

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- August 22, 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
Barton D. Riley
Robert B. Smith
Mrs. Lynita Naughton
Dr. William Hazard

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of August 15, 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
Shirley Ralston, Administrative Secretary

C14-67-104	Rufus B. Wright Estate: O to C 500 West 18th Street 1800-1804 San Antonio Street
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STAFF REPORT: This application covers an area of 6,900 square feet of land which is developed with a garage. The stated purpose of the application is for commercial use of a non-conforming site. The existing garage on the subject property was established before the Zoning Ordinance was adopted. Even though the garage is non-conforming, it can continue, provided the use is not discontinued for over 90 days. The area is zoned "O" Office and "C" Commercial.

C14-67-104 Rufus B. Wright Estate--contd.

In 1955 an area study established the "O" Office District to the south of 19th Street to West 11th Street, and from the west line of San Antonio Street to Rio Grande Street. The area is developed with office and residential uses. The only changes which have occurred within this office area are the properties at the northeast and southwest corners of Rio Grande Street and West 17th Street which were zoned "C" Commercial.

The staff feels that the streets in the area are adequate as San Antonio Street has 80 feet of right-of-way, and West 18th Street has 60 feet of right-of-way. It is the staff's opinion that this area has been developing and can continue to develop under the office district; however, there are no strong objections to the requested zoning. The staff wishes to point out that the rezoning of this one lot would change the established eastern boundary of the office district and have a strong influence in changing other properties within the district.

TESTIMONY

WRITTEN COMMENT

Code

C	Fred C. Young: 506 West 18th Street	FOR
R	Roy F. Beal: 1708 Guadalupe Street	FOR

PERSONS APPEARING AT HEARING

Code

	Winifred Wright Rusch (representing applicant)	
?	Mrs. Kermit F. Rusch: 3207 Walnut Avenue	FOR

SUMMARY OF TESTIMONY

Winifred Rusch appeared at the hearing and stated that her father built the existing garage in 1923, before the Zoning Ordinance was adopted, and operated it until 1960. Since that time, he has passed away, and it was discovered that the existing use was non-conforming. The zoning change is requested in order to make the zoning conform to the garage.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted. They felt that the development of the entire University area will be intensive with a wide variety of uses, and the land values will regulate to a large extent the development of property in the area. They felt that the requested zoning is proper for this area.

C14-67-104 Rufus B. Wright Estate--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Rufus B. Wright Estate for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Second Height and Area for property located at 500 West 18th Street and 1800-1804 San Antonio Street be GRANTED.

C14-67-119 W. R. Walker: A to BB
208 Park Lane

STAFF REPORT: This application covers an area of 7,220 square feet of land which is developed with a vacant house. The stated purpose of the application is for erecting a triplex. There is "B" Residence and "C" Commercial zoning existing to the north and "B" Residence zoning east of Circle Avenue. A recent zoning application for property fronting onto Nickerson Street, was denied by the Commission and the Council. This particular property owner has stated he would like his application reconsidered if the request is granted. The staff feels that the rezoning of the subject property would have an influence on the area to the south which is basically single-family and two-family development. If the Committee looks with favor on the request, they should consider the entire block; however, without a larger area involved, the staff recommends denial as the requested zoning would be inconsistent with the established zoning pattern.

TESTIMONY

WRITTEN COMMENT

Code

W	Fritz Hughes: Route 7 Box 746	AGAINST
R	Dee Roberts: 205 Park Lane	FOR
AD	Linda Allen: 210-B Park Lane	AGAINST
AF	Mrs. David Wire: 301 Park Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

A W. R. Walker (applicant)

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that this is an old area which has been in existence for many years. The area is run down with old houses. There is a single-family dwelling on the subject property which is approximately 50 years old. The property was purchased by someone who had taken out a permit to remodel the house into a duplex; however, his finances reversed and he had to give the house up. Mr. Walker further stated that when he first acquired the property he thought that he would like to complete what had been started but after surveying the possibilities, he found the cost was too high to remodel the structure into a two-family dwelling. The area needs to be improved and the erection of a triplex

C14-67-119 W. R. Walker--contd.

will improve the looks of the property and the area. Mr. Walker stated that he has talked to some of the people in the area and they do not object as they feel that any improvement on the property would be beneficial to the neighborhood. Plans for a triplex have been submitted to the Planning Department and are available for the Committee's review.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee discussed the application and felt that the requested zoning would be proper if the entire block were rezoned as it backs up to "B" and "C" zoning; however, they felt that the request on just the subject property would be an intrusion into a residential area and would be piece-meal zoning.

At the Commission meeting, Mr. Stevens reviewed the fact that the Committee stated they would look with favor on the requested zoning if the entire block was considered. Mr. Walker, the applicant, has contacted property owners in the block and has acquired the signatures of people who own 7 parcels of land in this block. Inasmuch as a zoning request will be made on 7 parcels in this block, the staff has indicated that the inclusion of the balance of the block, three lots, will be initiated by the Planning Department as additional area.

Mr. Walker stated that in view of the Committee's recommendation to look with favor on the requested zoning if the entire block is considered, and since an application has been filed on 7 of the lots; he would like to have his zoning request granted.

Mr. Stevens stated that the staff recommended against this request as it would be inconsistent with existing residential development; however, if the entire block is considered there would be merit to the request, as there is "B" and "C" zoning existing to the north and east.

Mr. Walker pointed out the property on which zoning applications have been filed. He stated he has talked to other people in the area and there is no opposition to the request. The reason the zoning change is needed at this time is because the Building Inspector has said something must be done with the existing structure which is approximately 50 years old.

Mr. Stevens advised the Commission that one of the property owners in this block did submit a letter opposing this request.

The Commission members felt that the requested zoning on this one lot would be inconsistent and would be piece-meal zoning; however, they did concur with the Committee recommendation that the requested zoning would be favorable when the entire block is concerned.

C14-67-119 W. R. Walker--contd.

Mr. Walker requested that this application be postponed pending consideration by the Commission of the balance of this block. The Commission then

VOTED: To POSTPONE the request of W. R. Walker.

C14-67-120 James A. and Constance Williams: A to BB
4811 Harmon Avenue
Add'n Area: 4807 and 4809 Harmon Avenue

STAFF REPORT: This site consists of 9,600 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for erecting an apartment complex. Two lots adjoining to the south have been included as additional area by the staff in order to complete the zoning pattern in this particular block. The proposed zoning would permit 4 regular apartment units on the subject property. It is the staff's understanding that the applicant also owns the two lots adjoining to the north. The zoning pattern in the area is mixed, consisting of "BB" to the north, "A" Residence to the west, "C", "LR", "GR" and "C-2" to the east along the Interregional Highway. "O" Office zoning is established to the north and south along Harmon Avenue. The subject property is in the flight pattern of the Municipal Airport's instrument runway which limits the height of construction to approximately 27 feet. The limitations would have to be verified with the Airport Officer. Harmon Avenue with only 50 feet of right-of-way is inadequate; however, additional right-of-way was not acquired when "O" and "BB" zoning was granted on property to the north and south. In view of this, the staff feels there is no justification in requiring 5 feet of additional right-of-way from the subject property. The staff recommends this request be granted as a logical extension of the existing "BB" zoning to the north.

TESTIMONY

WRITTEN COMMENT

Code

AE	Roland Eklund: 1007 East 49th Street	FOR
AA	Lenthe E. Becker: 211 West 17th Street	FOR
S	Jack Massey: 922 East 48½ Street	AGAINST

PERSONS APPEARING AT HEARING

Code

Mr. & Mrs. James A. Williams (applicants)

SUMMARY OF TESTIMONY

Mr. and Mrs. James A. Williams appeared at the hearing on behalf of this request and offered the following information: The residence existing on the subject property is in bad condition and is inadequate for living purposes. They stated that they do own adjoining property, and their plans are to tear the old residence down so that an apartment complex can be erected.

C14-67-120 James A. and Constance Williams--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 granted as it is consistent with existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James A. and Constance Williams for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4811 Harmon Avenue and the additional area located at 4807 and 4809 Harmon Avenue be GRANTED.

C14-67-121 Bettie Smith and Jewell Smith: B to C
901-903 West 24th Street
Add'n Area: 813-815 West 24th Street

STAFF REPORT: Because of inadequate notification, the request for rezoning by Bettie Smith and Jewell Smith cannot be legally heard at this time.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the staff report that this request would have to be postponed pending proper notification of the property owners within the area required by law.

C14-67-122 Laura McCaleb: A, 1st to B, 2nd
3105 and 3107 Cedar Street

STAFF REPORT: This application covers 10,412 square feet of land. The stated purpose of the application is for erecting an apartment complex. The proposed zoning would permit 13 apartment hotel units or 6 regular units on the subject property. "B" Residence, Second Height and Area zoning adjoins the subject property on the south and east. To the north is "A" Residential zoning and development which is separated from the subject property by the rear tier of residential lots fronting onto Laurel Lane. Cedar Street dead-ends into this tier of residential lots, and has 50 feet of right-of-way with 30 feet of gravel. It is classified as a minor residential street which should be widened, but since it dead-ends, the staff sees no necessity for additional widening. "C" Commercial zoning was granted on property to the south at the corner of West 30th Street and Speedway Avenue in 1966. "C" Commercial zoning also exists on property to the east across Speedway Avenue. The staff has no objection to the requested zoning as it is felt that this will complete the pattern of the zoning adjoining to the south and east.

C14-67-122 Laura McCaleb--contd.

TESTIMONY

WRITTEN COMMENT

Code

AX Martha Ann Zivley: 201 West 31st Street

FOR

PERSONS APPEARING AT HEARING

Code

A Laura McCaleb (applicant)

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that she purchased the subject property approximately 3 years ago. Since that time and until recently, she has traveled out of the country. She stated that when she returned to Austin she found that apartments had been built on the property adjoining to the south and east and a duplex had been erected on property across Cedar Street. The subject property is effectively hemmed in by apartments. The property immediately adjoining to the south is developed with a two story apartment complex which has a second floor balcony that projects out. This is very distracting. The site is separated from the residential area to the north by the rear of a tier of residential lots. The zoning is requested so that the development on the subject property will conform to the surrounding development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted. They noted that this area is changing rapidly and felt that the requested zoning is a logical extension of a present zoning pattern and will complete the pattern in this block.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Laura McCaleb for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3105-3107 Cedar Street be GRANTED.

C14-67-123 Arthur W. Cain: A to BB
300 East 35th Street
3501-3505 Grooms Street

STAFF REPORT: The subject property contains 8,250 square feet of land which is developed with a triplex. The stated purpose of the application is to add an apartment to the triplex. The requested zoning would permit 4 regular apartment units on the site. If the use on the subject property is a triplex

CL4-67-123 Arthur W. Cain--contd.

as stated, the use is non-conforming or a violation of the Ordinance inasmuch as the existing zoning would only support a single-family or a two-family residence. In 1966, an area study was made on the area bounded by East 38th Street, Duval Street, Guadalupe Street, and East 30th Street. The staff recognized that this is one of the areas that student housing will expand into and felt that the area should be zoned "B" First Height and Area if zoned on an area basis rather than one parcel at a time. It was felt that piece-meal zoning of the area would cause the remaining good residential property to bear the burden of apartment development until all of the property could be utilized in this manner. The Commission concurred with the staff's recommendation and voted to look with favor on requests for "B" First Height and Area zoning in this area if the streets were adequate. The zoning requested on the subject property is not as intensive as that recommended by the staff and Commission. There is "BB" First and Second Height and Area zoning on property to the south, and indications are that other requests for apartment zoning will be made.

