

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- July 25, 1967

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

Present

Edgar E. Jackson, Chairman  
W. A. Wroe  
Hiram S. Brown  
Samuel E. Dunnam  
Ed Bluestein  
Robert B. Smith  
Mrs. Lynita Naughton

Absent

Barton D. Riley  
Dr. William Hazard

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of July 18, 1967.

Present

W. A. Wroe, Chairman  
Samuel E. Dunnam  
Barton D. Riley  
Robert B. Smith  
Mrs. Lynita Naughton

Also Present

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

PUBLIC HEARINGS

C14-67-97      Harry S. Wilder, Jr.: A to C  
5816-5828 Grover Avenue  
1201 Koenig Lane

STAFF REPORT: This site consists of 5,997 square feet of land which is undeveloped. The stated purpose of the application is to allow a drive to commercial property. The area to the north is zoned and developed predominantly with single-family residences with the exception of scattered parcels

C14-67-97 Harry S. Wilder, Jr.--contd.

of "B" Residence zoning. There is commercial zoning and development along both sides of Koenig Lane. "GR" zoning was granted on property to the north of Koenig Lane in 1964. The area south of Koenig Lane is zoned "C" Commercial and is developed with a bowling alley and a shopping center. A. N. McCallum High School is established on property to the east across Grover Avenue. The right-of-way of Koenig Lane varies from 50 to 70 feet, but is scheduled to be widened to 90 feet as it is designated as a major arterial street in the Transportation Plan which was adopted by the Council as a part of the Master Plan. In front of the subject property there is 70 feet of right-of-way, 10 feet of additional widening will be required from the subject property in order to bring the street to the proposed standard. The staff does not oppose the requested zoning, provided the street is made adequate, as it is an extension of existing commercial development which will fit into the overall pattern of the area.

## TESTIMONY

## WRITTEN COMMENT

Code

B C. H. Carpenter: 5612 Grover Avenue FOR

## PERSONS APPEARING AT HEARING

Code

A Harry S. Wilder, Jr. (applicant)  
 A Mrs. Harry S. Wilder, Jr.: 1406 West 47th Street FOR  
 ? Mr. & Mrs. Olie Perry: 2010 Koenig Lane. FOR

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that "C" Commercial zoning is requested so that a drive to the commercial property can be provided. The subject property is a narrow strip of land that is 27.5 feet in width and 207 feet deep.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee felt that the requested zoning should be granted, subject to Koenig Lane being made adequate, as it is a logical extension of the existing "C" Commercial district.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate 10 feet of right-of-way for the future widening of Koenig Lane. The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Harry S. Wilder, Jr. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 5816-5828 Grover Avenue and 1201 Koenig Lane be GRANTED.

C14-67-98      Barrow Corporation: A, 1st & C, 6th to C, 2nd (Tr.1) & A, 1st to B,  
 Tract 1: 1226-1404 South Lamar Boulevard      2nd (Tr.2)  
 Tract 2: Rear of 1226-1404 South Lamar Boulevard

STAFF REPORT: This application involves two tracts of undeveloped land totaling 6.90 acres. The stated purpose of the application is for apartment and commercial development. Tract 1, containing 5.02 acres, has 418 feet of frontage along South Lamar Boulevard and Tract 2, adjoining Tract 1 to the west, contains 1.88 acres. There has been a subdivision submitted on this property and property adjoining to the north, laying out the lots and streets. The Commission approved the preliminary plan on the property which is now in the final stages prior to recording. Property to the north was zoned "B" First Height and Area and "C" Third Height and Area in 1965. "B" First Height and Area was zoned on property to the west, extending out to Kinney Avenue, in 1966. There is "C", "A", and "GR" zoning to the south along with First and Second Height and Area classifications along South Lamar Boulevard.

It is the staff's understanding that the applicant proposes to start commercial development at the front of the property and apartments in the rear.

South Lamar Boulevard, with a present right-of-way of 80 feet, is designated as a major arterial street in the Transportation Plan with a proposed right-of-way of 100 feet. This will require 10 feet of widening from the subject property; however, the subdivision of the property has shown this additional 10 feet of right-of-way. This is one of the pending items that needs to be worked out prior to final platting of the subdivision and the City may purchase the right-of-way. The staff does not object to the requested zoning, provided the street is made adequate, as it would be a logical extension of existing zoning and development.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

T	Maufrays Brothers, Inc.: P.O. Box 3407	FOR
Q	Myron A Manhart: 2501 Wilke Drive	FOR
V	Buford Stewart: 1219 South Lamar	FOR

##### PERSONS APPEARING AT HEARING

###### Code

	Oscar W. Holmes (representing applicant)	
?	Nelson Puett: 5425 Burnet Road	FOR

#### SUMMARY OF TESTIMONY

Mr. Oscar Holmes, representing the applicant, stated that a subdivision plat has been filed on the subject property and the adjoining "C" Commercial property to the north. This plat has set aside 10 feet of right-of-way across the entire area for future widening of South Lamar Boulevard. The requested zoning will blend in with the existing "C" and "B" zoning in the area.

C14-67-98      Barrow Corporation--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the fact that 10 feet of widening will be provided for South Lamar Boulevard and felt that in view of this widening, the request should be granted as it is in keeping with the general character of the area and is a logical extension of existing zoning.

At the Commission meeting, the staff reported that there is no letter with regard to the right-of-way for South Lamar Boulevard; however, the necessary right-of-way is being provided in connection with the subdivision of the subject property. The Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of Barrow Corporation for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "C" Commercial Second Height and Area (Tr.1) and "A" Residence, First Height and Area to "B" Residence, Second Height and Area (Tr.2) for property located at (Tr.1) 1226-1404 South Lamar Boulevard and (Tr.2) the rear of 1226-1404 South Lamar Boulevard be GRANTED.

C14-67-99      Willie May Thomas Estate: A to O  
                  1171 San Bernard  
                  1300-1304 Hackberry Street

STAFF REPORT: This site contains approximately 10,500 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for a recreational center. The general zoning pattern in the area is mixed consisting of "C", "LR", "B", "A" and "O" Districts. The history of the zoning changes in this area are not recent, and development has not occurred in line with the existing zoning. "C" Commercial zoning was granted on property to the east, across San Bernard Street in 1953, but there is no development on the site. The only development that has occurred in the area other than single-family residences, is a cafe established on "LR" property to the south. A church is located on property adjoining to the west.

East of the subject property is the Kealing Urban Renewal Project, providing for "A" Residential development adjoining the subject property. An application for "B" zoning on property located on East 12th has been made by the Urban Renewal Agency in order to carry out their plans for the area. The staff recommends that the existing zoning remain to continue similar development as established through the renewal efforts. An oral statement has been received from Mr. Paul Jones, Attorney for the Urban Renewal Agency, stating that they are opposed to the requested change, possibly as being detrimental to the Kealing Project.

C14-67-99 Willie May Thomas Estate--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

F	Olivet Baptist Church: 1179 San Bernard Street	AGAINST
D	Mrs. Lonie J. Allen: 1175 San Bernard Street	AGAINST
C	O. M. Brown: 1173 San Bernard Street	AGAINST
AK	Allen Lee, Jr.: 1152 San Bernard Street	FOR
J	Julia Lewis: 1174 Angelina Street	FOR
AF	Wesley Methodist Church: 1164 San Bernard Street	FOR
AC	Ted H. Heaton: P.O. Box 1924	FOR
AL	Kings Daughters: 1210 Rosewood Avenue	FOR
F	Olivet Baptist Church: 1179 San Bernard Street	AGAINST
AT	Vivian Anderson: 5342 Muster, Philadelphia, Pa.	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	T. W. Kincheon (representing applicant)	
W	Mrs. O. H. Kincheon: 1307 Hackberry	FOR
F	James J. Batiste: 2211 Palo Pinto	AGAINST
F	Arthur L. Kindred: 2000 People Street	AGAINST
?	Mrs. Rosby King: 907 Chicon Street	FOR
?	Mrs. Vivian McDonald: 1128 Salina Street	FOR
?	Bernice F. Hart: 1145 Poquito Street	FOR
?	Mrs. Della J. Phillips: 2310 East 19th Street	FOR
?	John D. Scott: 3301 Breedlove	AGAINST
?	John W. Whitley: 1171½ San Bernard Street	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. T. W. Kincheon, representing the applicant, stated that he was retained to find a home for the Zeta Phi Beta Sorority. They wanted a place close to the church and the school and the subject property is ideally located for them to carry out their various activities. There is commercial zoning across the street and "LR" zoning to the south. There is a clinic to the north on San Bernard Street that should be zoned "O" Office. "O" Office zoning exists to the north of Cotton Street.

Mrs. Rosby King appeared at the hearing and stated that she represents the Zeta Phi Beta Sorority which was organized in 1920, and includes women in every profession. The main object of the sorority is promoting fine womanhood. The sorority has been looking for a suitable site for 10 years where the existing program can be broadened to include more people. In order to promote the type of activities planned, the zoning on the subject property will have to be changed from "A" to "O". This program will include activities to broaden the general welfare of the under privileged children, youth

Cl4-67-99 Willie May Thomas Estate--contd.

and adults. There will be a counseling and placement facility for the unemployed. The services will be offered without charge because this is a non-profit organization. The plans are to remodel the existing building and construction is proposed as soon as the zoning change is granted.

Dr. John T. King appeared at the hearing and stated that he is appearing as a citizen of Austin who is very familiar with the Zeta Phi Beta Sorority. He stated that he has known about them and worked with them for many years. This is a sorority for negro women only. During the past, the ladies of this sorority have worked with students to encourage them to continue their education. They have granted many college scholarships as well as help with the selection of courses for girls attending college. They have helped to support the Huston-Tillotson College for many years. They help young ladies become fine examples of womanhood. They contribute to the YMCA, YWCA, Boy Scouts, Girl Scouts and other organizations. The overall activities are designed to advance the cause of learning and to promote good citizenship. They are interested in the community and the young people.

Arguments Presented AGAINST:

Mr. John W. Witley, a nearby property owner appeared in opposition to this request. He stated that he has lived in this area for many years and is concerned about the change to "O" Office. This is a residential area that should remain as such. Mr. Witley further stated that he would not like to have anything that would create a disturbance in the area.

Mr. Stevens informed the Committee that the attorney for the Urban Renewal Agency objected to this request as he felt that a recreation center would not be appropriate; however, he was not aware what activities were proposed and these statements of use would probably remove his objections.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted. They recognized the fact that there is mixed zoning in this area and felt that the uses as proposed by the applicants would not damage or weaken the urban renewal area, but would strengthen the community and tend to aid and compliment the urban renewal project as a community service.

At the Commission meeting, Mr. Stevens reported that he had contacted Mr. Paul Jones representing the Urban Renewal Agency which was originally opposed to this request, but did not know at that time what was planned for the property. Inasmuch as the proposed use of the property fits in with the proposed development in the Kealing Urban Renewal Area, they do withdraw their objection; however, Mr. Jones recommended that a restrictive covenant be attached to this application, restricting the use of the property for the purposes as previously stated.

C14-67-99 Willie May Thomas Estate--contd.

The Commission members agreed that the proposed use on the property would fit in with the uses proposed in the Kealing Urban Renewal area and felt this request should be granted; however, they recognized the fact that the Commission does not normally accept restricted covenants and felt that this should be an additional recommendation to the City Council. After further discussion, the Commission unanimously

VOTED: To recommend that the request of Willie May Thomas Estate for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1171 San Bernard and 1300-1304 Hackberry Street be GRANTED.

It was then unanimously

VOTED: To recommend to the City Council that a restrictive covenant limiting the use of the property for the purposes as stated by the applicants.

C14-67-100 Kate Withers Trust : A, 5th to B, 2nd  
2633-2647 Lamar Boulevard

STAFF REPORT: This application covers an area of 24,150 square feet of land which is undeveloped. The stated purpose of the application is for the construction of multi-family units. The requested zoning would permit 32 apartment hotel units or 16 regular units. City owned property, zoned "A" Residence, Fifth Height and Area adjoins the subject property to the east. The area to the south is zoned and developed with "B" and "O", Fifth and Second Height and Area. The particular site under consideration is a wooded hillside fronting onto Lamar Boulevard. Access is limited because of prohibition of curb breaking on Lamar Boulevard. It is the staff's understanding that the subject property is to be developed with adjoining property whereby the access would be from Longview Street. The only other possible access is the abutting alley which is undeveloped. The City by ordinance prohibits curb breaks along Lamar Boulevard from 24th to 29th Streets. The staff does not object to the development of apartments on the subject property but there is objection to the rolling back of the Fifth Height and Area classification. Fifth Height and Area was established on Lamar Boulevard for the purpose of providing a 25 foot setback from the boulevard. The staff feels the setback should be maintained along Lamar Boulevard. Density provisions are the same in Fifth Height and Area as Second Height and Area. If Second Height and Area zoning is granted, it would be inconsistent and could start a precedent for similar changes.

## TESTIMONY

## WRITTEN COMMENT

Code

None

C14-67-100 Kate Withers Trust--contd.

## PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, offered the following information: The subject property is under contract along with adjoining property subject to a change in zoning. All entrance and exits are planned from Longview Street. There will be no necessity to request curb breaks along Lamar Boulevard, but a request will be made to vacate the alley which has not been laid out on the ground because of the terrain in this particular area. Leon Street does not go through to Lamar Boulevard, although it is dedicated, because of the terrain problem. When the alley is vacated, the subject property along with the adjoining tract will be developed together. Fifth Height and Area zoning provides for the same uses with the exception of porches and eaves. Mr. Baker stated that he is not in a position to amend this application to Fifth Height and Area at this time. It is realized that the staff favors the retention of the Fifth Height and Area because of the need for consistency along Lamar Boulevard.

Firm contracts have been entered into, contingent upon this zoning change, for the acquisition of the subject property and property adjoining to the east that has been rezoned to "B" Second Height and Area and Fifth Height and Area. The purchaser of the property will own all of the property from Longview Street over to the northern boundary of this particular tract, including the portion of the alley that will be vacated. An application for the vacation of this alley will be submitted when the property is rezoned.

Mr. Cortez advised Mr. Baker of the curb break requirement along Lamar Boulevard and asked if there are plans to request a curb break. Mr. Baker stated that he is cognizant of this requirement and there are no plans to ask for a curb break.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that Mr. Baker, representing the applicant, acknowledges the City's right to prohibit curb breaks along Lamar Boulevard. They were of the opinion that the requested change to "B", Residence, Second Height and Area zoning should be denied as the Second Height and Area zoning is inconsistent with the existing height and area along Lamar Boulevard; however, they felt that "B" Residence, Fifth Height and Area zoning should be granted as a logical extension of existing zoning and development.



C14-67-100 Kate Withers Trust--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kate Withers Trust for a change of zoning from "A" Residence, Fifth Height and Area to "B" Residence, Second Height and Area for property located at 2633-2647 Lamar Boulevard be DENIED but that "B" Residence, Fifth Height and Area be GRANTED.

