

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- May 30, 1967

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

Present

W. Sale Lewis, Chairman
Howard Brunson
Ed Bluestein
Barton D. Riley
Jack Goodman
Edgar E. Jackson
Ben Hendrickson

Absent

W. A. Wroe
M. J. Anderson

Also Present

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

MINUTES

Minutes of the meetings of April 4 and May 2, 1967, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of May 23, 1967.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-67-64	City of Austin: A to GR
	Tract 1: 2317-2335 North Loop Boulevard 2316-2324 Hancock Drive
	Tract 2: 2316-2332 North Loop Boulevard 5101-5107 Woodview Avenue

STAFF REPORT: This is an application by the City of Austin to change the zoning on two tracts of land. Tract 1, containing 12,763 square feet, is

Cl4-67-64 City of Austin--contd.

located to the south of North Loop Boulevard and Tract 2, containing 32,452 square feet, is located to the north of North Loop Boulevard. The City acquired this property in providing for the extension of North Loop Boulevard to the intersection of Hancock Drive. The street has been extended and the two remaining parcels are not needed for further right-of-way purposes with the exception of five feet for future widening of Woodview Avenue. Property to the east of Tract 1 is zoned "GR" and developed with an office, pharmacy, cafeteria, and a large apartment complex. Property to the east of Tract 2 is zoned Residential "A" and is developed with the Brown School which is a private school. A shopping center, with "C", and "C-2" zoning is developed on property to the east along Burnet Road. The City wishes to establish appropriate zoning on this property and the staff has advertised the request for "GR" General Retail, to provide for an extension of the existing "GR" District. Property to the south of Tract 1, across Hancock Drive was zoned "GR" in 1966.

Tract 2 of the subject property was submitted to the Commission in December, 1966, for consideration of its sale. The Commission recommended that the City dispose of the property subject to the retention of five feet of right-of-way for the widening of Woodview Avenue and the retention of a 5' x 50' electric easement. Because of the intersection of North Loop Boulevard, Woodview Avenue, and Hancock Drive, it was recommended that the property be sold as a single building site instead of two legal lots. It was recognized that there is only a stop sign at this intersection which tends to store cars during periods of heavy traffic. The Commission recommended that any driveway on the tract be restricted to 60 feet from the intersection.

The concern of the staff is in relating commercial property to the existing residential development along Woodview Avenue. If businesses are established, the staff feels that some buffer or screening should be considered along the north property line to afford protection for the residential property.

A request for "O" Office zoning was made on property located at the intersection of Hancock Drive and Shoal Creek Boulevard in 1965. There was a great deal of opposition from the neighborhood and the Committee recommended denial as they felt it would be an intrusion into a residential area. It was also found that the requested zoning was contrary to deed restrictions and the application was subsequently withdrawn.

Mr. Goodman asked how long the City has owned this property. Mr. Cortez advised the Committee that the subject property was acquired for the purpose of bringing North Loop Boulevard through to Hancock Drive and the City has owned the property for five or six years.

Mr. Stevens informed the Committee that all of the City departments were requested to make comment on the sale of Tract 2 when it was brought before the Commission and there were no objections.

C14-67-64 City of Austin--contd.

TESTIMONY

WRITTEN COMMENT

Code

F	Milton B. Clapp:	7114 Oakridge, San Antonio	FOR
U	Lloyd D. Storm:	5102 Woodview Avenue	AGAINST
?	Earl Podolnick:	2211 Hancock Drive	FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that the requested zoning on Tract 1 should be granted as it is a completion of the existing "GR" zoning as well as the highest and best use of the property; however, they noted that Tract 2, north of North Loop Boulevard, does not adjoin a general retail zone. The Committee recognized that Tract 2 is located at a three-way intersection, and the City should control and limit the arrangement of commercial development, also such zoning would have more of an effect on the existing single-family development along Woodview Avenue. They were cognizant of the fact that this tract adjoins a non-residential use on one side, is across the street from commercial development, and that the zoning now existing on the tract is not proper. It was felt that an "O" Office, First Height and Area District would be the proper zoning for Tract 2 as it would permit retail uses through special permit control.

The Committee was also aware of the fact that Tract 2 of the subject property was before the Commission in December, 1966, for the purpose of a recommendation towards the sale of the property. They felt that the rezoning of this tract should be tied to the recommendation previously made with regard to the sale of the property which is that the property, as it does contain two saleable and useable parcels of land, should be sold as a single building site only, because of its location at the three-way intersection which tends to store cars during periods of heavy traffic. They were of the opinion that if the two parcels were sold separately, too many additional uses and driveways would be allowed which would further complicate the maneuvering of this intersection and tend to congest traffic.

C14-67-64 City of Austin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (Tr. 1) located at 2317-2335 North Loop Boulevard and 2316-2324 Hancock Drive be GRANTED, but to recommend that the request for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (Tr. 2) located 2316-2332 North Loop Boulevard and 5101-5107 Woodview Avenue be DENIED but recommended that "O" Office, First Height and Area zoning be GRANTED for Tract 2.

C14-67-65 Joel Manning: B to C
2923 East 12th Street

STAFF REPORT: This site contains 8,268 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for future commercial use. The subject property has 52 feet of frontage along East 12th Street with approximately 159 feet of depth. There is mixed zoning in the area consisting of "C" Commercial, "LR" Local Retail, "B" Residence and "A" Residence. A request for "C" Commercial zoning was made on property to the west, fronting along Sol Wilson Street, in 1965. The Commission was aware of the fact that Sol Wilson Street is a residential street and felt that commercial zoning would be detrimental; however, in view of the recent change to commercial zoning for property immediately to the west, it isolated the subject property by surrounding it on three sides with commercial zoning. They felt it was unreasonable to deny extension of commercial zoning to this small area. They recommended that the request be granted.

There will be various changes in this area because of the proposed Cross-town Expressway with a proposed right-of-way of 250 feet. This will eventually require the entire subject property for right-of-way purposes. This area is a part of the Capital City East General Neighborhood Renewal Plan area. The study has been completed and is in Fort Worth. It will probably be returned for public hearing in June or July. Upon approval by the Planning Commission and City Council, a survey and planning application will be submitted for the area; however, it is safe to assume that it will be two or three years before any sort of execution of the plan begins.

TESTIMONY

WRITTEN COMMENT

Code

D Leo Dell Jones: 3008 E. 17th Street

AGAINST

C14-67-65 Joel Manning--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the uses permitted by the requested zoning would be too intensive for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joel Manning for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 2923 East 12th Street be DENIED.

C14-67-66 Roger Hewitt: A to B
 7102 Guadalupe Street

STAFF REPORT: This application covers 13,500 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for building apartments. This is a sound residential area that is developed primarily with well-maintained single-family dwellings and two-family residences. There was a recent request for "B" Second Height and Area zoning on property located at the southwest corner of Swanee Drive at which time the Commission recommended the request for Second Height and Area be denied but that "B" First Height and Area be granted as the property is located across the street from an existing "B" First Height and Area district. The Council granted the change but the Ordinance has not been passed.

The subject property is located a block or more to the north of the recent change and the staff is opposed to the request because of the location. It is felt that the existing "B" zoning to the south serves as a buffer or stepping down between the commercial zoning along Airport Boulevard and the residential development along Guadalupe Street. The staff feels that the granting of "B" zoning on the subject property would be an intrusion into an established residential area.

Guadalupe Street has 60 feet of right-of-way, but Swanee Drive and Kawnee Drive are both gravel streets with only 50 feet of right-of-way.

C14-67-66 Roger Hewitt--contd.

TESTIMONY

WRITTEN COMMENT

Code

H	C. B. Smith: P.O. Box 579	FOR
C	Mrs. Carl E. Sanderson: 606-A Kawnee Drive	FOR
Z	Mary Ritchie: 7003 Guadalupe Street	FOR
AG	C. K. Jamison: 1401 Northridge Drive	FOR

PERSONS APPEARING AT HEARING

Code

Ronald Zent (representing applicant)	FOR
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SUMMARY OF TESTIMONY

Mr. Ronald B. Zent, representing the applicant, stated that this is not a well-established residential neighborhood. On the west side of Guadalupe Street, there have been several duplexes built in the last few years. On the east side, from Airport Boulevard to St. Johns Avenue, Guadalupe Street will probably be rezoned to a heavier classification within a few years time. There have been four requests for rezoning in this area within the recent past. The subject property is too large for a duplex and the "B" First Height and Area classification will permit a fourplex on the property. This is a legitimate request that should be granted.

No one appeared in opposition to the request.

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 an intrusion into a well-established residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Roger Hewitt for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 7102 Guadalupe Street be DENIED.

C14-67-67 Dale Ossip Johnson: A, 1st to B, 2nd
6207 (6211) Langham Street

STAFF REPORT: This site contains 9,975 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for apartments. The proposed zoning would permit 6 regular apartment units or 12 apartment hotel units on the property. Property adjoining the subject property to the east is developed with a church. There was a recent request for "C" Commercial, Sixth Height and Area

C14-67-67

Dale Ossip Johnson--contd.

zoning on property located at the intersection of Montopolis Drive, Kasper Street and Riverside Drive. The Commission recommended that the requested zoning be granted on all of the property with the exception of the north 92 feet of the west 150 feet. They felt that this area should remain as residential "A" in order to provide a buffer to the existing residential development to the north. The Council granted the requested zoning on the entire area under consideration, but the Ordinance has not been passed. The staff feels that the granting of "B" Second Height and Area zoning on the subject property would be piece-meal zoning and should not be done on a one lot basis. If it is zoned as requested, the entire area should be considered for the same type of change. If the change is granted, some consideration should be given to the widening of Langham Street as it is a residential street with only 50 feet of right-of-way. Streets serving high-density development should have at least 60 feet of right-of-way which would require 5 feet of widening from the subject property. The staff would also prefer that if any change is considered, it should be to a lower density instead of an intensive density which would be allowed in a Second Height and Area district.

Mr. Brunson asked if the staff has any knowledge as to the location of the new drive-in theater. Mr. Stevens stated that it is his understanding that the theater will be established on property to the east, across Montopolis Drive. An 8.6 acre strip of the property is inside the City limits, but the remainder is in the County. The theater is to be located on the property in the County but a drive is proposed off of Montopolis Drive.

Mr. Brunson asked how this would affect the zoning in the area. Mr. Stevens explained that the use of this large tract for commercial purposes could effect the subject property, but this would depend on how intense the property is developed. The staff recognizes that a change in usage may come because of proposals in the area but it is felt that a zoning change on the subject property only, would be premature.

TESTIMONY

WRITTEN COMMENT

Code

B W. A. Irvin: 1013 East 38½ Street FOR

PERSONS APPEARING AT HEARING

Code

A Dale Ossip Johnson: (applicant) FOR

SUMMARY OF TESTIMONY

Mr. Dale Johnson stated that this is an area of change. The area consists of houses of the lowest quality. The average house in the area is probably valued at approximately \$1,500. The purpose of the change is to allow a

C14-67-67 Dale Ossip Johnson--contd.

prototype of low rent (approximately \$60.00 per unit) type of housing. These apartments would be fully furnished. The houses in this area rent for about the same price, but the proposal on the subject property will be new and well-built. It is felt that the apartment development would add to, as well as help in development, of the area and improve the overall value of the area. With regard to the widening of Langham Street, if the zoning change is granted, 5 feet of widening will be dedicated for right-of-way purposes.

Mr. Johnson stated that he has talked to two of the property owners in this block and they have stated that they will give him an option to purchase their property and subsequently a request for a zoning change will be filed. This will make the zoning in the area more consistent. He further stated that it is his understanding from the Urban Renewal Agency that this area is to be a relocation area for Urban Renewal when they start to work in Austin. It is anticipated that the proposed development on the property will provide a low rent housing project for some of the people that will be relocated.

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-developed residential "A" area.

The applicant's representative appeared at the Commission meeting and stated that 10 feet of right-of-way for the widening of Langham Street will be dedicated to the City.

Mr. Brunson advised the Commission that he is in favor of this request, if the street is made adequate, because of a proposed drive-in theater which is to be established on property east of Montopolis Drive. It is felt that this development will have an overwhelming effect on the area.

Mr. Jackson stated that the property east of Montopolis Drive is outside of the City limits and the City has no control over the development or zoning. Mr. Stevens informed the Commission that there is a strip of the property that is within the City limits and an application for rezoning has been made on this strip.

Mr. Osborne, Director of Planning, stated that one of the important factors involved in this area will be the issue of the proposed drive-in theater, and how this is resolved. The outcome of the rezoning of this strip of land will have an effect on the area. It is felt that the request for rezoning is premature at this time, based on the existing use in the area. If the situation changes, as a result of other changes in the area, then the request could be reconsidered.

C14-67-67 Dale Ossip Johnson--contd.

The applicant's representative stated that in view of pending development in this area, he would like to withdraw this request at this time.

After further discussion, the Commission unanimously

VOTED: To ACCEPT the withdrawal of this application.