West 35th Street, has a present right-of-way of 55 feet and Grooms Street has 60 feet of right-of-way. Both streets are considered adequate in terms of their length and use. There are plans for widening Duval Street and East 38th Street which will serve as a crosstown thoroughfare.

The staff recommends that the requested zoning be granted in view of the previous recommendation by the staff and the Commission to look with favor on "B" First Height and Area zoning in this immediate area.

TESTIMONY

WRITTEN COMMENT

Code

AP	Clark C. Gill: 3606 Grooms Street	FOR
AY	Lt. Col. Allison C. Kistler: 509 Harris Avenue	FOR

PERSONS APPEARING AT HEARING

Code

A. E. Rhodes (representing applicant)

SUMMARY OF TESTIMONY

The applicant appeared at the hearing and stated that he would like to put an apartment above the existing triplex. This will not involve using any additional land area. A new roof will be placed on the structure so that it will be a nice looking building.

No one appeared in opposition to the request.

C14-67-123 Arthur W. Cain--contd.

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 conformity with the zoning recommended for this area as a result of an area study.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Arthur W. Cain for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 300 East 35th Street and 3501-3505 Grooms Street be GRANTED.

C14-67-124 Cora Lucile Morley: C to C-2
 1511-1521 Lavaca Street
 213-221 West 16th Street

STAFF REPORT: This application covers an area of 19,044 square feet of land which is developed with a vacant building that covers much of the property. The stated purpose of the application is for operating a lounge. "C" Commercial zoning and development exists along Lavaca and Guadalupe Streets. "O" Office zoning exists to the west along San Antonio Street as well as to the north and east, "B" zoning exists on property to the east, and "C-2" zoning is established on West 15th Street. The crosstown expressway is proposed in the area between West 15th and West 16th Streets. The streets in the area are adequate as Lavaca Street has 80 feet of right-of-way; West 16th Street has 60 feet of right-of-way and West 15th Street has 100 feet of right-of-way. The staff feels that this is a well-defined and well-developed commercial area and recommends the request be granted; however, it has been a policy of the Commission to grant "C-2" zoning only on that portion of the property needing the zone.

TESTIMONY

WRITTEN COMMENT

Code

Q Emilie Limberg: 2000 University Street
 AJ J. E. Motheral: 1107 Gaston Avenue

FOR

FOR

PERSONS APPEARING AT HEARING

Code

A Cora Lucile Morley (applicant)

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that there are two existing structures on the property that have been vacant for approximately 15 months. A potential tenant anticipates developing the property into a high-class night club to be used as an outlet for entertainment. The zoning is needed so that beer can be sold.

C14-67-124 Cora Lucile Morley--contd.

Mr. Wroe advised the applicant that it is a policy of the Commission to grant "C-2" zoning only on the building area which will be used for the sale of beer.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending determination by the applicant of the building location.

At the Commission meeting, Mr. Stevens reported that the applicant requests that this application be withdrawn. The Commission then

VOTED: To ACCEPT the withdrawal of this application.

C14-67-125 Carrie Belle Houser: A, 1st to B, 2nd
4007-4011 Avenue C

STAFF REPORT: This application covers two lots, totaling 15,000 square feet of land, which are developed with two single-family dwellings. The stated purpose of the application is to construct a multi-family residence. The proposed zoning would permit 20 apartment hotel units or 10 regular units on the subject property. The Commission recently considered property at the corners of West 40th Street and Avenue C, and West 39th Street and Avenue C. At that particular hearing, there was support of the "B" application on property up to 40th Street as it was between commercial zoning extending from Guadalupe Street along West 40th Street to Avenue B and apartment zoning along Speedway to the east and 38th Street to the south; however, it was the general feeling that the "B" District should not be extended north of West 40th Street. The area north of West 40th Street is a larger area and to a large extent still maintained as a sound housing area. The staff feels the area should be viewed on a larger basis and that an evaluation of the area should be made before the area is considered for rezoning. It is recommended that this request be denied as it is inconsistent with the existing zoning and development north of West 40th Street.

TESTIMONY

WRITTEN COMMENT

Code

Y	R. L. Houston: 4106 Avenue D	FOR
M	Mrs. J. E. Peck: 4000 Avenue C	AGAINST
B	Hyde Park Presbyterian Church: 3913 Avenue B	FOR
U	Roger P. Franks: Box 361 Route 3	FOR

C14-67-125 Carrie Belle Houser--contd.

PERSONS APPEARING AT HEARING

Code

	Richard F. Lannert (representing applicant)	
J	Bill E. Boatright: 4006 Avenue C	AGAINST
T	Mrs. A. W. Oertili: 4005 Avenue C	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Lannert, representing the applicant, stated that the requested zoning is not out of line with zoning existing in the area. The area along Guadalupe Street, which is only a few blocks from the subject property, is zoned "C" Commercial. Less than one block from the subject property, along Speedway, there is also "C" Commercial and "B" Second Height and Area zoning. "B" Second Height and Area zoning is pending on property to the south. The streets are adequate as West 40th Street has 80 feet of right-of-way, Avenue C and West 41st Street have 60 feet of right-of-way. It seems logical that the proper zoning for the area is "B" or a similar zoning such as "LR" and "O". The requested zoning would serve as a buffer between the existing residential development and the commercial development that is established in the area. A great deal of the property in the area is rent property even though there are some well-maintained homes. The proposed development would improve this entire area. Mr. Lannert submitted a written statement from several property owners in the area who are in favor of the change.

Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to this request. They stated that this is a nice quiet residential neighborhood that should not be changed. The streets are too narrow to handle the existing traffic as well as traffic that would be created by the proposed development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied. They were of the opinion that the area could go into some type of apartment development but felt that the requested "B" Residence, Second Height and Area zoning was too intensive and would intrude into the existing residential neighborhood. They also felt the changes in the area should not be on a piece-meal basis.

At the Commission meeting, Mr. Wroe pointed out that this is an area where the Commission has recommended denial while the Council has granted zoning changes.

Mr. Jackson stated in his opinion this area is in the process of changing into an apartment area; however, the zoning should not be done on a piece-meal basis.

C14-67-125 Carrie Belle Houser--contd.

Mr. Osborne advised the Commission that a report will be submitted to the City Council, which designated this area for an Intensive Building Code Enforcement Program. This is scheduled to be the second project whereas Meadowbrook is the first. This is a highly susceptible area for such a program for much of the property is in 50 foot lots and developed predominantly with single-family residences. An Intensive Code Enforcement Program project is authorized by the City Council under the Community Development Program. There are 9 intensive code enforcement projects recommended in this program as well as 18 future urban renewal projects. This report will be submitted to the City Council and the Community Development Advisory Committee within the next two or three months. A preliminary report was made to the Council last December.

Mr. Osborne further explained that "A" Residential areas such as this are the most highly susceptible to speculation buying because of existing development and the size of property involved in relation to the price of the land. There is a rather substantial area of established "B" as well as "C" zoning in this area although most of the area in this zone is not being used for apartments. The area is designated in the plan and there is supporting information for rejuvenating the area.

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

VOTED: To recommend that the request of Carrie Belle Houser for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4007-4011 Avenue C be DENIED.

C14-67-126 St. Ignatius Church: A to O
 205-303 West Johanna Street
 2001-2005 Wilson Street
Add'n Area: 107-203 West Johanna Street

STAFF REPORT: The subject site consists of 54,665 square feet of land which is developed with a vacant church building. The stated purpose of the application is to conduct the "Boys Club of Austin" a non-profit organization to promote health, welfare and education of all boys. Because of the particular zoning pattern that would be created if this request was granted, the staff included 6 parcels of land adjoining to the east as additional area. Apartment zoning exists on property to the north which is not developed as such, but has been in existence for some years. "B" zoning is established on a large tract to the south, having frontage onto Wilson Street and Congress Avenue, which is developed with a large apartment complex. "C" and "C-2" zoning exists to the east along South Congress Avenue. The Commission approved, by special permit, a school for girls on property at the southwest corner of Crockett and Wilson Streets. The area north of West Johanna Street, west of Wilson Street, and south of Crockett Street is predominantly developed with single-family dwellings.

C14-67-126 St. Ignatius Church--contd.

Mr. Stevens stated that Mrs. Eula Mae Grimes, owner of two lots included as additional area, submitted a letter opposing this request and objecting to the inclusion of her property. Her objection was that the boys club would be noisy and meddlesome and would create disturbance in the neighborhood. The staff feels that Mrs. Grimes objections are well taken in the event the additional area is to be left as a residential area and maintained as homes, as there may be large gatherings of boys at the club. Without the additional area, it would be difficult to support the request as the property would be separated from the commercial development along Congress Avenue by both zoning boundaries and development. The staff recommends in favor of this request, provided the necessary right-of-way for West Johanna Street is acquired and the additional area is included.

TESTIMONY

WRITTEN COMMENT

Code

AV	Albert H. Hocke: 2308 Rebel Road	FOR
AT	Mrs. Eula Mae Grimes: 113 West Johanna	AGAINST
AG	F. A. Veazey: 1901 Eva Street	FOR

PERSONS APPEARING AT HEARING

Code

AV	Albert H. Hocke: 2308 Rebel Road	FOR
AA	Jual Rangel: 1903 Newton Street	FOR
AT	Mrs. Eula Mae Grimes: 113 West Johanna	AGAINST
?	George R. Gustafson: 1512 Ridgemont Drive	FOR
?	Dennis Pafeela: St. Edwards University	FOR
?	O. T. Martin, Jr.: 2303 Alta Vista	FOR
?	Cyrus W. Palmore: 2404 Parker Lane	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. George Gustafson, Vice President of the Boys Club of Austin, presented the following information: The proposal is to use the subject property to establish a Boys Club of Austin. The plans call for a club exclusively for boys ranging in age from 7 to 18 years. The boys will be trained in arts, crafts, sports, and various other activities. The plans include a library in the building. It is anticipated that this will be a home away from home for the boys. The idea of the club is to eliminate juvenile delinquency as much as possible, and keep the boys off the street by giving them something to do. The existing building has been vacant for many years and the plans are to lease-purchase the property from the church. A survey was conducted in this area of South Austin and it was found that there are approximately 2,500 boys in the area that could benefit from the club. This is a membership type organization with a fee of only \$1.00 per year. The building will be open six days a week from 4:00 to 10:00 p.m. A paid counselor is required

C14-67-126 St. Ignatius Church--contd.

to be on duty when the club is open in order to provide constant supervision. The facilities of the church building are adequate, and the grounds will be a benefit to the project. There has been no attempt to utilize all of the property. This is to be a pilot project in the City of Austin. If it succeeds, branches of the club will be established in other areas of the City. The anticipated enrollment the first year is between 800 and 900 boys. Austin is the only metropolitan area left in Texas that does not have a boys club.

Several people connected with this organization and a member of the church appeared in favor of the request. They stated that this club will help decrease juvenile delinquency in this area of Austin. The proposal will be a credit to the City and enhance the immediate neighborhood.