C14-67-101 William Grigsby: BB to LR  
906 West 30½ Street

STAFF REPORT: This site consisting of 6,650 square feet, is developed with a single-family dwelling. The stated purpose is for a driveway and parking area. An area study was made of the area between 29th and Lamar Boulevard and 34th and Guadalupe Street in 1961. The Commission recognized the strong residential character of the area, considered the fact that the streets were substandard and felt that the periphery of the area should be zoned for commercial uses but that the interior should be zoned "BB" for low density apartment development. "B" Residence zoning was recently granted on property along West Avenue, and "LR" and "C" zoning exist along Lamar Boulevard. The present right-of-way of West 30½ Street varies from 35 feet to 45 feet, with the 35 feet of right-of-way being in front of the subject property. It is felt that the existing "LR" zoning along Lamar Boulevard is inadequate in depth to allow for good commercial development. However, there is concern in introducing commercial zoning onto a lot with sole access from West 30½ Street, a residential street with inadequate right-of-way. There is also concern about the size of the site as a separate commercial site. If it is tied to the adjoining lot, having frontage on Lamar Boulevard, by a replatting, preferably by a short form subdivision, the staff would recommend "B" Residence zoning for parking as this would provide dual access. It is staff's understanding that the second lot from the intersection of Lamar Boulevard and West 30½ Street, adjoining the subject property on the west, is under the same ownership.

## TESTIMONY

## WRITTEN COMMENT

Code

K O. D. Denson: 802 Meriden Lane

FOR

## PERSONS APPEARING AT HEARING

Code

? Sidney Purser (representing applicant)  
John C. Mackey

AGAINST

C14-67-101 William Grigsby--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Sidney Purser, representing the applicant, offered the following information: Most of the problems involved in this zoning request have been resolved. A short form subdivision has been filed and approved, joining the subject property with property adjoining to the west in order to make one site, under the same ownership. The reason "LR" zoning was applied for was because the Building Inspector recommended this zone as it would be more consistent with property adjoining to the west. There would be no objection to "B" zoning as the purpose of the application is to allow a driveway. Ten feet of additional right-of-way has been dedicated from the subject property for the widening of West 30½ Street. The alley adjoining the property to the east is totally unusable as it is about a 45 degree angle and an application for the vacation of the alley will probably be filed.

Mr. Stevens advised Mr. Purser that there was an attempt to close the alley a few years ago but because of opposition this was not accomplished.

## Arguments Presented AGAINST:

Mr. John C Mackey, property owner to the east, appeared at the hearing and stated that when the street was paved, it was agreed that it would be paved 30 feet; however the paving is only 25 feet. He further stated that he made a request to the City officials and the Planning Commission to vacate the alley adjoining his property a few years ago but there has been no response from the City or the Planning Commission. There should be some decision on whether to put that alley in usable condition or designate the rights to the proper person.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the location and size of the site; however, they felt that in view of the dedication of 10 feet of right-of-way for the widening of West 30½ Street, "B" Residence, First Height and Area zoning should be granted as this would allow the proposed use, and would be proper zoning for the subject site.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of William Grigsby for a change of zoning from "BB" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 906 West 30½ Street be DENIED but that "B" Residence, First Height and Area be GRANTED.

C14-67-102      Urban Renewal Agency: C to B  
1321-1421 East 12th Street  
Add'n Area: 1315-1321 East 12th Street

STAFF REPORT: This application covers an area of 64,070 square feet of land which is undeveloped. Two lots adjoining to the west have been included as additional area in order to complete the zoning pattern. The stated purpose of the application is for carrying out the Kealing Urban Renewal Plan. This property is located in the Kealing Urban Renewal area and the proposed use conforms to the plan for the area which designates it for low density apartment development. There is a covenant in the plan that prevents high density development in this area. There will follow other zoning changes within the renewal area as the "B" area on Comal Street and "GR" tract, to the east will eventually be changed to conform to the plan.

Mr. Wroe asked what would happen to all of the land in this area and if it would be put up for sale. Mr. Stevens advised the Committee the land not retained by the owner or used for public purpose would be sold by bid and that it is his understanding that the subject site has been sold to a private developer. Angelina Street through this block has been vacated and the property replatted.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

BA	Louise J. Lott: 1405 East 13th Street	FOR
BL	Mrs. Cora E. Hamilton: 1405 East 13th Street	FOR
N	Viola N. Grant: 1301 East 12th Street	FOR
V	John H. Pickard: 2160 West 30th Street	FOR

##### PERSONS APPEARING AT HEARING

###### Code

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the requested zoning is in keeping with the Kealing Urban Renewal Plan for this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Urban Renewal Agency for a change of zoning from "C" Commercial, Second Height and Area to "B" Residence, Second Height and Area for property located at 1321-1421 East 12th Street and the additional area located 1315-1321 East 12th Street be GRANTED.

C14-67-105      William E. Shelton: BB, 1st to C, 2nd  
                  2908 Rio Grande Street  
                  2909 Salado Street

STAFF REPORT: This site consists of 5,250 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for commercial development. This is a portion of the area that was studied by the Planning Commission in 1961, at which time they recommended that "BB" zoning be granted on the interior area and that commercial be granted on the periphery. The subject property has 50 feet of frontage onto Rio Grande Street and is 103 feet deep. A request for "LR" First Height and Area zoning was considered by the Commission and the Council on adjoining property to the north in 1963, at which time the request was denied. The Commission recommended denial because of the inadequate streets and because they felt that the requested zoning would be an intrusion into a residentially established low-density apartment area. The staff feels that the circumstances are the same on this particular lot. There is a difference in this application as the subject site is one lot nearer the commercial zoning and development on West 29th Street. Commercial zoning and development is established along West 29th, Guadalupe, and Rio Grande Streets. "BB" Second Height and Area zoning was granted on property along West Avenue in 1965. This did not change the use but it did increase the density. "B" zoning was granted on property to the east, adjoining property with frontage onto Guadalupe Street, for the purpose of permitting parking. The subject property is a shallow lot and if any right-of-way is acquired for street widening, the lot would become even smaller. The area should be developed for apartment usage. The subject property will not support an apartment project because of its size.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

S	O. N. Bruck: 4803 Valley Oak Drive	AGAINST
AW	Truman H. Montandon: 109 West 5th Street	FOR
AU	Dewitt Neighbors: 701 West 5th Street	FOR
AM	Lt. Col. Allison C. Kistler: 509 Harris Avenue	FOR

##### PERSONS APPEARING AT HEARING

###### Code

Jerry Raisch (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Jerry Raisch, representing the applicant, stated that this is not a request for zoning that would be inconsistent with existing zoning and development in the area because of the commercial zoning to the north, east and west. When the request for "LR" zoning was turned down on property to the north, the parking lot next to the Rome Inn was not zoned commercial. If the zoning is not changed, the property cannot be utilized for anything but the existing house because of the size. The plans are to have a small office building on the property.

C14-67-105 William E. Shelton--contd.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an intrusion into a residential area with inadequate streets and because the subject site is inadequate for the proposed development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William E. Shelton for a change of zoning from "BB" Residence, First Height and Area to "C" Commercial, Second Height and Area for property located at 2908 Rio Grande Street and 2909 Salado Street be DENIED.

C14-67-106 R. R. Sands: A to LR  
2109 Ivy Trail  
Add'n. Area: 2128 Ben White Boulevard

STAFF REPORT: This application covers 8,250 square feet of land which is developed with a single-family dwelling. The staff has included as additional area the small portion of land adjoining this tract to the south, having frontage onto Ben White Boulevard. The stated purpose of the application is office space, gift shop and or pharmacy building. With the exception of "C" Commercial zoning at the intersection of Manchaca Road and Ben White Boulevard, the area to the north is zoned and developed with single-family dwellings. There have been many recent changes on property south of Ben White Boulevard. "GR" General Retail and "B" Residence, First Height and Area zoning was established on property to the south of Ben White Boulevard in 1967. The staff and the Commission recommended in favor of the change. "C" Commercial zoning was established on property south of Ben White Boulevard in 1966. A request for "LR" Local Retail First Height and Area zoning was made on the subject property in 1965, at which time the Committee recommended against the request as they felt it would be an intrusion into a residential area, and because Ivy Trail was inadequate to serve commercial property. The case was withdrawn. The staff feels this request should be denied as this is still a residential area, and Ivy Trail, with only 50 feet of right-of-way, is still inadequate to serve commercial property.

The staff included the additional area in the event this request should be granted. The additional area would provide access to Ben White Boulevard. It is the staff's understanding that the additional area is City owned property.

C14-67-106      R. R. Sands--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

AE	Western Trails, Inc.: 1209 South Lamar	FOR
V	Leroy Gebert: 2110 Ivy Trail	AGAINST
R	Alfred A. Geuge: 2102 Ivy Trail	AGAINST
U	Edwin E. Morton: 2108 Ivy Trail	AGAINST
S	Mr. & Mrs. John G. Hancock: 2104 Ivy Trail	AGAINST
P	Charles M. Holt: 2028 Ivy Trail	AGAINST
T	Curtis D. Wilson: 2106 Ivy Trail	AGAINST
C	Eugene Jones: 2105 Ivy Trail	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Richard Baker (representing applicant)	
S	John G. Hancock: 2104 Ivy Trail	AGAINST
S	Mrs. John Hancock: 2104 Ivy Trail	AGAINST
R	Mr. & Mrs. Alfred A. Feuge: 2103-2102 Ivy Trail	AGAINST
L	Clyde Walker: 2105 Fortview Road	AGAINST
L	Hazel Walker: 2105 Fortview Road	AGAINST
T	Curtis Dean Wilson: 2106 Ivy Trail	AGAINST
T	Mrs. Curtis D. Wilson: 2106 Ivy Trail	AGAINST
P	Charles M. Holt, II: 2028 Ivy Trail	AGAINST
P	Mrs. Charles M. Holt, II: 2028 Ivy Trail	AGAINST
G	Jimmy C. Lewis: 2111 Ivy Trail	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, offered the following information: When the applicant filed this application he filed on the basis of a lot number referred to as 2109 Ivy Trail. When the previous application was filed it was brought to the applicant's attention that the application could not be considered because of the frontage onto Ben White Boulevard. Prior to filing of this application, the applicant has acquired from the City the area referred to as additional area so the lot now has frontage onto Ben White Boulevard. Mr. Sands acquired the additional area to obtain frontage onto Ben White Boulevard so that he would be able to obtain a zoning change. The applicant has obtained a statement from the owners of the lots adjoining to the west, with the exception of two, stating that they do not oppose the requested zoning on the subject property. The two people who did not join in this statement are not living in the City. The staff has stated that Ivy Trail has inadequate right-of-way to serve "LR" property or commercial property. Perhaps this is true although in many instances "LR" zoning has been granted on streets having 50 feet of right-of-way when the paving is 30 feet or more which is the case in this particular instance. This property does front onto Ben White Boulevard

C14-67-106 R. R. Sands--contd.

which is one of the main thoroughfares around the City of Austin. There has been substantial development and construction on Ben White Boulevard that increases daily. "GR" zoning was recently granted on property south of Ben White Boulevard which is developed with the Gibson Discount Center. This entire area is changing toward the type of development proposed. This application should be viewed not as a lot fronting onto Ivy Trail, but as a lot which fronts onto Ben White Boulevard, a wide 4 lane, split boulevard that carries a great deal of traffic with a speed limit of 45 to 60 miles an hour. The site is no longer an area that is desirable for development of single-family dwellings. It would be a more desirable application if the zoning change were to commence on the lot adjoining the existing "C" Commercial, Sixth Height and Area property located at the intersection of Manchaca Road and Ben White Boulevard, or if all of the lots were joined in this application. The application as filed, giving due consideration to the changing circumstances existing in this area, would not be unjust or an intrusion into a well-developed single-family area inasmuch as the intrusion into such development took place at the time Ben White Boulevard was constructed. The area was further intruded upon when the "C" zoning was granted in the area. "C" Commercial zoning has occurred in what has been a residential area and the traffic has increased. This application should be viewed on an area basis as opposed to a lot basis inasmuch as this overall area is making a general change from a residential classification to a commercial or strong retail classification. On this basis, the granting of this application would be consistent with the zoning changes granted in the area on a main thoroughfare and the proposed use would be the proper utilization of the land in question adjoining this thoroughfare. If it would be the Committee's decision that "LR" zoning as requested would be a just change, the applicant would have no objection to a limitation that a fence be constructed six to eight feet high on the rear of the property along Ivy Trail as this would give the residential area some protection. On this basis it is requested that this application be granted. A change is taking place in the area and the requested zoning is a logical change in a generally changing area.

Mr. Stevens advised the Committee that the staff was not aware that property included as additional area was sold to the applicant. This area was included because the staff thought it belonged to the City and felt that in the event the Commission recommended in favor of the request, it would not further burden the applicant by requiring him to come back for another change if access privileges were acquired from the City. If the staff had known that this area belongs to the applicant, he could have requested the change himself.

#### Arguments Presented AGAINST:

A number of property owners appeared in opposition to this request and presented a petition containing 30 signatures of people in the area who oppose the change. They presented the following information: Ivy Trail is developed with very fine residences and the requested zoning would be

C14-67-106      R. R. Sands--contd.

piece-meal zoning into this area. Ivy Trail has inadequate right-of-way to handle commercial traffic and the requested zoning would be an intrusion on this residential street. It is realized that Ben White Boulevard is a major thoroughfare behind the residential lots on Ivy Trail but there is a great deal of land along Ben White Boulevard in other areas that is undeveloped where the proposed change would be more suitable.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized that Ben White Boulevard is a major thoroughfare located in back of the residential lots along Ivy Trail; however, they felt that this request should be denied as the change would be an intrusion into a well-established residential area which is served by a residential street.

The Commission concurred with the committee recommendation, and unanimously

VOTED: To recommend that the request of R. R. Sands for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 2109 Ivy Trail and the additional area located at 2128 Ben White Boulevard be DENIED.

C14-67-107      William J. Turman & Russell R. Roby: B, 1st to B, 2nd (Tr.1)  
                  Tract 1: 614-628 South First Street & B, 1st to B, 4th (Tr.2)  
                  Rear of 700-800 South First Street  
                  Tract 2: Rear of 614-618 South First Street

STAFF REPORT: This application covers two tracts of land. Tract 1, developed with an apartment house, contains 8.52 acres of land with 407 feet of frontage along South First Street. Tract 2 contains 2.05 acres of undeveloped land. The total acreage involved in this application is 10.57 acres. The stated purpose is for apartment development. "B" Residence, First Height and Area zoning was granted on the subject property in 1966. There is a special permit to be considered on a portion of Tract 1 and the balance of the property will be developed in phases. The area to the north along Barton Springs Road is zoned "C-2" and developed with a mixture of commercial uses. "B" First Height and Area zoning is established on property to the south fronting onto South First Street. To the east across South First Street is unzoned State property which is developed with a state school. East Bouldin Creek bounds the subject property on the west and across the creek is "A" Residential zoning and development. The proposed zoning would allow 250 regular apartment units or 500 apartment hotel units on Tract 1 and 58 regular units or 116 apartment hotel units on Tract 2, making a total of 308 regular units or 616 apartment hotel units that would be allowed on both tracts. South First Street is a major arterial street with 100 feet of right-of-way in front of the subject property that narrows to 60 feet north of the creek. The staff does not object to the Second Height and Area classification because the access is adequate but there is concern about the establishment of Fourth Height and Area. The density will not



C14-67-107 William J. Turman & Russell R. Roby--contd.

be affected, but Fourth Height and Area allows a height of 200 feet rather than the existing 35 feet. The staff feels that the granting of Fourth Height and Area should be done with a particular plan on the property as it would effect the surrounding residential development. This would also effect the driveways to the street for services back to the area from the standpoint of fire protection. The staff recommends that "B" Fourth Height and Area for Tract 2 be denied as the height is too great, but that "B" Second Height and Area zoning be granted for both tracts as this would conform with existing zoning and development.