C14-67-68 Frank Meece: Int. A, Int. 1st to B, 2nd
2505 Westlake Drive

STAFF REPORT: This application covers an area of 5.52 acres of undeveloped land. The stated purpose of the application is for apartments. The applicant has stated that 3.12 acres of the area under consideration is land and the remainder is inundated by Lake Austin. Even though a large portion of the subject property is under water, it is the staff's understanding that the entire area can be used for computing the number of apartment units allowed. The proposed zoning would permit 160 regular apartment units or 320 apartment hotel units. Using only the land area for computing the number of units, the proposed zoning would permit 126 units.

Mr. Glenn Cortez, Assistant City Attorney, stated that the entire 5.52 acres under consideration can be used for figuring the number of units allowed under the proposed zoning; the Committee should properly consider this as a factor in acting on the request.

Mr. Stevens stated that the shore line, as shown on the map, has been altered by fill and a concrete retaining wall, extending into what is now shown as Lake Austin, and it is the staff's understanding that this has been approved by the City Council and the Navigation Board. The subject property is a part of Lots 33 & 34 of the Lakeshore Addition Subdivision which has been split by Westlake Drive.

The Chairman of the Committee interrupted the staff report prior to taking either written or oral testimony to ask Mr. Cortez if the Committee would be prohibited from taking testimony from citizens of Westlake Hills. Mr. Cortez advised the Committee that this is a public hearing and testimony can be taken from any citizen as a zoning change could effect neighboring communities.

Mr. Brunson asked if the requested zoning change was advertised in Westlake Hills? Mr. Stevens stated that there are property ownership and mapping limitations in this area. The names of surrounding property owners receiving notices, were furnished by the applicant.

Mr. Stevens continued with the staff report stating that the site is located approximately 2 1/10 miles from the intersection of Red Bud Trail and Westlake Drive. Westlake Drive provides access to the subject property and is a mountainous type public road with county-type paving. Such

C14-67-68 Frank Meece--contd.

paving varies from 20 to 30 feet of width with little or no curbing. The establishment of apartment house zoning on this site and other sites which would normally follow, would over burden this type of road. The staff feels that there are other problems connected with this type of development which include disposal of sewage, street upkeep, police and traffic control, fire protection, garbage pickup, and an adequate water supply, excluding pumping water from the lake.

Mr. Stevens reported a letter, from three nearby property owners, which sets forth most of the staff's objections. In addition to the objections and questions outlined in the letter, it includes a history of the tract which is as follows:

"Originally the proposed area was an extension of the Lots 33 and 34 forming the original Yacht Club property and was originally used for boat docks and a snack bar for the Club members for the reason that there was barely enough dry land for the snack bar and the building of the boat docks around the boat basin. Later the property was sold to Bryant Paul who divided the lots by designating the Club house and area above Westlake Drive as the Cliff House, which became a night club and was sold. Later he designated the extension of the lots across Westlake Drive where the boat docks and the snack bar were and are as Yacht Harbor. Later he sold this extension of the lots of the original Yacht Club property, which is the property now involved, to William E. Boake, as shown in Vol. 1209, page 487, of the Deed Records of Travis County, Texas, in which he reserved certain easement rights of ingress and egress through the Yacht Harbor basin to the lake for the owners of the property across Westlake Drive, which property was formerly designated as the Cliff House property and is now owned by Mr. H. H. Coffield and his wife, Marjorie P. Coffield, who at present own the easement rights through the Yacht Harbor basin to the lake, and it appears that there is an attempt to close off this basin from the lake and deprive the present owners of their easement rights to the basin that has existed for approximately 20 years."

TESTIMONY

WRITTEN COMMENT

Code

B	Mr. & Mrs. H. T. McBrayer: P. O. Box 115	AGAINST
E	Mr. and Mrs. H. H. Coffield: P. O. Box 466 Rockdale, Texas	AGAINST
C	Mrs. Edna J. McRae: 1810 Frazier Street	FOR

C14-67-68 Frank Meece--contd.

PERSONS APPEARING AT HEARING

Code	Frank Meece (applicant)	FOR
B	Mr. & Mrs. H. T. McBrayer	AGAINST
D	Stanley Depwe: 2508 Westlake Drive	FOR
?	J. L. Reed: 2009 Lakeshore Drive	AGAINST
?	Harrell G. Laws: 108 Westhaven Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that the subject property is developed with Yacht Harbor which has been operated for years as a commercial establishment in the form of a restaurant and boat basin. The subject property has been surveyed by Claude Bush and there is a total land area of 3.12 acres. "B" Second Height and Area zoning is requested so that a 95 unit apartment complex can be built on the subject property. A restrictive covenant to that effect will be given to the City. It is planned to utilize 1.72 acres of the land for the 95 units and for 166 off-street parking spaces. The area to the north is developed with low rent units and boat stalls. The area to the south is rented out for house boats. Mr. Meece stated that when the lake was down, he requested permission from the City Council to build a retaining wall along the property and then add fill. This permission was granted, along with permission to construct a dam so that work could be done in the cove.

The objections to the proposed zoning seem to be from people who reside in Westlake Hills and operate their businesses in the City of Austin. Property adjacent to the subject property was operated as a night club. The only way to get to the subject property is across the low water bridge. Traffic leaves from Austin, goes through Westlake Hills, and then back to Austin. The amount of traffic that is diverted into Westlake Hills has increased but it is not detrimental.

If the property is developed with 95 units, as proposed, and there is approximately 90% occupancy, there would be only 80 to 90 cars a day that would travel Westlake Drive from the subject property. More cars than that travel the road now just on normal business to commercial establishments in the area.

Mr. Meece further stated that with regard to water and sewer, they are prepared to work with the City towards a solution for these problems. The commitment on the property is subject to being served by City water and sewage. He said that it is his understanding that the lake is gradually increasing in pollution and their investors do not want any water to be taken from the lake. The utility serve will be brought across the lake into the property.

The plans are to spend a great deal of money on a luxury type apartment development that will yield a good return on the investment.

C14-67-68 Frank Meece--contd.

Mr. Bob Kuhn stated that as a matter of record, property in this area is and has been used for commercial purposes for many years. Westlake Beach, also used as commercial property, is in close proximity to the subject property. Yacht Harbor, the existing development on the subject property, was used as a club and boat dock area for a short period of time. The requested zoning will not bring anything new into the area that is not existing at the present time. When the property was purchased by the present owners, there was an attempt to make continued use of the property as a club. The people in the area blocked that move and managed to get the liquor license refused. Some use has to be found for this property that sold for \$100,000. The proposed development will not be highrise apartment development. There will be a reasonable looking apartment development which will be 2½ stories high.

Arguments Presented AGAINST:

Mr. H. T. McBrayer, a nearby property owner, stated that he is opposed to this request and he also represents Mr. and Mrs. H. H. Coffield who are also opposed to the rezoning of this property. He offered the following information: The subject property was originally used as the Yacht Harbor Club that went out of business as the members did not support it. As a result of the closing of this club, the property was sold and then resold, along with property that had a snack bar. The ground on the subject property is low and wet as all of this area is a basin. There have been night clubs and beer joints in this area and now the property owners are faced with a 100 unit high-rise apartment development. It will be very difficult to find enough land area to build on because most of the property is under water. The owner of this property has put a concrete retaining wall on a portion of the property. It is not known where the 5.52 figure for the acreage of the property comes from. The applicant has gone 20 or 30 feet further into the lake than adjoining property, and has filled that area in. The City should not let them continue to build up land at the expense of the lake and the people that live along the lake.

Westlake Drive is a small blacktopped road that cannot carry a great deal of traffic. Questions that are of concern to the neighboring property owners are the traffic and how it will be taken care of, the sewage problem, and the area that is to be used for the proposed structures. The people in this area are opposed to the lake front area being messed up by experimenting with high-rise apartment buildings.

Mrs. Henrietta Jacobsen, Mayor of Westlake Hills, appeared at the hearing and offered the following information: Until the development on the subject property was proposed, Westlake Hills has always exercised jurisdiction down to the lake front with the City of Austin's consent. Putting a 100 unit apartment development on the subject property would put a burden on the citizens in Westlake Hills. For many years people have debated about the mythical 504.9 common city limit line. Among the officials in Austin, it is debated as to whether this is the line as relates to a dam that washed away years ago. The 504.9 common city limit line may be the water line.

C14-67-68 Frank Meece--contd.

It is not known as a fact that the subject property is in the city limits of Austin. The developer of the subject property first appeared before the Westlake Hills City Council. The City Council was not prepared to cope with the request because of the question of who has jurisdiction. It would be well if the city limit line could be resolved before it is said who has jurisdiction in this area. The City of Westlake Hills requires considerable more land per unit and more off-street parking than the City of Austin. Police patrol in this area has been exercised by the Westlake Hills volunteer police department. The City of Austin has not answered calls on this side of the lake. The City of Westlake Hills would be concerned with garbage pickup and sewage control. There is also a question if the City of Austin decides to claim this area, as to whether or not the people will be able to vote in Austin as they have been voting in Westlake Hills. The subject property is in the Eanes School District. It is requested that the Commission procede slowly with this request until the City limit line is actually determined.

Mr. Glenn Cortez, stated that there has in the past been some question about the city limit line; however, it is his understanding that this line was surveyed and the City of Austin does claim the 504.9 line as the city limit line. As far as the City of Austin is concerned, the subject property is in the Austin City limits.

Arguments in REBUTTAL:

Mr. Goodman asked if the subject property is on the tax rolls of the City of Austin.

Mr. Meece stated that the City of Austin has not taxed anyone on this side of the lake. The City of Austin has claimed this area only for the past year and the property owners have not been obligated to pay taxes as yet.

Mr. Meece stated that when the development of this property was first proposed, it was brought before the Westlake Hills City Council to see what jurisdiction the property would be under. Mr. Reuben Rountree, Director of Public Works, surveyed the city limit line from the dam and has stated that the subject property is in the City of Austin. The question as to whether or not the subject property is in the City of Austin was also resolved when the request to build a retaining wall was considered and approved by the Austin City Council. This line had to be established before a permit could be issued.

Mr. Brunson asked for comment on the fact that some of the property owners in Westlake Hills feel they have right-of-access to the lake through the subject property. Mr. Kuhn stated that there is nothing in the deed record that indicates anything to this effect. Mr. Coffield has not owned the subject property for some time and there is no easement right across the property.

C14-67-68 Frank Meece--contd.

Mr. Meece presented a prospective showing the proposed development of the subject site. He stated that this will not be a high-rise apartment development. There will be a two story studio units with spiral stairs going up. The metes and bounds on the subject property show that the property line extends to the center of the lake. The property line was staked out when the retaining wall was built. It was taken to the Navigation Board and they recommended some 75 feet out to the shore.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission for further consideration and additional information on availability of utilities.

At the Commission meeting, Mr. Brunson advised the Commission members that the Mayor of Westlake Hills had appeared at the zoning hearing as she felt that the subject property is in the City of Westlake Hills and not Austin; however, the Committee was advised by the Assistant City Attorney that the property is in the city limits of Austin.

Mr. Cortez stated that the applicant has by virtue of filing a zoning request, agreed that he is in the city limits of Austin. He is not contesting whether or not he is in the jurisdiction of Austin.

Mr. Osborne advised the Commission that this application involves a change in zoning for a fairly high density apartment development. The Planning Department recommends against any change in the area because of the limited street width of Westlake Drive and the fact that this is the only street serving the subject property and the area. The majority of the development in the area is in fact single-family residential although there are commercial uses that have been established over a long period of time. These commercial establishments consist primarily of boat docks. The general development in the area is single-family and in turn, Westlake Drive, running back into Westlake Hills proper, serves an area that is almost entirely residential. Another issue involved in multi-family development of this intensity is the inadequacy of services to the area to provide for anything other than the customary single-family development. The City is not obligated to provide a level of service that would permit this type of development. Within this framework is the matter of utilities and in particular, sewage. At the present time, sewer lines could probably be provided to the area by crossing the lake and tying in at an appropriate location. An estimate of the cost of this would be in the vicinity of \$30,000. Public sewer at the present time is not there. The area is served by septic tanks on each individual lot. This can only accommodate a very limited number of units on a particular lot. Another matter of consideration is water service as the subject property is not in a water district. In this area, water is customarily drawn from the lake, treated and then used for the public. This particular area is part of the City of Austin which extends on both sides of the lake all the way to Mansfield Dam. The matter of zoning control is another appropriate issue.

C14-67-68 Frank Meece--contd.

The Commission has denied a similar request with the same type of problems. The problems that exist may possibly change at some future time and this would warrant further consideration; however, at this time, the Commission should consider the present services and facilities.

Mr. Goodman was of the opinion that a study should be made on this strip of land that lies on the lake front, to determine the highest and best use. The shape and rebuilding on some of the land by dumping fill in to raise the ground level should also be considered. Each proposal on land in this area should be considered on an individual basis under a special permit control rather than rezoning. By special permit, the Commission could control the development that occurs on a piece of ground rather than letting a maximum development occur that could be detrimental to the property, the city and the neighboring property owners. Special permit consideration should be given to all of the area along the lake front.