Arguments Presented AGAINST:

Mrs. Eula Mae Grimes, owner of two lots included as additional area, appeared at the hearing and stated that she is opposed to this request. This is a nice quiet residential neighborhood and the establishment of a boys club will create too many disturbances.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied. They were of the opinion that the proposal for a boys club is very commendable; however, the use and the zoning required for such use would be inconsistent with the surrounding zoning and uses. It was also noted that some of the owners of the property included as additional area objected to the rezoning of their property.

At the Commission meeting, Mr. Smith advised the members that he initially made a motion to grant this request; however, the motion died for lack of a second. He stated that his reason for making the motion was motivated by the fact that representatives of the Boys Club felt, after looking over the area, that the location of the subject property was best suited for the establishment of a Boys Club.

There were objections because of the noise that would be generated; however, the noise would be no greater than the noise from community playgrounds or school playgrounds that are adjacent to residential areas. It is recognized that this is a zoning case; however, it is felt that to some extent the use in this particular case should be considered. The project for the Boys Club is good. The problems of juvenile delinquency is increasing and representatives of the Boys Club feel that this club is a means of getting boys away from inducements whereby they might become delinquents.

C14-67-126 St. Ignatius Church--contd.

Mr. Smith further stated it is his understanding, that the club attempts to establish close in so that it is accessible, which eliminates some objections by the parents. This boys club is only one of four that is planned for Austin and it is felt that the subject property is a proper location which will serve the best interests of the club, the boys of the community and the City.

Mr. Osborne stated that his tentative understanding in discussing this proposal with the Building Inspector's Office is that the proposed boys club can be established on this property, by special permit approval, if the property is zoned "B" Residence. One of the issues before the Committee was the establishment of "O" Office zoning which would be detached from anything else, and could be used and developed for anything allowed under this classification. There is "B" zoning to the north and the south. The staff recommends that "B" zoning be established on the subject property and the additional area, which would permit a boys club by special permit.

Mr. Jackson stated that West Johanna Street in front of the westerly portion of the subject property is inadequate and should be widened before a change of zoning is granted.

Mr. Riley stated that the Zoning Committee did not oppose the proposed use of the property; however, it was felt that "O" Office zoning would not be consistent or proper with existing zoning in the area.

The Commission members were of the opinion that the establishment of a boys club on the subject property is very commendable and recognized the fact that this proposal can be accomplished by special permit approval if the subject property is zoned "B" Residence, First Height and Area. They felt that "O" Office zoning should be denied as this zone would not be consistent with existing zoning in the area. They stated they would look with favor on "B" Residence, First Height and Area zoning for the subject property and the additional area if Johanna Street, in front of the westerly portion of the subject property, is made adequate. It was then

VOTED: To recommend that the request of St. Ignatius Church for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 205-303 West Johanna Street, 2001-2005 Wilson Street and the additional area located at 107-203 West Johanna Street be DENIED.

C14-67-127 Verna C. Carlson and Sylvion Kivlin: A to B
 2515-2605 Wheless Lane
 2511-2513 Wheless Lane

STAFF REPORT: This application covers an area of 63,736 square feet of land which is developed with a single-family dwelling and four two-family dwellings. The stated purpose of the application is to further develop the property.

C14-67-127 Verna C. Carlson and Sylvion Kivlin--contd.

If the four parcels were combined into one site, the proposed zoning would permit a maximum of 42 apartment hotel units. It is the staff's understanding that Mr. Carlson owns the most westerly parcel of land and Mrs. Kivlin owns the three adjoining lots covered by this application. Mrs. Kivlin requested a change of zoning to "B" Residence, First Height and Area on her property in 1965, at which time the Commission recommended denial because Wheless Lane, proposed as a 70 foot collector street, had inadequate right-of-way, and because it would be an intrusion into a residential area. Since that time, Mrs. Kivlin has subdivided her property in order to create three lots. She dedicated 10 feet of right-of-way for Wheless Lane in connection with this subdivision. The area for the most part is composed of deep lots which are developed with single-family dwellings. "C" Commercial zoning is established on property to the east at the corner of Wheless Lane and Manor Road. "B" and "GR" zoning is established on property north of Wheless Lane to the west. At the original hearing, the staff recommended that the zoning be denied because of the existing and proposed residential development. The staff feels the situation is basically the same and recommends that this request be denied. The only change that has occurred is the zoning of undeveloped property at the intersection of Wheless Lane and North Hampton Drive to "GR" General Retail.

TESTIMONY

WRITTEN COMMENT

Code

G	Herman L. Newmann: 2613 Wheless Lane	AGAINST
T	Emil F. Michaelis: 2514 Sweeney Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Sylvion Kivlin (applicant)	
G	Herman L. Newmann: 2613 Wheless Lane	AGAINST
D	Harry Baumert: 2507 Wheless Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mrs. Sylvion Kivlin appeared at the hearing and stated that even though 42 apartment hotel units would be permitted under the requested zoning only a duplex or a four unit building would be added to the existing development. The reason the zoning is requested again is that Mr. Carlson has offered to sell the rear half of his lot which comprises approximately 1/4 of an acre. If something can be done with this portion of the property, it will be purchased.

C14-67-127 Verna C. Carlson and Sylvion Kivlin--contd.

Mrs. Kivlin further stated that there is a central driveway on her property which would serve any development on the rear portion of Mr. Carlson's property. The required off-street parking has already been provided. There is no definite plan on the 1/4 acre to be purchased from Mr. Carlson but it will be used in conjunction with the existing development. The staff indicated that there has been no change in this area, but a segment of Manor Road at the end of Wheless Lane is being repaved and there is new commercial development in that area. Mr. Carlson is willing to dedicate 10 feet of additional right-of-way for the widening of Wheless Lane from his property.

Wheless Lane has been on a proposed expanded paving program for some years as it is a collector street which collects traffic from Berkman Drive to Manor Road and the traffic is not very heavy. It is felt that traffic would not be a problem in this area because of the large tracts of land developed with single-family dwellings. There are several non-conforming uses in this block and several lots are developed with two-family dwellings. There is a demand for family type housing in the area because of the close proximity to Reagan High School and the elementary schools. There are not many non-apartment projects in this area that provide units with yard space for children to play. The proposed development will enhance the subject property.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request. They stated that this is an "A" Residential district that should not be changed. The people in the area bought their homes because of the close proximity to the schools, and because the area is a quiet neighborhood.

The owner of property adjoining to the west appeared at the hearing and stated that further development of the property would be dangerous as the fire department could not get to the rear area. He further stated that the noise of the air conditioners for the existing units are very disturbing and this problem would be increased by further development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an intrusion into a residential area, and Wheless Lane has inadequate right-of-way.

At the Commission meeting, Mr. Stevens reported a letter submitted by Mrs. Kivlin, from two nearby property owners in favor of this request.

C14-67-127 Verna C. Carlson and Sylvion Kivlin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Verna C. Carlson and Sylvion Kivlin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2515-2605 Wheless Lane and 2511-2513 Wheless Lane be DENIED.

ABSTAINED: Mr. Brown

C14-67-128 Richard R. Hooper: A, 1st to B, 2nd
 6201-6203 Berkman Drive
 1700-1708 Wheless Lane

STAFF REPORT: This site consists of approximately 20,000 square feet of land which is undeveloped. The stated purpose of the application is for apartments. The original size of the property was approximately 21,735 square feet but 15 feet of right-of-way was acquired to accommodate the present pavement of Berkman Drive. Berkman Drive, with a present right-of-way of 60 feet, is proposed to be widened to 70 feet, which will affect the subject property by an additional 10 feet. The requested zoning would permit 28 apartment hotel units on the subject property. A recent application for office zoning at the corner of Wheless Lane and Linda Lane was denied by the Commission and the Council. During the testimony it was found that the property in this area was deed restricted. The Harris Elementary School is established on property south of Wheless Lane. Property between Linda Lane and Briarcliff Boulevard is zoned "C" Commercial. To the west, across Berkman Drive there is a large tract of land which is developed with a church. The area is zoned and developed predominantly with single-family dwellings. Along Hickman Avenue and Linda Lane there are some new residences. A special permit for a fire station was approved on property to the north which is located three lots south of property zoned "B" Residential. Zoning this parcel as requested would in effect strip zone on the east side of Berkman Drive. It is recommended that the request be denied because of the existing zoning and development, and because of the inadequate right-of-way of Berkman Drive. If the Commission feels a change is occurring in this area, the staff recommends the change be limited to "BB" Residence, First Height and Area.

TESTIMONY

WRITTEN COMMENT

Code

G Franklin D. Hamilton: 6302 Hickman Drive

AGAINST

PERSONS APPEARING AT HEARING

Code

C John Selman (representing applicant)
 Joseph R. and Winnie Smith: 1708 Wheless Lane

FOR

Gl4-67-128 Richard R. Hooper--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, offered the following information: The reason that "B" Second Height and Area zoning is requested for the subject property is that the applicant wishes to erect 16 apartment units on the site. The plans for 16 units have been drawn and are available. The applicant is willing to submit a restrictive covenant limiting the development to 16 units. Under the "B" First Height and Area classification with the existing 21,735 square feet of area, approximately 14 units could be constructed and possibly more by going to the Board of Adjustment for a variance. The applicant is only requesting two apartments more than would be allowed under the "B" First Height and Area classification. The staff indicated a concern about strip zoning of Berkman Drive. This trend has started for there is a large apartment project on property north of the fire station. On the other side of the continuation of Wheless Lane the area has changed to predominantly two-family development. This is a tremendously changing area that would be well adapted to apartment development. There is "C" and "GR" zoning on property south of Wheless Lane and there are commercial businesses located in the very near vicinity. Berkman Drive is a collector street which carries a great deal of traffic to Reagan High School. The applicant will dedicate 10 feet of additional right-of-way for the widening of Berkman Drive. Most of the residences existing in this area have been established for many years. It is not economically feasible to develop the subject property with residences or two-family dwellings because of the heavy traffic count on Berkman Drive and the close proximity of public service centers.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized that this is a changing area; however, they felt this request should be denied because of the inadequate right-of-way of Berkman Drive and because the requested zoning would be too intensive for the area. The Committee stated they would favor a less intensive apartment zone with provision for adequate right-of-way.

At the Commission meeting, Mr. Stevens reported a letter from Mr. John Selman, representing the applicant, requesting that this application be amended to "B" Residence, First Height and Area and offering to dedicate 10 feet of right-of-way for the widening of Berkman Drive.

Mr. Wroe advised the Commission that the Committee felt any rezoning of the subject property would have an effect on the surrounding area and set a precedent. There is available property for redevelopment and further development in this area that would take on the characteristic of the subject site if so zoned. The Committee felt that "B" Second Height and Area District would be too intensive for the area.

C14-67-128 Richard R. Hooper--contd.

Mr. Osborne explained that the lots along Hickman Avenue and Linda Lane are small lots developed predominantly with single-family dwellings. The lots along Berkman Drive are larger lots which are subject to resubdividing. He stated that in his opinion there should not be any apartment zoning in this area at the present time; however, there is a potential for duplex development. The subject property can be divided into two tracts and developed with duplexes which would not be too intensive for the area. The rezoning of this one tract of land would have an effect on the zoning and development of other property in this immediate area.

