

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- September 19, 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
Samuel E. Dunnam
Robert B. Smith
Mrs. Lynita Naughton
Ed Bluestein
Dr. William Hazard

Absent

Barton D. Riley
Hiram S. Brown

Also Present

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

MINUTES

Minutes of the meetings of May 30 and June 27, 1967, and the special meetings of June 5 and August 8, 1967, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of September 12, 1967.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-67-119 W. R. Walker, et al: A to BB
200-210 Park Lane
201-205 & 209-211 The Circle
1400-1404 Drake Avenue
Add'n Area: 207 The Circle
1406-1410 Drake Avenue
212-214 Park Lane

STAFF REPORT: Five property owners are involved in this application for re-zoning on seven parcels of land. The area under consideration consists of 41,973 square feet. The remaining three lots in this block have been included as additional area in order to complete the zoning in the block. Last month, Mr. W. R. Walker, one of the applicants, requested a change of zoning from "A" Residence, Second Height and Area to "BB" Residence, Second Height and Area on property located at 208 Park Lane, at which time the Commission

C14-67-119 W. R. Walker, et al--contd.

advised Mr. Walker that the requested zoning on the one lot would be inconsistent and piece-meal zoning; however, they felt that the requested zoning would be proper if the entire block was considered. As a result, Mr. Walker requested that his application be postponed. He has now made application for a change of zoning on all of the lots in this block, with the exception of the three parcels which have been included as additional area.

Mr. Walker requested a zoning change in order to erect a triplex on his property. He feels that the existing structure on the property is sub-standard and he wishes to replace it. There is "C" Commercial zoning to the north, and "B" Residence, zoning existing to the northeast of Circle Avenue. The area to the south is basically developed with single-family and two-family residences.

Four replies to notices have been received against the change and one in favor. One of the replies opposing the change is from one of the owners whose property is a part of this application. They did make application, but evidently did not understand the request.

Inasmuch as the Commission expressed the feeling last month that the requested zoning would be favorable if the entire block was considered, the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code		
W	Fritz Hughes: Route 7, Box 747	AGAINST
R	Dee Roberts: 205 Park Lane	FOR
AD	Linda Allen: 210-B Park Lane	AGAINST
AF	Mrs. David Wire: 301 Park Lane	AGAINST
AK	Kelly McAdams: 1425 Preston Avenue	FOR
S	Mrs. Mary Elizabeth King: 211 Park Lane	FOR
AE	J. K. Wrightman: 208 Park Lane	AGAINST

PERSONS APPEARING AT HEARING

Code		
AD	Linda Allen: 210 Park Lane	AGAINST
A	W. R. Walker (applicant)	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. W. R. Walker appeared at the hearing and stated that if the zoning on his property is not changed, he will have to remodel the existing sub-standard structure into a duplex. It would be detrimental to the neighborhood as this structure is very old. Adequate off-street parking will be provided for the new structure.

C14-67-119 W. R. Walker, et al--contd.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that the reason for the objection is because of the existing traffic problems. The streets are not wide enough to take care of the existing traffic, and if additional traffic is created, the problem will be greatly increased. The area is jammed because of cars parked along the streets.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted. The members were cognizant of the Commission's preference to consider the entire block instead of one parcel at a time. They were of the opinion that the requested zoning would be a logical extension of the existing zoning pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of W. R. Walker, et al, for a change of zoning from "A" Residence, Second Height and Area to "BB" Residence, Second Height and Area for property located at 200-210 Park Lane, 201-205 and 209-211 The Circle, 1400-1404 Drake Avenue and the additional area located at 207 The Circle and 1406-1410 Drake Avenue and 212-214 Park Lane be GRANTED.

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

STAFF REPORT: This request was before the Committee at the last regular Zoning meeting at which time the staff advised the Committee that there was an error in notification and the request would have to be readvertised. Renotification has been completed. The subject property contains 8,928 square feet of land which is undeveloped. The north one-half of the lot adjoining to the east has been included as additional area in order to complete the existing "C" Commercial zoning pattern established along the south side of West 24th Street. The stated purpose of the application is for commercial development. "B" Residence and "O" Office zoning is established on property to the north. "LR" Local Retail zoning, granted in 1965, is established on property at the corner of Rio Grande and West 23rd Street. Plans are to widen West 24th Street from the existing 60 feet of right-of-way to 70 feet of right-of-way which will effect the subject property and the additional area by 5 feet. The property has a depth of only 96 feet and if 5 feet of right-of-way is acquired, the depth would be reduced to 91 feet which will further limit the type of commercial development that can go on the property. In view of the zoning pattern established, the staff does recommend the request be granted, provided West 24th Street is made adequate.

C14-67-121 Bettie Smith--contd.

TESTIMONY

WRITTEN COMMENT

Code

M	Miss Lula Barrett: 906 West 23rd Street	AGAINST
N	Mrs. E. F. Hatherly: 908 West 23rd Street	AGAINST
L	R. L. Moore: 904 West 23rd Street	AGAINST
S	Harden & Harden: 712½ West 22nd Street	FOR
E	J. Adoue Parker: 800 Capital Nat'l Bank Bldg.	FOR
R	V. C. Jung: 710 West 30th Street	FOR
AE	Betty Slaughter: 909 West 23rd Street	AGAINST
	1 Petition: 9 signatures	FOR

PERSONS APPEARING AT HEARING

Code

A	Bettie M. Smith (applicant)	
A	Jewel Smith: Box 181, Lohn, Texas	FOR
?	Mrs. Bess Mason: 208 Hartford Road	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that she has had offers from companies to put very small businesses on the subject property. The old house that is existing would be removed and a small neat brick building would be erected. The area is predominantly a commercial area that is developed with service stations, washaterias and grocery stores. The large tract of commercial property to the west will be developed with a high-rise apartment development. A petition containing signatures of people in favor of the change has been submitted to the Planning Department.

Arguments Presented AGAINST:

Mr. R. L. Moore, owner of the lot included as additional area, appeared in opposition to this request and the rezoning of his property. He stated that he realizes that commercial zoning is established in the area but the zone is for density and not for commercial businesses. There are three residential lots abutting the subject property and this is a nice quiet residential area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West 24th Street; however, they stated they would look with favor on the requested zoning for the subject property and the additional area if the street is made adequate, as the requested zoning completes the existing "C" Commercial zoning pattern established along the south side of West 24th Street.

C14-67-121 Bettie Smith--contd.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate the necessary right-of-way for the widening of West 24th Street; however, Dr. Moore, owner of the property included as additional area is not in favor of the request and has not offered to dedicate right-of-way. The staff recommends that the requested zoning for the subject property be granted, in view of the offer of dedication, but that the additional area be denied at this time because of the inadequacy of the street.

The Commission members agreed that "C" Commercial zoning, as requested, is a logical extension of existing zoning in this area and felt that the request on the subject property should be granted. They stated they would look with favor on this same zoning for the additional area if the street is made adequate but until that time, the zoning should be denied. It was then unanimously

VOTED: To recommend that the request of Bettie Smith for a change of zoning from "B" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 901-903 West 24th Street be GRANTED but that the additional area located at 813-815 West 24th Street be DENIED.

C14-67-134 Frank J. Marchak: A, 1st to B, 2nd
3704 Grooms Street
3705 Griffith Street

STAFF REPORT: The subject property, containing 10,710 square feet is developed with two single-family dwellings. The stated purpose of the application is to erect an apartment dwelling. The lot in question is a through lot having frontage on Griffith and Grooms Streets. In 1966 an area study was made on the area bounded by East 38th Street, Duval Street, Guadalupe Street, and East 30th Street. As a result of this study, "B" Residence, First Height and Area zoning was recommended provided the streets were adequate. The Commission felt this area should be zoned to provide for expansion of student housing and replacement of such housing taken for University growth. Second Height and Area zoning is contrary to the Commission's recommendation. It is the staff's feeling that "B" Residence, First Height and Area should be established in accordance with the finds of the 1966 area study. The streets immediately surrounding the property are adequate, but East 38th is a major collector street which will require 10 feet of right-of-way from the south side. This will not directly effect the subject property. The staff recommends denial of the "B" Residence, Second Height and Area and granting of "B" Residence, First Height and Area.

C14-67-134 Frank J. Marchak--contd.

TESTIMONY

WRITTEN COMMENT

Code

D	Mr. Clark C. Gill: 3606 Grooms Street	FOR
AK	Mrs. Daisy Carrington: 2401 Bowman	FOR
L	W. B. Smith: 3319 Perry Lane	FOR

PERSONS APPEARING AT HEARING

Code

A	Frank J. Marchak (applicant)	
A	Mrs. Frank J. Marchak: 5802 Shoal Creek Blvd.	FOR
	John E. Coats (representing applicant)	

SUMMARY OF TESTIMONY

Mr. Frank Marchak appeared at the hearing and stated that the subject property is his old homestead. The lot is 70 feet wide and 183 feet deep if the easement area is considered. There is an old house existing on the property that was built many years ago which has been remodeled over and over and it is economically unfeasible to remodel it again. If Second Height and Area zoning is not granted, a number of large trees will have to be cut down in order to make the development profitable and well-designed.

It is anticipated that the adjoining lot will be purchased in the future and the proposal is to fit that property into the plans on the subject property. Most of the property in the area is rental property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they felt that "B" Residence, First Height and Area zoning should be granted in view of the previous recommendation by the Commission to look with favor on "B" Residence, First Height and Area as proper zoning for this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank J. Marchak for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3704 Grooms Street and 3705 Griffith Street be DENIED but that "B" Residence, First Height and Area be GRANTED.

C14-67-135 Kenneth E. Spielman and Sibyl S. Spielman: BB, 1st to B, 2nd
 5113-5115 Lancaster Court
 1301-1303 East 52nd Street

STAFF REPORT: This application involves two lots totaling 13,700 square feet. The stated purpose of the application is to erect a multi-family apartment structure. Although a number of requests have been made for either "B" or "BB" Residence, Second Height and Area, none have been granted. During the past year there has been only one change in this "BB" Residence district; this is the "O" Office zone at the corner of Lancaster Court and East 52nd Street. The subject property is also located in the path of one of the Airport runways which limits the height of the structures. The staff feels this request should be denied as it is an intrusion into an established low density apartment area.

TESTIMONY

WRITTEN COMMENT

Code

AS Charles D. Nash: P. O. Box 1988

FOR

PERSONS APPEARING AT HEARING

Code

A Kenneth E. and Sibyl S. Spielman (applicants)

SUMMARY OF TESTIMONY

Mr. Kenneth Spielman appeared at the hearing and stated that he has found some apartment units that he would like to develop on the subject property. The units would be an addition to the area. There is no objection from the nearby property owners. Second Height and Area zoning is requested so that adequate off-street parking can be provided for the apartments. There are apartment units in the area and the requested zoning is in keeping with existing 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 denied as it is too intensive for the area and the inadequate street pattern. They felt that the existing "BB" Residence, First Height and Area zoning is proper for the subject property and the area.

Mrs. Sibyl Spielman appeared at the Commission meeting and stated that at the Zoning hearing, the staff reported that this immediate area is in the flight pattern of the airport; however, this should not present a problem as there is an existing two story apartment located on property to the north of East 52nd Street.

Mr. Stevens reviewed the development in this area. He advised the applicant that the existing zoning on the subject property would permit six apartment

C14-67-135 Kenneth E. Spielman and Sibyl S. Spielman--contd.

units with a height of 35 feet which would allow a two story development. The proposed zoning would permit 18 apartment units on the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kenneth E. Spielman and Sibyl S. Spielman for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 5113-5115 Lancaster Court and 1301-1303 East 52nd Street be DENIED.