Mr. Osborne stated that this would be in order as the issue of lake front development should require special consideration. It would require a permanent classification of zoning along the lake front; however, with regard to the subject property, there are other issues, over and above zoning, that are involved. It is recognized that the development may have more relationship to the Westlake Hills area because of the location. This should be considered. The City of Austin has engaged in conversation with officials from Westlake Hills as to the best way to resolve some of the problems of the joint jurisdiction.

Mr. Lewis asked if the City would be obligated to provide services to the subject property if the zoning change is granted. Mr. Osborne explained that rezoning does not obligate the City to provide services to the maximum level of how the property can be developed under the zoning. Under the policy of the City, there is no direct obligation to extend services to serve the subject property but the City would be under a reasonable obligation to work with the developer or any other developer on how services can be extended to their property at their own cost. The City can provide services if the owner pays the cost. There is a "100 foot rule" which means that if you are within 100 feet of the sewer line, the City will extend the line to serve your property; however, anything beyond that is at the cost of the property owner.

Mr. Riley informed the Commission that the applicant did say that he would put the sewage lines in at his own expense.

Mr. Brunson stated that if the zoning is granted, it should be under a special permit so that all of the conditions required under a special permit could be controlled such as sewage, water, garbage pickup, parking, and health. These things are important and should be given careful consideration.

C14-67-68 Frank Meece--contd.

Mr. Jackson was of the opinion that any property owner is entitled to develop his property to the best of his ability as long as it conforms to the best pattern. The development allowed under the proposed zoning would be too intensive.

Mr. Meece advised the Commission, that he had requested at the Zoning Hearing, that "B" Second Height and Area zoning be granted with a restrictive covenant for 95 units. There would be 750 square feet per unit which would use approximately 1.68 acres of the land involved in the application. The Second Height and Area district is needed for height.

Mr. Cortez advised the Commission that the acceptance of a restrictive covenant is usually left up to the City Council as this is an area that does not pertain to zoning. The Commission could recommend that the request be denied but that you would look with favor on the request with a restrictive covenant limiting the units to 95.

Mr. Jackson and Mr. Lewis were of the opinion that the requested zoning would be proper for the subject property provided there is a restrictive covenant limiting the development to 95 units. They noted that there is an existing apartment development on Westlake Drive. They also felt that the developer should be responsible for furnishing water and sewer at his expense for the subject property.

Mr. Riley and Mr. Goodman were concerned about the width of Westlake Drive as there is only 50 feet of right-of-way. They felt that the proposed development would impose a heavy traffic load on a street serving property in Westlake Hills as well as property along the lake front.

Mr. Lewis stated that an area study would be difficult for this area because of the various size of the tracts and lots along the lake.

Mr. Osborne stated that the requested zoning on the subject property would obviously be a case of piece-meal zoning. He stated that if the Commission voted in favor of this request he would have a very difficult time of making a rational presentation to the City Council as there is nothing to support the request, but there are numerous reasons not to support it.

Mr. Lewis was of the opinion that the applicant would not be able to get the full use of his property unless he is granted a change in zoning.

Mr. Osborne stated that it is not a question of denying the applicant the full use of his property as the property can be utilized. It is a question of denying a more intensive use of the land. There is residential "A" zoning on the other side of the lake and much of the area is developed with recent single-family development. This property has not been denied the full use as it is being used residentially, and there were not the same problems as involved in the application on the subject property.

C14-67-68 Frank Meece--contd.

Mr. Lewis asked who would furnish the utilities to the subject property if the applicant decided to develop residences. Mr. Osborne explained that the City is not obligated to provide utilities. This was raised in the Annexation Legislation of 1963 in which it gave a certain procedure by which under certain conditions an area might deannex itself at some future time in the event services were not provided.

Mr. Lewis stated that from an economic standpoint, if the subject property was subdivided for residential purposes, it would be uneconomical for the subdivider to furnish all of the utilities.

Mr. Osborne informed the Commission that there is a subdivision plan for residential development on another piece of property south of the subject property. It is felt that the requested zoning would set a precedent for other requests of this nature.

Mr. Meece stated that the development on the other side of the lake should have no bearing on this application as there were residences already existing in that area; however, there is commercial property adjacent to the subject property and in the near vicinity.

A motion was made to deny the request as submitted but to advise the Council that the Commission would look with favor on the request, as this is the proper zoning for the property, provided a restrictive covenant for 95 units is placed on the land and provided the developer is responsible for furnishing water and sewer services, at his expense, for the subject property. The motion failed to carry by the following vote:

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

A majority of the Commission members were of the opinion that this area should be studied so as to determine the highest and best use for the land along the lake front and they felt that consideration should be given to controlling development by special permit controls. They felt that the requested zoning should be denied for the following reasons:

1. The requested zoning is too intensive for the property and for the area.
2. Westlake Drive, the only access to the subject property, is inadequate to serve the proposed development.
3. This is predominantly a single-family area.
4. Utility service to the area is entirely inadequate for the proposed high density development.
5. The requested zoning would be piece-meal zoning and would tend to set a precedent.

C14-67-68 Frank Meece--contd.

It was then

VOTED: To recommend that the request of Frank Meece for a change of zoning from Interim "A", Interim First Height and Area to "B" Residence, Second Height and Area for property located at 2505 Westlake Drive be DENIED.

AYE: Messrs. Riley, Bluestein, Goodman, Brunson and Hendrickson

NAY: Messrs. Lewis and Jackson

ABSENT: Messrs. Anderson and Wroe

C14-67-69 S. W. McKinley: A, 1st to B, 2nd
307 West 39th Street
308 West 38½ Street

STAFF REPORT: This application covers an area of 9,500 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for apartments. The subject property has 50 feet of frontage on West 39th Street and is 190 feet deep. Last month, there were three separate applications for "B" Second Height and Area zoning for property in this immediate area. The Commission recommended that "BB" First Height and Area zoning be granted on all three parcels as it was felt this would be an appropriate zoning for the area. The Council did inspect the area and voted to grant "B" Second Height and Area as requested, on all three parcels. One of the recent cases under consideration is the property adjoining to the west of the subject site. When the Council granted the requested zoning on that parcel, ten feet of right-of-way was dedicated for the widening of Avenue B.

The area is developed primarily with single-family dwellings although there is "B" Second Height and Area zoning existing along West 38th Street, on Speedway and the three parcels which were recently changed. Because of the recent changes, the staff recommends the zoning be granted as it is an extension of the existing "B" Second Height and Area District.

TESTIMONY

WRITTEN COMMENT

Code

X	Mrs. Katherine Baker: 312 West 39th Street	FOR
AC	E. D. Wooten: 5905 Nasco Drive	FOR
?	Helen M. Beck: 3807 Avenue B	AGAINST
G	Miss Vernon D. Moore: 315 West 39th Street	FOR
	A petition with 15 signatures	AGAINST

CI4-67-69 S. W. McKinley--contd.

PERSONS APPEARING AT HEARING

Code'

F	Lorene Cook: 207-B West 39th Street	AGAINST
	Mrs. Z. T. A. Norton (Representing appl.)	FOR
?	Richard Szukalla: P. O. Box 9486	FOR
?	Eugenia Vann Phelan: 3912 Avenue G	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Z. T. A. Norton, representing the applicant, stated that this application should have been submitted at the same time the application on the adjoining property was filed. The subject property would make a beautiful and logical apartment site.

Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request and presented a petition with 15 signatures also opposing the request. They stated that they are opposed to the request because of the narrow, unpaved streets that create a traffic hazard and a dust problem.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning is too intensive for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted as this would be the highest and best use of the property.

At the Commission meeting, Mr. Jackson stated that the Council has recently granted three requests for "B" Residence, Second Height and Area zoning in the immediate area. He was of the opinion that this is a changing area which will go into multi-family development, and felt that the pattern has been set.

Mr. Riley stated that in his opinion, the requested zoning is too intensive for the area. If the zoning is granted, then the entire area should be rezoned rather than zone the area piece-meal. After further discussion, a motion to deny the request failed to carry by the following vote:

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

C14-67-69 S. W. McKinley--contd.

It was then

VOTED: To recommend that the request of S. W. McKinley for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 307 West 39th Street and 308 West 38½ Street be GRANTED.

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

NAY: Messrs. Goodman and Riley

ABSENT: Messrs. Anderson and Wroe

C14-67-70 M & C Home Builders: A to BB
900-904 Banister Lane

STAFF REPORT: This application covers an area of 26,004 square feet of undeveloped land. The stated purpose of the application is for constructing an apartment house. The proposed zoning would permit a maximum of 13 apartment units on the subject property. In 1965, there was a request for "B" zoning on property to the east, fronting onto South 2nd Street, at which time the Commission recommended denial as they felt the streets serving the area were inadequate; however, it was felt that the area would lend itself to an area wide buffer type of zoning from South Center Street to Banister Lane and from Garden Villa Lane to South 2nd Street. This request is still pending. Since that time, property to the south of Banister Lane has been zoned "GR" General Retail and the preliminary plan of Ben White Commercial Subdivision, proposing commercial uses, has been submitted and approved. This subdivision proposes the extension of South 2nd Street to Ben White Boulevard.

A short form subdivision, dividing the subject property into two lots, was submitted and approved in April of this year. The approval of this short form has presented a problem as there was a need for the extension of Birch Street through the property to the east that is pending a zoning change and through the subject property to Banister Lane. The short form of the subject property cut off that street. This was a mistake by the Planning Department staff. It is felt that if this area does go to "B" zoning and development, the street could terminate in a cul-de-sac and the large tracts on both sides could remain for apartment development. If single-family development does occur, the street needs to be continued. The staff feels that to re-zone the subject property would be piece-meal zoning although it is not illogical because the property does face the back of commercially used property across Banister Lane. The staff feels that any zoning change should be done on a more comprehensive basis rather than one lot at a time.

Banister Lane, with 40 feet of right-of-way needs to be widened which would effect the subject property by 10 feet.

C14-67-70 M & C Home Builders--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

	James Townsend (representing applicant)	FOR
E	Dan F. Callan: 3801 Garden Villa	FOR

SUMMARY OF TESTIMONY

Mr. James Townsend, representing the applicant, stated that the two lots adjoining the subject property on the west are vacant lots. The proposal is to put medium-priced apartment units on the subject site. It is realized that Banister Lane is narrow, and the applicant will dedicate the necessary right-of-way for the widening of the street. The proposed extension of Birch Street through the subject property has been discussed for sometime, but nothing has ever been done. The Internal Revenue Service and "GR" zoning and development are located on Ben White Boulevard and there should be no objection to apartments on 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 granted with provision for right-of-way for Banister Lane, as it would be proper zoning and use across Banister Lane from proposed commercial development.

At the Commission meeting the staff reported the need for ten (10) feet of right-of-way no longer existed as it was recently acquired when the property was subdivided.

The Commission felt that the requested zoning would serve as a buffer between the existing and proposed commercial development to the south and the residential development to the north.

It was then

VOTED: To recommend that the request of M & C Home Builders for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 900-904 Banister Lane be GRANTED.

C14-67-71 Hewlett B. Martin, et al: A to GR (Tr. 1) & A to O (Tr. 2)
 Tract 1: 919-923 East 41st Street
 Tract 2: 906-928½ East 40th Street
 1000-1002 East 40th Street
 Add'n Area: 930 East 40th Street
 4001 Red River Street, 900-904 East 40th St.

STAFF REPORT: This application for rezoning is made by a number of property owners for approximately 12 parcels of land. The property is divided into two tracts. Tract 1, fronting onto East 41st Street, contains 23,562 square feet and Tract 2, fronting onto East 40th Street contains approximately 134,300 square feet. Two lots have been included by the staff as additional area in order to complete the zoning in the block. The stated purpose of the application is for developing the property for commercial and office use. Tract 1 adjoins "GR" zoning to the east and is across the street from Hancock Shopping Center, also zoned "GR". The staff recommends the requested zoning on this tract be granted as it is a logical extension. The balance of the property, Tract 2, contains a number of vacant lots and a few single-family dwellings. The area south of East 40th Street is zoned and developed with sound residential development. It is a residential neighborhood in street width and lot arrangement. To the east is "O" Office and "C" Commercial zoning. To the west along Red River Street is "B" Residence and "O" Office zoning. The staff recognizes that there is some merit to the request as the property backs up to commercial and there is "B" and "O" zoning at both ends of the block.

Without some change, the property may be very slow in continuing to develop. The staff is not necessarily opposed to the change but there are problems in this area that should be considered. If the Commission feels that the zoning should be changed, then East 40th Street, a minor residential street with 50 feet of right-of-way, should be widened to 60 feet. This would require 5 feet from each side of the street; however, if it is felt that the zoning should stop on the north side of this street, then the staff feels 10 feet of right-of-way should be dedicated from the subject property. Becker Street has 40 feet of right-of-way and Willbert Road has 50 feet of right-of-way.

The offices allowed in an "O" Office district are limited to semi-professional. However, an application for a special permit can be made on the property as it does back to a less restrictive zone. The staff feels that a change in zoning on Tract 2 will influence the area south of 40th Street at which time widening should be required for Becker Avenue. The lots to the south of 40th Street are not as large or as suited for change as those to the north.