Mr. Dunnam stated in his opinion there is not much difference between a well-developed low density apartment development and duplexes. It was pointed out that the subject property is across the street from a school and there are shopping centers nearby. A market does exist on the part of people who are not considered permanent tenants to live in apartments near shopping areas.

Mr. Wroe stated that there was concern about the further development of the land to the north of Berkman Drive, and the future of the existing residential "A" development because of the proposed overpass to the north.

Mr. Stevens pointed out that there is an apartment building on property to the north. The staff recommended against the requested change as it is felt that the zoning would be too intensive for the area; however, if the Commission does determine that a change will occur, the staff recommends the change be limited to "BB" Residence, First Height and Area. "B" Residence, Second Height and Area zoning would allow 16 regular apartment units or 28 apartment hotel units to be developed on the property. "B" Residence, First Height and Area would allow 10 regular apartment units or 13 apartment hotel units.

The Commission members concurred with the Committee recommendation that "B" Residence, Second Height and Area zoning would be too intensive for this area. It was then

VOTED: To recommend that the request of Richard R. Hooper for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6201-6203 Berkman Drive and 1700-1708 Wheless Lane be DENIED.

The Commission then accepted and considered the amended application to "B" Residence, First Height and Area. They were of the opinion that this zoning would also be too intensive for the area and

VOTED: To recommend that the request of Richard R. Hooper 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 6201-6203 Berkman Drive and 1700-1708 Wheless Lane be DENIED.

C14-67-129 Don Stathos, Sr. and Richard Stathos: C to C-2
 1600-1604 Lavaca Street
 300-308 West 16th Street

STAFF REPORT: This site consists of 11,264 square feet. The stated purpose of the application is for the sale of beer for on premise consumption. The immediate surrounding area is zoned and developed commercially. In 1966 "C-2" zoning was granted on property to the south, fronting onto West 15th Street. "C" Commercial, Fourth Height and Area zoning was granted for the telephone company on property between San Antonio, Guadalupe Streets, West 17th and West 16th Streets in 1960. A request for "C-2" zoning is before the Commission on property at the corner of West 16th and Lavaca Streets. The crosstown expressway is proposed south of the subject property. The staff recommends this request be granted as this is a well-defined and well-developed commercial area with adequate streets.

TESTIMONY

WRITTEN COMMENT

Code

N	Howard P. & John H. Steinle, Jr.: 1909 University Avenue	AGAINST
A	Don Stathos, Sr.: 1500 Lavaca Street	FOR
V	August Achilles: 507 West 17th Street	FOR
R	Emilie Limberg: 2000 University Avenue	FOR
C	William W. Platt: 1516 Guadalupe Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Don Stathos, Sr. (applicant)
	Douglass D. Hearne (representing applicant)

SUMMARY OF TESTIMONY

Mr. Douglass Hearne, representing the applicant, presented a sketch indicating the surrounding area and utilization of property. He stated that the applicant is the owner of Dan's Liquor Store which is presently located at the corner of West 15th and Lavaca Streets. According to City plans, the main store will be beneath the projected overpass of the 15th Street Expressway. The applicant would like to convert the subject property into a restaurant with the ultimate idea to move the liquor store to this site. This is a commercial area and the proposed use on the subject property does not conflict with the present or future plans of the City.

No one appeared in opposition to the request.

C14-67-129 Don Stathos, Sr. and Richard Stathos--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Don Stathos, Sr. and Richard Stathos for a change of zoning from "C" Commercial, Third Height and Area to "C-2" Commercial, Third Height and Area for property located at 1600-1604 Lavaca Street and 300-308 West 16th Street be GRANTED.

C14-67-130 Alfred W. Negley, Trustee: A to B
 6701-6703 Brenda Drive
 6800-6810 Twin Crest Drive
 302-332 Huntland Drive

STAFF REPORT: This application covers an area of approximately 65,600 square feet of land which is undeveloped. The stated purpose of the application is for the construction of apartments. The proposed zoning would permit 43 apartment hotel units on the subject site. "C" Commercial, Third Height and Area zoning is established on the vacant property to the south, across Huntland Drive. A Junior High School is under construction on the large tract of land to the east. North of the subject property is fairly new residential development. The subject property fronts on Huntland Drive, a commercial collector street with 80 feet of right-of-way that will carry commercial traffic, school traffic and residential traffic. The property sides on two residential streets, one of which is a 60 foot residential collector street. The staff does not object to the development of apartments on the subject property as it is felt that there should be some relief given the subject property being across from a proposed regional shopping area and to buffer the existing residential development. The staff's concern is that the layout of the subdivision on the subject property, and property to the west across Brenda Drive, was planned for single-family development. The proposal was for a tier of lots fronting onto Huntland Drive. If the staff had anticipated that this property would be developed with apartments, thought would have been given to wider streets. Brenda Street has only 50 feet of right-of-way. Access from the proposed development onto this street could have a detrimental effect on the new residences to the north. The staff feels that a revision to the preliminary plan on this property should be considered so that adequate streets can be provided. It is realized that widening from this side of Brenda Street would be difficult because of the existing development to the north; however, the street should be widened in connection with property across to the west or in connection with the subject property.

C14-67-130 Alfred W. Negley, Trustee--contd.

Mr. Wroe asked how a revision to the Subdivision plan would benefit the street situation. If the subdivision plan is revised, the street could be relocated or widened in this particular area so that there would not be a 50 foot neck out to Huntland Drive. The street should be at least 60 feet wide with 40 feet of paving. Because of the change of use proposed for the property, the staff feels it is the applicant's burden to solve the street problem.

TESTIMONY

WRITTEN COMMENT

Code

M	Robert B. Putnam, II: 6803 Deborah Drive	AGAINST
M	Mrs. Robert B. Putnam: 6803 Deborah Drive	AGAINST
L	T. E. Fears, Jr.: 6801 Deborah Drive	AGAINST
N	James M. Whitley: 6805 Deborah Drive	AGAINST
?	Henry E. Culp: 6802 Deborah Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
K	Dale A. Boswell: 6900 Twin Crest Drive	AGAINST
L	Thomas E. Fears, Jr.: 6801 Deborah Drive	AGAINST
M	Robert B. Putnam, II: 6803 Deborah Drive	AGAINST
N	James M. Whitley: 6805 Deborah Drive	AGAINST
?	Paul O. Crews: 6901 Deborah Drive	AGAINST
?	C. J. Reese, Jr.: 6907 Deborah Drive	AGAINST
?	Otis N. Corbin: 6905 Deborah Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, offered the following information: The applicant will dedicate 5 feet of additional right-of-way for the widening of Brenda Drive. This is a difficult case to consider as some of the property owners in the area have the idea that the residential neighborhood will be completely changed by this request for apartment zoning; however, it should be pointed out that "C" Commercial, Third Height and Area zoning is established on property south of Huntland Drive which will possibly be developed with one of the larger commercial developments in Austin. This area is changing and will change even more when a commercial center is developed. It is felt that the requested zoning and proposed development on the subject property will be a buffer between this commercial property and the residential property. The type of proposal that is planned will work in with the neighborhood, and not be bothersome or effect the property values. The applicant is the prospective buyer of the property and he has developed several apartment projects that have blended into the area in

C14-67-130 Alfred W. Negley, Trustee--contd.

which they were developed. If the zoning is changed, the property could probably be designed with a wall along the rear property line so that the adjoining owners will be buffered from the apartment development. It is recommended that if the zoning is changed, that there be a requirement that a screening wall be built by the applicant so that the residential area will be screened. There will not be a parking problem as the Zoning Ordinance requires two parking spaces for a two bedroom unit or $1\frac{1}{2}$ parking spaces for a one bedroom unit. This requirement will provide more than adequate off-street parking so that there will not be cars parked along the street.

Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to this request. They stated that the proposed development would decrease property values and be detrimental to the entire residential area. The homeowners in this area have a beautiful view of the University and Capital area and if the development of apartments is allowed, this view will be blocked, and will be an invasion of privacy. This area is highly populated with school children walking to and from school and the traffic created by this proposal would be extremely hazardous to the children.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because Brenda Drive, with a present right-of-way of 50 feet, is inadequate. The Committee stated it would look with favor on the requested zoning if the street is made adequate.

At the Commission meeting, the staff reported a letter from Mr. John Selman, representing the applicant, stating that the applicant has agreed to dedicate 5 feet to the City of Austin for the street widening of Brenda Drive. In addition the applicant has further agreed to pay one-half of the cost of the resetting of the curb and paving of Brenda Drive provided his cost does not exceed \$250.00.

Mr. Stevens explained that the Committee stated they would with favor on this request if the street was made adequate. A preliminary plan for residential development was approved on the subject property and a portion of the property across Brenda Drive to the west. It was the staff's recommendation that the preliminary plan be revised so as to provide adequate right-of-way for Brenda Drive, by either relocating the street or by acquiring additional right-of-way. It is felt that the requested zoning would serve as a buffer between the existing residential development to the north and the large tract of "C" Commercial property to the south. With regard to the letter from Mr. Selman, the staff was unable to tell him how much cost would be involved in resetting the curb and repaving of this particular area. The staff would like to accept the 5 foot dedication and when property across Brenda Drive to the west comes in, the widening could be started at zero feet at the north property line and then widen out towards the intersection so that there would be at least 60 feet of right-of-way.

C14-67-130 Alfred W. Negley, Trustee--contd.

Mr. Osborne stated that Brenda Drive is only two blocks long. The "C" Commercial property to the south, as well as the subject property, is served by three streets; one of which is a major street. It is assumed that the land across Brenda Drive will not be subdivided into single-family lots. Mr. Osborne further stated that he questions whether or not street widening for Brenda Drive is necessary from the subject property and whether or not it would place an undue burden on this tract. It is suggested that the Commission recommend the zoning and accept the offer of widening. Before the request goes to the Council, the staff will try to resolve whether or not there is a real need for right-of-way from the subject property.

Mrs. Naughton stated that there was considerable objection from the property owners abutting this tract and particular objection from the property owner at the corner of Deborah Drive and Brenda Drive, because of the traffic and the parking along the street that would be created.

Mr. Wroe stated that it has been a matter of Commission policy to require that streets serving multi-family development have 60 feet of right-of-way. Mr. Osborne explained that Huntland Drive, in front of the subject property, has 80 feet of right-of-way; Twin Crest Drive, one of the side streets, has 60 feet of right-of-way and Brenda Drive is the only street serving the subject property with 50 feet of right-of-way. The proposal on the subject property is a mediate level of density and the streets as they exist should be adequate to handle the traffic.

Mr. Wroe stated that whenever there is strip multi-family development, the overflow of traffic goes onto the side streets. Mr. Dunnam stated that the Committee was also concerned about the storage of cars on Brenda Drive. The additional width would probably help the storage situation as Huntland Drive is a collector street.

Mr. Osborne explained that the real issue is what kind of parking will occur. If there is curb parking, because of inadequate off-street parking, then a 30 foot paved street would be insufficient; however, if adequate off-street parking is provided, this would not be a problem.

Mr. Dunnam stated that the zoning on this particular piece of property and the uses contemplated will not over burden the street system; however, parking of cars along the street could create a problem. He asked if there is any way the Commission could request that curb parking be eliminated. Mr. Osborne stated that the City has the authority to prohibit parking along the curb and if the Commission feels this is a valid issue, a recommendation to that effect can be made.