#### TESTIMONY

##### WRITTEN COMMENT

Code

K

Mrs. Lola Mae Beard: P. O. Box 35, Austin

FOR

##### PERSONS APPEARING AT HEARING

Code

A

William F. Turman (applicant)

W. R. Coleman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. William Turman was present on behalf of this request and stated that this property was purchased for apartment purposes. There is no objection to the second Height and Area zoning on Tract 1 but Fourth Height and Area for Tract 2 is needed. The plans are to eventually build a multi-story apartment unit approximately 150 feet tall. This structure will probably be in the last phase of the development of the property. The zoning is requested at this time so that the plans for this structure can fit in with the overall plans for planning and financing. Commercial zoning and development is established to the north of the subject property. There is residential development to the west but East Bouldin Creek adjoining the subject property on the west is a natural buffer area between the residential development and the proposed development on the subject property. The requested zoning on the entire portion is needed at this time so that the financing can be handled under a total package with the lending institution. The proposal is to ultimately have approximately 500 units for the entire project including the high rise development.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as the requested zoning is too intensive for the size of the property and the future development of the area.

C14-67-107 William J. Turman & Russell R. Roby--contd.

At the Commission meeting, Mr. Stevens reported a letter from the applicant requesting that this application be withdrawn.

The Commission ACCEPTED the withdrawal of this application.

C14-67-108 Nichol Corporation, et al: BB, 1st & 2nd to O, 1st  
 2907-2919 West Avenue  
 705-709 West 30th Street

STAFF REPORT: This application covers an area of 44,850 square feet of land. The stated purpose of the application is for future development. This request was advertised as a change in zoning from "BB" Residence, First Height and Area to "O" Office, First Height and Area. However, a portion of the property is zoned Second Height and Area; therefore, the request is from "BB" First and Second Height and Area to "O" Office, First Height and Area. "C", "A" and "C-2" zoning exists along West 29th Street. "O" Office is established on property to the north. The area to the west and north is zoned "BB". A request for "B" Second Height and Area zoning was denied on the subject property in 1964 because of the high density which it would permit. In 1965, there was a request for "BB" Second Height and Area zoning which was granted on three of the lots under consideration. West 29th, West Avenue and West 30th Streets, with a present right-of-way of 50 feet, should be widened to 60 feet in order to serve multi-family or office development. This will require 5 feet of right-of-way from the subject property for West Avenue and West 30th Street. The staff recommends that the established zoning remain as the proper zoning, taking into account inadequate streets and residential characteristics of the area.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

C	Lt. Col. & Mrs. Allison C. Kistler: 209 East 35th Street	FOR
AS	Mrs. Lem D. Jordan: 800 West 30th Street	FOR
BX	Dewitt Neighbors: 701 5th Avenue	FOR
BP	O. N. Bruck: 4803 Valley Oak Drive	FOR
AH	Marcia R. Lingo: 50 Del Mar Ave., Berkley, Calif.	FOR
AH	W. M. Lingo, Jr.: 50 Del Mar Ave., Berkley, Calif.	FOR

##### PERSONS APPEARING AT HEARING

###### Code

	Paul Hardy (representing applicant)	
C	Lt. Col. Allison C. Kistler: 209 East 35th Street	FOR
AB	Preston Hutchinson: 3316 Perry Lane	FOR
AD	Mrs. E. L. Bauknight: 1305 Alta Vista	FOR

C14-67-108      Nichol Corporation, et al--contd.

#### SUMMARY OF TESTIMONY

Mr. Paul Hardy, representing the applicant, stated that the "O" Office zoning is requested for economic reasons. The area is now zoned "BB" and has been for sometime. Since the zoning change from "A" to "BB" there has been only one utilization of the "BB" zoning and that was a modification of an existing residence. Other than that, the Nichol Corporation has contemplated building a triplex but this is not feasible because of economics. There is an Educational research corporation that would like to occupy one of the lots under consideration contingent upon the zoning change. They would like to build a small four girl office with off-street parking to expand their operation. The applicant has at the present time no one under contract for the remainder of the property; however, they feel the only way they can justify construction in the area is through an "O" Office zone. "C" Commercial property adjoins the subject property to the south and there is "O" Office zoning to the north. The necessary right-of-way could possibly be worked out with the City contingent upon the requested zoning.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning is an intrusion into a well-established apartment area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nichol Corporation, et al for a change of zoning from "BB" Residence, First and Second Height and Area to "O" Office, First Height and Area for property located at 2907-2919 West Avenue and 705-709 West 30th Street be DENIED.

C14-67-109      J. Alton Bauerle: A, 1st to B, 2nd  
                  606-700 and 704 Franklin Boulevard  
                  Add'n Area: 702 and 706-708 Franklin Boulevard

STAFF REPORT: This application covers two tracts of land. Tract 1 contains 56,000 square feet and Tract 2 contains 8,000 square feet. The staff has included as additional area the lot between Tract 1 and Tract 2 and two lots abutting Tract 2 on the west, in order to complete the zoning pattern. The stated purpose of the application is for apartment development. If all of the lots in Tract 1 were combined as one site, the proposed zoning would permit 74 apartment units. If the lots were developed individually, the proposed zoning would permit 4 units on each lot. "B" zoning is established at the intersection of Guadalupe Street and Nelray Boulevard and also on one lot to the north, having frontage onto Nelray. The area to the south, east and north is predominantly single-family residential development with a few

C14-67-109 J. Alton Bauerle--contd.

duplexes scattered through the area. Most of the units in this area are rental homes. Franklin Boulevard, with a present right-of-way of 50 feet, should be widened to 60 feet to serve the needs of multi-family density. Guadalupe Street to the east, with a present right-of-way of 50 feet, is a collector street that should also be widened to 60 feet. North Loop Boulevard to the south is designated as a major arterial street in the Transportation Plan and is to be widened. The staff does not oppose the proposed use for the property, but it is felt that any change that occurs should be limited to "BB" First which would limit the development of each individual lot to triplexes or fourplexes. It is also felt that if the area is to be converted to this type usage, right-of-way for Franklin Boulevard should be acquired from each side of the street. In this particular case, 5 feet of right-of-way is needed for future widening. A part of the subject property is located in the presently proposed right-of-way for the Central Expressway.

## TESTIMONY

## WRITTEN COMMENT

## Code

AW	Ernest E. Woehl: 508 Franklin Boulevard	FOR
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## PERSONS APPEARING AT HEARING

## Code

A	Al Bauerle (applicant)	
F	Mrs. Charles Carter, Sr.: 710 Franklin Boulevard	AGAINST
G	Mrs. Edworth Carter: 1015 Aggie Lane	AGAINST
?	Clifford Coffman: 610 Scarbrough Building	FOR

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that if the zoning is granted, the loan commitment on the property is definite. The plans are to build triplexes on the 5 lots and a more intensive development is not desired. The area is mostly single-family in nature but it is a rental area. Five of the lots under consideration are still undeveloped even after the area has been developed for 20 years. This indicates that there is not much of a residential market in the area. A duplex has been moved onto one of the lots. The area lends itself to multi-family development. There would be no objection to dedicating 5 feet of right-of-way for Franklin Boulevard but this would decrease the area needed for the triplexes and this is why second height and area is needed. The Central Expressway will probably not be developed in this area for many years. If the zoning is denied, duplexes will be developed and there will only be a difference of 5 residential units.

Mr. Stevens advised the Committee that if the street right-of-way is acquired, "B", Second Height and Area zoning would be needed in order to develop the property as proposed.

C14-67-109      J. Alton Bauerle--contd.

Mrs. Edworth Carter appeared at the hearing and stated that she owns the lot adjoining Tract 2 on the west that is included as additional area. She stated that she does not want her property changed to "B" zoning and she does not want to dedicate 5 feet of land for street widening. She further stated that she is not opposed to the development of triplexes on the adjoining property.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied because of the inadequate right-of-way of the streets; however, a majority of the members stated they would look with favor on "BB" zoning for the property as the logical zoning that would fit the area.

At the Commission meeting, the staff reported letters from Mr. Al Bauerle and Mr. William Bullard, owners of lots under consideration, in which they request that this application be amended to "BB", Residence, First Height and Area. The letters further stated that they will agree to dedicate to the City 5 feet of additional right-of-way at anytime after building permits have been issued on the subject lots and the City determines that the street should be widened.

Mr. Stevens stated that the owner of the other lot under consideration is out of town at this time and did not request that his portion of the application be amended. It was pointed out that under the "BB" First Height and Area zoning, 8,000 square feet of land is required for triplex development which is proposed on the subject property. If 5 feet of right-of-way is dedicated, the area of the lots will be reduced.

Mr. Jackson asked Mr. Cortez if the Commission can accept the offer of right-of-way with the conditions attached. Mr. Cortez advised the Commission that the letters as submitted are not qualified offers of right-of-way but are conditional offers of right-of-way. He further stated that in his opinion, the Commission cannot accept the offer of widening with the conditions as noted in the letters as there is no assurance that the development as proposed will occur.

Mr. Jackson stated that the Commission has as a matter of policy, denied requests for zoning changes because of inadequacies of right-of-way. "BB" zoning is a good zoning usage for this property but the right-of-way needs should be considered.

A majority of the members felt that this request should be denied at this time because of the inadequate right-of-way of Franklin Boulevard; however, they stated they would look with favor on the requested zoning if the street is made adequate.

C14-67-109 J. Alton Bauerle--contd.

It was then

VOTED: To recommend that the request of J. Alton Bauerle for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 606-700 and 704 Franklin Boulevard and the additional area located at 702 and 706-708 Franklin Boulevard be DENIED.

AYE: Mrs. Naughton and Messrs. Jackson, Wroe, Bluestein and Smith

NAY: Mr. Brown

ABSENT: Messrs. Riley and Hazard

ABSTAINED: Mr. Dunnam

C14-67-110 Dr. S. J. Clark Estate: A to B  
5000 Woodrow Avenue  
Add'n. Area: 4918 Woodrow Avenue

STAFF REPORT: This site covers an area of 21,952 square feet of land which is developed with a single-family dwelling. The lot adjoining to the south has been included as additional area as this would be the only lot between commercial zoning and the subject property. The stated purpose of the application is for a driveway entrance and employee parking. The area along Woodrow Avenue has developed under the existing "A" Residential zoning with either single-family or two-family development. Burnet Road is zoned and developed with a mixture of commercial uses. "GR" First Height and Area zoning was granted on property to the south in 1965. The staff feels the question should be raised on rezoning along Woodrow Avenue as this could set a precedent of strip zoning along Woodrow Avenue with an inadequate right-of-way of 50 feet. Woodrow Avenue is to be widened to 80 feet under the Development Plan standards which will require 15 feet from the subject property. Burnet Road, classified as a major arterial street with a present right-of-way of 60 feet, is to be widened to 90 feet. The staff does not oppose the change, provided the street is made adequate, as this particular area is contiguous to intensive commercial uses. Rebuilding properties along Woodrow Avenue in this block for single-family use would be difficult in terms of such commercial and resulting heavy traffic.

## TESTIMONY

## WRITTEN COMMENT

Code

E Mrs. Helen Bratton: 4911 Burnet Road

AGAINST

## PERSONS APPEARING AT HEARING

Code

B Mrs. Mary Ethel Turner: 4914 Woodrow Avenue

?

? John A. Aitken: 5011 Burnet Road

FOR

? Morris Olguin: 6001 Walnut Hills Drive

FOR

C14-67-110 Dr. S. J. Clark Estate--contd.

#### SUMMARY OF TESTIMONY

The owner of property adjoining to the west, fronting onto Burnet Road appeared on behalf of this request and stated that the zoning on the subject property is requested in order to provide parking for a restaurant that will be established on property adjoining to the west. This would also allow for access through the front to the rear.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported a letter from Mr. Roy Hyde, President of the Zuider Zee Development Corporation, offering to dedicate up to 10 feet of right-of-way for the widening of Woodrow Avenue whenever the City requires it. Mr. Stevens stated that Woodrow Avenue is presently a 50 foot street that is proposed as a major arterial street with 80 feet of right-of-way. This will effect the subject property by approximately 15 feet rather than 10. There has been no offer of right-of-way from the property included as additional area and the staff recommends that the additional area be excluded until the street is made adequate in front of it.

Mr. Wroe stated that in his opinion, "B" zoning as requested to allow parking is proper for the subject property but not for the additional area. The additional area was included as an accommodation zoning that is caused by an inadequacy in the Zoning Ordinance. Uses established under the "B" classification for the additional area would not be proper for this area.

Mr. Jackson was of the opinion that "GR" zoning on the subject property would be logical as an extension of existing zoning.

The Commission discussed the fact that normally it is a Commission policy to require that streets serving multi-family and commercial development have 60 feet of right-of-way. They recognized that 10 feet of widening as offered by the applicant, is adequate, but noted that the Master Plan calls for Woodrow Avenue to have 80 feet of right-of-way and felt that this should be a Council decision. The Commission then concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dr. S. J. Clark Estate for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5000 Woodrow Avenue and the additional area located at 4918 Woodrow Avenue be DENIED.

C14-67-111      Richard F. Lannert and William J. Scudder: A to BB  
                   4706-4710 Depew Avenue  
                   Add'n Area: 4704 Depew Avenue

STAFF REPORT: This application covers two lots totaling 15,360 square feet. The stated purpose of the application is for constructing a triplex. The lot adjoining to the south has been included as additional area in order to complete the zoning pattern. This area is predeominantly zoned and developed with single-family residential although there is "C" zoning established to the south along 47th Street between Red River and Depew Streets; however, this area is not developed commercially. "C" Commercial zoning and development does exist to the east of Airport Boulevard. "B" Residence, First Height and Area is established on property to the west having frontage along Red River Street, but the area is still undeveloped. Red River, with a present right-of-way of 50 feet, is classified as a major arterial street which will tie in with 53rd Street, and is scheduled to be widened. The merit in the application is that it could serve as a buffer or gradation of zoning between the existing "C" property and the residential property. The rezoning should be held and not continue further along the street, without further study being made of the area in regards to streets, housing conditions, etc.

#### TESTIMONY

##### WRITTEN COMMENT

Code

W            Henry Ulrich: 504 West St. Johns

AGAINST

##### PERSONS APPEARING AT HEARING

Code

A            Richard F. Lannert (applicant)

A            William Scudder (applicant)

#### SUMMARY OF TESTIMONY

Mr. Richard Lannert appeared at the hearing and stated that a duplex has been moved onto the north lot under consideration. When the subject property was purchased, both of the lots under consideration were vacant. This is an old neighborhood and several buildings have recently been moved into the area. There is a short form subdivision on this subject property which will allow for improvement of the site. There will be a hard surfaced parking area that will help to alleviate some of the parking problems. Six off-street parking spaces will be provided. "BB" zoning would provide a natural buffer from the commercial zoning to the south.

No one appeared in opposition to the request.



C14-67-111 Richard F. Lannert and William J. Scudder--contd.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the requested zoning will tend to complete a zoning pattern and serve as a buffer zone between the existing commercial zoning and residential development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard F. Lannert and William J. Scudder for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4706-4710 Depew Avenue and additional area located at 4704 Depew Avenue be GRANTED.