TESTIMONY

WRITTEN COMMENT

Code

M	Irvin G. Anderson: Box 217A, Ingram, Texas	FOR
BB	Mr. & Mrs. Arthur J. Kelleher: 914 East 39th	AGAINST
B	Mr. & Mrs. James R. Stegall: 8915 Little Walnut Parkway	FOR

C14-67-71 Hewlett B. Martin, et al--contd.

BJ	Mrs. Daisy Angas Tamm: P.O. Box 1328, Harlingen, Texas	AGAINST
AS	George L. Wendlandt: 4502 Shoal Creek Blvd.	FOR
D	L. Wendlandt: 2100 Sabine Street	FOR
AC	Charles D. Nash: P.O. Box 1988	FOR
AE	Watt Schieffer: 1011 East 40th Street	FOR

PERSONS APPEARING AT HEARING

Code

	Arthur Pihlgren: (representing applicant)	FOR
BK	Carolyn Hewatt: 907 East 40th Street	?
?	Bill Shackelford: 610 Brazos	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Arthur Pihlgren, representing the applicants, stated that in his opinion the subject property is a natural area for an "O" Office district inasmuch as it does back up to property which is zoned "GR". There is "O" Office zoning to the east and to the west as well as "C" Commercial zoning along the Interregional Highway. The zoning pattern has been established. It is logical to zone Tract 2 to "O" Office in order to provide a buffer zone between the residential development to the south and the commercial development to the north. The requested zoning on Tract 1 is a natural extension of the existing "GR" District. Mr. Pihlgren stated that he is working with two doctors who want to put their office on a portion of the property under consideration. The plans are to build a building which will accommodate only the two doctors. There are no immediate plans for the remainder of the property. He further stated that he has been authorized by the property owners involved in this application to dedicate 5 feet of land for the widening of 40th Street.

Mr. Shackelford stated that he is the Administrator of the Hattie Hewlett Estate which owns a number of the vacant lots under consideration. The lots are vacant as the property has been in litigation for 34 years. This has been settled and the property is to be disposed of. Residential development would not be very feasible on property backing up to commercial development.

Arguments Presented AGAINST:

Two nearby property owners appeared at the hearing and stated that they do not know if they are opposed to the request because they do not know what is to be developed or when. A change could set a precedent. There are natural advantages to making the property commercial when it backs up to commercial property, but there are also disadvantages of making it commercial when it fronts into a residential area. Part of the property is close to Hancock Center but the largest portion is closest to the residential area.

C14-67-71 Hewlett B. Martin, et al--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that the requested "GR" zoning for Tract 1 should be granted as the property adjoins "GR" zoning on the east and is across the street from "GR" zoning and development; however, a majority of the members felt that the requested "O" Office zoning on Tract 2 should be denied as this would be an intrusion into an established and maintained residential area that is served by residential streets which are inadequate in width for the intended use. They felt that apartment development on Tract 2 would be more appropriate as related to the commercial development to the north, and the residential development to the south, and recommended that "B" First Height and Area zoning be granted on Tract 2.

At the Commission meeting, Mr. Jackson stated that with regard to Tract 2, he does not think that "B" First Height and Area zoning would be better planning than the extension of the "O" Office district. There would probably be less traffic on 40th Street, which is a residential street, with office zoning than with apartment zoning. Mr. Riley stated that there would be delivery trucks and trash trucks that would be using the residential streets. If office zoning is granted, the offices would be looking into the sides of the existing residences. This would change the entire area.

Mr. Brunson stated that the staff recommended that "O" Office zoning be granted on Tract 2 if the street was made adequate.

Mr. Arthur Pihlgren, representing the applicant, stated that he is authorized to give 5 feet of right-of-way from the subject property for the widening of 40th Street.

Mr. Osborne advised the Commission that a study was made of this area as a result of the rezoning and development of Hancock Center. The staff advised the Commission, and the Commission did recommend that "O" Office be established on the south side of 41st Street as they felt this was proper as it would permit office development and commercial uses by special permit, backing up to residential uses located along 40th Street. The City Council has subsequently zoned portions of the area along 40th Street as "O" Office and "C" Commercial, leaving the subject property in a questionable status. There is office zoning to the east and a limited amount of commercial zoning fronting onto the Interregional Highway. This was done prior to the office district. The application on Tract 2 has been made by several property owners and it is questionable as to whether or not the area will be developed with single-family development. This area could be maintained and developed with single-family or two-family development, but the pressure is on the area to change.

C14-67-71 Hewlett B. Martin, et al--contd.

Mr. Riley stated that he felt extending the zoning onto 40th Street would cause a downgrading of this residential area. The zoning line should be held to the tier of lots south of 41st Street. Fortieth Street, another point of consideration, is a residential street with inadequate right-of-way. Streets serving commercial property should have at least 60 feet of right-of-way. Mr. Shackelford stated that he owns six of the lots under consideration in Tract 2 and he will dedicate 5 feet of right-of-way for the widening of 40th Street.

Mr. Stevens stated that the staff recommendation with regard to right-of-way for 40th Street would depend on whether or not the Commission feels that the zoning will continue across 40th Street or stop at this point. If it is stopped, 10 feet of right-of-way is needed from the subject property, but if it is continued, 5 feet from each side of the street could be required. The south side of the street is more solidly developed and is a well-maintained residential area in terms of lot arrangement and streets. Becker Avenue and Willbert Road are both residential streets with inadequate right-of-way. Mr. Riley stated that if 5 feet of right-of-way is taken from the south side of 40th Street, the area of the lots would be greatly reduced as the right-of-way would come from the side of the lots rather than from the front.

Mr. Pihlgren stated that 40th Street, between the Expressway and Red River Street, does not go any place as it is only three blocks long.

The Commission members unanimously agreed that the requested zoning on Tract 1 is a logical extension of the existing zoning. A majority of the members felt that the requested zoning on Tract 2 is a logical and proper extension; however, they felt that the requested zoning should be denied at this time because of the inadequate right-of-way of 40th Street. They stated they would look with favor on the requested zoning for Tract 2 if 10 feet of right-of-way for the widening of East 40th Street is provided from the subject property. It was then

VOTED: To recommend that the request of Hewlett B. Martin, et al, for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (Tr. 1) for property located at 919-923 East 41st Street be GRANTED and to recommend that the request for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area (Tr. 2) located at 906-928½ East 40th Street, 1000-1002 East 40th Street and the additional area located at 930 East 40th Street, 900-904 East 40th Street and 4001 Red River Street be DENIED.

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

C14-67-72 E. W. Pierce: A, 1st to B, 2nd
 403 West 39th Street
 402 West 38½ Street

STAFF REPORT: This site covers an area of 9,500 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for apartments. Last month, there were three separate applications for "B" Second Height and Area zoning on property in the immediate vicinity. The Commission recommended denial on these applications as they felt it would be an intrusion into a residential area; however, it was recommended that "BB" First Height and Area zoning be granted, as this would be appropriate for the area. The Council granted "B" Second Height and Area zoning as requested on all three applications. "B" Second Height and Area zoning also exists on West 38th Street and on Speedway. Because of the recent changes in the area, the staff recommends this request be granted.

TESTIMONY

WRITTEN COMMENT

Code

G	C. T. Johnson: 2708 Pecos	AGAINST
J	Katherine Baker: 312 West 39th Street	FOR
A	W. W. Pierce (applicant)	FOR
V	Mrs. Maude Busch: 3807 Avenue B	AGAINST
Z	Lela Mattingly: 3811 Guadalupe	FOR
Q	Miss Vernon D. Moore: 405 West 39th Street	FOR
	A petition with 15 signatures	AGAINST

PERSONS APPEARING AT HEARING

Code

	Mrs. Z. T. A. Norton (representing applicant)	FOR
?	Lorene Cook: 207-B West 39th Street	AGAINST
?	Richard Szukalla: P.O. Box 9486	FOR
?	Eugenia VannPhelan: 3912 Avenue G	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Z. T. A. Norton, representing the property owner, requested that the zoning be changed on the subject property to allow for a beautiful apartment development.

Mr. Richard Szukalla stated that he proposes to buy the subject property. The objection from the neighbors in this area is mainly because of the dust problem as West 38½ Street is not a paved street. When a request for "B" Second Height and Area zoning was made on property at the southeast corner of Avenue B, the Council indicated that the City would eventually pave West 38½ Street.

C14-67-72 E. W. Pierce--contd.

Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request because of the narrow unpaved streets and because of the dust that would be created by the additional traffic.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning is too intensive for the property; however, they felt that "B" Residence First Height and Area zoning should be granted as this would be the highest and best use of the property.

At the Commission meeting, Mr. Jackson stated that he felt this request should be granted because of the recent changes to "B" Second Height and Area zoning in the area, and because the requested zoning on the subject property is a logical extension of existing zoning. Mr. Riley stated that in his opinion the requested zoning is too intensive. After further discussion, the Commission

VOTED: To recommend that the request of E. W. Pierce for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 403 West 39th Street and 402 West 38½ Street be GRANTED.

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

NAY: Messrs. Goodman and Riley

ABSENT: Messrs. Anderson and Wroe

C14-67-73 W. B. Ransom: A, 1st to B, 2nd
 401 West 39th Street
 400 West 38½ Street
 3810-3816 Avenue B

STAFF REPORT: This site covers an area of 15,960 square feet of land which is developed with two duplexes. The stated purpose of the application is for apartments. The subject property is adjacent to property to the west which is also requesting the same type of zoning change. Last month, there were three separate applications for "B" Second Height and Area zoning on property in the immediate vicinity. The Commission recommended denial on all three parcels as they felt it would be an intrusion into a residential area. They felt that "BB" First Height and Area zoning should be granted as the appropriate zoning for the property. The Council did grant the request to "B" Second Height and Area. There is also "B" Second Height and Area zoning existing along West 38th Street and on Speedway. Avenue B is a 40 foot street that should be widened to 50 feet. Ten feet of widening was dedicated for the widening of this street when the "B" zoning was granted on property across Avenue B which increased the street to 40 feet. When the property across Avenue B was before the Commission, the staff reported

C14-67-73 W. B. Ransom--contd.

that Mr. Reuben Rountree, Director of Public Works, was agreeable to having 50 feet of right-of-way with 40 feet of paving. Ten additional feet of right-of-way is needed from the subject property in order to bring the street to a standard 50 feet. Because of recent changes in the area, the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

E	C. T. Johnson: 3408 Taylors Drive	AGAINST
H	Mrs. Katherine Baker: 312 West 39th Street	FOR
N	E. D. Wooten: 5905 Nasco Drive	FOR
AD	Lela Mattingly: 3811 Guadalupe Street	FOR
S	Miss Vernon D. Moore: 315 West 39th Street	FOR
?	Mrs. Maude Busch: 3807 Avenue B	AGAINST

PERSONS APPEARING AT HEARING

Code

	A. L. Moyer (representing applicant)	FOR
?	Lorene Cook: 207-B West 39th Street	AGAINST
?	Richard Szukalla: P.O. Box 9486	FOR
?	Eugenia Vann Phelan: 3912 Avenue G	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. A. L. Moyer, representing the applicant, presented photographs of the subject property. He stated that there are two old frame buildings on the subject property that are approximately 55 years old. During World War II, the owner of the property built inexpensive duplexes to help alleviate the housing shortage. These duplexes are antiquated, and he has had a difficult time keeping them rented. They have been vandalized repeatedly. The doors and windows have been nailed but people still get in.

Mr. Moyer presented copies of a letter from Mr. Dick Jordan, Building Inspector, stating that the houses on the property have been condemned. An estimate of \$10,000 was made for the cost of repairing the houses. It is felt that it would be a waste of money to put this kind of money into such old buildings. The owner does not object to widening Avenue B or West 38½ Street.

There should be a buffer zone between the commercial property along Guadalupe Street and the residential area. People who live in apartments do not object to businesses as much as private homeowners. In observing apartment development along West 38th Street, it appears that it would be better planning if builders would locate apartments in close proximity to thoroughfares. The subject property is only one block away from a major thoroughfare.

C14-67-73 W. B. Ransom--contd.

Mr. Richard Szukalla stated that he is proposing to buy the subject property. The main objection from the neighborhood concerns the dust on West 38½ Street. The Council has indicated that the street will be paved. Ten feet of right-of-way will be dedicated for the widening of Avenue B.

Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to the request because of the narrow unpaved streets and because of the dust. They stated they would not be opposed to the change if the streets are paved.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied as the requested zoning is too intensive for the property; however, they felt that "B" Residence, First Height and Area zoning should be granted as this would be the highest and best use of the property.

At the Commission meeting, Mr. Stevens reported that the applicant has offered to dedicate 10 feet of right-of-way for the widening of Avenue B.

A majority of the Commission members felt that this request should be granted, in view of the offer of dedication for the widening of Avenue B, because of the recent changes to "B" Second Height and Area zoning in the area. They felt that this is a changing area and the requested zoning is a logical extension.

Mr. Riley informed the Commission that across the street from the subject property is a school. The requested zoning and development will create a heavy traffic load on the streets that serve this school and some consideration should be given to this fact.

Mr. Goodman stated that "B" Second Height and Area zoning permits the development of two or three story apartments on small tracts of land. This type of zoning for this area is too intensive.