Mr. Wroe stated that the requested zoning is proper; however, the Commission should adhere to the policy of requiring adequate right-of-way. There is a 50 foot street involved and 5 feet of right-of-way is the proper widening from the subject property as the development as proposed will generate more traffic. The Commission is not in a position to get involved in the cost or value of re-locating the street and this should not be a consideration.

C14-67-130 Alfred W. Negley, Trustee--contd.

Mr. Jackson stated that Mr. Selman's letter with regard to the dedication of 5 feet of widening for Brenda Drive could be accepted; however, the portion of the letter concerning the cost could not be accepted. A recommendation can be made that there be no parking along this street in lieu of widening, but it would have no bearing as to whether the Traffic Department would adhere to the recommendation.

Mr. Dunnam stated that the Commission would be accepting 5 feet of widening for a street that Mr. Osborne has stated would serve no purpose and the Commission is not recommending anything on the storage problem which is the problem that should be considered. A recommendation should be made that is consistent with good planning.

Mr. Osborne explained that the development on the large "C" Commercial tract to the south is still in the planning stages. The property across Brenda Drive is still undeveloped and the subject property is to be developed. There is some doubt that the Traffic Department would establish a no parking condition along this curb until the situation is well identified because enforcement would be a problem.

After further discussion, a majority of the members felt that this request should be granted, in view of the offer of 5 feet of right-of-way for the widening of Brenda Drive, as the requested zoning is proper for the subject property and would serve as a buffer area between the commercial property to the south and the residential development to the north. It was then

VOTED: To recommend that the request of Alfred W. Negley, Trustee for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6701-6703 Brenda Drive, 6800-6810 Twin Crest Drive and 302-332 Huntland Drive be GRANTED.

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

NAY: Mr. Bluestein

ABSENT: None

C14-67-131 Wheeler - Atwell, Inc.: C, 2nd to C, 3rd
1914-2002 San Antonio Street

C14-67-132 Kelly E. McAdams: C, 2nd to C, 3rd
2008-2010 San Antonio Street
501-505 West 21st Street

C14-67-133 Jay M. and Don R. Easley: C, 2nd to C, 3rd
2004-2006 San Antonio Street

STAFF REPORT: There are three separate applications for "C" Commercial, Third Height and Area zoning on three sites located along San Antonio Street. Application C14-67-131 covers an area of 23,164 square feet; application C14-67-132 covers an area of 16,800 square feet; and application C14-67-133 covers an area of 8,400 square feet. The three sites are located in an area developed

C14-67-131 Wheeler -- Atwell, Inc.--contd.
C14-67-132 Kelly E. McAdams--contd.
C14-67-133 Jay M. and Don R. Easley--contd.

under a mixed zoning pattern of "B", "LR", and "C" Districts. "C" Commercial, Third Height and Area zoning granted in 1959, is established on property immediately west of two of the lots under consideration. The proposed zoning would allow an unlimited number of apartment units and a height of 90 feet. The height limitation and the parking requirement would be the only limiting factors if the requested zoning is granted. The City Council establishes the parking requirements on property in this area. There is scattered high-rise apartment development and other apartment development in this area.

San Antonio and West 21st Streets are both adequate streets with 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

V	S. C. Miles: 1911 Nueces Street	AGAINST
AC	Kelly McAdams: 1425 Preston Avenue	FOR

PERSONS APPEARING AT HEARING

Code

	Kenneth Wendler (representing the applicants)	
?	Don Easley: P. O. Box 3311, Victoria, Texas	FOR
?	Bill Upchurch: 723 Sparks Avenue	FOR
?	Charles Talbert: 2400 Oldham	FOR
?	Harry Bruton: 1606 Bonham, Victoria, Texas	FOR
V	S. C. Miles: 1911 Nueces Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Kenneth Wendler stated that he is appearing on behalf of the three zoning requests. Third Height and Area zoning is requested because the property cannot be developed under the Second Height and Area classification to meet the parking requirements. Proposed is a dormitory complex that is to be developed in phases. Because of the land cost involved in this area, and the parking requirements, a building cannot be constructed for the proper number of people with a 45 foot height limitation. Ninety feet of height is needed because of the density that is necessary in the University area.

Mr. Bill Upchurch appeared at the hearing and stated that he represents a group of investors from Houston. He stated that the zoning requested is a matter of economics. It is difficult to make a good investment in this area without the proper height and density.

C14-67-131 Wheeler - Atwell, Inc.--contd.
C14-67-132 Kelly E. McAdams--contd.
C14-67-133 Jay M. and Don R. Easley--contd.

Arguments Presented AGAINST:

Mr. S. C. Miles appeared at the hearing and stated that he is opposed to the requested zoning. He stated that his property is across the alley from the subject property and a high-rise building would ruin his property and create many disturbances during the construction of the proposed building. Mr. Miles further stated that the development of a high-rise building would cut off his view of the University and detract from his property.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that these requests should be granted as an extension of existing zoning and is in keeping with the area's development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Wheeler - Atwell, Inc. (Case # C14-67-131) for a change of zoning from "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 1914-2002 San Antonio Street be GRANTED.

(DISQUALIFIED: Mr. Riley)

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kelly E. McAdams (Case # C14-67-132) for a change of zoning from "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 2008-2010 San Antonio Street and 501-505 West 21st Street be GRANTED.

(DISQUALIFIED: Mr. Riley)

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jay M. and Don R. Easley (Case # C14-67-133) for a change of zoning from "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 2004-2006 San Antonio Street be GRANTED.

(DISQUALIFIED: Mr. Riley)

SPECIAL PERMITS

CP14-67-11 William J. Turman: 67 unit apartment dwelling group
620-622 South First Street
Rear of 624-800 South First Street

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 67 units, 114 parking spaces, one recreation building and one swimming pool. A request for a special permit on this property was before the Committee last month at which time there was objection to the 25 foot driveway entrance and the layout of the parking. The request was withdrawn so that a revision could be made. This revision has been made by the applicant. The site plan has circulated to the various City Departments and comments are as follows:

Tax Assessor
Storm Sewer

Traffic Engineer

Health

Fire Protection

Fire Prevention

Building Inspector

Electric

Director of Public Works

Office Engineer

- No objections.
- Five foot drainage easement required along part of the south property line.
- Driveway to South First Street appears to be 50' wide. Roadways appear to be two at 20'. Median could be reduced to 5' and driveway to 45'.
- Approved. Sanitary Sewer Line Available.
- Additional fire hydrant recommended.
- Still some question as to water supply and accessibility.
- This property is located on an arterial street and must be cleared by Legal Department. All the rest seems OK. Construction must comply with all codes.
- Need Electric Easements as shown on site plan.
- Driveway location meets with our approval however will need a request and approval before construction begins.
- Require request for commercial driveway.

CP14-67-11 William J. Turman--contd.

Advanced Planning

- Buffer (fence) should be provided between subject tract and lots located to the east and fronting on South First Street and between the subject tract and property to the south.

Water and Sewer

- Water is available from existing 6 inch main in South First Street. Fire hydrants required for protection will require a minimum size main of 6 inch 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 East Bouldin Creek. Main in East Bouldin Creek is approximately 3.50 feet west of proposed apartments.

The site plan, as revised, meets the technical requirements of the Ordinance and the staff recommends approval.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A William J. Turman (applicant)
? W. R. Coleman: 600 West 28th Street

FOR

SUMMARY OF TESTIMONY

Mr. Bill Turman and Mr. Coleman were present on behalf of this request and presented a general schematic plan of the subject area to be developed at this time and the general area that is to be developed in phases. They stated that the revised site plan shows the parking in more detail and also shows the location of oak trees that are to be saved. The units will be staggered as much as possible so that the view of the area will not be blocked.

Mr. Stevens advised the applicants that when the next phase of development comes in, this particular site plan will have to be modified and some of the parking will be shifted.

CP14-67-11 William J. Turman--contd.

Mr. Coleman stated that the land under consideration has been extended 10 feet in two ways, from the original plan, in order to widen the area where the main drive will be. The existing 7 unit structure will remain for the time being but the ultimate plans are to tear it down.

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 subject to compliance with departmental reports.

At the Commission meeting, the staff reported that departmental reports have been complied with. The Commission then

VOTED: To APPROVE the request of William J. Turman for a special permit for the erection of a 67 unit apartment dwelling group to be located at 620-622 South First Street and the rear of 624-800 South First Street, and authorized the Chairman to sign the necessary resolution.

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

CP14-67-12 Henry E. Williams, Jr.: 82 unit apartment dwelling group
3401-3417 San Marino Drive
1710-1724 Woodward Street

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 82 units, 203 parking spaces, 3 mechanical and storage rooms, and 2 swimming pools. The subject property is zoned "B" Residence, First Height and Area.

Ten apartment units are existing on the subject property at this time because of a prior approval of a special permit. The proposal is to add additional units with the necessary parking to accommodate the proposal.

Departmental comments are as follows:

Tax Assessor
 Storm Sewer

Fire Protection

- No objections.
- Drainage facilities and easement required.
- Additional fire hydrant recommended. Served by looped water line.

CP14-67-12 Henry E. Williams, Jr.--contd.

Traffic Engineer
Fire Prevention
Health

Building Inspector

Electric

Director of Public Works

Office Engineer

Advanced Planning

Water and Sewer

- OK
 - OK
 - APPROVED. Sanitary Sewer Line available.
 - All seems to be OK. Construction must comply with all other applicable codes.
 - Easements to be determined later and obtained by separate instrument.
 - Driveway locations meet with our approval; however, will need a request and approval for them before construction begins.
 - Require request for commercial driveway.
 - Sidewalk should be relocated to provide room for parking on east of tract. (Count only 202 spaces)
 - A fire hydrant is required at the northeast corner of the proposed first section.
- A looped 6 inch water main, from San Marino Drive to Woodward Street will be required to serve the fire hydrant. Fire demand water meters are required at both connections to City mains. Note that existing sanitary sewer main will be encased in concrete complies with City requirements.

Subject to compliance with departmental reports, the staff recommends approval.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Henry E. Williams, Jr. (applicant)

CP14-67-12 Henry E. Williams, Jr.--contd.

SUMMARY OF TESTIMONY

Mr. Henry E. Williams, Jr. and Mr. M. E. Thompson were present on behalf of this request. They stated that the schematic plan covers a proposed 232 apartment units, plus the 10 existing units, that will eventually be developed on the property. All departmental reports will be complied with.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved subject to compliance with departmental reports.

At the Commission meeting, Mr. Charles Stahl requested that this application for a special permit be withdrawn at this time. He stated that the project has grown in size and there are additions that may be made on a larger scale. A new application will be submitted at a later date. The Commission then

VOTED: To ACCEPT the withdrawal of this application.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of August 7, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

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

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of August 7, 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 for filing the following final plats:

C8-65-40	Colorado Hills Estates, Section 2
	Parker Lane and Woodland
C8-67-58	Barton Terrace, Section 5
	Deerfoot Trail
C8-67-59	Kassuba Beach, Phase 2
	South Lakeshore Boulevard
C8-67-60	Palomino Park, Section 4
	Rocking Horse Road
C8-67-29	Fairmont Park, Section 2
	Village Way Drive and Acacia

C8-67-42 Mission Hill Subdivision
Ben White Boulevard and Catalina

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, additional easements, compliance with departmental reports and a required zoning change. Mr. Foxworth stated that a zoning application had been filed and is being processed. The Commission then

VOTED: To ACCEPT for filing the final plat of MISSION HILL SUBDIVISION, and DISAPPROVE pending the requirements as noted.