C14-67-136 Eastin Nelson: A to BB
 4701-4709 Caswell Avenue
 800-806 East 47th Street
 Rear of 808-810 East 47th Street

STAFF REPORT: The property under consideration contains 55,750 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is to erect an apartment dwelling group. The requested zoning would permit 27 regular apartment units on the subject property. The immediate surrounding area is a part of the Worley Addition that was subdivided in July, 1956. With the exception of the "C" Commercial property established to the east at the intersection of East 47th and Red River Streets, the zoning and development in the area is predominantly single-family residences with some scattered duplexes. East 47th Street, with a present right-of-way of 45 feet, is inadequate and should be widened to at least 50 feet. This would require 5 feet of right-of-way from the subject property. Caswell Avenue does have 50 feet of right-of-way, which is the standard width for residential areas. If the area goes to apartment development, 60 feet of right-of-way should be provided. The staff recommends the request be denied as it would be an intrusion into a residential area with inadequate streets and would be inconsistent with the existing zoning development.

TESTIMONY

WRITTEN COMMENT

Code

D	John Paul Jones: 905 East 48th Street	AGAINST
Y	Katie Estepp: 4603 Caswell Avenue	AGAINST
AJ	Mr. & Mrs. L. K. Drzywonski: 705 East 47th Street	AGAINST
AK	Mr. & Mrs. Walter A. Darter: 709 East 47th Street	AGAINST
AM	Mr. & Mrs. J. E. Kelly: 708 East 47th Street	AGAINST
AN	Kenneth B. Burrell: 706 East 47th Street	AGAINST
E	Iola Mae Bishop: 807 East 48th Street	AGAINST
AS	Armin W. Pfenning: 4707 Eilers Street	AGAINST
BB	Ewalt R. Kasper: 4801 Caswell Avenue	AGAINST
AD	Thor O. Hallen: 4606 Caswell Avenue	AGAINST

C14-67-136 Eastin Nelson--contd.

AQ	Mrs. Adolph Horetz: 4703 Eilers Avenue	AGAINST
Z	Mr. & Mrs. Jerry Nicholas: 114 Palm Lane, Lake Jackson, Texas	AGAINST
AZ	C. W. Sponberg, Jr.: 4712 Caswell Avenue	AGAINST
H	Mr. & Mrs. Amiel B. McFarland: 813 East 48th St.	AGAINST
AP	Mr. & Mrs. A. F. White, Jr.: 4701 Eilers Ave.	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Eastin Nelson (applicant)	
AS	Armin W. Pfenning: 4707 Eilers Avenue	AGAINST
AS	Mrs. Ora Pfenning: 4707 Eilers Avenue	AGAINST
E	Iola Bishop: 807 East 48th Street	AGAINST
AP	Mr. & Mrs. A. F. White, Jr.: 4701 Eilers Avenue	AGAINST
AP	Mrs. Patsy Stanley: 4701 Eilers Avenue	AGAINST
AJ	Mr. & Mrs. L. K. Krzywonski: 705 East 47th	AGAINST
AK	Mrs. Slim Darter: 709 East 47th	AGAINST
AQ	Adolph Horetz: 4703 Eilers Avenue	AGAINST
AD	Thor O. Hallan: 4606 Caswell Avenue	AGAINST
AD	Mrs. Thor O. Hallen: 4606 Caswell Avenue	AGAINST
BE	Ben Marburger: 810 East 48th Street	AGAINST
AC	Mrs. Rose Mary Terbay: 4608 Caswell Avenue	AGAINST
Y	Mrs. Katie Estepp: 4603 Caswell Avenue	AGAINST
D	John Paul Jones: 805 East 48th Street	AGAINST
D	Mrs. John Paul Jones: 805 East 48th Street	AGAINST
N	Harold Rohde: 810 East 47th Street	AGAINST
AZ	Charles W. Sponberg, Jr.: 4712 Caswell Avenue	AGAINST
AZ	Mrs. Charles W. Sponberg, Jr.: 4712 Caswell Ave.	AGAINST
T	Leslie L. Gage: 1711 Schieffer	NO OPINION

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that this is a large piece of land but he is only interested in rezoning the northern 115 feet of the property as he does not wish to rezone the existing home. The northern 115 feet is virtually cut off from development. The area is 300 feet deep and is primarily devoted to the growth of poison ivy, Johnson grass and sunflowers. The area is highly unproductive. The area is very near the population center of the City as it is now developing. With the construction of student housing and other apartment type housing around the University area, there is every justification to say that this same type of development will be moving north. It is realized that 27 units which would be allowed under the proposed zoning is a great number of units for the area, but the plans are to develop only 12 units. There are firm plans for 12 units designed in such a way that no one in the future can further intensify the northern 115 feet.

C14-67-136 Eastin Nelson--contd.

Caswell Avenue, with 50 feet of right-of-way, is not really inadequate as the street does not carry very much traffic. Mr. Nelson stated that he ran a traffic count on Caswell Avenue between the hours of 5:30 and 6:30, which is the peak time of day, and there were 35 cars going north and 35 cars going south. It is realized that East 47th Street is narrow for any kind of street; however, it is a short street that carries very little traffic. Asphalt pavement needs to be kneaded and if it is not, it will deteriorate which is what has happened to the streets in this block because of the lack of traffic. East 45th Street will eventually be a 120 foot street which will effect the development in this immediate area. The plans for the development of this property propose enough off-street parking for the entire neighborhood. The plans are to provide two parking spaces for each unit, with a reserve parking area in the front which will prevent further developing in that particular area. There are no plans to asphalt all of the parking area at this time as there are some very nice trees on the subject property that should remain.

Mr. Nelson further stated that he plans to live in the residence existing on the subject property. It is recognized that this would be a nice quiet residential area if jets did not go overhead every few minutes; however, this is not much of a problem because most of the homes are now air conditioned which cuts down on the noise. This area is getting closer to the heart of the City where there is a need for apartments.

Mr. Dunnam asked the applicant on what grounds he bases the statement that it would be difficult to further intensify the property. Mr. Nelson explained that to further develop the property, the new buildings would have to be destroyed as a 75 foot setback will be provided and the back area will be taken up by the proposed apartments, parking lot and swimming pool.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request for the following reasons:

1. This is one of the few quiet, old residential neighborhoods in this area of Austin and the requested zoning would be an intrusion.
2. The establishment of "BB" zoning would change the character of the area.
3. There is an elementary school in the near vicinity. Children walk to and from this school and if apartment development is allowed, it will create a danger for the children.
4. The zoning for apartments would be detrimental to the value of the existing homes.
5. The streets are too narrow for additional traffic.
6. If the project is allowed, cars will be parking along the street which will create traffic problems.

C14-67-136 Eastin Nelson--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into an existing residential neighborhood and because the streets are inadequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Eastin Nelson for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4701-4709 Caswell Avenue, 800-806 East 47th Street and the rear of 808-810 East 47th Street be DENIED.

C14-67-137 Roy Butler: B to C
617-619 Henderson Street

STAFF REPORT: This application involves two lots totaling 15,000 square feet which is developed with two single-family dwellings. The stated purpose of the application is to erect a body shop. Commercial zoning and development has increased in this area in the last few years. Lamar Boulevard and West 6th Street are zoned and developed commercially. The staff feels that the development along Henderson Street can go commercial; however, the street, with a present right-of-way of 50 feet is inadequate to serve commercial property. Henderson Street should have 60 feet of right-of-way. It is realized that right-of-way would be difficult to acquire from the properties south of the subject site because of the existing building locations. The staff recommends that the request be granted, noting that the street is only 50 feet wide, as the requested zoning is proper and fits the established zoning pattern.

TESTIMONY

WRITTEN COMMENT

Code

AG	Mrs. Cordelia A. Lenthe: 211 West 17th Street	FOR
W	Mrs. Bertha Booth: 700 Henderson Street	FOR
AE	C. B. Smith: P. O. Box 579	FOR

PERSONS APPEARING AT HEARING

Code

A	Roy Butler (applicant)	
Y	Mrs. Edwin E. Siedo: 602-A Henderson Street	AGAINST

C14-67-137 Roy Butler--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and offered the following information: All of the property along Lamar Boulevard and West 6th Street is commercial property developed with a mixture of commercial uses. There are two tenant type houses on the subject property that are in a bad state of repair. A number of houses along Wood Street have been condemned by the City, indicating that this is no longer a residential area. The proposal is to level the subject property and pave the entire area so that a nice commercial building can be erected. Mr. Butler stated that the subject property will be used in conjunction with property he owns along West 6th Street. There is very little through traffic along Henderson Street as it dead-ends to the north. Most of the traffic is from employees along West 6th Street and tenants. The alley adjoining the property to the south could be used for ingress and egress which would cut down on the amount of traffic along Henderson Street.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request because of the traffic problem. Cars are parked on both sides of the street which makes the flow of traffic difficult. If commercial zoning is established on the subject property, this problem will be increased and a precedent of commercial zoning will be set down Henderson Street.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as it is a logical extension of the existing "C" Commercial District along West 6th Street.

At the Commission meeting, Mrs. Naughton advised the Commission that she opposed this request because of the inadequate right-of-way of Henderson Street and because the use as proposed by the applicant will create parking problems on this street.

Mr. Dunnam stated that he is familiar with this area and the street does present a peculiar problem as it dead-ends to the north. There is no doubt that a parking problem has been created by the applicant's business as well as other businesses along West 6th Street and Lamar Boulevard; however, it is very difficult to deny this request if the small lots on the west and east side of the creek are considered for there is a great deal of existing commercial zoning in the area. Because the lots are small and the houses are old, this area should be considered for a land assembly program.

C14-67-137 Roy Butler--contd.

Mr. Jackson stated that he would be in favor of rezoning this entire block so that development could be tied in with the property fronting onto Lamar Boulevard as the property would then be much more usable.

Mr. Osborne, Director of Planning, stated that part of the long-range plan for this area calls for a crossing of Shoal Creek by West 9th Street. Much of the land, particularly on the east side of the creek, is in a flood plane. After further discussion, the Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Roy Butler for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 617-619 Henderson Street be GRANTED.

C14-67-138 Johnny Toll, Sr.: A to O
 4230-4236 Alice Avenue
 4229-4235 Burnet Road

STAFF REPORT: The property under consideration contains 22,962 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is to erect an apartment dwelling with office facilities. The subject lot is a through lot having frontage onto Alice Avenue and Burnet Road. There is a mixed zoning pattern in the area consisting of "B", "C", "LR" and "A". "B" Residence zoning established on property adjoining to the south was granted in 1966. Ramsey City Park is located to the west across Burnet Road. The staff has no particular objection to the requested "O" Office zoning; however, a less restrictive zoning is established on adjacent properties. The staff feels that "B" zoning would be appropriate for the portion of the property fronting onto Burnet Road; however, because of the shallowness of the lots to the north, the Department is reluctant to recommend "B" zoning. Alice Avenue is a major collector street with a present right-of-way of 60 feet. The street serves, for all practical purposes, as an extension of Burnet Road; therefore, the staff feels the street should be widened to 70 feet which will require 5 feet of right-of-way from each side of the street.

TESTIMONY

WRITTEN COMMENT

Code

AB	Mrs. Irene G. Coy: 4308 Bellvue	FOR
G	H. B. Palmer: 5722 Highland Hills Drive	FOR
R	J. C. Maquire: 4400 Alice Avenue	FOR

PERSONS APPEARING AT HEARING

Code

A	Johnny Toll, Sr. (applicant)	
A	Martha Toll: 4214 Alice Avenue	FOR
?	C. E. Ferguson, Jr.: 4513½ Avenue B	FOR

C14-67-138 Johnny Toll, Sr.--contd.

SUMMARY OF TESTIMONY

The applicant was present on behalf of his request and stated that he purchased the subject property in 1956 and has lived there since that time. Commercial zoning and development has moved closer and closer to the property in recent years. The improvements on the lot will be removed and a new building will be erected. Burnet Road does not have as much traffic as Alice Avenue. It would be more suitable if an entrance onto Burnet Road, rather than Alice Avenue can be worked out because of the traffic situation.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Alice Avenue; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as "O" Office zoning would be appropriate zoning for the area.