Mr. Richard Szukalla stated that he is the owner of the property involved in this application, and adjoining property. He stated he also owns two tracts of land across Avenue B. The property on each side of Avenue B will be developed as one site so that the area of land involved will not be small.

A majority of the members felt that the requested zoning is proper for the area in view of recent changes to "B" Second Height and Area. They felt the requested zoning is a logical extension of existing zoning.

C14-67-73 W. B. Ransom--contd.

It was then

VOTED: To recommend that the request of W. B. Ransom for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 401 West 39th Street, 400 West 38½ Street, 3810-3816 Avenue B be GRANTED.

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

NAY: Messrs. Riley and Goodman

ABSENT: Messrs. Anderson and Wroe

C14-67-74 Austin Doctor's Corporation: A, 1st to B, 2nd
 Tract 1: 3200-3206 Bailey Lane
 Tract 2: 1207-1209 West 33rd Street

STAFF REPORT: This application covers two tracts of land totaling 29,928 square feet. Tract 1, with 18,560 square feet fronts onto Bailey Lane and Tract 2, with 11,368 square feet fronts onto West 33rd Street. The stated purpose of the application is for apartments. The proposed zoning would permit 7 regular apartment units or 15 apartment hotel units on Tract 2 and 12 regular apartment units or 24 apartment hotel units on Tract 1. Property at the southwest corner of Bailey Lane, adjoining Tract 1 to the north and Tract 2 to the east, is zoned "BB" and is developed with a duplex. "B" First Height and Area zoning was granted on property to the west, fronting onto Shoal Creek Boulevard, in 1959. Since that time, a special permit for an apartment dwelling group has been approved. There is a request for "B" Second Height and Area zoning on this property at the present time. The City owns a large tract of unzoned property east of Bailey Lane which is developed with a park. There is sound residential development south of West 31st Street. The staff recognizes that this is an apartment area, but there is a problem in access. The Master Plan calls for the area to be a medium density area and the staff feels that "B" First Height and Area zoning serves this purpose and would be more compatible with the existing area that would remain during the interim period.

Bailey Lane is a gravel street with only 45 feet of right-of-way. West 32nd Street, with only 30 feet of right-of-way is also gravel. West 33rd Street has 50 feet of right-of-way. The streets serving this area do not have adequate right-of-way as streets serving multi-family residential development should have a minimum right-of-way of 60 feet.

The staff recognizes that the 34th Street expressway is to be to the north, Lamar Boulevard, a thoroughfare is to the east, and the proposed Seton hospital complex and high rise apartment development is to the north; however, it is felt that the requested "B" Second Height and Area zoning is too intensive for the property. The staff recommends that "B" First Height and Area zoning be granted.

C14-67-74 Austin Doctor's Corporation--contd.

TESTIMONY

WRITTEN COMMENT

Code

AD	William R. O'Connell:	504 West 7th Street	FOR
F	Dr. Andrew J. Freund:	1212 West 31st Street	AGAINST
H	Warren S. Freund, Sr.,:	3209 Shoal Creek Blvd.	AGAINST

PERSONS APPEARING AT HEARING

Code

John Selman	(representing applicant)	FOR
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SUMMARY OF TESTIMONY

John Selman, representing the applicant, stated that the subject property is only 2½ blocks from West 34th Street, a proposed expressway, and from Lamar Boulevard which is also a major street. If the streets need to be widened, right-of-way can be provided from the City park located east of Bailey Lane. A tremendous change has started in this particular area because of the proposed Seton Hospital complex and doctors building to the north. One of the structures is already under construction. There have been numerous zoning requests in the area. The area is changing and the trend is to high-density use. It is felt that with the economic prices of the land involved in this area, it will force the property owners to go to a more dense use of the land. With regard to access, the applicant will dedicate 5 feet of right-of-way for the widening of Bailey Lane and West 33rd Street. The requested zoning will not have any effect on the residences in the area because this development is buffered by the City park. The streets are fairly adequate in most places. A change in zoning will increase the value of other property in this area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be denied because of the inadequate street pattern in the area and because the requested zoning is too intensive for the area; however, they felt that "B" First Height and Area zoning should be granted.

At the Commission meeting, the staff reported a letter from Mr. John Selman, representing the applicants, stating that the applicant will dedicate 5 feet of right-of-way for the widening of Bailey Lane and West 33rd Street.

Mr. Brunson informed the Commission that the Committee recognized that this area is changing to apartment development, but felt that "B" Second Height and Area zoning would not be proper for the subject property because of limited access.

C14-67-74 Austin Doctor's Corporation--contd.

After further discussion, the Commission unanimously

VOTED: To recommend that the request of Austin Doctor's Corporation for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at (Tr. 1) 3200-3206 Bailey Lane and (Tr. 2) 1207-1209 West 33rd Street be DENIED but that "B" Residence, First Height and Area be GRANTED.

C14-67-75 Richard F. Carfer: A to B
1606 West 39½ Street

STAFF REPORT: This application covers an area of 10,988 square feet which is developed with a single-family dwelling. The stated purpose of the application is for residential apartment use as permitted by the requested zoning. The proposed zoning would allow 5 regular apartment units on the subject property. In 1965, a request for "B" First Height and Area zoning was made on property at the southeast corner of West 40th Street and Shoal Creek Boulevard at which time the Commission recommended denial as it was felt the requested zoning would be an intrusion into a residential area; however, the Council did grant the request. In February of this year, two separate requests for "B" zoning was made on two tracts of land to the west. The Commission recommended that the request be granted as it was felt that the "B" zoning was proper for the area; however, the Commission also recommended that the streets be widened to 60 feet which would require 5 feet from each side of the street. The staff recognizes that the requested zoning is only an extension of the existing zoning; however, it is recommended that the request be denied as the streets serving the property are inadequate and should be widened to 60 feet. This would require 5 feet from the subject property for the widening of West 39½ Street as it now has only 50 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

AC	S. I. Arnn; P.O. Box 1987	FOR
AP	Forrest J. Cherico; P.O. Box 9024	FOR
AG	B. N. Holman; 3910 to 4022 Shoal Creek Blvd.	FOR

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)	FOR
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SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that his client will dedicate 5 feet of right-of-way for the widening of West 39½ Street. The requested zoning is proper as it is a continuation of existing zoning.

C14-67-75 Richard F. Carfer--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and recognized that the applicant's representative stated that the applicant would dedicate 5 feet of right-of-way for the widening of West 39½ Street. They felt that this request should be granted, in view of this dedication, as the requested zoning is a logical extension of existing zoning.

At the Commission meeting, the staff reported that a letter from the applicant offering to dedicate right-of-way for the widening of West 39½ Street has not been received. The Commission members felt that the requested zoning is a logical extension of existing zoning; however, they felt the request should be denied at this time because West 39½ Street has inadequate right-of-way. They stated they would look with favor on the request if the street is made adequate. It was then

VOTED: To recommend that the request of Richard F. Carfer for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1606 West 39½ Street be DENIED.

C14-67-76 Leroy Bednar: B, 1st to B, 2nd
3203-3207 Shoal Creek Boulevard

STAFF REPORT: This application covers an area of 1.27 acres of land that is developed with apartments. The stated purpose of the application is to allow for additional apartment units on the subject property. The proposed zoning would allow a maximum of 36 regular apartment units or 73 apartment hotel units. "B" First Height and Area zoning was granted on the subject property in 1959. In 1960, a special permit for an apartment dwelling group was approved for the property. This development does exist. In 1959, "BB" First Height and Area zoning was granted on property at the southeast corner of West 33rd Street and Bailey Lane. An application for "B" Second Height and Area zoning, on property to the east and north, is before the Commission at this time. To the south is the St. Andrews Episcopal School. To the west across Shoal Creek Boulevard is City owned property.

A request for "B" Second Height and Area zoning was made on the subject property in 1965, at which time the Commission recommended denial as they felt the requested zoning would be inconsistent with the existing height and area pattern and because the streets serving the property were inadequate for the proposed development. The staff recognizes that this is an apartment area but there is a problem in access. Shoal Creek Boulevard and West 31st Street has right-of-way from 30 to 50 feet and is paved from property line to property line. The 34th Street expressway is proposed to the north and Lamar Boulevard is to the East. The Seton Hospital complex and a high rise office development is under construction to the north. The Master Plan

C14-67-76 Leroy Bednar--contd.

calls for this area to be a medium density area and the staff feels that the existing "B" First Height and Area zoning on the property is adequate for that purpose. If the change is granted, Shoal Creek Boulevard should be widened to 60 feet as streets serving high-density development should have 60 feet of right-of-way. The staff recommends that the request be denied as the requested zoning is too intensive for this area.

TESTIMONY

WRITTEN COMMENT

Code

T	William R. O'Connell: 504 West 7th Street	FOR
B	Warren S. Freund, St.: 3209 Shoal Creek Blvd.	AGAINST
P	Doctor Andrew J. Freund: 1212 West 31st Street	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	FOR
?	Chester Brooks	FOR

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that there is a 36 unit apartment dwelling group on the subject property. Of these 36 units, 22 are one-bedroom units, 13 are two-bedroom units and one is a three-bedroom unit. A plan was presented showing the area that the applicant proposes to use for additional apartment units. Mr. Selman stated that the proposed zoning would entitle the applicant to develop 73 apartment hotel units on the property but Mr. Bednar, the applicant, only wishes to erect an additional 18 units on this particular piece of property. He is not renting to students and the proposed development would increase the apartment units on the property to only 54 units. More than adequate parking will be provided because of the number of one-bedroom units and because the applicant is not renting to students. The applicant is agreeable to giving the City a restrictive covenant to the effect that only 18 additional units will be built on the property. With regard to the access problem, the City owns the tract of land across Shoal Creek Boulevard and if the traffic increases very much, there is always the possibility of widening being provided from the City property. The applicant has stated that most of the tenants on the subject property use the alley adjoining to the east for access to West 33rd and West 34th Streets. There is and will be a tremendous change in this area. To the north, a \$3,000,000 building is being constructed for the Doctor's Corporation. The proposed Seton Hospital complex is the main cause of the change in the area. There is a trend to high density development because of the price of the land involved in the area. It is only a matter of time before high density development does occur. A change of zoning will increase the value of other property in the area.

C14-67-76 Leroy Bednar--contd.

Mr. Chester Brooks, a nearby property owner, stated that he is in favor of the request and would like to have the zoning changed on his property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded this request should be denied because of the inadequate street pattern in the area, and because the requested zoning is too intensive for the area.

At the Commission meeting, Mr. Brunson stated that it is his opinion that the street pattern in this area does support the requested zoning. A majority of the Commission concurred with the Committee recommendation and

VOTED: To recommend that the request of Leroy Bednar for a change of zoning from "B" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3203-3207 Shoal Creek Boulevard be DENIED.

AYE: Messrs. Lewis, Bluestein, Goodman, Hendrickson and Riley

NAY: Mr. Brunson

ABSENT: Messrs. Anderson, Wroe and Jackson

C14-67-77 Robert L. Ogden: B to O
703 West 9th Street

STAFF REPORT: The subject site consist of 3,900 square feet which is developed with a single-family dwelling. The stated purpose of the application is for an office. There is mixed zoning and development in the area consisting of "O", "B", "GR" and "C". The structure on the subject property is being remodeled. The staff has no objection to the requested zoning because of the existing zoning and development in the area; however, there is concern with regard to the size of the property as the lot has only 40 feet of frontage on West 9th Street and is only 100 feet deep. The staff questions the size because of the parking problem that may arise. However, the applicant will have to meet the requirements of the Ordinance for parking in an "O" Office district. The subject property is a substandard lot in terms of a residential lot; if the zoning is changed to "O" Office, the residential standards do not apply and the lot will then be a standard lot. West 9th Street is an adequate commercial collector street with 80 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

AD	George S. Nalle, Jr: 1003 Rio Grande	FOR
AL	John W. Carpenter: 207 East 2nd Street	FOR
AJ	Jean Holloway: 807 Rio Grande	FOR

C14-67-77 Robert L. Ogden--contd.

PERSONS APPEARING AT HEARING

Code

A Robert L. Ogden (applicant) FOR

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that the house on the subject property is only 600 square feet. It is to be remodeled so that it can be used for an office. Because of the small size of the house which does not sit in the middle of the lot, there is ample room along the side to gain entrance to the rear of the house where there is adequate off-street parking space. The area along the side of the house is paved.

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 "O" Office zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert L. Ogden for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 703 West 9th Street be GRANTED.

C14-67-78 R. G. Mueller, Jr.: A, 1st to B, 2nd
 4306-4330 Bull Creek Road
 2801-2907 Camp Mabry Road

STAFF REPORT: This application covers 6.29 acres of undeveloped land. The stated purpose of the application is for constructing an apartment hotel. The proposed zoning would permit a maximum of 182 regular apartment units or 365 apartment hotel units. There is a question of ownership on the west 50 feet of property adjacent to the Missouri-Pacific Railroad tracks. This 50 foot strip is included in the application for rezoning. The proposed location of the Mo-Pac expressway adjoins the subject property to the west and the 50 foot strip will be used for right-of-way purposes. To the north, 45th Street is proposed to connect with the Mo-Pac Expressway.