C8-67-53 St. Edwards Heights, Section 2
Woodward Drive and Parker Lane

The staff recommended that this final plat be accepted for filing and disapproved pending the required additional easements, compliance with departmental reports, annexation and a cul-de-sac or additional fiscal arrangements in lieu thereof.

The Commission then

VOTED: To ACCEPT for filing the final plat of ST. EDWARDS HEIGHTS, Section 2, and DISAPPROVE pending the requirements as noted.

C8-67-21 Ben White Commercial Subdivision
Ben White Boulevard and South Second

The staff recommended that this final plat be accepted for filing pending verification of right-of-way needs for Banister Lane and setback lines on the plat. The Commission therefore

VOTED: To ACCEPT for filing the final plat of BEN WHITE COMMERCIAL SUBDIVISION, pending the requirements as outlined.

C8-67-61 Wooten Village, Section 5
Fairfield Drive and Sheffield

The staff recommended that this final plat be accepted for filing pending a 15 foot setback line required from side street on all corner lots and the showing of all street names. The Commission then

VOTED: To ACCEPT for filing the final plat of WOOTEN VILLAGE, Section 5, pending the requirements as noted.

SUBDIVISION PLATS - CONSIDERED

C8-67-47 Westover Hills, Section 3, Phase 5
 Mesa Drive

The staff reported that this final plat has complied with all requirements of the Ordinance except for a variance involved on the frontage of Lot 1, Block D. This final plat proposes three lots on the west side of the extension of Mesa Drive and four lots on the east side. Lot 1, Block D, with only 45 feet of frontage is required to have 50 feet; however, the lot does comply with area requirements.

Mr. Thomas Watts, engineer for the developer, stated that the lot in question is 60 to 65 feet wide at the building line. The lot adjoining to the south appears to be rather large; however, if 5 feet is taken from it this will reduce the useable area because of a slope through the lot. Mr. Watts further stated that there is a contract to purchase the lot and it is their intention when it is acquired to resubdivide. The developer originally intended to subdivide only five lots, excluding the lot in question and a portion of Mesa Drive, but after discussing this with the Legal Department and the Planning Department it was felt it would be more desirable to dedicate the full street as the City would require a cul-de-sac and development of the street. Mesa Drive makes about a 60 degree angle with the north property line, and the area to the east has been established by previous approval so the developer is stuck with this shape until the property to the north is acquired. Lot 1, Block D has ample building area. Even though it is an odd shaped lot, it will eventually be resubdivided when the property to the north is acquired.

Mr. Riley stated that when the street goes through and a residence is erected on the adjoining lot, the structure on Lot 1, Block D will be setting back to his neighbor on this triangle.

Mr. Watts explained that the street will project through on and the proposal is that the lot will eventually be squared. The developer is trying to dispose of the land that is left in this area. The building lines are the same.

Mr. Riley suggested that the developer leave the lot in question and the adjoining lot out of this platting. Mr. Watts stated that this was the original intention but the City said that a cul-de-sac would be required.

Mr. Stevens explained that a cul-de-sac would not be required because of the extra width on Mesa Drive. The original proposal was to leave the two lots and the street out so that if and when the City needed the street connected through to U. S. 183, the owner would dedicate that portion of Mesa Drive.

Mr. Foxworth advised the Commission that the staff has no basis for recommending the requested variance. It is recommended that 5 feet be added to Lot 1, Block D, so that the lot would have legal frontage and that this revision be checked by the Engineering Department.

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

Mr. Jackson was of the opinion that 5 feet of area on one lot or the other is not of major importance to the developer. He suggested that 5 feet be added to Lot 1, Block D so that it will be a legal lot. Mr. Wroe stated that in his opinion there is no real need for a variance as no hardship or unusual problem exists. After further discussion, the Commission

VOTED: To DISAPPROVE the final plat of WESTOVER HILLS, Section 3, Phase 5, pending clearance from the Engineering Department on the revised portion of the plat adding 5 feet to Lot 1, Block D so that there will be the required frontage on the lot.

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

The staff recommended that this final plat be disapproved pending the required fiscal arrangements, additional easements, compliance with departmental reports, annexation, City and County tax certificates, sewer approach main and 15 foot setback lines from the side street on all corner lots. The Commission then

VOTED: To DISAPPROVE the final plat of CHERRY CREEK II, pending the requirements 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, compliance with departmental reports and 15 foot setback lines required from side streets on all corner lots. The Commission then

VOTED: To DISAPPROVE the final plat of HIGHLAND HILLS, N.W., Section 4, 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 compliance with departmental reports.

Mr. Jerald Hart, representing the applicant, stated that to the best of his knowledge the only report that is lacking is the vacation of the street and the signing of the plat by the School Board. The street is vacated but the School Board does not meet until August 30, and the plat cannot be signed until that time. He asked if the staff could poll the Commission upon completion of this requirement within 10 days rather than the normal 7 days.

C8-67-40 N.W. Hills, Section 10, Phase 2--contd.

The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, Section 10, Phase 2, pending compliance with departmental reports and authorized the staff to poll the Commission if the requirement is met within 10 days.

C8-67-46 Point West of Westover Hills, Section 2
Mesa Drive and Silverspring

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

The Commission then

VOTED: To DISAPPROVE the final plat of POINT WEST OF WESTOVER HILLS, Section 2, 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 additional easements and compliance with departmental reports. The Commission then

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

C8-67-48 Balcones Hills, Section 2
Greenslope and Crowncrest

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

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

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

The staff reported that this subdivision was before the Commission at the last regular meeting. The subdivider is requesting a revision to the plat which involves the removal of Lot 11 and the south end of Lots 6, 7 and 8 from the final plat. These lots were a part of the preliminary plan and the removal of the lots will be contrary to that plan. The staff objected to this on the basis that Lot 11 was owned by Mr. Pierce and the south end

C8-67-39 Southwind Addition, Section 2--contd.

of Lots 6, 7 and 8 were owned by another party. The staff has discussed this with the people involved and they are in accordance with deeding to Mr. Pierce, the balance of the south end of the lots under consideration. If this is done, it will revert back to one tract of land under single ownership which was the status before the preliminary plan was filed in that all of the land will be under one ownership. The staff objected to the revision as long as there was separate ownership as it would landlock this piece of property; however, with the agreement to deed to Mr. Pierce the portion of the lots in question, this will all be under one ownership and access will be available to the entire property from Georgian Drive. The staff feels acceptance of the revision should be contingent upon the conveying of the southern end of Lots 6, 7 and 8 to Mr. Pierce being shown on the plat. If the revision is accepted, departmental reports will have to be acquired from all of the departments on the revision. The staff recommends the revision be accepted and this final plat be disapproved pending compliance with departmental reports. The Commission then

VOTED: To ACCEPT the revision to SOUTHWIND ADDITION, Section 2, removing from the final plat Lot 11 and the southern end of Lots 6, 7, and 8, pending the conveyance of the lots in question to Mr. Pierce being shown on the plat, and DISAPPROVE pending compliance with departmental reports.

C8-67-37 Oak Ridge, Section 1
U.S. 81 and Little Oak Drive

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

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

C8-67-43 Buckingham Place, Section 1
Eberhart Lane and Middleham

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

VOTED: To DISAPPROVE the final plat of BUCKINGHAM PLACE, Section 1, pending the requirements as outlined.

C8-67-49 River Oak Lake Estates, Section 2
Parmer Lane and Rolling Hill

The staff recommended disapproval of this final plat pending additional easements and compliance with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of RIVER OAK ESTATES, Section 2, pending the requirements as noted.

C8-67-52 Oak Ridge, Section 2
Tedford Street

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

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

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

VOTED: To APPROVE the following final plats:

<u>C8-67-31</u>	<u>Northwest Hills Belo Horizonte Section</u>
	<u>Mesa Drive</u>
<u>C8-67-41</u>	<u>Northwest Hills, Mesa Oaks, Phase 4-A</u>
	<u>Mesa Drive and Timberline</u>
<u>C8-67-1</u>	<u>Southwind Addition, Section 1</u>
	<u>San Jose and Guadalupe</u>
<u>C8-67-26</u>	<u>LaFayette Place</u>
	<u>Bullard Drive and White Rock</u>

SHORT FORM PLATS - FILED

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

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

<u>C8s-67-132</u>	<u>John R. Pond Subdivision</u>
	<u>Old Oak Hill and Bee Cave</u>
<u>C8s-67-134</u>	<u>Grand Canyon Drive Subdivision</u>
	<u>Grand Canyon Drive and St. Johns</u>
<u>C8s-67-135</u>	<u>Sherry-Dale Resub. of part of Block 7</u>
	<u>North Lamar and Denson</u>

The staff reported that this short form plat involves two lots out of a larger tract of land. A variance is involved in that the two lots under consideration came from a larger tract of land which was actually a tract that extended from Burns Street to North Lamar Boulevard and which is now under three separate ownerships. A letter has been received from the

C8s-67-135 Sherry-Dale Resub. of part of Block 7--contd.

applicant requesting that a variance be granted on the signature of the adjoining owner. The staff recommends this short form plat be accepted for filing and a variance be granted on the signature of the adjoining property owners as an attempt was made to get the signatures on the plat. The Commission then

VOTED: To ACCEPT for filing the short form plat of SHERRY-DALE Resub. of part of Block 7, granting a variance on the signatures of the adjoining property owners.

C8s-67-133 Resub of Lots 27 and 28, Outlot 41, Division B
East 13th and Olander Street

The staff reported that this short form plat has complied with all requirements of the Ordinance but there is a variance involved in that Olander Street, with a present right-of-way of 35 feet, is inadequate in width. The Ordinance requires that streets have 50 feet of right-of-way. The subdivider of this property is providing his half of the required right-of-way which is $7\frac{1}{2}$ feet, in order to bring the street to standard; however, since the $7\frac{1}{2}$ feet provided by the subdivider only makes the street $42\frac{1}{2}$ feet wide, a variance is needed. The staff recommends the variance be granted as the subdivider is providing his portion of the necessary right-of-way. The Commission then

VOTED: To APPROVE the short form plat of RESUB. OF LOTS 27 and 28, OUTLOT 41, Division B, granting a variance on the width of Olander Street.

C8s-67-129 Heflin Lane Subdivision
Heflin Lane

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

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

C8s-67-131 Johnston Terrace, Block "B"
Garden Road and Jain Lane

The staff reported that this short form plat has complied with all departmental requirements of the Ordinance with the exception of annexation. There is a variance requested to exclude the balance of the tract. Proposed in this plat are 9 lots located west of Gardner Road running northerly from Jain Lane. The subject property is out of a larger tract of land that surrounds Johnston High School. The Planning Department has prepared a study sketch of the balance of the tract for the applicant. Before the property can be platted any further, there will have to be a plan submitted and approved on the balance of the tract. On this basis, the staff recommends the variance be granted but this short form plat be disapproved pending annexation and compliance with departmental reports.