C14-67-112 H. C. Carter: A, 1st to LR, 1st (as amended)  
2000 Koenig Lane

STAFF REPORT: This site covers 7,200 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for offices. The area to the north of Koenig Lane is developed predominantly with single-family residential development. To the east is "LR" zoning which was established in 1960 and 1962 and is developed with an insurance office. Further east is "C" Commercial zoning which is developed with a service station. To the west of the subject property, west of Laird Drive, is "C" Commercial zoning which is developed with a mixture of commercial uses. The area south of Koenig Lane is developed predominantly with "A" Residential development. Koenig Lane, with a present right-of-way of 70 feet, is classified as a major arterial street and is scheduled to be widened to 90 feet; which will require 10 feet of right-of-way from the subject property. If the street is made adequate, the staff would be in favor of "LR" First Height and Area zoning for the area between Camino Real and Laird Drive because of the existing zoning to the east and west. The staff does object to the Second Height and Area classification as this would reduce the setback from 25 feet to 10 feet and it is felt that the 25 foot setback is needed from Koenig Lane, a major arterial street.

#### TESTIMONY

##### WRITTEN COMMENT

Code

? Nelson Puett, Jr.: P.O. Box 9038

FOR

##### PERSONS APPEARING AT HEARING

Code

William Scudder (representing applicant)

C14-67-112      H. C. Carter--contd.

## SUMMARY OF TESTIMONY

Mr. William Scudder appeared on behalf of this request and presented the following information: The plans are to develop a small office type building on the subject property. The requested zoning is in keeping with zoning along Koenig Lane. Mr. Scudder further stated that there is no objection to a 25 foot setback along Koenig Lane therefore, it is requested that the application be amended to "LR" First Height and Area. The 10 feet of right-of-way that is needed for future widening of Koenig Lane has been discussed with the staff and this is agreeable as the more traffic on the street the more desirable the property becomes.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amended application. They recognized Mr. Scudder's offer to dedicate the necessary right-of-way for future widening of Koenig Lane and felt that in view of this offer, this request should be granted, as amended, as this is the proper zoning for the area along a major arterial street.

At the Commission meeting, the staff reported that a letter offering to dedicate right-of-way for Koenig Lane has not been received from the applicant. Mr. Burnette advised the Commission that he had discussed this with Mr. Carter and a letter has been mailed. The Commission agreed that the requested zoning is proper zoning for the area along a major arterial street; however, they felt the request should be denied at this time because of the inadequate right-of-way of Koenig Lane. They stated they would look with favor on the requested zoning when the street is made adequate. It was then

VOTED: To recommend that the request of H. C. Carter for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (as amended) for property located at 2000 Koenig Lane be DENIED.

C14-67-113      O. H. Poole: A, 1st to B, 2nd  
4509-4511 Avenue B

STAFF REPORT: This site consists of 15,600 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 20 apartment hotel units or 10 regular units on the property. This area is part of the Hyde Park Annex, and developed predominantly with single-family residences. "B" Second Height and Area zoning is established to the west along Avenue A, which is developed with apartments; "O" Office zoning exists on Avenue A north at West 45th Street and "C" and "B" zoning is established to the west along Guadalupe Street. Avenue B, with a present right-of-way of 50 feet, is

C14-67-113 O. H. Poole--contd.

inadequate to serve multi-family development and should be widened to 60 feet if the change is granted. West 46th Street with 40 feet of right-of-way is partially paved. The staff recommends that this request be denied as it would be an intrusion into a well-established residential area and the streets are inadequate to serve the proposed use.

## TESTIMONY

## WRITTEN COMMENT

## Code

AL	F. B. Sturdivant: 4412 Avenue B	AGAINST
U	A. L. Koelzer: P.O. Box 1414	FOR
AW	Elsie Woosley: 4518 Avenue B	AGAINST
M	Mrs. E. L. Sparks: 4512 Avenue C	AGAINST
BB	Mrs. J. M. Mitchell: 4508 Avenue B	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	James H. Hudson (representing applicant)	
B	N. L. Gault: 4513 Avenue B	AGAINST
C	R. R. Schroeder: 4517 Avenue B	AGAINST
C	Mrs. R. R. Schroeder: 4517 Avenue B	AGAINST
E	Fred W. Johnson, Jr.: 4521 Avenue B	AGAINST
F	Lee H. Kilgore: 4523 Avenue B	AGAINST
G	John McKean: 4525 Avenue B	AGAINST
G	Mrs. John McKean: 4525 Avenue B	AGAINST
AY	J. B. Mock: 4514 Avenue B	AGAINST
AZ	S. B. Speir: 4512 Avenue B	AGAINST
	One petition (22 signatures)	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. James Hudson, representing the applicant, stated that the purpose of the requested zoning is to have an apartment house with approximately 15 units, 35 off-street parking spaces and a swimming pool. The neighborhood is rapidly changing into a residential apartment area. With duplexes on the corner, it is felt that this property is no longer residential property. There should not be any great traffic problem even though more families will be in the area because 45th Street goes through and carries a great deal of crosstown traffic.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request and presented a petition. They stated that this a quiet residential neighborhood that should not be changed. Avenue B is a narrow street which is inadequate to handle apartment traffic. The change to apartment zoning would be an intrusion into this neighborhood on a residential street that would create a traffic hazard.

C14-67-113 O. H. Poole--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is an intrusion into a residential area and the streets are inadequate to serve multi-family use.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of O. H. Poole for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4509-4511 Avenue B be DENIED.

(ABSTAINED: Mr. Jackson)

C14-67-114 E. D. Bohl: C to C-2  
602 Oltorf Street

STAFF REPORT: This application covers a small site containing 6,200 square feet. The stated purpose of the application is for liquor retail. The area is developed with commercial development along South First Street and "A" Residential development to the west. A request for "O" Office zoning was made on property at the corner of South Third and Oltorf Street at which time the Commission recommended denial as it would be an intrusion into an "A" Residential District. This request was denied by the City Council. Oltorf Street, with a present right-of-way of 60 feet, is to be widened to 90 feet in the future. The staff feels that this is a question of Commission policy as to whether or not the area is a well-defined and developed commercial area; if the Commission feels this is such an area, it has been the practice of the Commission to grant "C-2" zoning only to the particular area needing the classification.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

D	Vincente E. Tijerina: 608 West Oltorf	AGAINST
K	Joe M. Uriegas: 611 Fletcher	AGAINST
?	Erwin K. Stork: 1512½ S. Congress	AGAINST

C14-67-114      E. D. Bohl--contd.

## SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

One nearby property owner appeared in opposition to this request. He stated that it is his opinion that "C-2" zoning in this location would be a disadvantage to the City and to the people of the area. Allowing a store that can sell liquor adjoining a residential area would be an infringement.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied. They recognized that the subject property is zoned "C" Commercial, but felt that the requested zoning would not be proper as the subject property abuts a residential neighborhood.

At the Commission meeting, Mr. Jackson was of the opinion that "C-2" zoning as requested on the subject property is proper as this is a well-defined and well-developed commercial area. "C-2" zoning exists to the south and north of the subject property so the requested zoning is logical.

Mr. Wroe stated that the Committee did consider the fact that South First Street is a commercial street but felt that the existing commercial zoning in this location is a strip zone along that street. The requested zoning would be suitable if the property faced onto South First Street; however, the subject property is on the fringe of the residential area and the Committee felt that this would be a detriment to the residential area.

Mr. Burnette informed the Commission that he discussed the use of the property with the applicant who indicated that the subject property would be used as a package store or a lounge.

After further discussion, a majority of the members concurred with the Committee recommendation, and

VOTED:      To recommend that the request of E. D. Bohl for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 602 Oltorf Street be DENIED.

AYE:        Mrs. Naughton and Messrs. Wroe, Smith and Dunnam  
NAY:        Messrs. Bluestein, Jackson and Brown  
ABSENT:     Messrs. Riley and Hazard

C14-67-115      Bruno Milburn: A to B  
 4312 & 4314 Marathon Boulevard  
 1101-1103 West 44th Street

STAFF REPORT: This application covers two lots totaling 13,000 square feet of land which are undeveloped. The stated purpose of the application is to build either two duplexes, one fourplex or one hexaplex. The subject property is located in a well-developed residential area. If the zoning on the subject property is changed, the staff would recommend that the entire area be considered. It is recognized that "B" zoning, granted in 1954, exists in the area but the property is not developed with apartments. There is strip commercial zoning to the east along Lamar Boulevard. The staff recommends this request be denied as it would be an intrusion into a residential area; however, if the Committee sees merit in the application, it is recommended that 5 feet of right-of-way be required for future widening as rezoning should be taken into consideration on an area wide basis.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

S	Mrs. Irene G. Coy: 4308 Bellvue	FOR
BA	Ernest Lauterback: 4401 Marathon Boulevard	FOR
AU	Frank R. Rundell: P. O. Box 455	FOR
AQ	Mrs. C. O. Johnson: 4305 Marathon Boulevard	FOR
BD	R. T. Spaw: 5608 Jim Hogg	FOR
B	Leroy Piper: 1609 Larkwood Drive	AGAINST
C	Minerva E. Perreteon: Route \$ Box 165, Elgin, Texas	FOR

##### PERSONS APPEARING AT HEARING

###### Code

A      Bruno Milburn (applicant)

#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and presented the following information: As indicated by the staff, this is basically a residential area. What was not pointed out is that the lot directly adjoining the subject property to the south is developed with a duplex. There are other duplexes in the area also. There are three lots on Marathon that contain a house and a garage apartment. A small bungalow has recently been moved in on a lot to the east. This area is changing and will continue to change toward rental property. The taxes have more than doubled on the subject property in the last 10 years, however, if the zoning change is granted, the property can be developed so that some return can be gained from the property.

The subject property is vacant and is detrimental to the area. The Health Department has indicated several times that people are dumping trash on the property; this will not happen if a building is constructed. Lamar Boulevard, only one block from the subject property, is basically a commercial street and this trend is growing and extending into this area. The new hospital

C14-67-115 Bruno Milburn--contd.

and medical center is being developed approximately 7 blocks from the subject property. If the entire area is rezoned, it will fit this purpose. Nothing is planned for the subject property that would be detrimental to any of the other land owners. The zoning as requested will allow a good fourplex which would take in no more people than duplexes developed individually on the lots. There will be sufficient off-street parking provided. The rezoning of the property will give the occupants more for their money and yield more return on the money invested. The basic flow of traffic will be from the north and south. The development as proposed will not increase the traffic load any more than the development that is permitted under the present zoning.

Mr. Wroe advised the applicant that in the event the zoning change is granted, he would have to correct the right-of-way situation on his property. Mr. Milburn stated that he would expect to do this.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into a residential neighborhood, and the existing street pattern is inadequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Bruno Milburn for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4312 and 4314 Marathon Boulevard and 1101-1103 West 44th Street be DENIED.

C14-67-116 John Peterson: A, 1st to B, 1st (as amended)  
105-215 West Lola

STAFF REPORT: This application covers nine lots, totaling 74,095 square feet. Each lot, containing approximately 8,125 square feet, is developed with a fairly new two-family dwelling. The stated purpose of the application is for constructing apartments. "GR" zoning is established north of West Powell Lane and south of Wonsley Drive. The area east of the subject property is predominantly single-family and two-family development. "C" Commercial zoning was established on a large tract adjoining to the west for the Red Arrow Freight Company in 1966. Since that time, "C" Commercial zoning has been granted on property north of West Powell Lane, subject to provision for right-of-way. Lola Drive is a dead-end street and the staff feels this limits the use of the property served by it. The staff does not feel widening of Lola Drive would be of substantial benefit as it dead-ends. It is anticipated that Georgian Drive will extend south to Highway 183. The subject property and the adjacent area is served by West Powell Lane, Purnell Drive and Wonsley Drive all of which are inadequate streets for more intensive use.

C14-67-116      John Peterson--contd.

The staff feels that "B" Second Height and Area is not proper due to the street situation. The proposed zoning, if all of the lots are combined into one site, would permit a total of 43 regular apartment units or 86 apartment hotel units. The staff questions the rezoning of the property as the land is developed and well utilized. The duplexes existing on the property are fairly new and well-kept. The staff recommends denial of this request because of the existing zoning and development in the area, and the inadequate street pattern.

## TESTIMONY

## WRITTEN COMMENT

## Code

S	Don J. Jackson: 6002 Spancreek Circle	FOR
M	Frederick J. Juby: 203 West Powell Lane	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	John Peterson (applicant)	
N	Fred E. Mooney: 201 West Powell Lane	AGAINST
S	Don Jackson: 6002 Spancreek Circle	FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and presented a sketch of the proposed development. He stated that the plans are to add to the existing structures. Eight of the nine lots will be developed with two structures and one of the lots will be developed with one structure and a swimming pool. Adequate off-street parking will be provided. A nearby property owner appeared in favor of this request and stated that in his opinion the requested zoning is in keeping with the development of the area.

## Arguments Presented AGAINST:

A nearby property owner appeared in opposition to the request and stated that Lola Drive is not wide enough for the existing traffic because of the cars parked along both sides of the street.

Mr. Peterson requested that his application be amended to "B" Residence, First Height and Area.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amended application. They reviewed the information presented and concluded that this request should be denied as the requested zoning is too intensive for the area, and would be an intrusion into an area which is presently residential in character.



C14-67-116 John Peterson--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John Peterson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 105-215 West Lola Drive be DENIED.

C14-67-117 Austin Northwest Development Company: Int. A, Int. 1st to GR, 1st  
 Tract 1: 2925-2927 & 3001-3027 Anderson Lane (as amended) (Tr.1)  
 7841-7865 Shoal Creek Boulevard and B, 1st (Tr.2)  
 Tract 2: 7801-7839 Shoal Creek Boulevard  
 2619-2940 Foster Lane

STAFF REPORT: This application involves two tracts of undeveloped land. Tract 1 contains 3.03 acres and Tract 2 contains 3.02 acres, making a total of 6.05 acres of land. This area was recently annexed to the City, and the streets were dedicated by separate instrument. The area across Foster Lane to the south is Allandale Resub. 9 a recent residential subdivision. The houses in Allandale Park Section 9 are new or under construction. The staff does not oppose commercial development on Tract 1; however, would look with favor on "GR" for Tract 1 instead of "C" Commercial as requested, and "B" for Tract 2, as streets are adequate and apartments would provide separation of residential and commercial. The staff feels that the applicant should do a more comprehensive plan, for the use of their land as the subject property is only a part of the large area they own.

Anderson Lane and Shoal Creek Boulevard both have 90 feet of right-of-way. When the Allandale Park, Section 9 subdivision was platted to the south, right-of-way was dedicated to bring Foster Lane up to 60 feet; however, the subdivision plan shows some angling and additional right-of-way may be needed from Tract 2 for this portion of Foster Lane.

## TESTIMONY

## WRITTEN COMMENT

Code

C Sam E. Dunnam: 2006 Bank of the Southwest Bldg. AGAINST  
 Houston

## PERSONS APPEARING AT HEARING

Code

James Crozier (representing applicant)  
 ? John E. Coats: 2904 Pincrest Drive FOR

C14-67-117      Austin Northwest Development Company--contd.

#### SUMMARY OF TESTIMONY

Mr. James Crozier, representing the applicant, offered the following information: The streets in this area have 90 feet of right-of-way and 60 feet of paving which is adequate. A plan for the area is being worked on but it is not ready at this time. The subject property is the first land that was released to the applicant for development.