A Synagogue is located on property adjoining the southern boundary of the site and adjoining thereto is the Presbyterian Church property which is developed with a church and a high-rise retirement home. The property to the east of Bull Creek Road is developed with a State school. Camp Mabry is located on property to the west across the proposed Mo-Pac location. To the north is a large single-family area with very sound residential development.

C14-67-78 R. G. Mueller, Jr.--contd.

The staff recognizes the reasonableness for change on this property due to its relation to the locations of Mo-Pac Boulevard, West 45th Street and Bull Creek Road, and nearby non-residential uses. It is felt that apartment development would be proper for the site because of the State property on two sides and the high-rise retirement home to the south. However, it is felt that the density permitted under the proposed zoning would be too intensive for the property because of the existing sound residential development and the existing inadequate street pattern in the area. Camp Mabry Road has 50 feet of right-of-way with only 30 feet of paving. The exiting of cars from the subject property could overcrowd and congest the streets. Bull Creek Road, with 60 feet of right-of-way, is a major arterial street that should be widened to 70 feet. This would require 5 feet from the subject property. The staff recommends that "B" First Height and Area zoning be granted as the proper and logical zoning for the subject property.

A letter from Colonel R. K. Webster, Adjutant General's Department of Camp Mabry, has been received in opposition to the request. The letter is as follows:

"The proposed zoning change described in referenced notice is objectionable from the standpoint that, if approved, it would permit construction up to 45 feet in height. The six acre tract involved is approximately 800 feet from the end of the Camp Mabry NE/SW runway. Construction of a 4 - 5 story building at that location would introduce additional hazards to flight safety and create unsafe living conditions. This department has no objection except for the structure height construction.

Request that this matter be referred to the Airport Zoning Board for review."

Mr. Glenn Cortez, Assistant City Attorney, stated that with regard to the west 50 foot strip of the subject property, it is his understanding that the City is claiming this strip through an agreement with the railroad. There is a contract to the effect that the railroad will convey to the City this 50 feet for expressway purposes, and the City does not wish to have this area rezoned.

TESTIMONY

WRITTEN COMMENT

Code

U	Pat Wiseman: 2808 Camp Mabry Road	AGAINST
W	R. K. Webster: Adjutant General's Department	AGAINST

PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	FOR
M	Bob Coonrod: 2801 Highland Terrace	FOR

C14-67-78 R. G. Mueller, Jr.--contd.

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that Mr. Mueller filed this application in his name as he is the present owner of the property; however, the property is under a firm contract of sale contingent upon the granting of the requested zoning change. The particular tract under consideration is ideally located for a dense apartment development. Under the Zoning Ordinance as it exists, "B" First Height and Area zoning allows one apartment unit per 2,000 square feet, which would allow 148 units on the subject property. "B" Second Height and Area zoning allows one apartment unit for every 1,500 square feet. The apartment hotel classification under the "B" Second Height and Area classification allows one unit per every 750 square feet. It is realized that the development of 365 units, as allowed under the proposed zoning, would be a great amount of apartments. To have 365 apartments on this tract would create a traffic problem for the area. Mr. Baker stated that his client does not intend to develop 365 apartment hotel units on the subject property; however, he does wish to develop the property more dense than 2,000 square feet per unit. The intent is to develop one unit for an area of approximately 1,250 square feet of land.

The City of Austin is growing and there are transportation problems; however, the subject property is a most unusually situated piece of land as it is bounded on the west by what will be the Mo-Pac Boulevard which will be the finest expressway in the City. The property is bounded on the east by Bull Creek Road which has 60 feet of right-of-way. This street is also classified as one of the heaviest traveled streets in the area. The subject property is one block south of 45th Street which will be one of the main east-west thoroughfares. By traveling a distance of one block from the subject property, there is an expressway going north, west, south and east or to the downtown area. If any area should have dense apartment development, this should be the area because of accessibility. The construction of the thoroughfares and expressway makes this an area where dense development should occur. With regard to the affect on the land in the area, to the east is land owned by the State, Mo-Pac Boulevard is on the west which adjoins Camp Mabry, to the south is a synagogue and adjoining that property is a retirement home which is 5 stories high. To the north is a small and very fine residential area that will be changing. The portion of the area that lies immediately north of Camp Mabry Road will change in a very short period of time as the Expressway Division of the State Highway Department and the City, propose to widen Highland Terrace to 70 feet, with 44 feet of paving. Five full lots in the area have been acquired by the City for the exit ramp off of the frontage road and freeway. Camp Mabry Road will become much shorter, and will be a dead-end street. Traffic will not be allowed to enter or exit onto this road from the Expressway. For this reason, there is no necessity for requiring additional widening for Camp Mabry Road.

C14-67-78 R. G. Mueller, Jr.--contd.

There is other zoning in the area that does not make the proposed change on the subject property seem drastic. To the south, Westminster Manor, the retirement home, is zoned "B" Second Height and Area and is being used in that classification. Prior to the rezoning on that tract, the tract at the corner of Jackson and Bull Creek Road was zoned "O" Office, Second Height and Area. The only thing separating the subject property from Second Height and Area zoning is the synagogue to the south which is effectively a non-conforming use in that a special zoning is not required. On the basis of the information presented, it is submitted that the subject property is ideally located for a more dense development. The property will be developed in a manner similar to development that the prospective purchaser has in other areas of the City.

Mr. Baker stated that the title of the west 50 foot strip of the subject property is not known at this time as the contract has not been examined; however, it is his understanding that the railroad contends it is their right-of-way and Mr. Mueller contends it is his property. The rezoning would not cause any complication that doesn't exist. The resolution of this question will be in the courts.

The Adjutant General's Office, through Colonel Webster, has filed a letter stating that they are opposed to the request. Colonel Webster has been contacted and has stated that they have no objection with the exception that they feel anything constructed over 35 feet in height would be detrimental to the runway pattern. Mr. Baker stated that he has discussed this with Colonel Webster and advised him that when the overall tract is studied, if he precludes that it does affect their operations, the height of the structures in that area will be restricted to 35 feet. He also stated that he has investigated the location of the runways with regard to the subject property and it appears that at the end of one of the runways is a ball diamond with lights that extend 25 to 35 feet in height. At the end of the other runway is the synagogue which is 29 feet high at one point. The City has an electric utility line in this area and Mr. Doyle of the Electric Department has stated that the utility poles vary from 32 to 37 feet in height. Any problem with regard to height of the structures on the subject property will be worked out with Colonel Webster.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that there is a question over the title of the west 50 feet of property involved in this application which is to be utilized as part of the Mo-Pac Boulevard. They felt that this request should be denied at this time because of inadequate right-of-way for Bull Creek Road.

Mr. Baker advised the Committee that he was not aware of the right-of-way needs for Bull Creek Road and he would discuss this with his client. He stated that in his opinion his client will provide 5 feet of right-of-way for the widening of Bull Creek Road.

C14-67-78 R. G. Mueller, Jr.--contd.

The Committee felt that in view of Mr. Baker's statement that his client will provide right-of-way, this request should be granted as it would be the appropriate use for this large undeveloped tract of land as it is bordered on two sides by State land, on the south by church properties as well as property zoned for office and apartments, with Second Height and Area zoning. They also recognized that the property is bordered by the proposed Mo-Pac Boulevard on the west and will be further served by Bull Creek Road and West 45th Street, both of which are major arterial streets in the Austin Transportation Plan.

At the Commission meeting, Mr. Stevens reported a letter from Mr. Richard Baker, representing the applicant, offering to dedicate 5 feet of right-of-way for the widening of Bull Creek Road.

Mr. Goodman stated that in his opinion large tracts of land consisting of 5 or 6 acres, within the City should be considered under a special permit control. There are six or seven different elements that should be considered on each piece of ground that is as large as the subject property, particularly in an area that is going to an intensive use because of the Mo-Pac Boulevard and the state property.

Mr. Baker stated that the developer of the subject property will probably be back in to the Planning Department for a request for a special permit or a subdivision. There will probably be a short form or full subdivision as the first 50 units going on this tract will use only 1,240 feet per unit and it will be a town house development. There should be no problems in developing the subject property as it would not be feasible to develop the number of units that are proposed under one structure.

Mr. Cortez stated that there is a conflict of claim on the western 50 feet of the subject property, between the applicant, Missouri-Pacific Railroad and the City. As far as the City is concerned, this 50 feet of the subject property is for the right-of-way for Mo-Pac Boulevard. It should be pointed out that the City does not acquiesce to it.

Mr. Baker stated that they are willing to give the Commission or the City whatever is required to say that there will not be any improvements constructed on this 50 feet in question. For the same reason Mr. Cortez does not state his position, the applicant has not withdrawn this portion from the application as the status of the 50 feet is not known. This 50 feet is being contested, but the applicant has been paying taxes on it for a number of years.

Mr. Cortez stated that the City is requiring 70 feet of right-of-way on each side of the railroad track. Mr. Baker stated that he was advised by the Expressway Division of the Highway Department that only 50 feet is needed. Mr. Cortez explained that the City has conferred with Mo-Pac and there is a request for an additional 20 feet.

CL4-67-78 R. G. Mueller, Jr.--contd.

The Commission members concurred with the Committee recommendation and felt that this request should be granted; however, they stated that this recommendation does not waive any rights and a determination can be made at a later date on the portion of the property in conflict.

It was then

VOTED: To recommend that the request of R. G. Mueller, Jr. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located 4306-4330 Bull Creek Road and 2801-2907 Camp Mabry Road be GRANTED.

SPECIAL PERMITS

CP14-66-4 City of Austin: Water Treatment Plant, Raw Water Intake
Red Bud Trail & Electrical Substation
Rocky River Road

STAFF REPORT: This is a joint request by the City of Austin and Lower Colorado River Authority for a revision to the special permit that was approved in 1966. The special permit was for a water treatment plant, raw water intake and electric substation. The revision is for the purpose of relocating the LCRA radio tower which was originally located in the way of construction for the water treatment plant. The new location has been arrived at in agreement with the City as being the best location in terms of LCRA needs for the tower and in terms of the City's development of the property for the water treatment plant. The new tower will be a free standing tower whereas the other was a guide tower. Ample parking will be provided by LCRA and the City. LCRA will use the City parking facilities which is only a service type facility.

The revised request was circulated to the various City departments and comments are as follows:

Water & Sewer	- Plat is satisfactory.
Advanced Planning	- Recommend approval
Director of Public Works	- Relocation of F.M. Radio tower meets with our approval.
Fire Prevention	- OK
Health	- No objections.
Fire Protection	- No recommendations.
Electric	- OK
Office Engineer:	- Recommend vacate Rocky River Road through City property.
Building Inspector	- No objections.
Traffic Engineer	- No comment.
Tax Assessor	- Outside tax district.
Storm Sewer	- OK.

CP14-66-4 City of Austin -- contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

?	Werner Pankratz: 1301 Corona	FOR
?	Mr. & Mrs. Jens Jacobsen: 8 Nob Hill Circle	?

SUMMARY OF TESTIMONY

Mr. Werner Pankratz appeared on behalf of this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded this request should be approved as all departmental reports have been complied with.

At the Commission meeting, Mr. Stevens reported that all requirements have been complied with. The Commission then

VOTED: To APPROVE the request of the City of Austin for a special permit for a Water Treatment Plant, Raw Water Intake, and Electrical Substation to be located on Red Bud Trail and Rocky River Road, and authorized the Chairman to sign the necessary resolution.

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

CP14-67-7 Los Pueblos, Inc.: 141 unit apartment dwelling group
 100-300 Alpine Road
 3512-3518 South Congress Avenue
 207 Filburn Drive

STAFF REPORT: This application has been filed as required under Section 5A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. The property is zoned "B" Residence and "C" Commercial, First Height and Area. The staff has no particular objection to the request as the property is zoned for apartments, but there are numerous comments from the City Departments. These comments are as follows:

Fire Prevention
 Health

- OK
 - Approved: Sanitary Sewer Line available.

CP14-67-7 Los Pueblos, Inc.--contd.

Water & Sewer

- Fire demand water meters will be required at the connection to the Filburn Drive 6" water main and at the connection to the 8" inch water main in Alpine Road. The City of Austin will furnish one of the fire demand meters but the developer will have to pay charges for the tap. The developer will have to pay for the second fire demand meter and tap charges. Four fire hydrants will be required for fire protection. One should be located on S. Congress and Alpine Road, one on Alpine Road at the south west property corner of the tract, one should be located along the drive area at the west property line of the tract approximately 300' north of Alpine Road and the other should be located along the easterly leg of the drive area approximately 300' north of Alpine Road. Mains to serve these fire hydrants can not be less than 6" diameter. There is an existing 12" sanitary sewer main crossing the tract which appears to be under the 2 northernmost buildings in the tier paralleling the creek on the west side. This main will require approximately 70' of encasement or will require relocation in which case a new easement for the main will be required. The relocation would be at the developers expense.