The Committee also discussed the development of the area along Burnet Road and Alice Avenue in connection with overall right-of-way and traffic needs, and felt that an area study should be made. It was then unanimously

VOTED: To recommend to the Commission that an area study be made of the Burnet Road and Alice Avenue connections to Lamar Boulevard with regard to the overall right-of-way and traffic needs.

At the Commission meeting, the staff reported that the applicant has offered to dedicate 5 feet of right-of-way for the widening of Alice Avenue.

Dr. Hazard advised the Commission that this is an area with very difficult traffic problems. The traffic around the park is a real problem, particularly in the summer. He asked if the request is in keeping with the Master Plan for the area.

Mr. Osborne stated that in a general sense, "O" Office zoning could probably be considered in keeping with the Master Plan; however, there is a question as to whether or not the development along Alice Avenue, with a variety of zoning and uses, is in keeping with the intent of the Master Plan. This is an older area that is subject to pressure as a result of traffic coming down Alice Avenue. Access into the area is relatively good, particularly with regard to 45th Street, with fairly satisfactory conditions, except that Alice Avenue is too narrow. Development conditions are mediocre. At the same time, a block or so away from the subject property there is a section of well-kept older homes. Traffic problems plus other development conditions have precipitated poor development.

C14-67-138 Johnny Toll, Sr.--contd.

Mr. Osborne further stated that he has recently had discussions with people in this area, particularly the residential area to the east, and they are interested in maintaining this as a sound residential area.

Dr. Hazard stated that Alice Avenue is one of the most heavily used streets in the City. The character of the neighborhood has not really been established, although there is mixed zoning with a growth of different kinds of commercial development.

Mr. Dunnam stated that Alice Avenue is simply an extension of Burnet Road back onto Lamar Boulevard. This is the way the street functions, particularly at the corner of 38th Street where traffic stacks up. The sooner the City recognizes this and makes some kind of provision for smooth flow of traffic, the sooner the problems in the area will be solved. Burnet Road is already established as a commercial arterial street although it does not have a southern terminus. The commercial values or the commercial orientation is such that there would be very little temptation for a person to face a building onto Alice Avenue; however, it is feasible that an office building could be constructed facing Alice Avenue with ample parking off of Burnet Road.

Mr. Osborne advised the Commission that there are three rather broad alternatives that can be considered in this area. One is to zone the property for a rather broad commercial zone, which would permit offices, commercial facilities, apartments and miscellaneous development. The probability of this, which is in a sense what has occurred, would tend to push or encroach onto adjacent residential property. The second alternative is to take a more restrictive zoning such as "LR" Local Retail or "O" Office or some other new form of zoning that would permit these things to occur under certain conditions. Most of the development initially would be the private developer with the lots as they are, assuming that they can be assembled. The third area of consideration would be a land assembly program which would in effect be a form of renewal because part of the problem in this area is the street pattern. Obviously the land located in the triangle to the east is not very conducive to development of any kind, because of the size of the lots and the setback that would be required from all three streets.

This third area of consideration should be in relation to the residential area to the east. The consideration would be land assembly, relocation of the streets and conversion back into a planned commercial or apartment use. The basic use pattern will tend to stay the same. Alice Avenue is an extension of Burnet Road and it is becoming more necessary that this become sort of a relief valve for Lamar Boulevard.

C14-67-138 Johnny Toll, Sr.--contd.

After further discussion, the Commission concurred with the Committee recommendation that the requested zoning on the subject property would be appropriate zoning for the area. They recognized that the applicant offered to dedicate right-of-way for the widening of Alice Avenue and felt that this request should be granted. It was then unanimously

VOTED: To recommend that the request of Johnny Toll, Sr. for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4230-4236 Alice Avenue and 4229-4235 Burnet Road be GRANTED.

C14-67-139 Mildred Wicks and Kate Withers Trust: B to O
 2515-2603 Longview Street
 2601-2633 Lamar Boulevard

STAFF REPORT: This application covers two parcels of land totaling 94,480 square feet. The stated purpose of the application is for office development. The two parcels under consideration are separated by a dedicated public alley that is unopened on the ground. The property is a wooded hillside. The portion of the property under consideration located east of the dedicated alley was before the Commission in July, for a change of zoning from "A" Residence, Fifth Height and Area to "B" Residence, Second Height and Area, at which time the Commission recommended that "B" Residence, Fifth Height and Area be granted. The Council did grant "B" Residence, Fifth Height and Area. It is the staff's understanding that since that time there has been a proposal to develop the entire area under consideration with office development. At the previous hearing, the staff reported to the Commission that access to the property was a problem because of a prohibition of curb breaking on Lamar Boulevard in this immediate area. Curb breaks along Lamar Boulevard are prohibited so access will be limited to Longview Street which is a 60 foot street. At the previous hearing, Mr. Cortez, Assistant City Attorney, also advised the interested parties that curb breaks are prohibited and Mr. Richard Baker, representing the applicant, stated that access would not be from Lamar Boulevard.

There is "O" Office zoning existing to the west of Longview Street which is developed with apartments and partly with a large office building owned by the Lumberman's Association. The property along Lamar Boulevard is zoned Fifth Height and Area and the interior is zoned Second Height and Area. The staff feels that Fifth Height and Area zoning should be retained along Lamar Boulevard as a zoning strip to control setback. The staff does not object to the requested "O" Office zoning, as long as the applicant feels that adequate access to the property is provided, as it would be a logical extension of existing zoning and would be a compatible use with the University housing in the near vicinity. The portion of the alley between the two parcels under consideration has been included in this application and it is the staff's understanding that a request for the vacation of this portion of the alley will be filed.

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C14-67-139 Mildred Wicks and Kate Withers Trust--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	
C	Mrs. Maggie Fuller Curnaga: 2506 Leon Street	AGAINST
?	Mrs. Ann L. Ingram: 1607 East 9½ Street	AGAINST
?	Mrs. Naomi Ruth Williams: 1607 East 9½ Street	AGAINST
?	Bob L. Armstrong: 402 Vaughn Building	AGAINST
?	Ben W. Gregg, Jr.	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, stated that the people who are acquiring title to the subject property are aware of the fact that the Council passed an Ordinance in 1963 relating to curb breaks along Lamar Boulevard running northerly from 24th Street. They bought the tract with full knowledge of this and feel they can live with it as it is. A request for rezoning was made on a portion of this property in July so that the property could be developed with multi-family development. About 10 days after the hearing, the property under consideration was optioned to a group that now proposes to create a large office development on the property. The development will occur in phases, with approximately 20,000 square feet used for the first stage of development. All of the parking will be handled on the rear portion of the property so that adequate ingress and egress can be provided from Longview Street. The requested zoning is compatible as there is "O" Office, Second and Fifth Height and Area zoning existing on property to the west which is developed with the Lumberman's Association and apartments. Longview Street does not extend through to Lamar Boulevard. A request to vacate that portion of the alley that separates the two parcels under consideration has not been filed at this time, but will be filed this week. The vacation of the alley is requested because there is no way it can be opened because of the steep bluff that exists and the prohibition of curb breaks along Lamar Boulevard.

There are problems on this particular site because of the bluff and access; however, the preliminary plans on the property propose a full development of a 40,000 square foot parking garage to be constructed with the main building being along Lamar Boulevard. There is a great deal of work to be done and retaining walls will have to be built. The purchaser's of the property think they can solve the problems that exist.

C14-67-139 Mildred Wicks and Kate Withers Trust--contd.

Mr. Riley asked Mr. Baker if the purchaser's are fully aware of the curb break regulation along Lamar Boulevard. Mr. Baker explained that he had advised his clients of this regulation; however, they can request a curb break if they elect to do so and if the Council wants to, they can grant the request.

The property under consideration is zoned "B" Residence, Second and Fifth Height and Area which would allow apartments to be constructed that are 45 feet in height. The property is well suited for an office designation and has been recommended by the Planning Department.

The dense traffic that would be generated from apartments would be a traffic situation that would exist throughout the day whereas the traffic for an office building would exist primarily two times a day when the employees arrive and leave work. The proposed design of the property would be moderate and would be a design that would be an added attraction to this location on Lamar Boulevard. The utilization of the property, traffic-wise and density-wise will not affect the property to the north across Lamar Boulevard.

Arguments Presented AGAINST:

Mr. Ben W. Gregg, Jr. representing several property owners north of Lamar Boulevard, appeared at the hearing and stated that the property owners north of Lamar Boulevard bought their homes because of the beautiful view. If 45 feet in height is allowed, the view of the valley along Lamar Boulevard will be blocked. These people do not want something erected that would be unsightly.

Mr. Bob Armstrong, representing a nearby property owner, stated that there is concern about what kind of structure will be built on the subject property. The area north of Lamar Boulevard is not just an "A" Residential area but is a park. The hike and bike trail is in this park area and it is in the best interest of the City to keep the area adjacent to it as beautiful as possible. The people are concerned about what they will see across this park as far as beautification of the area. The utilization of the existing "O" Office area is very beautiful and if the subject property is developed in the same manner there would not be as much opposition.

Another nearby property owner appeared and stated that there is opposition to the closing of the entire alley as the southerly portion is used by the apartments and fraternities. If the alley is closed there can not be trash pick-up and the garbage cans would then have to be put on the front street which would be unsightly.

C14-67-139 Mildred Wicks and Kate Withers Trust--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee noted that curb breaks along Lamar Boulevard are prohibited and felt that this should be emphasized to the applicant. They felt that the requested zoning should be granted as it is a good use for the subject property and is a logical extension of the existing "O" Office zoning established to the west.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mildred Wicks and Kate Withers Trust for a change of zoning from "B" Residence, Second and Fifth Height and Area to "O" Office, Second and Fifth Height and Area for property located at 2515-2603 Longview Street and 2601-2633 Lamar Boulevard be GRANTED.

C14-67-140 J. D. Abel and B. H. Amstead: A, 1st to B, 2nd
300 West 38th Street

STAFF REPORT: This site consists of 7,350 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is to erect an apartment dwelling. Numerous recent requests for "B" Second Height and Area zoning have been granted on property in this immediate area. "B" Second Height and Area zoning abuts the property on the east and west; it is also established to the east along Speedway Avenue. The staff feels that the requested zoning is appropriate for the area; however, there is a problem with the right-of-way of West 38th Street. West 38th Street, with a present right-of-way of 60 feet, is scheduled to be widened to 80 feet which will require 15 feet of right-of-way from the north side of the street and 5 feet from the south side of the street. Consideration should also be given to the size of the property which is only 50' x 147'. If 15 feet of right-of-way is taken, the area will become even smaller. At this time, the only thing that can be built on the property is a triplex; however, if it is used in conjunction with the property to the west, there would be more than ample space to build an apartment complex.

TESTIMONY

WRITTEN COMMENT

Code

Y	Ed London: 1403 Kent	FOR
AK	Mrs. Dorothy Goodson Templin: Box 85, Nursery, Texas	FOR
AN	Lorene R. Cook: 207-B West 39th Street	AGAINST

C14-67-140 J. D. Abel and B. H. Amstead--contd.

PERSONS APPEARING AT HEARING

Code

A	J. D. Abel and B. H. Amstead (applicants)	
	B. P. Traynor (representing applicants)	
A	Mrs. B. H. Amstead: 2500 Jarratt	FOR
X	Josephine Casey: 305 West 38th Street	AGAINST
X	Bertha Casey: 305 West 38th Street	AGAINST
?	Mrs. Z. T. A. Norton: 3117 Hemphill Park	FOR
?	Eugenia Vann Phelan: 3912 Avenue G	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. B. H. Amstead was present at the hearing on behalf of this request and stated that he and Mr. J. D. Abel own the adjoining property. When the property was acquired, 15 feet of right-of-way was dedicated to the City for widening purposes. Other property in this immediate vicinity has also been recently purchased. Mr. Amstead stated that when he and Mr. Abel acquired the subject property, they were advised that 15 feet of right-of-way needed to be dedicated for the widening of West 38th Street. This was expected and a letter dedicating right-of-way was prepared and submitted; however there was an error in the letter in that only 10 feet of right-of-way was dedicated. He further stated that he is willing to strike through the 10 feet that is in the letter, and dedicate the needed 15 feet. This entire area is going to "B" Second Height and Area zoning and the request on the subject property is in keeping with the existing zoning and development.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. She stated that the property owners south of West 38th Street were not notified of other changes to "B" Second Height and Area zoning in this neighborhood. Certain questions should be raised about what is being done in this area. It is recognized that the building of a triplex or an apartment house would improve the neighborhood but there is much concern about turning Austin into an asphalt jungle. There is also concern about what will happen to the property south of West 38th Street. Some of the people living in this area are retired people who cannot afford to move into a different area. It should be a matter of serious consideration as to what the retired people in the area will do when the area becomes overcrowded. A great deal of money has been invested in improvements and the people would like to remain where they are.