Mr. Crozier further stated that he would like to amend the request on Tract 1 to "GR" zoning as recommended by the staff. Tract 2 will be used for apartments. The requested zoning is an orderly transition from single-family residential backing up to multi-family units and commercial development. There is industrial property north of Anderson Lane and west of the proposed Grist Boulevard. Grist Boulevard is not a dedicated street at this time. It is felt that general retail usage on Tract 1 would offer a buffer for the residential area.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amended application. They reviewed the information presented and concluded that "GR" General Retail, First Height and Area zoning for Tract 1 and "B" Residence, First Height and Area for Tract 2 should be granted as the proper zoning for the area subject to determination of the right-of-way of Foster Lane.

At the Commission meeting, Mr. Dunnam stated that he would like to call to the attention of the Planning Commission the fact that Anderson Lane is obviously going to be a major commercial street. He stated that he has considerable knowledge of what is planned up and down Anderson Lane and the Commission should be cognizant of the fact that virtually every piece of property on Anderson Lane from the Interregional Highway to Spicewood Springs Road is commercial property with very intensive development planned, including at least two major shopping centers. Mr. Dunnam recommended, as a general area planning, that the Commission take into consideration a 120 foot width for Anderson Lane because of the proposed intensive development. The additional right-of-way should be acquired now while the land is vacant and before development occurs.

Mr. Stevens advised the Commission that Anderson Lane and Shoal Creek Boulevard with an existing 90 feet of right-of-way complies with the Transportation Plan that was recently adopted and made a part of the Master Plan. The Council determined the paving width for Anderson Lane at 60 feet.

Mr. Dunnam stated that the 60 feet of paving is fully adequate for the time being but in 5 or 10 years as development occurs, the right-of-way would be insufficient.

C14-67-117      Austin Northwest Development Company--contd.

Mr. Jackson stated that the Commission is governed by what meets the requirements of the Master Plan at the present time and the provision for 90 feet of right-of-way does comply.

Mr. Bluestein was of the opinion that future paving of streets should be from 64 to 68 feet instead of 60 feet which could be accomplished with 80 or 90 feet of right-of-way, as this would allow a full 4 lane street.

Mr. Stevens advised the Commission that the right-of-way of Foster Lane along the subject property has not been determined as yet but the staff is working on it. There has been some dedication from Allandale Park, Section 9 subdivision to the south, but there may be a need for a small amount of additional right-of-way from the subject property.

Mr. Crozier advised the Commission that the applicant has recently purchased, from the City of Austin, the small corner abutting the street which does angle. If additional right-of-way was required, this would not have been sold. The 90 feet of right-of-way for Anderson Lane and Shoal Creek Boulevard was dedicated through the subject property.

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

VOTED:      To recommend that the request of Austin Northwest Development Company for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (Tr.1) (as amended) and "B" Residence, First Height and Area (Tr.2) for property located at (Tr.1) 7841-7865 Shoal Creek Boulevard and 2923-3027 Anderson Lane and (Tr.2) 7801-7839 Shoal Creek Boulevard and 2914-2940 Foster Lane be GRANTED.

(ABSTAINED: Mr. Dunnam)

C14-67-118      Alex Warren: A to LR (Tr.1) & A, 1st to C, 2nd (Tr.2)  
                  Tract 1: 1508-1510 North Street  
                                  5207-5211 Jim Hogg Avenue  
                  Tract 2: 5209 Burnet Road  
                                  5206-5212 Jim Hogg Avenue

STAFF REPORT: This application involves two tracts of land totaling 72,053 square feet. The stated purpose of the application is for a shopping center as permitted by the Zoning Ordinance. The "C" Commercial zoning boundary created along Burnet Road is on a strip basis which cuts through the subject property. Jim Hogg Avenue, a dedicated gravel street extending from North Loop Boulevard, dead-ends at the subject property. Tract 2 is effectively cut off from Burnet Road by a creek and bridge. At some locations the strip zoning boundary was changed to follow the lot lines. The applicant also owns the existing commercial property abutting the two tracts under consideration. The zoning change is requested so that this commercial use can be

C14-67-118 Alex Warren--contd.

expanded. The staff does encourage the expanding of existing commercial areas where it is proper and does not burden the adjacent neighborhood. It is felt that this change would be proper, provided the right-of-way of North Street is made adequate. North Street is a 50 foot street which should be widened to 60 feet. An application has been made to vacate the stub portion of Jim Hogg Avenue that is located between Tract 1 and Tract 2. This portion of the street was included in the notice so that a recommendation can be made on the proposed future vacated area so that it can be tied together as one parcel of land. The staff feels that the property along Jim Hogg Avenue to the north will eventually be utilized for apartments or commercial use. Burnet Road with a present right-of-way of 60 feet, is to be widened to 90 feet in the future to meet the standards of the Development Plan.

## TESTIMONY

## WRITTEN COMMENT

## Code

AD	Thelma V. Chank: 1501 North Street	FOR
AN	Mrs. F. O. Reinke: 5208 Jim Hogg Avenue	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	John Selman (representing applicant)	
C	Vernon Hohmann: 5213 Jim Hogg Avenue	AGAINST
C	Mrs. V. E. Hohmann: 5213 Jim Hogg Avenue	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John Selman, representing the applicant, stated that there is a small commercial center developed on property abutting the tracts under consideration. The zoning change is requested so that this present commercial center can be extended. Naturally the way the terrain lies with the creek coming up to Burnet Road, it would be the type of center proposed where the buildings would face out and utilize the back portion so that the traffic can flow in and out. The applicant has agreed to give 5 feet of widening for North Street, from the subject property and property adjoining. The best utilization of this property is as planned. The core of zoning which is commercial, begins on Burnet Road and the next gradation of this is "GR" or "LR" which will work at this particular location. It is realized that when commercial zoning is established next to residential or residential type development that a fence or buffer zoning is needed. The applicant proposes in this particular case, if the plans can be worked out, to erect a fence on the north side of the property so that people will not be facing into commercial establishments. Mr. Selman further stated that when the final plans for the development are worked out there may still be ingress and egress for City garbage trucks on Jim Hogg Avenue.

C14-67-118      Alex Warren--contd.

Arguments Presented AGAINST:

A nearby property owner appeared in opposition to this request. She stated that she has lived on this street for many years and would like for the zoning to remain as residential "A" zoning. If Jim Hogg Avenue is closed, there will not be any place for people to turn around and there will not be sufficient room for garbage trucks to get in and out.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the offer to dedicate the necessary right-of-way for North Street and were aware of the development problems resulting from strip zoning. They concluded that this request should be granted as this would provide better depth for commercial development and expansion along Burnet Road.

At the Commission meeting, Mr. Stevens reported that Mr. John Selman, representing the applicant, advised the staff that there is concern about additional right-of-way from the applicant's property adjoining the property under consideration. At the zoning meeting, Mr. Selman stated that the applicant would provide right-of-way from the subject property and the adjoining property; however, there may be an existing commercial building on the adjoining property that is within the five feet needed for right-of-way. The applicant does not wish to dedicate any property with a building on it. A letter offering to dedicate the right-of-way is being withheld until it can be determined as to whether or not the commercial building does exist within the five feet needed.

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

VOTED:      To recommend that the request of Alex Warren for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (Tract 1) and "C" Commercial, Second Height and Area (Tract 2) for property located at (Tract 1) 1508-1510 North Street and 5207-5211 Jim Hogg Avenue and (Tract 2) 5209 Burnet Road and 5206-5212 Jim Hogg Avenue be GRANTED.

SPECIAL PERMITS

C14-67-8      Brookwood Park Mobile Homes: Mobile Home Park  
                  3612-3618 Manchaca Road  
                  Rear of 3700-3710 Manchaca Road

STAFF REPORT: This application has been filed as required under Section 5-B and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a trailer court with 47 lots and one playground.

CP14-67-8 Brookwood Park Mobile Homes--contd.

The subject property was zoned "LR" Local Retail in April of this year at which time the Commission noted that the applicant would have to file an application for a special permit in order to use the property for a mobile home park.

The staff reviewed the following departmental comments:

- |                          |   |
|--------------------------|---|
| Health                   | - APPROVED. Sanitary sewer line available.  |
| Storm Sewer              | - Plan complies with requirements.  |
| Director of Public Works | - Meets with our approval.  |
| Fire Prevention          | - Fire protection requirements must comply with Article 11.1404 (17) of the Austin Fire Code. Public water supply is adequate.  |
| Office Engineer          | - Require request for Ltd. Comm. driveway into private drive for entrance off of Manchaca Road.   |
| Electric                 | - Need five feet electric easement in rear of all lots and along west line of Lot #1 and along west line of private drive on west side of sub.  |
| Building Inspector       | - Our zoning maps show this property to be zoned Local Retail. This does require a special permit. 1. All private drives must be asphalt or equal. 2. Sewer, water and gas must comply with plumbing code.  |
| Fire Protection          | - Recommended fire hydrants marked in red on plan.  |
| Tax Assessor             | - No objection.   |
| Traffic Engineer         | - OK.   |
| Water and Sewer          | - Water available from existing eight inch main in Manchaca Road. Fire hydrants requested by Fire Department for Fire Protection will require a minimum size main of six inches to serve them. A fire demand water meter will be required. Sanitary sewer is available from existing main on Manchaca Road. |
| Advanced Planning        | - Recommend that access not be provided to Prather Lane and Keats Street. The site plan submitted shows a private drive to that point. The site plan should be modified to exclude that.  |

CP14-67-8 Brookwood Park Mobile Homes--contd.

The staff recommends approval of this request subject to the conditions as outlined.

Mr. Riley asked about the street widths in this area as some of the new trailers are very long and wide.

Members of the Committee expressed concern about the section of the Ordinance pertaining to trailers, and asked when this section was last studied and revised. They felt this type of development should be considered very carefully and that this portion of the Ordinance should be reviewed.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

Buford Stewart (representing applicant)  
? Virgil Waggoner: 2012 Fortview FOR

## SUMMARY OF TESTIMONY

Mr. Buford Stewart, representing the applicant, stated that a first class trailer park is planned for the subject property and all of the requirements by the City will be complied with.

Mr. Wroe asked if provision was being made for trailer sales. Mr. Stewart explained that the applicant has no plans for trailer sales at this location as he has an existing business on Lamar Boulevard. There are approximately eight trailer sites planned for each acre of land, which is more area than is required by the Ordinance.

Mr. Stevens stated that the staff recommends a privacy fence on the south property line to protect the single-family residential dwellings on the south. Mr. Stewart stated that this would be agreeable. There will not be any access onto Keats Drive.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved pending compliance with departmental reports and with the condition that there will be no access from Keats Drive.

CP14-67-8 Brookwood Park Mobile Homes--contd.

At the Commission meeting, the members briefly discussed the section of the Ordinance pertaining to trailer parks. They agreed with the Committee that this section of the Ordinance should be reviewed at some point in the future. They noted that this Special Permit has complied with all requirements of the Ordinance and felt that it should be granted. After further discussion it was then

VOTED: To APPROVE the request of Brookwood Park Mobile Homes for a Special Permit to allow a mobile home park to be located at 3612-3618 Manchaca Road, and the rear of 3700-3710 Manchaca 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 ten days following the decision of the Planning Commission.

CP14-67-9 William J. Turman: 60 unit apartment dwelling group  
622 South First Street  
 Rear of 618-800 South First Street

STAFF REPORT: This application has been filed as required under Section 5 and according to procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. The site plan, containing 109,900 square feet of land, proposes 60 apartment units in 3 three story buildings, parking spaces, and a recreation area with one swimming pool. A zoning change to "B" Residence, Second and Fourth Height and Area is being requested on the subject property.

The staff reviewed the following departmental comments:

Storm Sewer	- Plan complies with requirements.
Health	- Approved. Sanitary sewer line available.
Traffic Engineer	- OK.
Electric	- Will need electric easements.
Tax Assessor	- No objection.
Fire Prevention	- OK.
Office Engineer	- Require request for commercial driveway.
Director of Public Works	- Location of driveway meets with our approval, however, will need application and approval for it before construction begins.
Fire Protection	- Recommended fire hydrants marked in red on site plan.



CP14-67-9 William J. Turman--contd.

## Building Inspector

- From a zoning standpoint only, there appears no difficulty. This is assuming the requested zoning is finally passed. This includes no approval from the standpoint of the building code.

## Water and Sewer

- Water is available from existing six inch main in South First Street. Fire hydrants required for protection will require a minimum size main of six inches to serve them. A fire demand water meter will be required. Sanitary sewer service available in South First Street and by connection to existing main in easement in East Bouldin Creek. Main in East Bouldin Creek is approximately 350 feet west of proposed apartments.

## Advanced Planning

- Very little usable open space is provided. Consolidating open space might improve the layout.

Mr. Riley stated that the applicants are requesting zoning for the entire tract but that they are submitting only a partial development plan.

Mr. Stevens explained that the applicant proposed to develop subject tract of land in phases, which may take care of the problem of usable open space. The entire site is ten acres but the plan is to utilize only  $2\frac{1}{2}$  acres at the present time. There is an existing seven unit structure on property which is located to the right of the driveway leading into the site. The plans are to leave this structure and build another structure with a swimming pool. The access into the site is a paved two lane driveway which is twenty-five feet in width.

Mr. Riley stated that in his opinion a twenty-five foot street is inadequate to serve the number of units that are proposed on this site. He stated that another means of access should be considered.

Mr. Stevens advised the Committee that if the requested zoning is granted, the request would meet the technical requirements of the Ordinance. The staff questions the amount of usable open space. If the site is to be used as a single site, including the entire ten acres, there must be a replatting of the property to create the one site. The applicants will be expected to take care of the cost of fire protection and drainage.

CP14-67-9

William J. Turman--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

William J. Turman (applicant)

W. R. Coleman (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Bill Turman stated that there is only one entrance into the subject site at this time. The plans are to make the existing access the major entrance into the property. For the first phase of development, the existing entrance is sufficient, but it is realized that the entrance will have to be improved in the future. The entire driveway will be paved. Plans are being worked on but at this point it is not known where the building on the entire site will eventually be located. The only concern at this time is with the first 60 units. There is an old house existing on the property that has been converted into apartments which will be maintained.

Mr. W. R. Coleman presented a plot plan for the first 60 units proposed on the property. He stated that the special permit classification in the Zoning Ordinance limits individual buildings on a particular location to within six inches. The plans are to eventually erect a high rise apartment structure on a portion of the subject property; however, this is in the last phase of the proposed development period. The first five stories of the high rise would not go above the high point of the land at the present time even though a request is being made for zoning that would allow a one hundred fifty foot building. The zoning is requested on the balance of the tract so that the financing can be handled in a total package with the lending institution. The over all plan for the property is not exact although the plan does follow the contours of the land. Studio apartments will probably be developed along the creek and approximately 500 units are proposed for the entire project which will include the high rise development.

Mr. Turman explained that although development will occur on the entire ten acre tract at this time, the zoning is needed so that land can be considered as one tract.

Mr. Dunnam and Mr. Riley were concerned about the access into the area and about the parking. Mr. Coleman indicated that because of the parking requirements, the layout is not as desirable as it would be if all of the property could be developed at one time.

No one appeared in opposition to the request.

CP14-67-9 William J. Turman--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the entries into the area, and the lack of an overall plan for the entire ten acres. The Committee felt that the first phase of development could work to the detriment of the total development, without the consideration of an overall plan. In addition, the existing zoning would not support the proposed development.