Storm Sewer

- Existing inlet in Alpine Road 220' West of Creek may require relocating by developer, depending on final driveway layout. Plans for rip-rap and bridges in proposed apartment project must be approved by Storm Sewer Division. Clearance between creek flowline and bridges should be 3.5'. There is a 35' existing drainage easement thru property.

CP14-67-7 Los Pueblos, Inc.--contd.

Office Engineer

Director of Public Works

Building Inspector

- Subject to the report by the Director of Public Works.
- I recommend that parking be rearranged so as not to have head-in parking on Alpine Road as this street is only 50' in width with a 30' roadway. Since the property at the north-east corner of South First Street and Alpine Road has been rezoned and with this development the traffic on Alpine Road could become very heavy, I recommend that we acquire 5' of subject property for widening Alpine Road to 60'. The driveways for offstreet parking as shown on the plans meet with our approval as well as the head-in parking on South Congress since this is the old portion of what was once known as Old Post Road and the right-of-way is unusually wide at this location. It is requested that the plans for the three foot bridges as well as the vehicular bridge be approved by this office before construction begins.
- I make the following exception to the layout for the housing complex at 3512-3518 South Congress: 1. The large structures next to Congress Avenue should either be attached with a fire wall or have more distance between them to comply with the building code. It should be required on special permit before approved. 2. Structure just west of pool should be setback 25' from Alpine Road. 3. It is necessary to delete some of unusable parking spaces which will be short of the requirement. Maybe about 5 short. Hard to tell with such a small scale.

CP14-67-7 Los Pueblos, Inc.---contd.

Fire Protection

Electric

Traffic Engineers

Tax Assessor

Advanced Planning

4. Public Works may delete more because of storm sewer inlets if so I will need a recount. In addition curb breaks may alter total count, must see if Public Works approves curb breaks before I can make final count.
5. Need 4' solid fence on west property line because of residential property.
- Recommended fire hydrants in Red.
 - Electrical easement to be gotten on separate instrument at later date.
 - Do not approve head-in parking along South Congress Avenue.
 - Taxes on two tracts paid. Taxes on 1.393 acres unpaid for 2 years.
 - 1. The subject proposal does not conform to the Austin Development Plan. The eastern portion of the tract between South Congress Avenue and the creek is classified as a commercial service and semi-industrial area. 2. Alpine Road does not have adequate R.O.W. to serve multi-family development. A minimum R.O.W. of 60' is recommended. 3. Filburn Street feeds into the parking area from the north. The parking layout as proposed does not tie in with the existing street paving. Modification is recommended as per modified plan. 4. Head-in parking along Alpine Road should not be permitted as this street will carry fairly heavy traffic. A modified parking layout is indicated on the above mentioned plan. 5. Based on the above, parking will be decreased to 215 spaces.

CPI4-67-7 Los Pueblos, Inc.--contd.

Filburn Drive stubs into the subject property at the north. When the zoning change was granted on the property, there was neighborhood discussion with regard to extending the street and the owner of the subject property agreed, for a two year period, to give the adjacent property owners an opportunity to put the street in. The two year period expired on May 15, 1967. In view of the numerous comments by the City departments, the staff recommends this request be referred to the full Commission pending compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

AE	Mr. & Mrs. Richard R. Gildon: 3620 South Congress	FOR
F	Mrs. Frank Darlington: 310 West Alpine Road	FOR

PERSONS APPEARING AT HEARING

Code

?	Frank Montgomery (representing the applicant)	FOR
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SUMMARY OF TESTIMONY

Mr. Frank Montgomery, representing the applicant, stated that he has not had an opportunity to go over the departmental comments but it is his opinion that they will be complied with.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, Mr. Stevens reported that this proposal is for a special permit to erect an apartment dwelling group containing 141 units, 3 swimming pools, 2 laundry rooms, office and lounge facilities, nursery school with fenced play area, paved off-street parking spaces, one auto bridge, three foot bridges, walkways and landscaping. A list of the departmental requirements was given to Mr. Montgomery and it is felt that all of the items can be worked out.

Mr. Montgomery stated that the problem in the departmental comments arose when the staff did not receive the comments before the Zoning Committee meeting which allowed little time for them to be discussed and worked out. The requirements have now been submitted and discussed and it is felt that they can be complied with. A few of the buildings have been rearranged. which has resulted in a better plan. The zoning on the property would allow for the development of 220 units; however, the site plan calls for

CP14-67-7 Los Pueblos, Inc.--contd.

for only 141 units. There are to be 237 parking spaces under the revised plan which is 7 more than is required by the Ordinance. One of the departmental requirements is that 5 feet of right-of-way be acquired from the subject property for the widening of Alpine Road; however, there is an offset in the street at the corner which may take care of the 5 feet.

Mr. Stevens stated that one point which should be considered is the Master Plan's designation of this area for commercial and semi-industrial development. It is not known if this is in conflict with the Master Plan.

Mr. Cortez advised the Commission that the existing zoning does conflict with the Master Plan designation, but this should not be a problem as the notification of the property owners in the area of a requested zoning change is more intensive than it is for a Master Plan change.

Mr. Stevens stated that the staff recommends approval of this request if all of the conditions as outlined are incorporated. The Commission discussed the various requirements and felt that this request should be approved subject to compliance with departmental reports. If the conditions are not met, the request could be brought back to the Commission for further consideration. It was then

VOTED: To APPROVE the request of Los Pueblos, Inc. for a special permit to erect a 141 unit apartment dwelling group to be located at 100-300 Alpine Road, 3512-3518 South Congress Avenue and 207 Filburn Drive, subject to compliance with departmental reports, and authorized the Chairman to sign the necessary resolution.

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

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 a letter from the applicant requesting that this application be withdrawn. The Commission then

VOTED: To ACCEPT the withdrawal of this application.

SPECIAL PERMIT POSTPONED

CP14-67-3 Landmark Construction Co.: 55 unit apartment dwelling group (revised)
729-909 East Oltorf Street

The staff reported that this request for a special permit was before the Commission at the regular meeting of April 4, 1967, at which time it was postponed pending a revision to the site plan. The site plan has been revised and departmental comments are as follows:

Director of Utilities	- OK
Traffic Engineer	- OK
Electric	- Do not need easement on East Road. OK
Water and Sewer	- Water OK
Storm Sewer	- (Not final approval)
Director of Public Works	- Subject to drainage being provided as well as easements for same.
Office Engineer	- Subject to written request for commercial driveways.
Tax Assessor	- Taxes unpaid for 1963, 1964, 1965, and 1966.
Health	- Approved. Sanitary sewer line available.
Fire Prevention	- OK
Fire Protection	- OK
Building Inspection	- OK
Advanced Planning	- Acceptable -- Oltorf Street is scheduled as a 90' thoroughfare and the layout is such that the additional R.O.W. can be provided when needed.

Mr. Jim Eichelberger stated that the original site plan proposed 60 apartment units whereas the revised plan proposes only 55 units. The location of the fire hydrants as required by the City have been put on this plan.

Mr. Stevens stated that the applicant will have to check to see if fire trucks can get into the area because of the narrow access. Mr. Eichelberger stated that the City requirement of 20 feet has been provided for ingress and egress.

Mr. Stevens stated that as a matter of information, the Transportation Plan calls for Oltorf Street to have 90 feet of right-of-way. The applicant has agreed to set his parking back in order to provide this right-of-way and a note to that effect should be on the plan. The staff recommends approval subject to the conditions as outlined.

CP14-67-3 Landmark Construction Co.--contd.

The Commission then

VOTED: To APPROVE the request of Landmark Construction Company for a special permit to erect a 55 unit apartment dwelling group to be located at 729-909 East Oltorf Street, subject to conditions as outlined, and authorized the Chairman to sign the necessary resolution.

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

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

Staff reporting approval by a majority of the Commission on the following subdivisions on the dates shown:

<u>C8-63-35</u>	<u>Barton Hills, Section 6</u> Barton Hills Drive south of Ridgeview Street (5-5-67)
<u>C8-67-7</u>	<u>Cameron Park Section 3</u> Cameron Road and Fairbanks (5-4-67)
<u>C8-67-18</u>	<u>Wooten Village Section 4</u> Cotton Wood & Peyton Gin Road west of Brookfield (5-17-67)

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of May 15, 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 then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of May 15, 1967, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

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

SUBDIVISION PLATS - FILED--contd.

The Commission then

VOTED: To ACCEPT for filing the following final plats:

<u>C8-67-17</u>	<u>Twin Oaks Industrial Subdivision</u>
	Ben White Boulevard, Warehouse Road, and Alpine Road
<u>C8-67-22</u>	<u>Sunset View, Section 3</u>
	Anderson Lane and Gault Street
<u>C8-66-27</u>	<u>Cameron Park, Section 1, Revised</u>
	Atkinson Road and Cameron Road

The staff recommended that the following final plats be accepted for filing pending the required tax certificates. The Commission then

VOTED: To ACCEPT for filing the following final plats, subject to the required tax certificates:

<u>C8-67-20</u>	<u>South Lamar Square</u>
	South Lamar Blvd. south of Treadwell
<u>C8-67-6</u>	<u>Deloney Acres</u>
	Riverside Farms Road and Townview
<u>C8-67-31</u>	<u>Northwest Hills Belo Horizonte</u>
	Mesa Drive
<u>C8-67-41</u>	<u>Northwest Hills, Mesa Oaks, Phase 4-A</u>
	Mesa Drive and Timberline

<u>C8-67-2</u>	<u>Woods Knoll Addition</u>
	Maywood Avenue south of Warren

The staff recommended that this final plat be accepted for filing and disapproved pending compliance with departmental reports. The Commission then

VOTED: To ACCEPT for filing the final plat of WOODS KNOLL ADDITION, and DISAPPROVE pending compliance with departmental reports.

<u>C8-67-40</u>	<u>Northwest Hills, Section 10, Phase 2</u>
	Far West Boulevard and Northledge

The staff recommended that this final plat be accepted for filing and disapproved pending compliance with departmental reports and the required annexation. The Commission then

VOTED: To ACCEPT for filing the final plat of NORTHWEST HILLS, MESA OAKS, Phase 2, and DISAPPROVE pending compliance with departmental reports and the required annexation.

C8-66-33 Northwest Hills, Mesa Oaks, Phase 4
Mesa Drive and Rockrim Drive

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

VOTED: To ACCEPT for filing the final plat of NORTHWEST HILLS, MESA OAKS, Phase 4, and DISAPPROVE pending the requirements as noted.

SUBDIVISION PLATS -- CONSIDERED

C8-67-26 LaFayette Place
Bullard Drive and White Rock

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

VOTED: To DISAPPROVE the final plat of LAFAYETTE PLACE, pending the required fiscal arrangements.

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

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

VOTED: To DISAPPROVE the final plat of CHERRY CREEK NO. II, pending the requirements as noted.

C8-67-11 Burnet Road Terrace
Burnet Road and Penny Lane

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, compliance with departmental reports and a restriction on the plat concerning land use. The Commission therefore

VOTED: To DISAPPROVE the final plat of BURNET ROAD TERRACE pending the requirements as noted.

C8-67-12 Highland Hills, N.W., Section 4
Far West Blvd. and Spurlock

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, annexation, compliance with departmental reports and a 15 foot setback line required from the side street on corner lots.

C8-67-12 Highland Hills, N.W., Section 4--contd.

Mr. Foxworth stated that a 10 foot setback line instead of a 15 foot setback line is shown on the corner lots. The Commission has recently, as a result of a Planning Department recommendation, required that a 15 foot setback from the side street be provided on all corner lots.

Mr. Thomas Watts, engineer for the developer, stated that this requirement of a 15 foot setback line from the side street on corner lots came up as a result of the Westover Hills, Section 3, Phase 2, Subdivision that was before the Commission last month. There was a problem as to what was the front of the lot legally, versus practically. It was found that the Building Inspector does not enforce the 15 foot requirement. The lots in question are side lots and there is nothing keyed in to any of them. They are back to back situations and since the Building Inspector does not enforce this requirement, it is felt that it should not be required by the Commission as some of the subdividers will honor this requirement whereas others will not because they do not have to. This requirement has worked a hardship on a number of occasions. Mr. Watts further stated that it is felt that his client is being penalized on his use of the ground by 5 feet. The lots are approximately 85 or 90 foot lots on residential streets.

Mr. Riley stated that the Commission has discussed this before and it was felt that a 15 foot requirement from the side street on corner lots would allow for the best development.

Mr. Lewis stated that the Planning Commission does not have any control over other departments in the City. It is assumed that the various departments will perform their duty and enforce the requirements imposed on subdivisions.

The Director of Planning stated that with regard to the enforcement of requirements, the Building Inspector, by communication from the Planning Department, can and will enforce what is required by the Planning Commission. It is a matter of notification in most situations and making sure that the Building Inspector is informed so that he can enforce the requirements. They do get a copy of the plat but this may or may not be taken into account unless it is brought to their attention. The Zoning Ordinance requires only a 10 foot setback line from a side street and the Building Inspector's Office enforces what is required by the Ordinance; however, when another facet of the City is requesting an additional requirement, it would be proper for their office to enforce that requirement.