C14-67-140 J. D. Abel and B. H. Amstead--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted. They were cognizant of the fact that the applicant stated that his letter submitted to the Planning Department offering 10 feet of right-of-way was in error, for he is willing to dedicate 15 feet. The Committee felt in view of this, the requested zoning should be granted as it is a logical extension of present zoning and further completes the zoning pattern in this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. D. Abel and B. H. Amstead for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 300 West 38th Street be GRANTED.

C14-67-142 Willie and Ruth Renck: A, 1st to B, 2nd
104 West 38½ Street

STAFF REPORT: This application covers a small lot containing 4,750 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is to add to an existing apartment area. This is an area where numerous zoning changes to "B" Second Height and Area have been granted. "B" Second Height and Area zoning abuts the subject property on the east. The staff feels that the requested zoning is appropriate for the area because of the recent changes but there is concern about the size of the lot in that it contains only 4,750 square feet. If used alone, the lot would not comply with the Ordinance for single-family development. It is the staff's understanding that the property will be tied in with the property to the east. If this is the case, the requested zoning is appropriate.

Mr. Riley asked if the use of the lot in conjunction with the adjoining property should be tied together legally. Mr. Stevens explained that this is not a part of zoning but the Committee can recommend that the property be replatted to tie in with the adjoining property in order to make a standard site. The staff is in favor of the request if it can be tied to the adjoining property.

TESTIMONY

WRITTEN COMMENT

Code

E	Don J. Jackson: 6002 Spancreek	FOR
J	Wesley Daily: 109 West 38½ Street	FOR
S	Mrs. Otto B. Wukasck: 1101 West 22nd Street	FOR

C14-67-142 Willie and Ruth Renck--contd.

PERSONS APPEARING AT HEARING

Code

Mrs. Z. T. A. Norton (representing applicants)
Eugenia Vann Phelan (representing applicants)

SUMMARY OF TESTIMONY

Mrs. Z. T. A. Norton appeared at the hearing on behalf of this request and stated that the subject property is to be used with adjoining property having frontage on Speedway. The lots along West 38th Street cannot be sold as residential property because of the existing and proposed apartment development. The subject property will be used for parking and will be an improvement to the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized that the development of the subject property would be a problem because of the size. They noted that the property is to be used in conjunction with the adjoining property, having frontage onto Speedway, and felt that this would enhance the subject site. The Committee concluded that the request should be granted on the condition that the subject property is tied to property fronting onto Speedway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Willie and Ruth Renck for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 104 West 38½ Street be GRANTED.

C14-67-143 Jack Andrewartha: GR, 6th to B, 1st
2210-2234 Ben White Boulevard
3602-3624 Catalina Drive

STAFF REPORT: This application covers approximately 4 acres of land which is presently undeveloped. The stated purpose of the application is for erecting apartments. The subject property was originally included in Santa Monica Park, Section 3 Subdivision, which was recorded in June, 1963. "GR" Sixth Height and Area zoning was granted on the subject property and property to the east of Catalina Drive in 1963. Since that time, there has been a new subdivision on the property entitled Mission Hill Subdivision, which was approved on the condition that the zoning be rolled back from "GR" to "B" because of the proposed use of the property. Ben White Boulevard and Catalina Drive are both adequate streets. In compliance with the subdivision approval, the staff recommends that this request be granted to provide consistency of development with the zoning of the property.

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C14-67-143 Jack Andrewartha--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is consistent with the proposed use of the property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "GR" General Retail, Sixth Height and Area to "B" Residence, First Height and Area for property located at 2210-2234 Ben White Boulevard and 3602-3624 Catalina Drive be GRANTED.

C14-67-144 Ernest Elam and Gerald Senter: O, 1st & 5th to C, 2nd
1007-1017 East 50th Street
 4909-4913 Harmon Avenue

STAFF REPORT: This application covers approximately 88,301 square feet of land which is zoned "O" Office, First and Fifth Height and Area. The original notice advertising the request stated that the subject property was zoned "A" and "O", First Height and Area; however, this is in error and an amended notice was mailed before the hearing. Mr. Baker, representing the applicant, contacted the people that did not receive notices along East 51st Street and reported that they did waive their rights to notice. The stated purpose of this application is the erection of multi-family apartments and related commercial facilities. "C" Commercial zoning is established along the west side of the Interregional Highway. "BB" zoning is established on property to the south at the corner of Harmon Avenue and East 49th Street.

In addition to the subject property, the applicants own property abutting to the east, extending out to the Interregional Highway. In view of the existing zoning along Harmon Avenue and the 50 foot right-of-way, the staff feels that Second Height and Area zoning is too intensive. The staff is not opposed to intensification of the property but feels that Second Height and Area should not be granted on the entire tract. It is recognized that Fifth Height and

C14-67-144 Ernest Elan and Gerald Senter--contd.

Area could extend back for a portion of the property in connection with the site development inasmuch as this particular site could disperse traffic along three streets if used in conjunction with the abutting property.

Mr. Wroe asked how far back should the Fifth Height and Area extend. Mr. Stevens explained that the staff would prefer to keep it at least a one lot depth from Harmon Avenue. From a zoning standpoint and with no knowledge of how the proposed buildings will be located, the Fifth Height and Area district should be held to that point. There is Fifth Height and Area along the Interregional Highway and this would be an expansion of that district.

If the uses along residential streets are intensified, right-of-way should be required for future needs. If the requested change is granted, an additional 5 feet of right-of-way should be provided for the future widening of East 50th Street.

TESTIMONY

WRITTEN COMMENT

Code

BH Cornelius L. Hocker, Sr.: 1011 East 49th Street

Q Mrs. W. E. Hall: 939 East 50th Street

FOR

AGAINST

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that the proposed purchaser filed this request for a zoning change. He stated that when the request was filed, he discussed the matter with the Planning Department in order to determine what they felt would be the most feasible extension of zoning. The conclusion after these discussions was to file the request for "C" Second Height and Area as this would give the leeway that is needed for development. The particular tract in question will be considered in the overall development of adjoining property, having approximately 200 feet of frontage on the Interregional Highway, which is owned by the applicants. The proposed purchaser would like to develop the rear portion of the property with one unit for every 750 to 1,000 square feet which is equivalent to "B" or "O" Second Height and Area zoning. The front 143 feet, which is to be developed in conjunction with the subject property, is zoned "C" Commercial, Fifth Height and Area which allows one unit for every 500 square feet. The next 57 feet is zoned "O" Office Fifth Height and Area which allows one unit for every 750 square feet. Using the density permitted in the "C" Fifth Height and Area, "O" Fifth Height and Area and "O" First Height and Area, a density on the entire tract would permit one unit for every 750 to 1,000 square feet of land. If "C" Commercial, Fifth Height and Area zoning could be established

C14-67-144 Ernest Elam and Gerald Senter--contd.

westerly from the Interregional Highway 300 feet, this would leave the frontage on Harmon Avenue, back to a depth of 160 feet, "O" Office, First Height and Area. It is the applicant's opinion that the density is proper as the proposed development will have frontage onto the Interregional Highway, East 50th Street and Harmon Avenue, which gives three means of access. It is a primary concern to keep the traffic flow out of the residential area. The Airport Zoning Ordinance limits this area to a height of 25 feet which presents a development problem. This will limit the development to a great extent, for it will be an architectural feat to design the tract with one unit for every 750 to 1,000 square feet as well as provide adequate parking. The establishment of "C" Commercial zoning back into the block is a logical extension of existing zoning. The "O" Office, First Height and Area zoning would remain along Harmon Avenue as a buffer area. Mr. Baker stated that he has not had an opportunity to discuss with the applicants any dedication of right-of-way that may be needed for the streets; however, this should not present a problem.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that "C" Commercial, First Height and Area zoning could be extended back for a portion of the subject property which would allow the same density as "C" Commercial, Second Height and Area. The reason the staff feels the density can be increased on this tract, more so than other property on Harmon Avenue, is because the site is served by three streets. At the Committee meeting, the staff indicated that there would be objection to starting Second Height and Area zoning along Harmon Avenue. Mr. Baker did discuss several ways that the property could be developed and still have the density the applicants felt was necessary. There is some merit in the proposal for apartments at this location but the staff still recommends that First Height and Area zoning be retained along Harmon Avenue.

The Commission members discussed this request and agreed that they would look with favor on extending "C" Commercial, First Height and Area zoning within 169.8' east of Harmon Avenue as an extension of the existing "C" Commercial property having frontage onto the Interregional Highway, with the condition that the parcels be consolidated into a site for this purpose. They felt that "O" Office, First Height and Area zoning should be retained along Harmon Avenue.

C14-67-144 Ernest Elam and Gerald Senter--contd.

It was then

VOTED: To recommend that the request of Ernest Elam and Gerald Senter for a change of zoning from "O" Office, First and Fifth Height and Area to "C" Commercial, Second Height and Area for property located at 1007-1017 East 50th Street and 4909-4913 Harmon Avenue be DENIED but that "C" Commercial, First Height and Area zoning be GRANTED for that portion of the property located at 1009-1015 East 50th Street, and the rear 120 feet of 4909-4913 Harmon Avenue.

C14-67-145 City of Austin: A to GR (or a more restrictive zoning district)
 1623-1631 Wilshire Boulevard
 4100-4224 Airport Boulevard
 1734-1748 Schieffer Avenue

STAFF REPORT: This application is made by the City of Austin, as authorized by the City Council, with a view in mind of selling this property, in effect as surplus property, in the sense that there has been no identified municipal or city use indicated for this piece of land. The site contains approximately 8.45 acres of undeveloped land. The property has approximately 1,150 feet of frontage on Brookview Road; 1,400 feet of frontage on Airport Boulevard; 270 feet of frontage on Wilshire Boulevard, and 450 feet of frontage on Schieffer Avenue. It is proposed that an additional 30 feet of right-of-way will be dedicated from the subject property for the widening of Brookview Road which is currently a 30 foot roadway. This will bring the street to a standard 60 feet of right-of-way. Ten feet of additional right-of-way is also proposed to be dedicated for Schieffer Avenue in order to provide a 60 foot street from Brookview Road to Airport Boulevard. The request is in the form indicated by the City Council as it is the desire to dispose of this property, probably on a bid basis, and in turn they specifically authorized the City Attorney to file the request asking for "GR" General Retail, or a more restrictive zoning district, for the Commission to consider and establish the appropriate zoning classification within these limits.

Immediately to the west of the subject property is the dedicated Patterson Park which is developed with 2 tennis courts, 1 swimming pool and a ball diamond. Immediately to the southwest is a Presbyterian Church. The general area to the south, southwest, north and northwest is developed with a very high quality single-family residential area. Most of the development in this particular section is single-family residence, with the exception of the lower portion of Cherrywood Subdivision where two-family residences and an elementary school exist. Directly across Airport Boulevard is the municipal airport. In this section of the airport area there is private terminal facilities and private aircraft. Further to the north, located across Airport Boulevard, is a fire station.

Cl4-67-145 City of Austin--contd.