C8s-67-131 Johnston Terrace, Block "B"--contd.

Mr. Thomas Watts, engineer for the developer, advised the Commission that there are approximately 30 or 40 acres of land in this tract. Mr. Foxworth stated that there are drainage easements involved in the large tract and new streets will have to be dedicated. Any additional streets will effect the balance of the tract but will not effect the nine lots included in this short form subdivision. After further discussion, the Commission then

VOTED: To DISAPPROVE the short form plat of JOHNSTON TERRACE, Block "B", pending the required annexation and compliance with departmental reports, granting a variance to exclude the balance of the tract.

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

The staff recommended disapproval of this short form plat pending compliance with departmental reports and subject to a setback line on Lot 2-A, 25 feet behind the rear line of Lot 1-A. The Commission then

VOTED: To DISAPPROVE the short form plat of BADEN ADDITION, pending the requirements as noted.

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

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

VOTED: To DISAPPROVE the short form plat of NORTH ACRES, Resub. Lots 11 and 12, Block 'E, pending compliance with departmental reports.

ADMINISTRATIVE APPROVAL

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

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-67-130</u>	<u>Town Lake Square</u>
	East Riverside Drive
<u>C8s-67-119</u>	<u>Tobin & Johnson Subd. Resub. Lots 11, & 12 & part of 10,</u>
	Cherry Lane east of Pecos <u>Block 5</u>
<u>C8s-67-111</u>	<u>Allandale North, Section 2, Resub. 2 & 38, Block "J"</u>
	Teakwood and Falmouth
<u>C8s-67-92</u>	<u>Macmor Acres, Resub. Lot 11, Block A</u>
	Macmor Road
<u>C8s-67-98</u>	<u>Johnston Terrace</u>
	Gardner Road and Jain Lane

OTHER BUSINESS

R164 COMMUNITY DEVELOPMENT ADVISORY COMMISSION

Designation of member for the Community Development
Advisory Commission

Mr. Jackson advised the Commission members that he had appointed Mr. Sam Dunnam to serve as a member of the Community Development Advisory Commission, as a representative of the Planning Commission.

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

Approximately 169 acres located northwest of U. S. Highway 183
and Missouri-Pacific Railroad intersection

The Director of Planning presented a letter from Mr. George G. McDonald, requesting a change in the Austin Development Plan from Suburban Residential to Manufacturing and Related Uses for approximately 161 acres of land. Approximately 17 acres of this area is already designated for Manufacturing and Related Uses. In addition, the staff included approximately 25 acres, adjacent to the subject property, for consideration. The property under consideration is essentially bounded on the east by proposed Mo-Pac Boulevard, on the southwest by U. S. Highway 183, and on the north by proposed West Loop. The staff had originally intended to include the property between U. S. Highway 183 and Old U. S. Highway 183 as there are a few industrial uses through this area; however, it is not included at the present time as there are difficulties involved in this strip of land because of the size of the parcels, the topography situation and access in relation to new U. S. Highway 183 which need to be resolved. Consideration should also be given to see if some intermediate level of industry would be more applicable to this property as it is adjacent to a residential area.

Property between the railroad track and the proposed Mo-Pac is presently designated for industrial purposes in the plan and several industries are developed on property to the east. The University of Texas owns property north of the area owned by Mr. McDonald. There is an industrial strip of land located between Balcones Research Center and the Mo-Pac railroad. A request for a change to industrial is also requested on a strip of land located south of U. S. Highway 183.

The staff recommends in favor of this request as the subject property is bounded almost entirely by major highways, with the exception of the north area which is adjacent to a designated industrial area.

Mr. George McDonald appeared at the hearing and stated that the subject property is being purchased by one of the manufacturers that is already established in this area. The development would be a comparable type of manufacturing that is existing.

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

The Commission reviewed the information presented and concluded that this request should be approved as it is an extension of an existing industrial area and because the property is almost completely surrounded by major highways. It was then unanimously

VOTED: To recommend that the land use designation for approximately 169 acres of land located northwest of U. S. Highway 183 and Missouri-Pacific Railroad intersection be changed from Suburban Residential to Manufacturing and Related Uses.

C10-67-1(o) STREET VACATION

South 165.4 feet of Jim Hogg Avenue between North Street and North Loop Boulevard

The staff reported that this is a request for the vacation of the south 165.4 feet of Jim Hogg Avenue between North Street and North Loop Boulevard, made by the abutting property owner. The applicant recently requested a change in zoning on property abutting this alley at which time it was also requested that the alley be rezoned along with the property. The Commission recommended in favor of the zoning change. The request went to the City Council but it is pending the street vacation request. The owner of the property abutting this alley has a commercial business established at the intersection of Burnet Road and North Street, which he proposes to expand. Jim Hogg Avenue in this location is a stub gravel street that does not go through to either Burnet Road or North Street. One of the nearby property owners appeared at the zoning hearing and protested the possible closing of the street as it was her understanding that the street was an open through street.

The staff recommends the vacation of the street, as it is a short dead-end stub street, subject to the retention of the following easements: Sanitary sewer; storm sewer; water department; telephone company; and gas company. The Commission then

VOTED: To recommend that the south 165.4 feet of Jim Hogg Avenue between North Street and North Loop Boulevard be VACATED, subject to the retention of the necessary easements.

POSTPONED CASE

C10-67-1(i) ALLEY VACATION

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

The staff reported that this alley vacation request, made by Mr. and Mrs. Martin C. Guarino and Norman Dumble, was presented to the Commission at the last regular meeting at which time the staff pointed out the fact that all of the abutting property owners had not petitioned for the requested closing. Normally, it is a Commission policy to require 100 percent participation by

C10-67-1(i) ALLEY VACATION--contd.

the abutting owners. The Commission recommended that the request be postponed pending notification of the abutting property owners. The staff has attempted to contact the owners by telephone and reached all but two.

In the letter requesting the vacation of the alley, Mr. and Mrs. Guarino stated that when the third owner involved, Mr. and Mrs. Ernest Warden, were contacted with regard to this vacation, they stated that many years ago they were informed by city officials that the alley had been vacated and then they installed a permanent fence taking into their yard the entire 8 feet width of the alley. They did not feel their signatures were needed on this request in view of this situation.

The staff has talked to two of the abutting property owners who are in favor of the vacation of the alley and two who are opposed. The staff sees no need for the continuation of the alley as it is only 8 feet wide and is not in useable condition except for utility purposes, but recommends the retention of the necessary sanitary sewer easement if it is closed.

Mr. Stevens reported that a letter has been submitted to the Commission by Mr. Hume Cofer, of the law firm of Cofer, Cofer and Hearne, representing Mrs. Carol N. Williamson, one of the abutting property owners who is opposed to this request. The letter is as follows:

"Our firm represents (Mrs.) Carol N. Williamson who owns and resides in the residence at 2309 West 10th Street in Austin. The front of her property faces north on West 10th and the back of her lot is actually abutting on the dedicated alley which runs parallel to and between West 9th and West 10th. Mrs. Williamson has been advised informally that your department is considering a proposal to vacate the alley abutting on the south line of her property, and the purpose of this letter is to advise the City that she objects to the vacating of this alley.

As Mrs. Williamson is an abutting owner, Article 4646a of the Revised Civil Statutes of Texas expressly permits her to seek an injunction to prevent the vacating of the alley by the City, and if the Planning Commission should recommend that the alley be vacated, we will recommend that she file suit against the City for such an injunction and, in the alternative, for the damages which she will suffer if the alley is vacated.

The problem is that this alley provides the only practical vehicular access to which the owner of this property has an absolute right. The concrete driveway to West 10th slopes down steeply across the front yard and about six feet of right-of-way to the curb. If West 10th Street should be widened and the curb moved back to the right-of-way line, this front driveway would have to be eliminated, because the remaining

C10-67-1(i) ALLEY VACATION--contd.

grade would be much too steep. Under these circumstances the vacating of the alley in question would substantially decrease the value of Mrs. Williamson's property.

I gather that some of the interested parties are confused about the status of this alley and the legal effect of its non-use and of some apparent existing encroachments on the alley. I understand also that there is a potential controversy about the title to the land if the alley is vacated. Under these circumstances it seems to me that another, incidental, good reason for not vacating the alley is to avoid involving the City in a boundary litigation.

If the City does not vacate the alley, the rights of all of the parties with respect to the alley will be protected by Article 5517, Revised Civil Statutes of Texas, which provides that a person shall not ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any alley which has been dedicated. Unless and until the alley is needed, the existing encroachments are not of such a nature as to justify action to remove them, and I anticipate that the parties may continue indefinitely their present, permissive, use of the land on which the alley was dedicated.

Extra copies of this letter are enclosed, and we suggest that you may wish to distribute them to the interested parties."

Mr. Glenn Cortez, Assitant City Attorney, stated that the City does have the power to vacate a street or alley if it so desires. There is a statute, as stated by Mr. Cofer, which allows an abutting property owner to enjoin vacation where there might be special damages suffered over and above those suffered by the general public. There is probably not such damages in this case; however, this may be open to controversy. On the issue of the policy of the Commission, and it has been a policy in the past not to recommend vacations where there is any opposition expressed by abutting property owners. This policy was probably based on the statute that allowed the right of injunction because if they did not join the request there might be a possibility that they may attempt an injunction. This is a policy and does not bind the City just because there are objections. He further stated that there is a question as to whether this area dedication as an alley has ever been accepted, but that he was not prepared to go into that at this time.

C10-67-1(i) ALLEY VACATION--contd.

Mrs. Guarino stated that the alley under consideration is only an 8 foot alley that is not used by any one in this block. The lady who is objecting to the request is afraid that if 10th Street is widened, she will not be able to get her car into her property. If the City does not want to vacate this 8 foot alley, then it should be widened to a standard 16 foot alley so that garbage trucks can get in and out. Mrs. Guarino further stated that they would like to put a fence on the 8 feet of the alley that legally belongs to them.

Mr. Ernest Warden appeared at the hearing and stated that he acquired his property in 1935. He came to the City at that time to see what could be done about sewage and utility connections. Eight feet of his property was dedicated to the City for alley purposes. The City at that time said they did not use that alley because there is a creek east of the property and a bridge would have to be constructed for any purpose. Mr. Warden presented an instrument drawn in 1937, granting a permit to put a sewage line up his property to serve all of the people on 9th Street. He also presented a survey and stated that the City informed him that since the alley is not going to be used or open, he could bring the 8 feet into his property. In view of this, a fence has been built on the 8 feet.

Mr. Jackson advised Mr. Warden that the Commission could not consider the survey as it was never filed or recorded in the County. The existing 8 foot alley is shown on the City records.

Mrs. Guarino stated that all of the owners on 9th Street are in favor of this request. There is a valid reason for vacating the alley as it is not used and is not a full alley.

Mrs. Eugene Lloyd, one of the abutting property owners, stated that she owns one-half block of property on West 10th Street. She stated that she had to pay for her own sewer line to get through this block. Some years ago a house was purchased and moved into one of her vacant lots. The City has charged to bring the sewer line from the creek. She further stated that it is on her property and not in the alley. Everybody would be happy to give the City an easement so that this area can be maintained. Some parts of the alley are a disgrace and if the City insists on not vacating it they should be required to keep it up. The City is not using the alley now and will never use it. There is no reason why it should not be vacated.