At the Commission meeting 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.

CP14-67-10 Max Kaplan: 124 unit apartment dwelling group  
307-513 East Oltorf Street

STAFF REPORT: This application has been filed as required under Section 5-C and Section 6, and according to the procedure as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 124 units, 220 off-street parking spaces, one swimming pool, two laundry buildings, mechanical storage and space, one recreation building, and one office building (inter-connected with the apartments). The subject property is zoned "GR" General Retail, First Height and Area, with the exception of the west 30 feet which is "C" Commercial, First Height and Area. The site contains approximately four acres of land, excluding the west 30 feet.

The staff reviewed the following departmental comments:

Building Inspector

- In compliance with your request, the following information is submitted: 1. It would appear that a resubdivision is necessary. 2. The parking arrangements and lot area are okay if the 30 foot strip of land is included in large tract. Looks like additional information is needed to comply with Building Code, therefore this approval does not include any of the Building Code requirements.

Electric

- Need five feet utility easement along east line.

Storm Sewer

- Developer should indicate on his plan how he proposes to drain parking area along the east side of his tract. Most of this area needs to drain to Oltorf Street.

CPI4-67-10 Max Kaplan--contd.

Health

Water and Sewer

Director of Public Works

Office Engineer

Traffic Engineer

Fire Protection

- Approved. Sanitary sewer line available.
- Sanitary sewer is available on the south side of East Oltorf Street 80 feet plus east of the northeast corner of the tract. There is an existing sanitary sewer 25 feet west of the west property line of the tract that will serve part of the proposed buildings. A six inch cast iron water main crosses East Oltorf Street at Rebel Road. A fire hydrant will be required on the northeast corner of the tract which can be connected to this main. A fire hydrant will be required at the southeast corner of the tract. A six inch water main to serve this hydrant could be laid from the existing six inch water main 25 feet west of the west property line of the tract. Openings should be left in any fence on the west side of the tract to allow the fire department to use the fire hydrants along the rear of Congress Avenue Square. Water service will be available through a meter located at either the northeast corner, the northwest corner or along the west property line of the tract.
- Location of driveways meet with our approval. Will need application and approval of them before construction begins.
- Require request for commercial driveways.
- OK.
- Recommended hydrant locations marked in red pencil on site plan, also must have 25 foot turning radius on all street corners for Fire department apparatus.

CPI4-67-10 Max Kaplan--contd.

Mr. Stevens reported that there is a question with regard to the westerly 30 feet of the property under consideration.

Mr. Goodman, representing the applicant, has advised the staff that this 30 foot strip will belong to the applicant by title or by letter. They now have a perpetual easement on it. Mr. Cortez, Assistant City Attorney, stated that as long as the 30 foot strip is an easement the applicant is not entitled to use it as a density factor. The subject property could be considered as a site, excluding the 30 foot easement. The exclusion of this 30 foot strip would delete approximately eight units from the plan; however, this area could be used for parking purposes.

Mr. Stevens explained that the easement is for the driveway and the parking spaces would be on the subject site. If title to this strip is not acquired, the number of units would be diminished from 124 to 116. The applicant has indicated that he would like to have some flexibility in the Commission's action. If they do acquire the strip by title they can add the eight units, if not, they will drop the units. The staff does not object to this proposal provided the legal department and the building inspector approves the request.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

AB	Mr. & Mrs. H. G. Krauss: 2309 Rebel Road	FOR
?	W. E. Lawler: 2512 Friar Tuck Lane	NO OPINION
?	J. A. Glidewell: 4613 Lennox	NO OPINION
	Jack Goodman (representing applicant)	

#### SUMMARY OF TESTIMONY

Mr. Jack Goodman, representing the applicant, stated that the property adjoining to the west, zoned "C" Commercial, is developed with a shopping center owned by Mr. Clapp who is trustee for the property. When the subject property consisting of approximately four acres was sold to the applicant a 30 foot perpetual easement was granted for ingress and egress from Oltorf Street to Long Bow Lane. This is perpetual and is designed to serve both the development on the subject property and the shopping center development to the west.

Mr. Goodman further stated that the applicant's architect was not familiar with the density requirements under the Austin Zoning Ordinance when the plan for the subject property was designed; therefore, the westerly 30 foot strip was used for computing the density allowed on the subject property. Following that, the applicant made application to the financial lender who approved a

CP14-67-10      Max Kaplan--contd.

loan on 124 units. When the request was submitted to the planning department, the error was discovered. One of the simple ways to solve this problem is for the adjoining owner to sell that strip of land to the applicant, but he also has a mortgage on his property and he would therefore have to go back to his prime mortgage holder and get a release on this strip so that he would have clear title in order to sell it to the applicant, who would in turn, grant him a perpetual easement for access. This transaction would take approximately three months to accomplish. It is felt that the Commission can consider this strip for density as well as ingress and egress and approve the plan as submitted which would prohibit the 30 foot strip from being developed with any buildings. On a practical basis, the density requirements are met, it is requested that the Commission approve this special permit for 124 units on the property with the problem existing.

With reference to departmental comments, there are items that should be discussed. On the electrical easement, the comment was that they would like an overhead aerial easement on the east property line. The applicant would agree to that although there is no proposal to develop any electrical easement over this way. There will be under ground distributors to the buildings on the site. An easement was also requested across the south boundary line. There is no need for this. The electrical department has agreed and will advise the planning department of this matter.

Mr. Stevens explained that the electrical department did drop easement along the west and south.

Mr. Goodman stated that there is no need to develop this as the property to the south is being served already. The applicant does not want any power lines across the back of the subject property. The remainder of the departmental reports will be complied with.

Mr. Riley asked about deleting eight of the proposed units until the legal problem on the 30 foot easement area could be solved.

Mr. Cortez advised the Committee that one problem in allowing this 30 foot easement to be used in computing density for the subject property is that the adjoining owner could also use the same easement area for the same purpose as the ownership is with that property and the Ordinance contemplates that all property developed be as one site.

Mr. Dunnam was of the opinion that this should not be much of a problem as the shopping center that is already developed is probably not using the easement area for their density. This should be a part of the consideration. If they are not using the maximum area there is an overlap of function when there is really not much of a difference. Mr. Cortez replied that they would be entitled to add to the existing development.

CP14-67-10      Max Kaplan--contd.

Mr. Goodman explained that it is an easement and that there would never be any building on that particular area. This area should not be much of a problem in the consideration as it will only be used for ingress and egress.

Mr. Stevens explained that the applicant could apply for a zoning change on the property, which would allow the number of units that are proposed, or apply for a variance from the Board of Adjustment.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending further consideration of the 30 foot access easement.

At the Commission meeting, Mr. Stevens reiterated the proposed development on the property and the problem involved with the 30 foot perpetual easement. He stated that the applicant does have a perpetual easement on the 30 foot access area although it belongs to the adjoining property owner. The area was included and made a part of the site plan on the subject property. The Legal Department advised the Committee that this area could not be used for computing the density allowed on the subject site. If something cannot be worked out, eight units would have to be dropped from the site plan. At the Zoning hearing there was a great deal of discussion on how this problem could be resolved. It was felt that a resolution could be found in the form of a Board of Adjustment grant. The applicant has now filed an application to the Board of Adjustment that will be heard on July 31, 1967. In view of this, and because the departmental requirements have been complied with, the staff recommends that this special permit be approved subject to the lot density problem being solved by the Board of Adjustment, a zoning change or a Legal resolution.

Mr. Goodman requested that this application be approved for the 124 units subject to the working out of the legal problem on the 30 foot perpetual easement area, whether it is acquired by deed or whether it is by some other means. After further discussion, the Commission

VOTED:      To APPROVE the request of Max Kaplan for a special permit for the erection of a 124 unit apartment dwelling group to be located at 307-513 East Oltorf Street subject to the resolution of the 30 foot perpetual access easement area, and authorized the Chairman to sign the necessary resolution when this has been complied with.

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

R146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of July 10, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was therefore

VOTED: To ACCEPT the staff report and to spread the action of the Subdivision Committee of July 10, 1967, on the minutes of this meeting.

## SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT the following final plats for filing:

<u>C8-67-48</u>	<u>Balcones Hills, Section 2</u>
	<u>Greenslope and Crowncrest</u>
<u>C8-67-43</u>	<u>Buckingham Place, Section 1</u>
	<u>Eberhart Lane and Middleham</u>
<u>C8-67-30</u>	<u>Southwest Gate Addition</u>
	<u>Manchaca Road and Drew Lane</u>
<u>C8-67-52</u>	<u>Oak Ridge, Section 2</u>
	<u>Tedford Street</u>
<u>C8-67-37</u>	<u>Oak Ridge, Section 1</u>
	<u>U. S. 81 and Little Oak Drive</u>

<u>C8-67-49</u>	<u>River Oak Lake Estates, Section 2</u>
	<u>Parmer Lane and Rolling Hills</u>

The staff reported that there is a request to withdraw River Oak Lake Estates, Section 1 Subdivision and upon this withdrawal, the staff recommends that this final plat be accepted for filing. The Commission then

VOTED: To ACCEPT for filing the final plat of RIVER OAK LAKE ESTATES, Section 2, pending the withdrawal of River Oak Lake Estates, Section 1 Subdivision.

## SUBDIVISION PLATS - CONSIDERED

<u>C8-67-47</u>	<u>Westover Hills, Section 3, Phase 5</u>
	<u>Mesa Drive</u>

The staff recommended disapproval of this final plat pending the required fiscal arrangements, agreement concerning Mesa Drive and completion of departmental reports.



C8-67-47 Westover Hills, Section 3, Phase 5--contd.

The Commission then

VOTED: To DISAPPROVE the final plat of WESTOVER HILLS, Section 3, Phase 5, pending the items as noted.

C8-67-3 Cherry Creek II  
Manchaca Road south of Stassney Lane

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, annexation, completion of departmental reports, tax certificates, sanitary sewer approach main and a 15 foot setback line from the side street on corner lots. The Commission then

VOTED: To DISAPPROVE the final plat of CHERRY CREEK II pending the items as noted.

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

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

VOTED: To DISAPPROVE the final plat of HIGHLAND HILLS, N.W. Section 4, pending the items as noted.

C8-67-31 N.W. Hills Belo Horizonte  
Mesa Drive

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

VOTED: To DISAPPROVE the final plat of N.W. HILLS BELO HORIZONTE, pending the item as noted.

C8-67-20 South Lamar Square  
South Lamar Boulevard south of Treadwell

The staff recommended disapproval of this final plat pending Council action on the requested zoning and subject to a 10 foot dedication on South Lamar Boulevard. A portion of the property is zoned Residential "A" and the proposed use is for apartments and commercial, which is inconsistent with the existing zoning. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of SOUTH LAMAR SQUARE, pending Council action on zoning and a 10 foot dedication on South Lamar Boulevard, and authorized the staff to poll the Commission upon completion.

C8-62-34      Pleasant Valley, Section 1  
Lyons Road and Fiesta

The staff recommended disapproval of this final plat pending the required fiscal arrangements, additional easements, completion of departmental reports, clearance from Public Works on flood area of Glen Oaks project. The Director of Public Works submitted the following report:

The proposed subdivision, Pleasant Valley, Section 1, recently submitted for our approval is located in a portion of the future Glen Oaks Urban Renewal Area and in an area proposed in Isom Hale's report of "General Neighborhood Renewal Plan" dated January, 1967, as "Excess Flood Water Retention Area." We checked with Mr. Hale regarding the use of a portion of this flood water retention area for construction of a subdivision and it was his opinion, and it is also our opinion, that until a final engineering study and plans can be made for the Urban Renewal Agency to determine the final extent of the area needed for flooding purposes, no subdivision should be approved for construction in this flood plan area.

Mr. Wroe asked when this could be determined. Mr. Foxworth stated that the City has approved others in the flooding area with an elevation of 460 feet but this is a ponding area for the flood and it is not known when this can be determined. After further discussion, the Commission

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

C8-67-40      N.W. Hills, Section 10, Phase 2  
Far West Boulevard and Northledge

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports and a sanitary sewer approach main. The Commission then

VOTED:      To DISAPPROVE the final plat of N.W. HILLS, Section 10, Phase 2, pending the requirements as noted.

C8-67-41      N.W. Hills, Mesa Oaks, Phase 4-A  
Mesa Drive and Timberline

The staff recommended disapproval of this final plat pending the required additional easements, annexation, completion of departmental reports, sanitary sewer approach main and a 25 foot setback required from Mesa Drive to comply with preliminary plan. The Commission then

VOTED:      To DISAPPROVE the final plat of N.W. HILLS, Mesa Oaks, Phase 4-A, pending the requirements as noted.

C8-67-46      Point West of Westover Hills, Section II  
                 Mesa Drive and Silverspring

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

VOTED:      To DISAPPROVE the final plat of POINT WEST OF WESTOVER HILLS, Section II, pending the requirements as noted.

C8-67-45      University Hills, Section 4, Phase 4  
                 Hartnell south of Geneva

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

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

C8-67-39      Southwind Addition, Section 2  
                 Walnut Drive west of Georgian Drive

The staff reported that the two lots on this cul-de-sac were taken from Section 1 and added to Section 2. Additional right-of-way was dedicated from these two lots which reduced the lot area. An application for a variance on the lot area has been filed with the Board of Adjustment and will be heard July 31, 1967. The staff recommends disapproval of this final plat pending the required fiscal arrangements, additional easements, completion of departmental reports, and the pending Board of Adjustment action on Lots 9 and 10. After further discussion, the Commission

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

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

The staff recommended disapproval of this final plat pending the required volume and page on vacation of sanitary sewer easement, and requested permission to poll the Commission upon completion. The Commission

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

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

The staff reported that this subdivision consists of a larger section which the applicant is now choosing to break into smaller sections. In order to accept Section 2, which is a smaller area, the applicant has requested that Section 1 be withdrawn. The Commission then

VOTED:      To ACCEPT the withdrawal of RIVER OAK LAKE ESTATES, Section 1.

C8-67-36      Angus Valley No. 5  
West Cow Path

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 ANGUS VALLEY, No. 5.

C8-67-44      Angus Valley No. 6  
West Cow Path and Bull Run

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

VOTED:      To APPROVE the final plat of ANGUS VALLEY, No. 6.

SHORT FORM PLATS - FILED

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

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

C8s-67-118      North Acres Resub. Lots 11 and 12, Block K  
Newport Avenue and Floradale

C8s-67-119      Tobin and Johnson Subdivision, Resub. Lots 11, 12 and  
Cherry Lane east of Pecos                      part of 10, Block 5

C8s-67-107      Baden Addition  
North Lamar north of Romeria Drive

The staff reported that this subdivision was before the Subdivision Committee two weeks ago at which time it was referred to the full Commission pending further study of access, inasmuch as the only access to the lot is a 10 foot driveway. The applicant owns Lot 2-A, located behind Lot 1-A and the 10 foot strip is the only means of access from this lot to Lamar Boulevard. The applicant has or intends to erect a small warehouse on the subject property with only 10 feet of access to it. An attempt has been made by the applicant Mr. Carl Smith to purchase additional land from Mr. Baden, owner of Lot 1-A,

C8s-67-107      Baden Addition--contd.

with the idea of acquiring property to make the subject property more accessible, but Mr. Baden has refused to sell any or part of his property; therefore, the applicant has no recourse. Under the terms of the Ordinance, there is no minimum lot width requirement for commercial or industrial property; however, the staff feels that 10 feet of access is questionable for the proposed use.