There has been discussion for sometime at the staff level as to what is appropriate for this property. There is no foreseeable public use for this land which has been the case for several years. The consideration then before the Committee and the Commission is what is the appropriate use, and what is an appropriate zoning that would lead to a particular use. Mr. Osborne further advised the Commission that his recommendation on this property lies in the area of apartment development or "O" Office zoning. It is suggested that the property be considered for "B" Residence, First Height and Area or "O" Office, First Height and Area zoning. This would permit an apartment development in the range of 208 units on the balance of the tract. Under "O" Office zoning there is more latitude and more potential in the development and at the same time, recognizing that more intensive uses could be established. In addition to office uses as well as apartment uses, certain retail service uses could be allowed by special permit approval because of the "C" Commercial area, to the north of Wilshire Boulevard which is developed with a service station. If "O" Office zoning was established, a portion or all of the tract could go under special permit development with review by the Commission as to detail. At the same time, it is suggested that the Zoning Committee and the Planning Commission consider certain possible additional requirements as the City is the owner of the land and can impose in the sale of the land certain specific conditions that could not be enjoyed on any other case. One of these conditions is a minimum building setback line of 25 feet along Schieffer Avenue. In turn, the Commission may feel there are other requirements that might be specifically imposed as a condition attached to the sale of the land and not as a condition of the zoning. The sale of the land and the zoning should be considered together.

Mr. Wroe asked if there is a use for the undeveloped land to the south, located between Vineland Drive and Airport Boulevard, and if the staff would propose the same type of zoning for that property as well as the City property. Mr. Osborne explained that the tract to the south is a vacant piece of land under private ownership. He stated that the Planning Department would recommend the same type of zoning although the tract is relatively shallow.

The proper use for this land seems to be apartments, office or very limited commercial, although this section of Airport Boulevard is not envisioned as being a commercial street. It is not subject to the development of very intensive residential development.

One of the members of the Committee asked about curb breaks. Mr. Osborne stated that the curb could be cut at any place along Airport Boulevard but this should be another area of special consideration. The establishment of a grade crossing through this section would be fairly easy; however, this should be controlled and should be limited in number.

C14-67-145 City of Austin--contd.

TESTIMONY

WRITTEN COMMENT

Code

D	Harold G. Kennedy: 1610 Wilshire Boulevard	AGAINST
AB	Clemens C. & Margaret B. Christianson: 3909 Grayson	AGAINST
?	Charles Robert Brewer: 3903 Vineland Drive	AGAINST
?	Harry R. Warren: 4003 Vineland Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

D	Harold G. Kennedy: 1610 Wilshire Boulevard	AGAINST
G	Leslie L. Gage: 1711 Schieffer	AGAINST
Y	Flavil H. Roe: 4015 Vineland Drive	AGAINST
AB	C. C. Christianson: 3909 Grayson Lane	AGAINST
AL	G. Kent Rider: 1606 Wilshire Boulevard	AGAINST
?	Robert Stephen Peel: 4003 Brookview (representing Wilshire Presbyterian Church)	AGAINST
?	Roger Osborn: 4010 Vineland Drive	AGAINST
?	John Borth: 4008 Vineland Drive	AGAINST
?	Ross McIlroy: 3911 Grayson Lane	AGAINST
?	Felton R. Kelley: 4011 Vineland Drive	AGAINST
?	Tom R. Grant: 4005 Crescent Drive	AGAINST
?	Mrs. Dan Killen: 4505 Elwood Road	AGAINST
?	Mrs. Milton Flowers, Jr.: 3901 Maplewood	AGAINST
?	Dan Killen: 4505 Elwood Road	AGAINST
?	Mrs. E. L. King, Jr.: 3815 Maplewood	AGAINST
?	June S. Fehr: 4018 Crescent Drive	AGAINST
?	W. S. Fehr: 4018 Crescent Drive	AGAINST
?	Howard V. Moore: 4331 Airport Boulevard	AGAINST
?	Mrs. John Battle: 3821 Maplewood	AGAINST
?	Paul E. Green: 4008 Crescent Drive	AGAINST
?	Wayne M. Layman: 1817 East 40th Street	AGAINST
?	Floyd Swanberg: 3907 Grayson Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Glenn Cortez, Assistant City Attorney representing the City of Austin, advised the Committee that the City acquired this land in 1941 from J. M. and Nide Patterson. After this acquisition, approximately 10 acres of land was dedicated as a park for the benefit of the property owners in the area. This left the area between Brookview Road and Airport Boulevard, the subject property, as the remainder of the tract that had no particular use. There has been, according to the recent minutes of the City Council, comments by the City Manager that the sale of this property has been brought to the attention of the various City Departments which indicated that there is no need for this tract of land. Mr. Cortez read excerpts from the City Council minutes pertaining to this subject and presented photographs of the area.

C14-67-145 City of Austin--contd.

Mr. Cortez further stated that particular attention should be called to the opposite side of Airport Boulevard where there is a number of semi-industrial uses such as airplane hangars. He stated that he had occasion to visit the aviation agencies which occupy the area across from the subject property, and found it interesting to note that these agencies had an average of 660 transient airplanes landing at their facilities. With this in mind and the high traffic count of 14,000 cars per day along Airport Boulevard, it would be an extreme limitation to the property should the zoning remain "A" Residence. The City requests that the subject property be considered as any other privately owned property.

Mr. Riley stated that the Planning Commission is asked to zone property for apartments every month. As this neighborhood and other areas grow and become dense, some consideration should be given to providing adequate green areas for parks and other purposes. This fact should be brought out so the City can reconsider and think about what the cost would be to buy this land back in the future if needed for a park.

Mr. Cortez stated that the final decision of the zoning of the property, as well as the sale of the property, is with the City Council and they have indicated that they wish to sell the property. The property cannot properly be developed as "A" Residence property because of the high traffic count on Airport Boulevard and the close proximity to the airport.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request for the following reasons:

1. There is enough congestion on the fringes around the airport now. The proposed zoning and development would only increase the traffic on a street that is already heavily traveled.
2. The requested zoning would lead to an unhealthy condition for or influence on the children in this area that use the park which is located across from the subject property.
3. If apartments are constructed, parking will overflow into the residential areas.
4. The streets are not wide enough to carry the burden of increased traffic.
5. The subject property should be used for park purposes as there is too little green space in this section of town.
6. The subject property is needed for additional park area as the existing park across Brookview Road has not grown with the community.
7. Commercial property up and down Airport Boulevard has had a history of a lack of success. Development of additional commercial property would be detrimental as there is no need.
8. To add more commercial property is not proper because of the close proximity to Delwood Shopping Center and other service facilities that are easily accessible.

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9. A change of zoning that would allow intensive development of the property would create a dangerous traffic situation for the children in the area going to and from school. The children must use the street as there are no sidewalks in the area.
10. Any building contemplated on the property would detract from the beauty of the park.
11. Apartment development on the subject property would mean that more children would be using the park that is already overcrowded and too small for the area it serves.
12. A change of zoning would lower the value of the residences in the area.

In summary, all of the property owners in this area strongly felt that additional park land is needed and felt that this could be provided by using the subject property for park purposes rather than rezoning the property or selling it.

The Committee members asked Mr. Beverly Sheffield, Director of Parks and Recreation, for comments from his department and the Parks and Recreation Board with regard to the rezoning and possible sale of the subject property.

Mr. Sheffield advised the Committee that the Parks and Recreation Board voted to recommend that the zoning on the subject property not be changed. Years ago, the Parks and Recreation Board, as well as the Parks and Recreation Department, asked that all of this land be designated as a park area; however, only the area west of Brookview Road was designated for that purpose. The area was inaccessible so Brookview Road was put in as a park road. Mr. Sheffield further stated that he was surprised at the interest shown by the people in the area who are in favor of using the property for additional park purposes; however, it is not known what will happen in the future. The Parks and Recreation Department is trying to plan an overall park system in Austin. There has to be concern about the amount of tax money that is spent on the various parks and facilities. On an overall basis, considering all of the area covered by the Parks and Recreation Department, a balance must be maintained. It is true that Patterson Park is a very successful park. The pool is a junior pool but it was designed so that it could be enlarged at some time in the future when the money is available. The park may be inadequate, but there are other parks in Austin that are also inadequate that should have the same consideration. If the property is sold, recommendations will be made to the City Council for additional land to provide for parking and other uses that are needed.

Mr. Dunnam stated that Mr. Cortez read excerpts from the Council minutes that all department heads were notified of this proposal and that the indication from these departments was that the land was not needed for any purpose. He asked Mr. Sheffield if he was notified of the request. Mr. Sheffield stated that he had no recollection of any notification with regard to the subject property.

C14-67-145 City of Austin--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied. They felt that it would be improper to rezone the property and recommended to the City Council that the property be retained for possible park use or future public development of unknown quality. They noted the property is on a major boulevard which makes it easily accessible.

At the Commission meeting, Mr. Bluestein stated that it is his understanding that the Parks and Recreation Department and the Parks and Recreation Board are not as interested in this tract of land for park purposes and do not object to an apartment complex being developed. He asked Mr. Osborne if this was the indication from Mr. Sheffield.

Mr. Osborne stated that over a period of time this property has been discussed with Mr. Sheffield, and he has not expressed an interest in using the property for a park; however, the action of the Parks and Recreation Board is not clear. He stated that his understanding was that the Parks and Recreation Board recognized that the area is not to be a part of or any addition to Patterson Park per se. They were particularly interested in the development of Brookview Road and additional parking. There are conflicting comments as to what the Parks and Recreation Board would like to see developed on this property.

Mr. Glenn Cortez requested that the Commission consider the appropriate zoning for the subject property in the same manner as zoning is considered on privately owned property. The consideration as to the sale of the property is not before the Commission for a recommendation at this time.

Mr. Osborne explained that the filing of this application was to give the Commission and the Council the appropriate latitude for hearing purposes as well as establishing appropriate zoning. The policy has been in the past that if the application was filed for "B" Residence zoning or any other classification, that no less restrictive classification be considered.

Mr. Bluestein stated that it is his understanding that one of the prime issues at the Zoning hearing was the premature nature of the City in rezoning or selling the property at this time. Mr. Wroe explained that there was a strong element of feeling that perhaps the City, in light of park acquisitions, should give consideration to retaining this property for park purposes. At the time, Mr. Sheffield expressed gratification that the people in the area wanted to retain the property for park purposes. It was brought out that until the Parks and Recreation Board meeting, there had been no indication of their interest in the property. It was also pointed out that under the existing zoning, the property could be sold for residential "A" property or for duplex development. It was the feeling of most of the Committee members that if the property was sold, a very restrictive zoning should be placed on it. "GR" zoning would be an intrusion into this residential area.

C14-67-145 City of Austin--contd.

Mr. Osborne advised the Commission that there was a gully through this park and over a period of time the City has filled the land in and levelled it. It was generally construed that Brookview Road was the boundary of the dedicated park area, and the remaining undedicated area would ultimately be used for some other purpose or disposed of. This occurred in the early 1950's. Since that time, there has been some work on the land as to what the disposition of the property should be. Consideration was given to the fact that there is existing "C" Commercial zoning north of Wilshire Boulevard and there are airport facilities across Airport Boulevard which is primarily for the National Guard and private operator's facilities. The staff recommended that "B", Residence, "O" Office, or a combination of the two be considered. "O" Office zoning was suggested because the property could be developed under the special permit controls. With respect to density, it is recommended that the height and area remain as First Height and Area.

Another issue to be considered is the fact that the present Patterson Park site consists of approximately 10 acres of land. The current standard for a neighborhood playground is from 6 to 8 acres, preferably 8 if not used in conjunction with a school site. In terms of the City's standards, the existing park is an adequate playground site. Because of the highway location and the Airport, the subject property is not suited for single-family residential development. The staff recommends that consideration be given to low density apartment development. With regard to locating apartments across from a park, this is a standard planning procedure.

Mr. Jackson stated that it is his understanding that the Parks and Recreation Board does not want the subject property for additional park purposes. One factor that should be considered is that the airport cuts off all family buying power or using power from other areas of the city. The number of families in this area would not economically support a good commercial enterprise or additional park area. Mr. Jackson further stated that in his opinion, "BB" Residence, First Height and Area zoning is appropriate for the property, as it is a low density type of zoning. The property has such accessibility that it would afford a very good occupancy for apartments.

