

## SUBDIVISION APPROVAL BY TELEPHONE POLL:

It was reported by the staff that the following subdivisions were considered by telephone poll on the dates shown, and that a majority of the Commission had

VOTED: To APPROVE the following plats:

C8-67-9 University Hills, Section 4, Phase 2  
Geneva Drive  
(4-6-67)

C8-66-34 University Hills, Section 4, Phase 1  
U.S. Highway 290 and Geneva Drive  
(4-6-67)

C8-66-42 Westover Hills, Section 3, Phase 2  
Tallwood Drive and Honeysuckle Trail  
(4-17-67)

C8-66-45 Point West of Westover Hills  
Mesa Drive and Hyridge Drive  
(4-17-67)

## OTHER BUSINESS

R141

RULES AND PROCEDURES

Mr. Goodman requested that the Commission consider whether or not the Executive sessions of the Zoning Committee should be open to the public and the press. He stated that this question was brought forth at the last Zoning Committee meeting and a majority of the Committee members felt that the Executive session should be closed, as this is a policy of the Commission. It was generally felt that any change in this policy should be discussed by the full Commission.

Mr. Jackson stated that the Commission has discussed this at great length in previous years and felt that the Executive sessions should be closed, as this is a working session. Mr. Goodman was of the opinion that the inclusion of the public or press for a decision or a recommendation is good public relations and creates a better image of the Committee and in turn, enhances the Commission as a whole. He stated that he would object to attending a meeting for three or four hours and then being excluded when it is time to vote.

Mr. Lewis stated that he was on the Commission before the policy of Executive sessions was adopted. There was a great deal of confusion during the Zoning Committee's discussions and recommendations for the full Commission. People would put pressure on the Commission members between the time of the Committee hearing and the Commission meeting because of the fact that the members were quoted as voting one way or another. Zoning recommendations are made on property but there are always emotional conflicts involved. The only purpose of the executive sessions was so that the individual cases could be discussed and a recommendation could be made to the Commission. The Zoning Committee recommendations to the Commission and the Commission's recommendations to the Council are not final.

When the Zoning Committee did not have Executive sessions, individuals remained during the Committee's preparations of the recommendations and reports and if they disagreed with what was said, there was a tendency toward further discussion. Because of further discussions, the meetings were extended to all hours of the night. The Planning Commission meeting is open and the recommendations and reasons for the recommendations as well as the individual vote of each Commission member is public.

Mr. Goodman stated that the Subdivision Committee has public hearings also but they do not have an executive session.

Mr. Osborne explained that the Subdivision Committee acts, in many instances, as a final approval group. In acting as a final approval group, it is customary that decisions be made in public. There can be consideration by the full Commission on subdivision matters, but the Subdivision Committee does have authority to approve preliminary plans. The procedural operations of the Subdivision Committee is different from the Zoning Committee as the

R141

RULES AND PROCEDURES--contd.

Zoning Committee does not have final authority. The Zoning Committee does not deal with the same kind of public as the Subdivision Committee. Most of the consideration in Subdivision meetings are with engineers, surveyors, and owner-subdividers who are involved and know the framework of what can be done with a specific piece of land. It is apparently expedient and reasonable in the case of the Subdivision Committee to consider their actions in public without numerous interruptions. This is not the case with zoning hearings. A typical Subdivision meeting lasts one or two hours whereas the Zoning hearings extend to four or five hour periods. In 1961, when the Commission discussed the advisability of executive sessions, these points were enumerated. The Zoning Committee is preparing a report and recommendation to the full Commission. In this particular issue, five members of the Commission are asked to cast a preliminary vote, after hearing the staff report and all of the public testimony. The Commission can and often does discuss the cases again. As a result of the discussions by the full Commission, members of the Zoning Committee may change their vote.

The five members of the Commission that serve on the Zoning Committee attempt to prepare a report and recommendation to the full Commission. In the past, it was felt that it was appropriate to have executive sessions to prepare these reports, making it possible for the individual members to not be exposed to public rebuke.

Mr. Goodman stated that he cannot support a policy of having executive sessions because of a personal conviction.

Mr. Wroe explained that the Zoning Committee can close the hearing at the end of the testimony and the requirements of the Ordinance have been fulfilled; however, the Committee takes it upon themselves to meet at least one to three hours longer than the public hearings in order to make the best possible recommendation to the full Commission. That portion of the meeting is not required. The Zoning Committee does not make any final decisions but does make recommendations to the full Commission that are frequently rediscussed.

Each Commission member's vote is recorded in public. If the Committee heard each case and then voted on each case as it was heard, there would be groups of people that would have to wait many hours until their case was presented. This would take a great deal of time.

The Commission discussed the various problems involved at the Zoning meetings and a majority felt that the Zoning Committee should continue to have executive sessions in order to prepare recommendations and reports for the full Commission. They felt that the executive sessions are working sessions in which a final recommendation is not made.

R141

RULES AND PROCEDURES--contd.

After further discussion, the Commission

**VOTED:** To REAFFIRM the previous action of the Commission to APPROVE the holding of executive sessions by the Zoning Committee for the preparation of recommendations and reports for the full Commission, and that the minutes of the Committee reflect the actions of the Commission as a whole.

**AYE:** Messrs. Lewis, Jackson, Wroe, Riley and Anderson

**NAY:** Messrs. Goodman and Bluestein

**ABSENT:** Messrs. Brunson and Hendrickson

C10-67-1(h) STREET VACATION

South 4th Street, 141 feet south of West Live Oak

The staff reported that this request to vacate a portion of South 4th Street is made by the abutting property owners. The various City Departments have checked the request and there is a need for the retention of the sanitary, sewer, water, electric and telephone easements.

Mr. Stevens stated that it is his understanding that there is also a request to vacate the alley, south of West Live Oak Street, running from South 5th to South 4th Streets; however all of the abutting property owners have not joined in the request. The alley will become a dead-end alley with the vacation of South 4th Street and the staff feels that the vacation of South 4th Street should be done at the same time the alley is vacated. It is recommended that this request be postponed until the request for the vacation of the alley is before the Commission. The Commission therefore

**VOTED:** To POSTPONE the request for the vacation of 141 feet of South 4th Street, immediately south of West Live Oak Street, pending a request for the vacation of the alley.

**ADJOURNMENT:** The meeting was adjourned at 9:50 p.m.

---

Hoyle M. Osborne  
Executive Secretary