Mr. Jackson stated that this was discussed at the Subdivision Committee meeting and there was consideration about requiring an additional 25 foot setback.

Mr. Foxworth advised the Commission that the staff would suggest that a setback line be required across Lot 2-A at a point 25 feet behind the rear property line of Lot 1-A. It is also suggested that the Commission recommend that the property not be used for residential purposes until the property can comply with residential requirements. After further discussion, the Commission

VOTED:      To ACCEPT for filing the short form plat of BADEN ADDITION, subject to a 25 foot setback line being established 25 feet behind the rear property line of Lot 1-A and with the restriction that the subject property cannot be used for residential purposes until the requirements of the Ordinance can be complied with.

C8s-67-113      Locke Addition  
                  Eilers and Evans south of East 46th Street

The staff reported that this is a two lot short form proposal. Lot B faces east on Eilers Avenue and Lot A faces west on the southerly extension of Evans Avenue south of East 46th Street. Hyde Park Christian Church is established on property to the south. There are two problems involved in this request. One is the fact that the southerly extension of Evans Avenue amounts to only one-half of a street abutting the subject Lot A, in that 25 feet abutting this lot has been deeded to the City in the form of a street deed. The City has accepted this instrument but the Subdivision Ordinance says that no lot can be approved abutting one-half a street. Mr. R. G. Mueller, the applicant did dedicate his half of the right-of-way for Evans Avenue. There are extenuating circumstances because of the various owners involved and the lot will have access. The other problem is that a variance is required from Hyde Park Christian Church joining in the platting in that the subject property and the church property were previously one tract of land, neither having been approved separately as a subdivision. A letter has been received from the surveyor for the applicant requesting that the two variances be granted.

Mr. Mueller explained that Mr. Reuben Rountree, Director of Public Works, accepted the 25 feet for Evans Street. It is paved and has a semi cul-de-sac.

C8s-67-113      Locke Addition--contd.

Mr. Foxworth stated that Mr. J. D. Dillingham owns a large tract of land west of Evans Avenue. This has been discussed with him but he is not ready to subdivide his property; however, he is aware of the fact that when he does, he will be required, along with the church, to dedicate right-of-way for Evans Avenue.

Mr. Wroe asked why the church would not join in the platting. Mr. Mueller explained that he had talked to representatives of the church who stated that to sign the plat would involve a great deal of time and effort.

The staff recommended that this short form plat be accepted for filing at this time as all departmental reports have not cleared and that the two variances involved be granted. The Commission then

VOTED:      To ACCEPT for filing the short form plat of LOCKE ADDITION, granting a variance on Lot A abutting Evans Street and a variance on the signature of the adjoining property owner.

C8s-67-114      Womack Addition, Section 2  
Goodwin Avenue and Webberville

The staff reported that this short form plat is located on Goodwin Avenue just east of Webberville Road, in Phase II of the Glen Oaks Urban Renewal area which may involve drainage problems. The subject property, along with approximately 12 individually owned parcels of land, were sold by metes and bounds from a larger tract of land without benefit of subdivision approval. Mr. Edmunds Travis, the applicant, has submitted a letter requesting that a variance be granted on the signature of adjoining property owners. The staff recommends the variance be granted and that this short form plat be accepted for filing with the note that this is in the Glen Oaks Phase II project area and may involve future drainage problems that will have to be worked out. The Commission then

VOTED:      To ACCEPT for filing the short form plat of WOMACK ADDITION, Section 2, granting a variance from requiring the signatures of the adjoining property owners and with the notation that this is in the Glen Oaks Urban Renewal Phase II area and may involve the solving of future drainage problems.

C8s-67-120      Oscar Ceder Subdivision  
Old Manor Road and Daffan Lane

The staff reported that this is a one acre tract of land out of a larger tract that contained approximately 30 acres. There are two variances involved in the request. Daffan Lane is a 40 foot street and the applicant is providing his portion of the necessary right-of-way to bring the street to a standard 50 feet. The other variance requested is to exclude the balance of the tract.

C8s-67-120 Oscar Ceder Subdivision--contd.

from this short form. A letter has been received from Mr. Ceder requesting that the two variances be granted. The staff recommends the variances be granted and that this short form plat be accepted for filing only at this time. The Commission then

VOTED: To ACCEPT for filing the short form plat of OSCAR CEDER SUBDIVISION, granting a variance on the width of Daffan Lane and a variance to exclude the balance of the tract.

C8s-67-121 C. A. Freund Industrial Subdivision  
Ben White Boulevard

The staff reported that this property is located on Ben White Boulevard east of the Interregional Highway. Part of the property abuts East Elmo Road and surrounds a tract of land that was acquired by the Austin Independent School District. They are cutting five tracts out of the original tract. They are connecting or putting together into Tract 2 a 98 foot frontage onto Ben White Boulevard and the City has sold a portion of the old Bergstrom Railroad Spur right-of-way. The staff recommends this be accepted for filing with authorization for administrative approval upon completion of departmental reports. The applicant feels this can be accomplished within the next few days. It is the staff's understanding that the frontage of Tract 2 onto Ben White Boulevard will be used as access to the rear portion of the property. There will also be access from St. Elmo Road. After further discussion, the Commission

VOTED: To ACCEPT for filing the short form plat of C. A. FREUND INDUSTRIAL SUBDIVISION, pending completion of departmental reports and the required tax certificates, authorizing administrative approval upon completion.

C8s-67-122 J. D. White Subdivision  
South Lamar Boulevard

The subject property is located just off of U. S. Highway 290. Mr. White, the applicant, has sold a portion of this property, without benefit of subdivision approval, and now owns only Lot 3. All of the adjoining property owners have joined in and signed the plat. This is the first appearance of this request and departmental reports are not completed. The staff recommends that this short form plat be accepted for filing only at this time, authorizing administrative approval upon completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing the short form plat of J. D. WHITE SUBDIVISION, pending completion of departmental reports and the required tax certificates, authorizing administrative approval upon completion.

## SHORT FORM PLATS - CONSIDERED

C8s-67-110      Mott Addition  
                     Crow Lane

This short form plat has complied with all requirements of the Ordinance, but there is a variance involved on the width of Crow Lane as the street has only 40 feet of right-of-way; however, the applicant is providing five feet of additional widening, which is his portion, in order to bring the street to standard. A letter of acceptance is needed from the County on the existing 40 feet. The existing 40 feet of right-of-way was apparently deeded by separate instrument and at this point there is no letter of acceptance. This has been discussed with the Commissioner's Court and it is their feeling that this can be provided. The staff recommends the variance be granted, as the applicant is providing his share of the necessary right-of-way for Crow Lane, and that this short form plat be disapproved pending a letter of acceptance on the existing right-of-way from the County. The Commission then

VOTED:      To DISAPPROVE the short form plat of MOTT ADDITION, pending a letter of acceptance from the County on the existing 40 foot street, and granting a variance on the width of Crow Lane.

C8s-67-93      Richland Estates, Section 1, Resub., Lots 9-11 and 33-35  
                     Hawkins Lane and Harrison Lane

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

VOTED:      To DISAPPROVE the short form plat of RICHLAND ESTATES, Section 1, Resub. Lots 9-11 and 33-35, pending the requirements as noted.

C8s-67-98      Johnston Terrace  
                     Gardner Drive and Jain Lane

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

VOTED:      To DISAPPROVE the short form plat of JOHNSTON TERRACE, pending the requirements as noted.

C8s-67-112      Rev. S. L. Davis Subdivision  
                     Heflin Lane

The staff recommended disapproval of this short form plat pending completion of departmental reports and the required tax certificates. The Commission therefore

VOTED:      To DISAPPROVE the short form plat of REV. S. L. DAVIS SUBDIVISION, pending the requirements as noted.



C8s-67-111 Allandale North, Section 2, Resub. Lots 2 and 38, Block J  
Teakwood and Falmouth

The staff recommended disapproval of this short form plat pending additional easements and completion of departmental reports. The Commission therefore

VOTED: To DISAPPROVE the short form plat of ALLANDALE NORTH, Section 2, Resub. Lots 2 and 38, Block J pending the requirements as noted.

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

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

VOTED: To DISAPPROVE the short form plat of BIRCHWOOD ADDITION, Section 1, pending completion of departmental reports.

C8s-67-97 Birchwood Addition, Section 2  
Garden Villa and South Center Street

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

VOTED: To DISAPPROVE the short form plat of BIRCHWOOD ADDITION, Section 2, pending completion of departmental reports.

C8s-67-92 Macmor Acres, Resub. of Lot 11, Block A  
Macmora Drive

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

VOTED: To DISAPPROVE the short form plat of MACMOR ACRES, Resub. of Lot 11, Block A, pending completion of departmental reports.

C8s-67-116 Del Rio Subdivision  
Fawnridge and Georgian Drive

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 DEL RIO SUBDIVISION, pending the required fiscal arrangements.

C8s-67-90 Walton Annex  
North Lamar and West 30½ Street

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

VOTED: To APPROVE the short form plat of WALTON ANNEX.

C8s-67-115      Ziller Addition  
Edgecliff west of Alta Vista

The staff reported that this request for a short form involves a variance on the width of Edgecliff Terrace as it is only 40 feet wide; however, it is curbed and guttered and the City has no plans to widen the street any further as it does dead-end. Since it is paved with the standard 30 feet of paving and there are no future plans for widening, the staff recommends this variance be granted and that this short form plat be approved. The Commission therefore

VOTED:      To APPROVE the short form plat of ZILLER ADDITION, granting a variance on the width of Edgecliff Terrace.

ADMINISTRATIVE APPROVAL

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

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

<u>C8s-67-108</u>	<u>Greenbriar, Section 1, Resub. Lot 6, Block A</u>
	<u>Greenfield Parkway and East Live Oak</u>
<u>C8s-67-95</u>	<u>Frontier Village, Section 3, 2nd Resub. of Lot 2</u>
	<u>Western Trails and Frontier Trail</u>
<u>C8s-67-106</u>	<u>Colorado Hills Estates, Section 1</u>
	<u>Parker Lane</u>
<u>C8s-67-30</u>	<u>Oak Park Sub., Resub. Lots 17 and 18, Block 4 of Section 2</u>
	<u>Oak Claire Drive and Oak Claire Lane</u> <u>and Lots 1-21,</u>
<u>C8s-67-103</u>	<u>Golden Triangle Subd. Resub. Lot 1</u> <u>Section 3</u>
	<u>Hancock Drive</u>
<u>C8s-67-117</u>	<u>Cameron Park, Section 3, Resub. Lots 17 and 18, Block E</u>
	<u>Fairbanks Drive</u>

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

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

VOTED:      To APPROVE the following final plats:

<u>C8-67-34</u>	<u>Westover Hills, Section 3, Phase 4</u>
	<u>Silverarrow Circle</u>
	<u>(6-19-67)</u>
<u>C8-66-27</u>	<u>Cameron Park, Section 1</u>
	<u>Atkinson Road and Cameron Road</u>
	<u>(7-7-67)</u>
<u>C8-67-24</u>	<u>Balcones Village</u>
	<u>U. S. Highway 183</u>
	<u>(7-7-67)</u>

## OTHER BUSINESS

R1409 INQUIRIES AND CONTACTS

The Director of Planning reported a letter from Mr. Walter Wendlandt requesting that an area study be made of a two block area bounded by East 38th Street, Duval Street, East 39th Street and Peck Avenue. The letter was addressed to the Mayor and City Council.

Normally, the staff has found that it is more advantageous to conduct an area study when there are one or several zoning applications, submitted by the individual property owners in the area. An area study does not proceed as well unless there are individual property owners involved as there is usually a lack of interest. This request has been discussed with Mr. Wendlandt and he advised Mr. Stevens that he is not interested in proceeding with the request at the present time by filing a zoning application. There is no objection to making an area study if the property owners are interested. The staff recommends that no action be taken on this request at this time.

C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT

Approximately 55 acres of land located on U. S. Highway 183 and West Duval Road

The Director of Planning presented a request by Western Industries, Inc., for a change in the Master Plan from Suburban Residential to Manufacturing and Related Uses for a 55 acre site located on U. S. Highway 183, approximately two miles from the City limits and approximately 2½ miles by highway from the intersection of Balcones Drive and U. S. Highway 183. Immediately west of the site is the Summit Oaks Subdivision containing approximately 18 houses built within the last few years. Immediately east of the site is the Angus Valley Subdivision with approximately 14 houses scattered through the area. Two sections of Angus Valley (for residential use) were approved by the Commission earlier. Both sections about the proposed industrial site. To the southeast and southwest there are houses clustered along the roads. The areas to the north and northwest are essentially vacant land and to the northeast (approximately 1/4 mile) there is a crushed stone excavation area.

A firm desiring to locate in an area that is not designated for industry has two alternatives. The first is a request for a change to "general industrial" in the Master Plan. The second, recommended by the Planning Department in this case, is the Planned Development Area designation with a set of conditions related to the particular area and proposed development. The Planned Development Area provisions were established approximately a year ago and have been used several times.

The specific name of the firm to be located on this site is Communications Research. The primary function will be the manufacturing of military, industrial and other types of radio antennas. This involves the use of some outdoor testing towers and antenna towers; the two major permanent ones and

C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

other temporary ones located on the site at various points on various occasions. An application has been made and approved by the Airport Zoning Advisory Committee for two 250 foot antennas at this location. The general character of the proposed use is initially a very small building in relation to overall site size. Ultimately, there will probably be additional buildings containing approximately 50,000 to 100,000 square feet. This is still comparatively small in relation to the overall size of the site. Part of the reason for the large site size in relation to building size is to be construction of many kinds of antennas and in turn, testing of those antennas. In general, testing of these antennas is not one in which there would be significant production of radio frequencies for any extended area, however, this may occur occasionally but it would be regulated by the Federal Communications Commission.

The Planning Department was requested to review and recommend on the proposal as submitted by the applicant. Mr. Osborne stated that this request was checked and he specifically recommended to the representatives of this industry the Planned Development Area provisions. A general site plan was submitted by the architects for the development which was reviewed by the staff and two representatives of the firm in order to determine the nature of the operations. In developing Planned Development Area agreements and provisions, the staff attempts to go into detail about the nature and character of the industry or the probable uses which will occur or the kinds of peculiarities which might occur, not so much what goes on within the site, but what occurs at the property line and beyond the site. The concern within the site would be the adequacy of parking, coverage of buildings, etc., but the primary concern is what would effect the adjacent property.