Mrs. Naughton indicated that she would be reluctant to rezone the subject property as it is adjacent to a park and surrounded by residential property. This area should be retained for possible future use as a park. Mr. Wroe expressed concern because there is a well-defined residential area surrounding the property. It is recognized that there are apartments on property to the north and the airport is located across the street. Commercial use would not be a good development for the property and at the same time, it is recognized that single-family development is not appropriate. The rezoning of the subject property could set a precedent. Duplex development would be the best use for the property as it would be in keeping with the development of the area.

C14-67-145 City of Austin--contd.

The Commission discussed this request in terms of the location of the property and the surrounding development. A majority of the members felt that "BB" Residence, First Height and Area zoning would be the appropriate zoning for the property. It was then

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (or a more restrictive zoning district) for property located at 1623-1631 Wilshire Boulevard, 4100-4224 Airport Boulevard and 1734-1748 Schieffer Avenue be GRANTED "BB" Residence, First Height and Area zoning.

AYE: Messrs. Jackson, Smith, Dunnam and Bluestein

NAY: Mrs. Naughton and Messrs. Hazard and Wroe

ABSENT: Messrs. Riley and Brown

C14-67-146 Mrs. A. H. Buass: A, 1st to B, 1st (as amended)
 413-417 Alpine Road
 509-517 Alpine Road
 3601-3613 South First Street
 Rear of 411 Alpine Road
 Rear of 501-507 Alpine Road
Add'n. Area: 501-507 Alpine Road

STAFF REPORT: A letter has been filed by Mr. John Selman, representing the applicant, requesting that this application be amended to "B" Residence, First Height and Area. This application covers an area of 164,045 square feet of land which is undeveloped. Four parcels, abutting the subject property on three sides, has been included as additional area. The stated purpose of the application is for residential apartments. "B" Sixth Height and Area zoning is established on one parcel of land to the east on the north side of Alpine Road. "LR" zoning is established on property to the north of Alpine Road extending to the corner of South First Street and Lightsey Road. The proposed zoning as amended would permit a maximum of 109 apartment hotel units on the subject property. Alpine Road, with a present right-of-way of 50 feet should be widened to 60 feet which would require 5 feet from each side of the street. South First Street is classified as a major arterial street with 80 feet of right-of-way and 44 feet of paving. The staff has no objection to the requested zoning provided Alpine Road is made adequate.

TESTIMONY

WRITTEN COMMENT

Code

B Milton E. Chatham: 5701 Sandhurst Circle
 V Richard Lee Plumley: 404 West Alpine Road

FOR

FOR

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

C14-67-146 Mrs. A. H. Buass--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that the right-of-way needed for Alpine Road will be complied with. The requested zoning is logical in view of the present zoning pattern in this area and it is felt that "B", First Height and Area zoning would be a logical buffer between the residential property on Alpine Road and the commercial development established on South First Street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "B" Residence, First Height and Area. They reviewed the information presented and concluded that this request should be denied because of the inadequate right-of-way of Alpine Road; however, they stated they would look with favor on the requested zoning for the subject property and the additional area, if the street is made adequate.

At the Commission meeting, the staff reported a letter from Mr. John Selman, representing the applicant, offering to dedicate 5 feet of right-of-way from the subject property for the widening of Alpine Road. An offer to dedicate the necessary right-of-way has not been received from owners of the property included as additional area. The staff recommends granting the requested zoning on the subject property, and to look with favor on the same type of zoning, if the street is made adequate, for the additional area.

The Commission concurred with the Committee recommendation that "B" Residence, First Height and Area zoning should be granted on the subject property inasmuch as right-of-way for the widening of Alpine Road has been dedicated; however, they felt that this zoning should be denied on the additional area until such time as the street is made adequate. It was then unanimously

VOTED: To recommend that the request of Mrs. A. H. Buass 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 413-417 Alpine Road, 509-517 Alpine Road, 3601-3613 South First Street, the rear of 411 Alpine Road and the rear of 501-507 Alpine Road be GRANTED but that the request be DENIED for the additional area located at 501-507 Alpine Road.

C14-67-147 Winnie Smith: A to B
1708-1710 Wheless Lane

STAFF REPORT: This application covers an area of 21,733 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for residential apartments. The requested zoning would permit 14 apartment hotel units on the site. The Harris Elementary School is located on property to the south across Wheless Lane. There is "C" Commercial zoning

C14-67-147 Winnie Smith--contd.

existing to the south between Linda Lane and Briarcliff Boulevard. To the west across Berkman Drive there is a large tract of land which is developed with a church. To the east there is a fairly new residential subdivision part of which is restricted. A fairly large apartment complex is being developed on property to the north. There are many well maintained homes in this immediate area.

The Commission considered a request for "B" Residence, Second Height and Area zoning on property adjoining to the west last month. There was mixed feeling on that property, but the request did go to the Council with a recommendation to deny. The staff recommended denial of the "B" Second Height and Area zoning but advised the Commission that if it felt there was merit to the application, but the change should be limited to "B" First Height and Area rather than Second Height and Area. Mr. Selman, representing the applicant, did amend the application to "B" First Height and Area and offered widening for Berkman Drive. At the Commission meeting, Mr. Osborne indicated that in his opinion the requested zoning of the lot would set a precedent for the entire block. When the request went to the Council, Mr. Selman indicated that he had worked with the Planning Department on the request and advised the Council that a request for a zoning change was also being made on the property adjoining to the east, the subject property, and requested that these requests be considered at the same time. The request on the adjoining property was then referred back to the Commission.

Mr. Selman has worked with Mr. Osborne, the Director of Planning, on the utilization of the subject property and the adjoining property. As a result of the discussions with Mr. Selman, a letter has been submitted by Mr. Richard Hooper, owner of the adjoining property, agreeing to construct a fence on the east side of the property and further agreeing that there will not be any head-in parking on either of the streets abutting the property. Mr. Osborne has agreed with the applicant on the restrictions, and he did go along with the requested "B" First Height and Area zoning. In view of this, the staff recommends the request be granted. A petition addressed to the City Council has been received in opposition to this request.

TESTIMONY

WRITTEN COMMENT

Code

C	Paul T. Hornberger: 1712 Wheless Lane	AGAINST
?	David E. Parks: 6405 Berkman Drive	AGAINST
	One petition with 35 signatures	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
C	Paul T. Hornberger: 1712 Wheless Lane	AGAINST
J	E. H. McDonald: 6300 Hickman Avenue	AGAINST
P	Richard L. Woodall: 6205 Hickman Avenue	AGAINST
A	Joseph R. and Winnie Smith (applicant)	

C14-67-147 Winnie Smith--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, offered the following information: This property seems to lie on the edge of the school campus. There is a church located on property across Berkman Drive and there is commercial zoning and development to the south. Mr. Selman stated that after the zoning request was considered on the adjoining property last month, he discussed the proposal with Mr. Osborne who indicated that if more than one lot could be acquired and developed with the property he could see the possibility of going along with the requested zoning. As a result of this, Mr. Selman stated that his client obtained an option on the adjoining property which is the property under consideration at this time. Considerable time and study has gone into determining the use of the property and making an application. It is understandable that the residential owners are not in favor of the request; however, the area is changing. One of the reasons for the change is that Berkman Drive, a collector street carrying a great deal of traffic, feeds into Nelson Field, Reagan High School and adjacent commercial property. Windsor Park Center is located to the south and there is a possibility that one or two of the lots in the area could be zoned "LR" in the future for a service station. Mr. Selman further explained that the people that he has talked to in this area say they would prefer a buffer zone of apartments as they know that this development will remain for 15 to 25 years and they know that it will be a buffer zone between the school, the church and the commercial zoning. Members of the church board have said that it is a possibility that this type of development would bring more members to their church and they would rather apartment development than commercial development. Another point of consideration is the fact that to the north, approximately 8 or 9 lots away from the subject property, there is a large apartment complex under construction. It should also be considered that the City Council and the City administration put a fire station on property to the north. This area has different types of development. There are lovely homes to the east but there are other areas where homes are being moved in. Mr. Selman presented photographs of development in this area.

A problem to be considered is what happens to land when either the economic value or the area around it has changed so that the highest and best use is no longer residential. There is no doubt that the area along Berkman Drive is changing because of the traffic. The best use of the property has to be something that will provide a buffer zone. After discussions with Mr. Osborne, it was agreed that when the property is developed there should not be any traffic feeding back onto Berkman Drive and no head-in parking. A screening fence will also be erected next to the adjoining property.

C14-67-147 Winnie Smith--contd.

Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to this request. They stated that the subject property, as well as property adjoining to the west, is located directly across the street from an elementary school entrance. Apartments would cause much more traffic, therefore presenting a hazard to the children crossing the street. This is a residential area and if apartments are permitted, the value of the residences would be decreased. Apartments accommodate too many transient people that do not care about the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it permits logical development of the large tracts of land located between commercial and residential development, and is served by Berkman Drive, a planned major arterial street.

At the Commission meeting, Mr. Stevens advised the Commission that the zoning request on property adjoining the subject property to the west was referred from the City Council to the Planning Commission for reconsideration. When the request on the adjoining property went to the Council, Mr. Selman, representing the applicant, indicated that a request was also being made on the subject property and requested that both applications be considered at the same time. He also stated that he worked with the Director of Planning on the requests for the joint development of the subject property and adjoining property. Mr. Osborne indicated that the staff would not object to "B" Residence, First Height and Area provided there would be no head-in parking on either of the streets abutting the property, and provided a fence was constructed on the east side. The applicant has agreed to these restrictions. In view of this agreement, the staff recommends the request be granted. After further discussion, the Commission unanimously

VOTED: To recommend that the request of Winnie Smith for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1708-1710 Wheless Lane be GRANTED.

C14-67-148 Westgate Square: A to BB, (as amended)
 4718-5008 West Gate Boulevard
 4800-4906, 4801-4909 and 5001-5009 West Wind Trail
 2200-2202 Jones Road

STAFF REPORT: This application covers 23 lots totaling approximately 5½ acres of land. The average lot size is 9,120 square feet. The stated purpose of the application is for residential apartments. Thirteen of the lots under consideration have frontage onto two streets. This property is part of Westgate Subdivision which was recorded in 1965. The entire subdivision, with the exception of two lots, is undeveloped. The streets are developed, paved, and guttered. If the area is to be reclassified, the staff feels that now is the

C14-67-148 Westgate Square--contd.

appropriate time before further development occurs. If the zoning pattern is created, as requested, it will leave seven lots within the same subdivision in a pocket of "A" Residential. Adjoining the subject property to the north is "BB" Residence zoning. Adjoining the "BB" zoning is "C" Commercial zoning extending to Ben White Boulevard and South Lamar. The subdivision adjoins the City of Sunset Valley on two sides which is developed residentially. The applicants have indicated that the property will be developed gradually. When the Subdivision was approved, if the staff had known the property was to be used for multi-family development, 60 foot streets would have been requested. West Wind Trail has only 50 feet of right-of-way, West Gate Boulevard has a present right-of-way of 90 feet, Jones Road has 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENTS

Code

None

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman stated that several months ago, he and several of his clients purchased the subject property and studied the area in order to determine the proper use for the property. The area to the east is zoned "A" Residential, and the area to the north is zoned "BB" and "C". This subdivision has been recorded for approximately a year and a decision had to be made as to what the logical development of the property would be. Consideration was given to the protection of the existing houses in the area and the area across West Wind Trail which is restricted. U. S. Highway 290 is in close proximity and a portion of the subject property fronts onto West Gate Boulevard which is a 90 foot street. Jones Road, with 60 feet of right-of-way, is a major arterial street. Ben White Boulevard is being extended and it probably will be only a short period of time before additional commercial development occurs.