Mr. Bluestein inquired if the alley is vacated would the property revert to property owners on both sides. Mr. Cortez explained that as he understood the mode of this particular dedication, the 8 foot area that is now the alley would revert back to those lots on the south half of the block as the original dedication came from this portion.

C10-67-1(i) ALLEY VACATION--contd.

Mr. Bob Ogden appeared in opposition to this request. He stated that he owns 4 of the lots abutting this alley. The City of Austin Building Code permits the construction of a building closer to a property line if an alley abuts the property rather than a line that simply divides two lots. Therefore, a structure is built within 3 feet of this alley. He felt that if the alley is vacated it would put someone's fence within 3 feet of his building and would make access to the rear of the building difficult. This area is considered as an alley even though it is only 8 feet wide. At one time, this property was all one tract and if the alley is vacated the property owners on both sides should have benefit of the area.

Mr. Jackson stated that the property south of the area was brought in as a separate subdivision and the 8 foot alley was dedicated from this property. If the alley is vacated the area will revert back to the original property owners.

Mr. Stevens pointed out that the staff has not been able to contact Martha Mobley or Winifred Radigan, two of the abutting property owners.

Mr. Cortez advised the Commission that there is no specific regulation requiring notification. Under the past policy of not vacating an alley or street unless all abutting owners join in the request, as there are rights of access from people on both sides of an alley, the effect has been that all such abutting owners were in fact notified by their joinder.

Mr. Wroe stated that in his opinion, this alley should not be vacated as it is the established policy of the Commission to recommend vacations only when all of the abutting property owners join in the request. There is also a question of equity on both sides which the Commission cannot determine.

A majority of the Commission felt that this alley should be vacated, subject to the retention of the necessary easements, as the alley is not and has not been in use and because the existing 8 feet is not considered a full alley. The Commission then

VOTED: To recommend that the alley located between West 9th and 10th Streets, east of Possum Trot be VACATED subject to the retention of the necessary easements.

AYE: Mrs. Naughton & Messrs. Jackson, Brown, Dunnam, Bluestein, Riley, Smith and Hazard

NAY: Mr. Wroe

ABSENT: None

CASE FOR RECONSIDERATION

C8-66-40 Dry Creek Subdivision
Dry Creek Drive and Bull Creek Road

The staff reported that this request was before the Commission approximately one year ago. The subdivision records in this immediate area go back to 1960 at which time the plat of Northwest Hills, Section 4, shows that L. E. McCarty, at the time of recording on January 6, 1961, owned an adjoining tract of land containing 28.7 acres, out of which he dedicated .46 acres to provide for a portion of Dry Creek Drive (more or less the south 30 feet) as it now exists. Northwest Hills, Section 4 was annexed to the City on February 3, 1961. On May 20, 1963, Northmoor Park Subdivision was recorded and it appears from comparing maps that the area of Northmoor Park, containing 16.87 acres came out of the L. E. McCarty tract consisting of 28.7 acres, which reduced Mr. McCarty's tract of land to 11.3 acres. Northmoor Park was annexed to the City on February 8, 1963.

It appears, although the maps do not reflect it, that Mr. McCarty conveyed about $\frac{1}{2}$ acre of land for the widening of Bull Creek Road, leaving a tract of approximately 10.23 acres.

Mr. David B. Barrow bought and subdivided .44 acres from Mr. McCarty by short form subdivision entitled Dry Creek Subdivision on January 22, 1965, at which time the one lot subdivision was annexed to the City. This left Mr. McCarty a tract of land containing 9.79 acres. He then conveyed .54 acres to the Southland Corporation who platted a second one lot subdivision entitled Dry Creek Subdivision, Section 2, recorded December 21, 1965, leaving Mr. McCarty a tract of land containing 9.25 acres. In connection with Dry Creek Subdivision, Section 2, the Planning Commission, at the request of the planning staff, instructed the staff not to accept any additional short forms on the balance of Mr. McCarty's property until plans are made for the balance of the property.

Mr. McCarty has since sold a tract of land 100' x 196.19', approximately .45 of an acre, adjoining Dry Creek Subdivision, Section 2, to Dr. Pigott, who commenced construction on a commercial building (veterinary clinic) prior to approval of his site under the Subdivision Ordinance or prior to inquiring with the Planning Department concerning approval.

At the Planning Commission meeting of September 20, 1966, Mr. Thomas Watts of the firm of Bryant-Curington Engineers, asked the Planning Commission to consider Dr. Pigott's property even though the Planning Department had refused to put it on the agenda for the meeting based on the instructions of the Planning Commission not to accept any additional short forms on Mr. McCarty's property. Mr. Watts' statements in general were that Dr. Pigott had purchased the property through a realty firm and as it was outside the City he was not required to get a building permit and therefore, construction was started on a masonry structure which was approximately 75% complete at the time. The Planning Commission after hearing testimony by Mr. Watts reaffirmed their position with regard to the planning of Mr. McCarty's property,

C8-66-40 Dry Creek Subdivision--contd.

feeling that the same situation could occur again and again and felt that Mr. Watts should advise his client to seek recourse elsewhere until such time as he could comply with the Subdivision Ordinance. Mr. Watts then filed a preliminary plan entitled Dry Creek Subdivision, which plat included all of the remaining McCarty property as well as that sold to Dr. Pigott, feeling that the consent of Mr. McCarty could be acquired by his signature on the plat. At the Subdivision Committee meeting following this, approximately 8 to 10 people appeared in opposition to the plan. Their main concern was apparently the proposed use of the property for a veterinary clinic. The Subdivision Committee rejected the preliminary plan for filing as being an improper application without Mr. McCarty's having signed it, indicating at the same time to Mr. Watts that if Mr. McCarty did sign the plat, it could come before the regular Commission meeting on October 18. Between October 3 and 18, a letter was received from Mr. McCarty refusing to sign anything. Since that time, Mr. John Selman and Mr. Robert Sneed of the law firm of Sneed and Vine have contacted the Planning Department in Dr. Pigott's interest. At this time, the only other action taken concerning the property is the request of the Drainage Division of Public Works for a map setting forth their drainage needs. Such map has been furnished and is a part of this file. The drainage map shows the required easements that are needed through this area which include a 40 foot easement extending westerly from Bull Creek Road through the McCarty property and joining up with a 20 foot easement extending southerly from Dry Creek Drive with a 30 foot easement being required from the point where these two easements join, southerly through the McCarty property to Bull Creek Road. The applicant's lot is not affected by the drainage easements as shown on the drainage map. The building is now completed and the applicant is in a difficult position for the continued use of the land. The balance of the property can in effect be prevented from further piece-meal development by means of an instrument from the Legal Department to withhold utility services, until such time as a plan is submitted and approved, incorporating the required drainage easements. Mr. Robert Sneed, representing the applicant, has requested that this application be placed on the agenda to see if the Commission would reconsider this one lot that has previously been denied. He has also stated that he will file for annexation of the subject lot and will furnish all utility easements that are needed to serve this particular piece of property.

Mr. Robert Sneed, representing the applicant, stated that he was not initially involved in this request. Dr. Pigott paid \$17,500 for the subject property which amounts to \$45,000 an acre. The purchase of this property was transacted through a title company at which time Dr. Pigott was not informed that he would have to comply with any requirements in order to construct his building and receive utility service. Dr. Pigott entered into a contract for the erection of a building on the subject property for \$33,000. A permanent loan for this building cannot be obtained at this time because the subject property has not complied with the Subdivision requirements of the City and a loan company will not accept it under these conditions.

C8-66-40 Dry Creek Subdivision--contd.

Before the contract for the construction of the building was entered into, Dr. Pigott and the contractor applied for a building permit through the Building Inspector's Office and they were informed that no building permit would be required due to the fact that the subject property is outside the City limits. The contract for the construction of the building was then entered into. An application to the City was made to turn on the power so that the building could be erected. The City did turn on the power and the structure was almost 3/4 completed when it was discovered that there was a problem from the standpoint of the Subdivision Ordinance.

Mr. Sneed further explained that insofar as Dr. Pigott's property is concerned, an attempt has been made to meet all of the requirements of the City which include a preliminary plan of the property which meets all requirements except for the signature of Mr. McCarty who has said that he will not sign the plat. Dr. Pigott has agreed to provide the necessary field notes required for annexation of his property and the balance of the McCarty tract so that a request can be submitted for annexation so as to prevent any further development by withholding service to the balance of the tract without approval of a subdivision by the Planning Commission.

The City has requested an easement along Bull Creek Drive for the purpose of installation of sewers which will be provided and placed on the plat as will all other requirements of the City effecting Dr. Pigott's property. Mr. Sneed said that it is his understanding that the preliminary plan which was submitted on behalf of Dr. Pigott was to determine that the subject lot could be platted without creating any burden of future widening, utility installations, or drainage requirements on the balance of the tract.

The Director of Planning stated that the problem that exists is that there have been piece-meal short form subdivisions occurring, without the signature of the original owner, Mr. McCarty, on this property with the establishment of commercial uses just outside the city limits and nearby to commercial across the street and nearby to residential development to the west. The Planning Department and the Commission attempted, through a "gentlemen's agreement" to work this problem out. The staff should have urged the annexation of this entire area as this is the only way that control can come about. The veterinary clinic is an existing use. The existence is a matter of fact and it does not appear that it is as noxious or as objectionable as it appeared to be originally. The staff recommends that a one lot subdivision plat consisting of Dr. Pigott's lot, be accepted and that a variance be granted on the signature requirements of the adjoining owner, Mr. McCarty. The staff also strongly recommends that Lot 2, the subject lot, and the remaining portion of the McCarty tract be annexed to the City.

Mr. Wroe inquired as to the City's policy regarding annexation, which he understood to be only by request of the property owner.

C8-66-40 Dry Creek Subdivision--contd.

Mr. Osborne stated that the City does annex property without consent of the property owner. Normally when this is done, the circumstances are fairly unique.

Mr. Bluestein asked if the property owners in this area still object to the veterinary clinic. Mr. Sneed explained that he has made inquiries in the area and it is his understanding from two or three property owners that the use is not as objectionable as they originally thought it would be. The objection to a veterinary clinic from surrounding property owners is normally towards the old type dog kennels that no longer exist. This is a new area and most of the people have pets; so a clinic is needed as there is a problem with rabies from wild animals in the hills. The care of pets is a local service to residents. The existing structure is very attractive and Dr. Pigott has invested between \$50,000 and \$60,000 in the property.

The Commission discussed the problems involved and felt that this plat should be accepted when submitted in the proper form. It was unanimously

AGREED: To ACCEPT the Subdivision plat of DRY CREEK and grant a variance on the signature of the adjoining property owner, when the plat is submitted in the proper form, subject to an annexation request on the subject lot and submission of field notes on balance of tract for Legal Department to prepare necessary instrument to withhold additional service to the balance of the tract, and recommend that the balance of the McCarty tract be annexed to the City.

REPORTS

SUBDIVISION APPROVAL BY POLL

The staff reported that a majority of the Commission had been polled on August 7, 1967 and

VOTED: To APPROVE the final plat of JAMESTOWN, Section 3.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

Hoyle M. Osborne
Executive Secretary