Mr. Glenn Cortez, Assistant City Attorney, advised the Commission that in his opinion the Building Inspector cannot validly enforce requirements by the Commission that are not covered by the Zoning Ordinance. The Building Inspector enforces the Zoning Ordinance which requires only 10 feet and he is not legally obliged to enforce the 15 feet. It is primarily up to the builder or subdivider to comply with this requirement by the Commission.

C8-67-12 Highland Hills, N.W., Section 4--contd.

Mr. Osborne stated that the terminology in this phase of the plan can be altered so that the subdivider would have to comply.

Mr. Watts stated that he questions whether or not setback requirements placed on property is similar to restrictions which the City can not enforce. The Commission does not generally get involved in deed restrictions that have been placed on the land and this appears to be similar.

Mr. Cortez advised that the State Statutes provides that the Commission may approve plats if they conform to the rules and regulations as adopted. It is within the perogative of the Commission to make requirements.

Mr. Osborne explained that the Subdivision Ordinance also gives the Commission the perogative of reviewing restrictions. In this particular case, lots 64 and 89, siding onto Far West Boulevard, present a problem as Far West Boulevard is a thoroughfare street. One point that should be considered is the number of cars that are accumulated around houses. One of the problems is that of parking of cars outside of garages, often encroaching into driveways and streets. The staff is recommending that the 15 foot requirement be adhered to.

Mr. Watts stated that Far West Boulevard is a major thoroughfare that has 100 feet of right-of-way and 44 feet of paving. There is presently a 28 foot curb basis. With a 10 foot setback, this would be 38 feet from the curb. Any reasonable widening of the street would still leave in excess of 20 feet from the structure to the curb line.

Mr. Jackson stated that as a matter of policy he feels that 15 feet should be required on the two lots siding onto Far West Boulevard; however, the setback line is not as critical on Lots 79 and 80.

Mr. Foxworth advised the Commission that this requirement is a Commission policy that has been adopted. It is the Commission's perogative to change this requirement; however, it is a policy that has been required in other subdivisions in the past few months.

The Commission members felt that a 15 foot setback line should be required from the side street on the corner lots as this provides for the best development of the lots. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of HIGHLAND HILLS, N.W., Section 4, pending the requirements as noted and subject to a 15 foot setback line from the side street on all the corner lots.

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

The staff recommended disapproval of this final plat pending additional fiscal arrangements in lieu of culs-de-sac. It is the staff's understanding that this is in process and will be accomplished in a few days. The Commission therefore

VOTED: To DISAPPROVE the final plat of GREENWOOD HILLS, Section 4, pending the required fiscal arrangements in lieu of culs-de-sac.

C8-67-23 Angus Valley, No. 4
West Cow Path and Mustang Chase

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, compliance with departmental reports, district annexation fee required and lot line changes required. The Commission then

VOTED: To DISAPPROVE the final plat of ANGUS VALLEY, No. 4, pending the requirements as noted.

C8-67-35 Jamestown, Section 3
Jamestown Drive and Plymouth

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, compliance with departmental reports, annexation and a 15 foot setback line required from sidestreet on corner lots. The Commission then

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

C8-67-34 Westover Hills, Section 3, Phase 4
Silverarrow Circle

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

VOTED: To DISAPPROVE the final plat of WESTOVER HILLS, Section 3, Phase 4, pending the requirements as noted.

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

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

VOTED: To APPROVE the final plat of BARTON VILLAGE, Section 2, & Resub. of Lot 3, Block H, BARTON HILLS, Section 1.

C8-63-47 Cameron Park, Section 1
 Atkinson Road and Cameron Road
C8-67-8 Cameron Park, Section 1-A
 Cameron Road and Westheimer

The staff reported that the two subdivisions in question are both final plats that have been accepted for filing and disapproved pending additional requirements. The subdivider has requested that both final plats be withdrawn so that a revised plan can be submitted. The Commission then

VOTED: To ACCEPT the withdrawal of the final plat of Cameron Park, Section 1 and Cameron Park, Section 1-A.

SHORT FORM PLATS -- FILED

C8s-67-76 Resub. Lots 8 & 9, Glenbrook Add'n., Sec. 2, & Lot 10-A of part of
 Ellon Road and Cheviot Glenbrook

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

VOTED: To ACCEPT for filing the short form plat of Resub. Lots 8 & 9, GLENBROOK ADDITION, Section 2, and Lot 10-A of part of GLENBROOK.

C8s-67-80 Birchwood Addition, Section 1
 Birch Street and South Center Street

The staff reported that this is the first appearance of this short form plat before the Commission. The Subject property is located at the intersection of South Center Street and Birch Street. Birch Street is a full 50 foot street to a point and then it becomes only one-half of a street. This subdivision proposal is to shift the street over and provide the full 50 feet of right-of-way off of the east side and from the subject property. The staff is not opposed to this request but this is a dead-end street as the existing one-half of the street has no cul-de-sac or turnaround provision. The full 50 feet of right-of-way also proposes no provision for a cul-de-sac and it is a dead-end street that will probably remain that way for sometime, if approved.

Mr. Stevens explained that a request for rezoning on property to the south, fronting onto South Second Street, has been granted by the Council, subject to widening for South Second Street and 25 feet of widening for the extension of Birch Street. The Commission recently recommended that "BB" zoning be granted on property to the south fronting onto Banister Lane. A short form subdivision, dividing that property into two lots, was submitted and approved in April of this year. The approval of the short form subdivision on the property fronting onto Banister Lane did in effect cut off the extension of Birch Street through the area to Banister Lane. If the large tracts of land to the south of the subject property goes to apartment development, then Birch Street could be terminated but this would in itself necessitate the termination of the street in a cul-de-sac. The staff feels that the cul-de-sac is needed.

C8s-67-80 Birchwood Addition, Section 1--contd.

Mr. Hendrickson asked how a cul-de-sac could be provided without permission from the adjoining property owners. Mr. Foxworth explained that the staff's suggestion on this matter would be to have the cul-de-sac provided on the subject property unless the adjoining property owner joins in. The staff recommends that this short form plat be accepted for filing subject to provision for the cul-de-sac. After further discussion, the Commission

VOTED: To ACCEPT for filing the short form plat of BIRCHWOOD ADDITION, Section 1, subject to provision for the cul-de-sac for Birch Street.

C8s-67-75 Colony North Section 1, Resub. Lots 10-16, Block D
Colony North and Jamestown

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

VOTED: To REJECT for filing the short form plat of COLONY NORTH, Section 1, Resub. of Lots 10-16, Block D, pending the return of the tracing.

SHORT FORM PLATS -- CONSIDERED

C8s-67-74 C. R. Johns Subdivision, Resub. of Lots 1-8, Block 12
New York Avenue and Chicon

The staff reported that this is a short form plat submitted by the Urban Renewal Agency and other parties. There is a problem involved in that a variance is required on the width of Lot 5, which is a corner lot. This appears to be a minor problem due to the fact that Lot 5 as proposed, is being established at a width of 59.87 feet whereas the Ordinance requires that the lot be 60 feet wide. It is the staff's understanding that the Urban Renewal Plan for this area calls for the vacation of Salina Street abutting the subject lot. If this is done in accordance with the plan, then Lot 5 will no longer be a corner lot. If the lot were going to remain as a corner lot, the staff would be opposed to the variance. The Urban Renewal Agency would like to have the plat approved and recorded before the street is vacated; however, once the street is vacated a variance will no longer be needed as the lot will be an interior lot. The staff recommends disapproval at this time pending the vacation of Salina Street, the required additional easements, tax certificates and compliance with departmental reports. After further discussion, the Commission

VOTED: To DISAPPROVE the short form plat of C. R. JOHNS SUBDIVISION, Resub. of Lots 1-8, Block 12, pending the requirements as noted.

C8s-67-81 Rutland Addition
Rutland Drive and Robin Ray Drive

The staff reported that this short form plat has cleared all departments but there is a variance involved on the width of Robin Ray Drive. This is a proposed resubdivision of an existing subdivided lot located on Rutland Drive east of F.M. 1325. The two lots under consideration, Lot 1-B and Lot 2-B, make up an original subdivided lot which was Lot 2-A of a previously recorded subdivision. Since the recording of the original subdivision, the adjoining property owner to the east has dedicated to the County a 60 foot roadway called Robin Ray Drive; therefore, this street abutts the subject property. This is an industrial area as designated by the Master Plan and the use of the subject property is for industrial purposes. The Ordinance requires that streets serving industrial property have 80 feet of right-of-way. The staff does recommend disapproval of this short form plat pending provision of the right-of-way. Inasmuch as 20 feet of right-of-way is needed, there is a question as to whether or not one-half of the widening should come from one side of the street and the other one-half from the other side or if all of the right-of-way should come from one side. The Commission must decide whether or not it is just to require the subject property to provide 10 feet and the other subdivider 10 feet. The owner to the east has provided the 60 feet of right-of-way already and has a legal tract. If the tract is utilized as one tract of land, there would be no necessity for him to come back in.

The lot abutting the street is 195 feet on the south and 226 feet on the north. The staff has suggested that if they can get the Commissioner's Court to vacate the street and eliminate it, as the City has no particular interest in it and does not need it, this would be satisfactory. If the street is vacated, the problem will be eliminated.

The Commission members noted that the subject property is to be used for industrial purposes and felt they would benefit if the street is not vacated; therefore they were of the opinion that the applicant should provide for the necessary widening, if the street is not vacated. It was then

VOTED: To DISAPPROVE the short form plat of RUTLAND ADDITION, pending provision for the right-of-way of Robin Ray Drive.

C8s-67-58 Rogers Brothers Subdivision
Shoalcreek Boulevard

The staff recommended disapproval of this short form plat pending the required fiscal arrangements and clearance from the Gas Company. The Commission then

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

C8s-67-59 Daniel A. Chance Subdivision
 McCarty and West View Road

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

VOTED: To DISAPPROVE the short form plat of DANIEL A. CHANCE SUBDIVISION, pending the required fiscal arrangements.

C8s-67-83 Baty Subdivision
 Riverside Drive

The staff reported that a variance involving the signature of the adjoining property owner is required for this subdivision. Mr. Baty, the applicant, purchased from the original owner, Lots 1 & 2, both having frontage onto Riverside Drive. A letter has been received from the applicant requesting that a variance be granted as the adjoining owner does not wish to join in the subdivision.

There is a problem with regard to this variance. The selling of the tract under consideration by Mr. J. V. Felter, left the remaining portion of the tract with no access, although he does own the tract adjoining to the east. An attempt was made to get Mr. Felter to plat the two tracts together so that he would have access, but he has indicated that he does not want to at this time. The staff recommends that a variance be granted and that the short form plat be disapproved at this time pending a clearance from the Gas Company. After further discussion, the Commission

VOTED: To DISAPPROVE the short form plat of BATY SUBDIVISION, pending a clearance from the Gas Company, and GRANTING a variance on the signature of the adjoining property owner.

C8s-67-60 Rivercrest Add'n Section 2, Resub. Lots 30-32, Lots 37-39, Blk. A
 Rivercrest Drive and Troll Haven

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

VOTED: To DISAPPROVE the short form plat of RIVERCREST ADDITION, Section 2, Resub. Lots 30-32, Lots 37-39, Block A, pending compliance with departmental reports.

C8s-67-68 Eppright & Cherico Subdivision
 South Lamar Boulevard

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

VOTED: To DISAPPROVE the short form plat of EPPRIGHT & CHERICO SUBDIVISION, pending compliance with departmental reports.

C8s-67-70 Allandale Park, Resub. No. 8
McElroy Drive

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

VOTED: To DISAPPROVE the short form plat of ALLANDALE PARK, Resub. No. 8, pending compliance with departmental reports.

C8s-67-73 McKinley & Black Subdivision
East 12th Street and East 13th Street

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

VOTED: To DISAPPROVE the short form plat of MCKINLEY & BLACK SUBDIVISION, pending compliance with departmental reports.

ADMINISTRATIVE APPROVAL

The staff reported that six 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:

<u>C8s-67-65</u>	<u>J. A. Prewitt Subdivision</u>
	Spicewood Springs west of Highway 183
<u>C8s-67-71</u>	<u>Northwest Hills, Sec. 7, Resub. Lot 1-A of Resub. of</u>
	<u>West Rim Drive and Downhill</u> <u>Lots 1 & 2, Blk. U</u>
<u>C8s-67-77</u>	<u>University Hills, Sec. 4, Ph. 3, Resub. Lots 11, 12,</u>
	<u>Bucknell Drive</u> <u>14, & 15, Blk. E</u>
<u>C8s-67-78</u>	<u>Resub. Lots 1-3, Block "B", North Ridge Terrace, Sec. 6</u>
	<u>Burnet Lane and Muroc Street</u>
<u>C8s-67-79</u>	<u>Flournoy Heights, Section 4</u>
	<u>Glomar Avenue and Astor Place</u>
<u>C8s-67-82</u>	<u>Allandale North, Sec. 3, Resub. of Lots 23 A (Resub.)</u>
	<u>Kenbridge and Exmoor</u> <u>& 24, Block N</u>

ADJOURNMENT: The Meeting was adjourned at 9:50 p.m.

 Hoyle M. Osborne
 Executive Secretary