The area to the north will be developed with a large area of commercial and apartments. The next step down from this development would be the development of duplexes, and four-plexes. There is a great demand for duplex lots in Austin. It is felt that the requested zoning on the subject property is a logical extension of zoning and proposed development in the area.

No one appeared in opposition to the request.

C14-67-148 Westgate Square--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "BB" Residence, First Height and Area zoning be granted as the proper zoning for the property.

At the Commission meeting, the staff reported a letter from Mr. John Selman, requesting that this application be amended to "BB" Residence, First Height and Area.

The Commission accepted the amended application and concurred with the Committee recommendation. It was then unanimously

VOTED: To recommend that the request of Westgate Square for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 4718-5008 West Gate Boulevard, 4800-4906, 4801-4909, 5001-5009 West Wind Trail and 2200-2202 Jones Road be GRANTED.

C14-67-149 David Barrow, Jr.: Int. A, Int. 1st to B, 1st
1800-1810 Woodward Drive
3400-3438 Parker Lane (proposed)

STAFF REPORT: This application covers an area of 7.46 acres of land which is presently undeveloped. The stated purpose of the application is for erection of multi-family development. Last month, a request for a special permit was made on the property adjoining to the west which was withdrawn so that an application for a larger area could be submitted which would include the subject property. The subject property is now in the process of being annexed. The adjoining property is zoned "B" Residence, First Height and Area. The staff has no objection to the requested zoning as the subdivision approved on the property proposes apartment development. A special permit will be filed after the property is rezoned.

The streets in the area are adequate, Parker Lane (proposed) will have 70 feet of right-of-way and Woodward Street has 90 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

B David Barrow, Jr.: (applicant)

C14-67-149 David Barrow, Jr.--contd.

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that all of the land east of the Interregional Highway and north and south of Ben White Boulevard extending to the existing subdivision on the east, and up to the Greenbriar Subdivision on the north, is under the same ownership. A master plan has been laid out for the development of this entire area which envisions office and large commercial buildings and possibly a hotel or motel. A large apartment complex is planned for the tract north of Woodward Street and east of the proposed Parker Lane. Parker Lane will be developed in connection with the proposed development. Some years ago, the tract adjoining to the west was taken into the City for apartment use and it is now requested that this zoning be extended to the subject property. This is a logical extension.

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 in keeping with the proposed development plan for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of David Barrow, Jr. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at 1800-1810 Woodward Drive and 3400-3438 Parker Lane (proposed) be GRANTED.

C14-67-150 Lakeshore Colony: GR, 1st to B, 2nd
2101-2221 Elmont Drive

STAFF REPORT: This site contains 22.9 acres of undeveloped land. The stated purpose of the application is for erecting apartments. The staff does not object to the "B" request, but does object to the request for Second Height and Area zoning which is too intensive for the area and would be an intrusion into a First Height and Area district. The requested zoning would permit 665 regular apartment units or 1,330 apartment hotel units on the property. Elmont Road will extend eastward in connection with the subdivision and eventually connect with Pleasant Valley Road. There will be an interior road through the subject property. The property under consideration is proposed to be divided into approximately 16 lots on which approximately 40 units could be developed if zoned as requested. The staff's major objection is to the Second Height and Area classification.

C14-67-150 Lakeshore Colony--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Frank Montgomery (representing applicant)

SUMMARY OF TESTIMONY

Mr. Frank Montgomery, representing the applicants, stated that it is interesting to note that the Zoning Ordinance was adopted in 1931. The section covering apartments was not written for apartments as they are known today; however, it is amazing how property owners and developers have been able to live under this Ordinance. From time to time, there are individual cases that point out some of the weaknesses of the Ordinance and something needs to be done about it. A good example of this is the fact that in the last 5 to 8 years there have been very few apartment houses built in Austin; however, there have been a great number of apartment hotels. The reason being that by applying for an apartment hotel, the density can be increased. Another weakness of the Ordinance is the difference in the density allowed between First and Second Height and Area. Under the apartment hotel provision in a First Height and Area district there can be one unit for every 1,500 square feet of land. If there is a desire to increase the density, Second Height and Area zoning is needed which drops the requirement to one unit for every 750 square feet. There is no in between. The request to roll the zoning back from "GR" to "B" Second Height and Area is a result of a recommendation by the Planning Department, and is a requirement for the approval of the subdivision on the property. The request is merely to allow the density to be increased on the southern portion of the property. A low density program is planned for the northern area. This property is within a 10 mile radius of downtown, the University of Texas, Bergstrom Air Force Base, Internal Revenue and other facilities. It is within 2 miles of Sixth Street and Congress Avenue.

Shortly after World War II, planners decided they wanted to plan for low density areas. Individual lots were purchased and fences were put around them so that homeowners would be isolated. There are still people who want this isolation but now there is another category of people who want to live in apartments around other people.

The proposal is to have 40 units on each lot. Fifteen-hundred square feet per unit is not economically feasible and 750 square feet is not desirable. There are 756 apartment units on property to the north, and there is a pending request for a special permit to construct 165 units on property adjoining the subject site. There will eventually be 1,000 apartment units in this area.

C14-67-150 Lakeshore Colony--contd.

The applicant would like to include in the subdivision of this property, on the face of the plat, a restrictive covenant limiting the number of units to one for each 1,000 square feet. The only way this can be done is by deed restriction. The proposed development is not to utilize the property to its maximum density. There is Second Height and Area zoning down the south side of the Lake from Congress Avenue to the Interregional Highway.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted as a logical extension of the existing "B" Residence, First Height and Area zoning to the north.

At the Commission meeting, Mr. Montgomery presented a letter to the Commission for consideration, offering to place a restrictive covenant on the face of the subdivision plat limiting the proposed development to one unit for every 1,000 square feet. He stated that it is his understanding that Mr. Robert Mueller and the City Attorney, Mr. Glenn Cortez, have discussed this restriction.

Mr. Jackson asked if the Commission could legally accept the restrictive covenant. Mr. Cortez explained that the letter submitted is simply a proposed restrictive covenant and if it is approved, it must be approved by the City Council; however, it could be required to be a part of the subdivision approval. The Commission should keep zoning separated from restrictive covenants and make recommendations on the merits of individual zoning cases.

Mr. Montgomery stated that the letter was offered merely for the record so that it will be apart of the subdivision plan regardless of the zoning.

The Commission was cognizant of the restrictive covenant offered limiting the development on the property; however, they felt that the decision to accept this covenant would be the Council's responsibility. They concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Lakeshore Colony for a change of zoning from "GR" General Retail, First Height and Area to "B" Residence, Second Height and Area for property located at 2101-2221 Elmont Drive be DENIED but that "B" Residence, First Height and Area be GRANTED.

Cl4-67-151 Robert P. Dunnam: C, 2nd to C, 3rd
 806-814 San Antonio Street
 501-515 West 9th Street

STAFF REPORT: This site consists of 26,496 square feet of land. The stated purpose of the application is for a medium to high-rise apartment development. To the east, across San Antonio Street is unzoned property developed with the public library. North of the library is a city park and the County Court House. There is Second, Third and Fourth Height and Area zoning in the immediate vicinity of this site. Due to the mixed zoning pattern in this area, the staff feels that an additional site of Third Height and Area will not be detrimental to the area. The height limitation is 90 feet and there is no control over the number of apartment units that can be developed under a Third Height and Area classification. The staff does not oppose the requested change.

Mr. Stevens advised the Committee that this is an area in which the City Council determines the amount of off-street parking that is required.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Robert P. Dunnam (applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert P. Dunnam appeared at the hearing on behalf of this request and stated that he has passed by the subject property many times and admired the proximity to the park, library, and this general section of town. There are plans for an apartment project that will contain approximately 60 apartment units. The parking requirements will be complied with. The structure is proposed to be eight storeys. The alley adjoining to the south can be used for access and if so, it will be paved. Third Height and Area zoning is needed for the number of units that are proposed.

Mr. Dunnam stated that the plans are to preserve the quality of this area. The best projection is that the development will be a luxury type apartment. It appears there will be approximately 105 off-street parking spaces provided.

Tax Assessor - No objections. Taxes are paid through 1966.

Fire Protection - OK

Fire Prevention - OK

CPI4-67-13 Marshall Apartments, A Trust, James E. Obey, et al, Trustee--contd.

Health

- Approved. Sanitary sewer line available.

Building Inspector

- Would suggest a more appropriately located curb break into the area where only three cars are parking, otherwise plot plan complies with zoning ordinance. This includes no approval of building plans.

Traffic Engineer

- OK

Storm Sewer

- Show existing storm sewers and easements.

Director of Public Works

- Request for commercial drive.

Electric

- Easements for underground electric service to be obtained at a later date.

Water and Sewer

- Adequate fire protection will be afforded by the installation of a fire hydrant at the end of Angelina Street at the apartment site. A six inch water meter to serve the apartments could best be located on East 12th Street at Angelina Street intersection on the six inch main that was cut and plugged when Angelina Street was vacated. Sanitary sewer service will be available from the eight inch main in the easement which was retained when Angelina Street was vacated. The following is the estimated cost of the fire hydrant and water meter: 1 - 5½" Fire hydrant @ \$350.00 each, 1 - 6" Water meter @ \$520.00 each, total \$870.00. Water and sewer tap fees are not included in the above estimate.

Inasmuch as the proposal does comply with the urban renewal plan for the area, the staff recommends the request be approved, pending completion of departmental reports.

CP14-67-13 Marshall Apartments, A Trust, James E. Obey, et al, Trustee--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Virgil Lott (representing applicant)

SUMMARY OF TESTIMONY

Mr. Virgil Lott appeared at the hearing on behalf of this request. He stated that the proposal is a plan for a multi-family rental supplement project under the FAA 221-3 Program. It is based on the recommendation of the Kealing Urban Renewal area. Some of the lots have been sold off for single-family units and it has been determined that the subject property is the most suitable for the type of project proposed.

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 completion of departmental reports.

At the Commission meeting, the staff reported that the applicants have agreed by notation on the site plan to comply with all departmental comments. The staff recommends approval of the special permit incorporating the conditions recommended by the various City departments.

The Commission members felt that in view of the applicant's agreement to comply with the departmental comments, this request should be approved. It was then unanimously

VOTED: To APPROVE the request of Marshall Apartments, A Trust, James E. Obey, et al for a special permit to erect a 35 unit apartment dwelling group to be located at 1321-1421 East 12th Street, and authorized the Chairman to sign the necessary resolution.

CPI4-67-14	Marshall Apartments, A Trust, James E. Obey, et al, Trustee: 65 unit 1151-1165½ Salina Street 1800-1814 Rosewood Avenue 1154-1164½ Chicon Street	<u>apartment dwelling group</u>
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STAFF REPORT: This application has been filed as required under Section 5, and in accordance with the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed on the subject property is a 65 unit apartment dwelling group.

CP14-67-14 Marshall Apartments, A Trust, James E. Obey, et al, Trustee--contd.

The staff reviewed the following departmental comments:

Fire Prevention	- OK
Fire Protection	- OK
Tax Assessor	- No objections. Taxes are paid through 1966.
Health	- Approved. Sanitary sewer line available.
Storm Sewer	- OK
Building Inspector	- OK
Director of Public Works	- Request for commercial drive.
Traffic Engineer	- OK
Electric	- Easements for underground electric service to be obtained at a later date.
Water and Sewer	- Two additional fire hydrants will be required to provide adequate fire protection. A six inch water meter will be required to serve the apartments. It appears that the best location to set the meter will be off the existing six inch water main in Washington Avenue at a point close to the proposed laundry. Sanitary sewer service will be available on the main in Washington Avenue Alley and on the main in Rosewood Avenue Alley, as well as on the Rosewood Avenue main. Perhaps more than one sewer connection will be required in order to serve the apartments. The following is the estimated cost of the fire hydrants and water meter. This estimate includes all material and labor: 2 - 5½" fire hydrants @ \$350.00 each, \$700.00, 1 - 6" water meter @ \$710.00 each, \$710.00, total \$1410.00. Water and sewer tap fees are not included in the above estimate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Virgil Lott (representing applicant)

CP14-67-14 Marshall Apartments, A Trust, James E. Obey, et al, Trustee--contd.