Western Industries now has an existing location in Mineral Wells which they plan to move to the subject property. After reviewing the nature of the Mineral Wells operation and the anticipated operations here, which might include additional related and unrelated activities, a general agreement covering the general proposed use, the operations and a set of performance standards specifically appropriate to the particular industry was prepared and submitted to Western Industries, Inc. This agreement offered a reasonable protection to the nearby residential areas, City and the industry now and in the future. This would be an agreement between the City and the industry in which the City would recognize that there are certain activities going on and recognizing reasonable protection of the adjacent land. General performance standards covered by the agreement include noise levels, smoke and air pollution production, vibration, storage of chemicals and explosives and other hazardous equipment and material. Also covered would be the description of the general building sites, outdoor testing areas, outdoor storage areas, appropriate screening from nearby residential use and other facets of the operation. An attempt was made to tailor the agreement to the characteristics of this use but not simply for the operation of Western Industries alone or not only to manufacturing of antennas but to permit a wide variety of activities to occur in this general framework. After review of this agreement by

C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

representatives of Western Industries, Mr. John Selman, representing the applicant, requested that this proposal be in the form of a request for a change in the Master Plan from Suburban Residential to Manufacturing and Related Uses, without any specific conditions attached as occurred in the Planned Development Area provisions. The staff recommends strongly in favor of the particular utilization of the property under the Planned Development Area provisions and under the general draft as prepared. There has been discussion toward minor modifications of the agreement and the Planning Department would encourage review of any proposed modification to the draft, the site plan or any condition which may have been initially suggested. It is felt that the utilization of the performance standards covering noise, smoke, etc. is effective and sound. It is recognized that piece-meal commercial development and semi-industrial development of various kinds is occurring in this area; however, some protection should be afforded the existing residential and proposed residential development.

The general industrial designation is designed for almost any kind of industry without a particular set of conditions. There are State regulations involving the matter of air pollution and State, City-County regulations involving certain aspects of drainage and stream pollution. There are perhaps other regulations on a state level which apply but these are very general regulations.

Mr. Dunnam asked how the State, Federal and local regulations compare to provisions in the Planned Development Area. Mr. Osborne explained that the only regulation with some comparison would be air pollution. The air pollution standards are essentially identical on the state level and local level. Specific regulations outside the City of Austin pertaining to noise, storage of most chemicals and explosives, vibration and regulations covering development considerations do not exist.

Mr. John Selman appeared at the hearing and stated that he represents the Communications Research Company, which is a research and development company. The primary purpose of this company is advanced design for electrical and mechanical devices. This company is associated with Antenna Products Company of Mineral Wells, Consolidated Industries, Inc. of Dallas, and Western Industries, Inc. The Communications Research Company wants to locate in Austin and they have agreed to purchase a 64 acre tract of land with an option on an additional 30 acre tract. An offer has also been made on 84 additional acres of land which is adjacent in this immediate area. The proposal is to initially construct a 5,000 square foot building. The architectural firm of Coates and Legge have been retained to design the buildings. One of the reasons this firm wants to locate in Austin is because it is a fine place to line and because of the University of Texas and their Electrical Engineering Department. The subject property is located approximately 1½ miles from the IBM plant which is designated "Industrial". This general northwest area will eventually become a large industrial area. Industries like to select their

C2-67-1(c)      AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

own individual tract when they come to a city. It would be easier for them to select a site in an area that is designated for industrial purposes but when an industry locates there are several factors which determine a particular site such as access, utilities and transportation. Another factor is economics.

The applicants are requesting a change in the Master Plan rather than Planned Development Area. The draft submitted by the Director of Planning with regard to performance standards is too detailed for the proposed use of the subject site, particularly with regard to air pollution. The Legislature recently passed Senate Bill 237 which goes into effect in September which provides that air pollution will be regulated by the State. Furthermore, the applicant will not have the type of operation that will involve air pollution so this area of the performance does not pertain to the proposed development. With regard to noise and nuisance, there is relatively little or no noise from the operation proposed. Any broadcasting is controlled by FCC. The applicant has agreed to put up screening around the storage area. The proposed operation will in no way be a detriment or be unsightly near the residential area.

Mr. Selman presented photographs of the existing operation in Mineral Wells indicating that the plant and the development surrounding the plant are compatible. He stated that the type of development planned is not the type of development that is necessary to control as under the Planned Development Area provisions.

Mr. Charles Aubrey, Executive Vice President of Antenna Products in Mineral Wells, explained that this plant manufactures essential HF Military communication equipment typical of the projects that are proposed to be moved to Austin. One of the largest projects at this time is the testing design of a very large antenna field which is being used by the U.S. Information Center for news purposes. In addition, antennas used by the FAA in airports for ground to air communications are manufactured. A helicopter transportable antenna which is being used by the Air Force in Vietnam has also been developed. This company is heavily committed to research and design in these fields. In order to develop and strengthen the research and development field, a search was started for a new location. Several locations were considered before the final decision to move to Austin was made.

The plans are for 18 to 20 engineers to be employed in the beginning which will increase as the operations increase and as the plant in Mineral Wells is phased out. Raw materials will be brought in by truck.

Mr. Robert Sneed, representing the applicant, presented the following information: Fundamentally, the City of Austin has never exercised its Charter granted power to annex for zoning purposes. That is the power of regulation of uses of land in the sense of the exercise of police power of the City of Austin which has been limited to the corporate lines. The subject site is approximately  $4\frac{1}{2}$  miles from the City limit line. The

C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

matter of regulation is through the use of what is called the Master Plan and the Austin Development Plan based on provision of city utilities. The City can simply say that a firm cannot tie onto the utility system as relates to that particular property if it does not comply with the plan. At this time, the applicant could do whatever is desired without any amendment to the Master Plan if the LCRA would furnish electricity or if they put in their own plant or drilled their own well. This is a matter of conforming to the plan so that there is an availability of the utilities but anyone as of now who does not tie onto the utilities can move into this area outside of the City and do whatever is not regulated by State law or county law or anything that is not controlled by statute for an enforcement of the police power.

The proposed use of the property does conform to the Master Plan. The Master Plan designation of land is generally broken down into four categories; residential, commercial and industrial, which is all encompassing of light, heavy and intermediate type of industrial usage, and public land usage. There is nothing shown anywhere in the concept of public uses and nothing shown for commercial in the sense of a planned commercial development. The land use plan is a conception of the city based on current trends and probable resources. The design is firm with basic features but flexible in detail. It is presented with the knowledge that there will be desirable changes which cannot now be foreseen.

Mr. Sneed further stated that he has recently visited a similar plant in Richardson, Texas, and observed that the plant is compatible with surrounding residential and commercial development. It is felt that the proposal on the subject property will also be compatible. The applicants do not wish to do anything that would be detrimental to the City of Austin. The type of industry proposed is the type of business that could be operated in any office building in the city except for the usage of an outside area that is needed for testing equipment. It is felt that the subject site is the same type of area where an industry can develop and grow. It is not unique as it is the same basic development that has been developed in other areas of Austin. The applicants feel that they need the flexibility of design and development as offered by a change in the Master Plan rather than the provisions as submitted in the Planned Development Area because of security requirements that may exist from time to time. It is felt that adjustments to the development would be difficult under the Planned Development Area as a reapplication would have to be made at various times. The applicants propose and will offer as a restrictive covenant, insofar as adjoining property is concerned, a 50 foot greenbelt area along any adjoining property line. This would afford a separation for the abutting properties. It is also felt that this arrangement will take care of any existing problems. The applicants will also be willing to provide any kind of shielding that is necessary or desirable.

C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. Jackson reported a letter from the Austin Chamber of Commerce in support of the proposed industrial location.

Mr. Sneed advised the Commission that the ownership and management of the concerns involved in this application do not feel they can agree to the type of agreement which is used for the Planned Development area. They are willing to place restrictive covenants, following the land, for a 50 foot greenbelt area on any adjoining property line but they do not feel, taking into account the flexibility requirements they have, that they can operate under the Planned Development provisions. For this reason they are requesting an amendment in the Master Plan.

Mr. Dunnam asked about the security reasons. Mr. Sneed explained that there are certain contracts in government activities that are classified and information as to these activities cannot be disclosed. If any of the conditions listed under the agreement had to be changed, a variance would have to be given and a reapplication filed.

Mr. Osborne stated that the general agreement draft was intended to take into account the permanent testing sites and provide a very wide latitude of other test areas which would be of a temporary nature that could be located almost any and every place on the site. Again, it was noted that the agreement would have little effect on internal operations and provide considerable latitude for development.

Mr. Wroe asked Mr. Osborne about the staff's reaction to the restrictive covenants that the applicants are willing to convey. Mr. Osborne stated that in his opinion the covenants as offered do not cover all of the issues involved, such as noise level, disposal of wastes, storage and other matters. The conditions as listed in the Planned Development Area provisions are intended to be reasonable but the covenants as offered are limited in a sense that they deal with only a greenbelt area and shielding.

Mr. Wroe stated that the City is in favor of industrial firms locating in Austin; however, the planning staff has a responsibility to recommend possible protection for people in the area. This is a relatively large tract of land that is located in an area that is to be developed with residential and other development. The concern by the staff is valid. Mr. Wroe further stated that in his opinion some solution could be worked out between the staff and the applicants under the Planned Development Area provisions.

Mr. Sneed stated that a set of restrictions could possibly be worked out but not under the Planned Development Area provisions. It is felt that the greatest area of regulation is through restrictive covenants running with the land.



C2-67-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

The Commission members discussed this application and the provisions under the Planned Development Area. They expressed concern about the protection of existing and proposed residential development and felt that careful consideration should be given to the development. Some of the members felt that any problems could be worked out under the Planned Development Area provisions, so as to protect the adjoining property, the City, and the industry involved.

A motion was made to recommend that the request of Western Industries, Inc. for a change in the Master Plan from Suburban Residential to Manufacturing and Related Uses for a 55 acre site located on U. S. Highway 183, be GRANTED, subject to restrictive covenants as offered by the applicants. The motion failed to carry by the following vote:

AYE: Messrs. Jackson, Dunnam and Brown  
 NAY: Mrs. Naughton, and Messrs. Wroe, Smith and Bluestein  
 ABSENT: Messrs. Riley and Hazard

THE MOTION FAILED TO CARRY AND DENIAL IS RECOMMENDED.

C10-67-1(i) ALLEY VACATION

Alley located between West 9th and 10th Streets,  
 east of Possum Trot

The staff reported that this request is to vacate the alley located between West 9th and 10th Streets, east of Possum Trot. The problem involved in the request is that only the property owners on one side have petitioned for the closing of the alley. The alley has been unopened on the ground since it was dedicated. One of the abutting property owners feels that the alley is closed already and sees no need for the request to close the alley. In the past, the Commission has not recommended a street or alley vacation unless all of the abutting property owners join in the request.

Mr. Jackson asked if all of the abutting property owners had been notified. Mr. Stevens explained that normally notices are not sent with regard to street or alley closings.

The Commission members discussed this request and noted that it has been a policy of the Commission to require that all abutting property owners join in the request; however, it was recognized that all of the owners may not understand the request as there has been no official word from the City and felt that it should be postponed until all of the property owners concerned are notified of the request. It was then

VOTED: To recommend that the request to vacate the alley located between West 9th and 10th Streets, east of Possum Trot, be POSTPONED pending notification of the abutting property owners.

C10-67-1(j) ALLEY VACATION

Alley located between San Pedro and Salado Streets  
north of West 28th Street

The staff reported that this request to vacate the alley located between San Pedro and Salado Streets north of West 28th Street is made by Mr. Frank Meece, owner of all of the abutting property. Mr. Meece has dedicated right-of-way from his property for the widening of Salado Street. The staff recommends this vacation be approved, subject to the retention of an easement for an existing water line. The Commission then

VOTED: To recommend that the alley located between San Pedro and Salado Streets, north of West 28th Street be VACATED, subject to the retention of the necessary easements.

C10-67-1(k) ALLEY VACATION

Alley located between Whitis Avenue and Cedar Street from  
West 30th Street to West 31st Street

The staff reported that this request is made by the First English Lutheran Church. A request to put a building in the alley and bring it out to Cedar Street was before the Commission earlier this year, but there was opposition. Mr. Rountree, Director of Public Works has assured the staff that there will be no problem in garbage pickup. The staff recommends approval subject to the retention of the necessary Electric Department, Telephone Company and Gas Company easements. The Commission then

VOTED: To recommend that the alley located between Whitis Avenue and Cedar Street from West 30th to West 31st Streets be VACATED, subject to the retention of the necessary easements.

C10-67-1(l) STREET AND ALLEY VACATION

West 35th Street between Alamo Boulevard and Bailey Lane,  
Bailey Lane from the north side of West 35th Street to a point  
58 feet north of West 34th Street, and the alleys located  
from a point 58 feet north of West 34th Street to West 35th  
Street

The staff reported that this application by the Doctor's Building Corporation and Seton Hospital, addressed to the City Council, is to vacate West 35th Street between Alamo Boulevard and Bailey Lane, Bailey Lane from the north side of West 35th Street to a point 58 feet north of West 34th Street, a portion of Alamo Boulevard from West 35th Street to West 34th Street, and the alley located from a point 58 feet north of West 34th Street to West 35th Street. A portion of the streets and alleys in this area have already been vacated. The staff's concern with this request is the provision for the Camp Mabry Expressway. This expressway is proposed to utilize West 34th Street from the south boundary line 250 feet north. It is felt that the

C10-67-1(1) STREET AND ALLEY VACATION--contd.

contract with the applicants provided on closing of other streets and alleys in this area should be amended or expanded to provide that the City have a recapture clause to gain the necessary rights-of-way for the expressway when it is built. The various City departments are in the process of checking this request and have indicated that they will need the retention of certain easements. Any utility relocation should also be done at the applicants' expense. The staff also needs to determine that the vacation of Alamo Boulevard does not interfere with the area dedicated to the City for the Hike and Bike Trail.

A letter has been received from Mr. M. E. Shafer, Attorney for Mr. Carlton E. Buske owner of Lot 8, Block 10, in which he states that his clients have received an easement from the applicants to take effect upon the affirmative approval of this request to the City Council. This easement will permit vehicular traffic to move from the alley in question to West 34th Street by way of Bailey Lane after said alley and streets have been vacated, therefore, there is no objection to the request.

Mr. Stevens explained that this concern is for the opposite corner also. The approval of this request should incorporate the same consideration for the owner of the corner lot prior to the closing of the streets and alley.

Mr. Glenn Cortez, Assistant City Attorney, advised the Commission that the requested vacation does not abut the lot in question so there is no legal requirement to notify the owner. There would be a right of compensation if reasonable access was denied; however, this would not deny reasonable access to the street system.

Mr. Robert Sneed, represented the applicants' request that this application be amended to exclude Alamo Boulevard. The previous agreement with the City was considered in great detail when the original request was made and there should be no reason to reconsider it at this time. The reason the original request did not encompass the streets and alley in this request was because the applicants did not own two parcels of land that would be involved. These parcels have now been acquired and immediate application was filed. The terms of the original agreement with regard to land that may be needed for right-of-way for the 34th Street Expressway also applies to this request. Any land which is vacated and later taken by condemnation for right-of-way would go back to the City and valued at the dollar of the evaluation of all of the land that has been acquired for the entire project.

Mr. Stevens stated that in view of the withdrawal of Alamo Boulevard from this request, the staff recommends the vacation subject to the retention of the necessary easements and notification of the owner of the lot at the northeast corner of Bailey Lane and West 34th Street by the applicant.

C10-67-1(1) STREET AND ALLEY VACATION--contd.

After further discussion, the Commission

VOTED: To recommend the vacation of West 35th Street between Alamo Boulevard and Bailey Lane, Bailey Lane from the north side of West 35th Street to a point 58 feet north of West 34th Street and the alley located from a point 58 feet north of West 34th Street to West 35th Street, subject to the retention of the necessary easements and notification to the owner of the lot at the northeast corner of Bailey Lane and West 34th Street by the applicant.

ADJOURNMENT: The meeting was adjourned at 12:15 a.m.

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Hoyle M. Osborne  
Executive Secretary