SUMMARY OF TESTIMONY

Mr. Virgil Lott appeared on behalf of this request and stated that the proposal on the subject property is part of the plan for a multi-family rental supplement project. It is based on the recommendation of the Kealing Urban Renewal area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending completion of departmental reports.

At the Commission meeting, the staff reported that the applicants have agreed by site plan notation to the comments by the various City departments. In view of this it is recommended that this request be approved. The Commission then unanimously

VOTED: To APPROVE the request of Marshall Apartments, A Trust, James E. Obey, et al, Trustee for a special permit for the erection of a 65 unit apartment dwelling group to be located at 1151-1165½ Salina Street, 1800-1814 Rosewood Avenue and 1154-1164½ Chicon Street, and authorized the Chairman to sign the necessary resolution.

CP14-67-15 Frank E. Montgomery: 160 unit apartment dwelling group
 2220-2248 Elmont Drive
 2229-2257 South Lake Shore Boulevard

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 on the property is an apartment dwelling group containing 160 units and 234 parking spaces. The property is zoned "B" Residence, First Height and Area.

The staff reviewed the following departmental comments:

Storm Sewer

- Provision needs to be made to carry drainage flow, from area in Phase 2 including parking lot, north to lake, east to future system or west to creek. Indicate provision for drainage or construction plans.

CP14-67-15 Frank E. Montgomery--contd.

Tax Assessor

Health

Director of Public Works

Traffic Engineer

Fire Prevention

Fire Protection

Electric

Building Inspector

Water and Sewer

- No objections. Taxes are paid through 1966.
- Approved. Sanitary Sewer line available.
- Location of driveways meet with our approval, however, we need a written request for them and approval of the plans before construction begins.
- OK
- Suggest additional fire hydrants in the area.
- OK
- Electric easements to be determined when buildings are located.
- Plot plan complies with zoning ordinance. This is not to indicate approval of building plans.
- Water and sanitary sewer service available from existing mains west of proposed apartment buildings.

The staff recommends approval of this special permit pending completion of departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Frank Montgomery (applicant)

SUMMARY OF TESTIMONY

Mr. Frank Montgomery appeared at the hearing and stated that the departmental requirements will be complied with.

No one appeared in opposition to the request.

CP14-67-15 Frank E. Montgomery--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending completion of departmental reports.

At the Commission meeting, the staff reported that this special permit is Phase II of the Kassuba Development on the south side of Lakeshore Boulevard. There are no particular problems involved in the request as the departmental requirements have been complied with. A great deal of the work necessary for this development was completed in connection with the development of Phase I. The staff recommends approval of this request; however, it is requested that this approval be withheld until final approval is given on the subdivision of the property.

Mr. Foxworth stated that the recommendation of the staff on this subdivision at the present time is disapproval pending additional easements and completion of departmental reports. The Commission then unanimously

VOTED: To APPROVE the request of Frank E. Montgomery for a special permit for the erection of a 160 unit apartment dwelling group to be located at 2220-2248 Elmont Drive and 2229-2257 South Lake Shore Boulevard and authorized the Chairman to sign the necessary resolution when the subdivision on the property is approved.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of September 5, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was therefore

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of September 5, 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 therefore

VOTED: To ACCEPT for filing the following final plats:

<u>C8-67-72</u>	<u>North Acres, Section 3</u>
	<u>Middle Fiskville and Floradale</u>
<u>C8-67-54</u>	<u>Fairway Greens</u>
	<u>Hogan Avenue</u>

C8-67-73 Quail Creek
Peyton Gin Road and Laurel Grove

This final plat consists of two recorded plats. The purpose of this plat is to combine the two sections into one plat and change the name. The lot lines will not be changed. The Commission then

VOTED: To ACCEPT for filing the final plat of QUAIL CREEK, and DISAPPROVE pending compliance with departmental reports.

C8-67-74 Northwest Hills, Section 9
Northhills Drive and Hart Lane

The staff recommended that this final plat be accepted for filing pending submission of tax certificates. The Commission then

VOTED: To ACCEPT for filing the final plat of NORTHWEST HILLS, Section 9, pending submission of the required tax certificates.

SUBDIVISION PLATS - CONSIDERED

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

VOTED: To APPROVE the following final plats:

C8-67-46 Point West of Westover Hills, Section 2
Mesa Drive and Silverspring
C8-67-49 River Oak Lake Estates, Section 2
Parmer Lane and Rolling Hills Drive

C8-63-48 Jerome Stark Subdivision
Manchaca Road and Barge Street

The staff reported that this final plat has been in a disapproved pending status for several years. The owner has requested that it be redistributed for current departmental reports. The staff recommends disapproval at this time pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of JEROME STARK SUBDIVISION, pending completion of departmental reports.

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

The staff recommended disapproval of this final plat pending the required additional easements, completion of departmental reports, annexation and the name of Remington Lane being on the plat. The Commission then

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

C8-66-36 Herman Brown Addition No. 2, Section 5
Pecos Street and Northwood Road

The staff recommended disapproval of this final plat pending the required additional easements, completion of departmental reports, off-site easement required and the existing easements required to be shown on the plat. The Commission then

VOTED: To DISAPPROVE the final plat of HERMAN BROWN, ADDITION No. 2, Section 5, pending the requirements as noted.

C8-67-2 Woods Knoll Addition
Maywood Avenue south of Warren Street

The staff recommended disapproval of this final plat pending the showing of the existing easements and completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of WOODS KNOLL ADDITION, pending the requirements as noted.

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

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

VOTED: To DISAPPROVE the final plat of BEN WHITE COMMERCIAL SUBDIVISION, pending the requirements as noted.

C8-67-29 Fairmont Park, Section 2
Village Way Drive and Acacia Drive

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

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

C8-67-58 Barton Terrace, Section 5
Deerfoot Trail

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

VOTED: To DISAPPROVE the final plat of BARTON TERRACE, Section 5, pending the requirements as noted.

C8-67-59 Kassuba Beach, Phase 2
South Lakeshore Boulevard

The staff recommended that this final plat be disapproved pending additional easements and the engineering report. The Commission then

VOTED: To DISAPPROVE the final plat of KASSUBA BEACH, Phase 2, pending the requirements as noted.

C8-67-60 Palomino Park, Section 4
Rocking Horse Road

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

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

C8-67-30 Southwest Gate Addition
Manchaca Road and Drew Lane

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

VOTED: To DISAPPROVE the final plat of SOUTHWEST GATE ADDITION, pending the requirements as noted.

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

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

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

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

The staff recommended disapproval of this final plat pending the required additional easements, completion of departmental reports and a clearance from Public Works as this is an urban renewal pending area. The Commission then

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

C8-65-40 Colorado Hills Estate, Section 2
Parker Lane and Woodland Avenue

The staff recommends disapproval of this plat pending completion of departmental reports, and fiscal arrangements. The Commission then

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

SHORT FORM PLATS - FILED

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

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

<u>C8s-67-136</u>	<u>Harmony Heights Add'n., Amended, Resub. Lots 5 & 6,</u>	
	<u>Mendoza Drive and Mason Avenue</u>	<u>Blk. B & Lots 1 & 2,</u>
<u>C8s-67-141</u>	<u>Len C. Dure Subdivision</u>	<u>Blk. C</u>
	<u>East 40th and East 41st Streets</u>	
<u>C8s-67-142</u>	<u>Westgate Square, Resub. Lots 4, 5, & 6, Block F</u>	
	<u>Winding Trail</u>	
<u>C8s-65-105</u>	<u>A. B. Beddow Subdivision Revised</u>	
	<u>Airport Boulevard and East 38½ Street</u>	
<u>C8s-67-143</u>	<u>Flournoy's Sweetbriar, Section 3-A</u>	
	<u>Bramble Drive and Blythewood Drive</u>	

C8s-67-139 C. H. Bird Subdivision
F.M. 1626

The staff reported that this is a one lot short form located on F.M. 1626 west of the old San Antonio Road. This lot, consisting of 1.148 acres is out of a larger tract of land consisting of approximately 100 acres. A letter has been received from the applicant requesting that a variance be granted to exclude the balance of the tract from this short form. The staff recommends the variance be granted as the balance of the tract is so large, that it will take a preliminary plan on the balance of the property in order to develop it. The lot in question would not interfere with the planning on the balance of the tract. The Commission then

VOTED: To ACCEPT for filing the short form plat of C. H. BIRD SUBDIVISION, granting a variance to exclude the balance of the tract.

C8s-67-144 Northwest Hills, Section 9-A
Northhills Drive and Hart Lane

The staff reported that this is a 5 lot short form located at the intersection of Northhills Drive and Hart Lane. There is a variance involved in that Lots 1, 2 and 3, Block B is out of a larger tract which is also owned by the developer. Mr. David Barrow, Jr. is requesting a variance to exclude the balance of the tract so that they can give schematic and preliminary planning to the balance of the tract.

C8s-67-144 Northwest Hills, Section 9-A--contd.

Mr. Barrow stated that the tract extends down to Balcones Drive and consists of approximately 40 acres. He stated that they are in the process of trying to plan this area for several different uses.

Mr. Foxworth stated that the staff recommends that a variance be granted to exclude the balance of the tract and that this short form plat be accepted for filing, noting that the approval of this short form will be subject to approval of a final plat which involves the dedication of the southern portion of Hart Lane. The Commission then

VOTED: To ACCEPT for filing the short form plat of NORTHWEST HILLS, Section 9-A, granting a variance to exclude the balance of the tract, noting that the approval of this short form will be subject to approval of a final plat which involves the dedication of the southern portion of Hart Lane.

C8s-67-140 Angus Valley No. 4, Resub. Tract A
West Cow Path and Bull Run

The staff recommended that this short form plat be accepted for filing and disapproved pending a report from the Health Department. The Commission then

VOTED: To ACCEPT for filing the short form plat of ANGUS VALLEY No. 4, Resub. Tract A, and DISAPPROVE pending a report from the Health Department.

C8s-67-138 Warnell Addition
Pecan Springs Road

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

VOTED: To REJECT for filing the short form plat of WARNELL ADDITION, pending return of the tracing.

SHORT FORM PLATS - CONSIDERED

C8s-67-137 Dry Creek Subdivision, Section 4
Dry Creek Drive

The staff reported that this short form plat involves a variance on the signature of the adjoining property owner. At the last regular meeting, the Commission agreed to accept this plat for filing when it was submitted and indicated that they would be willing to grant the requested variance. The Commission then

VOTED: To APPROVE the short form plat of DRY CREEK SUBDIVISION, Section 4, granting a variance on the signature of the adjoining owner.

C8s-67-134 Grand Canyon Drive Subdivision
 Grand Canyon Drive and St. Johns Avenue

The staff recommended disapproval of this short form plat pending completion of departmental reports and the deleting of the cul-de-sac from the plat. The Commission then

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

ADMINISTRATIVE APPROVAL

The staff reported that two 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:

C8s-67-107 Baden Addition
 Romeria and North Lamar
C8s-67-126 Bowling Green Resub. Lots 8-11, Block D
 Bowling Green and Shamrock Avenue

REPORTS

SUBDIVISION APPROVAL BY POLL

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

VOTED: To APPROVE the following plats:

C8-67-39 Southwind Addition, Section 2
 Walnut East of Georgian Drive
 (8-30-67)
C8-67-40 Northwest Hills, Section 10, Phase 2
 Far West Boulevard and Northledge
 (9-5-67)
C8-67-45 University Hills, Section 4, Phase 4
 Hartnell South of Geneva
 (8-31-67)
C8-67-46 Point West of Westover Hills, Section 2
 Ridgehill Drive and Silverspring Drive
 (8-31-67)
C8-67-47 Westover Hills, Section 3, Phase 5
 Mesa Drive
 (8-30-67)
C8-67-53 St. Edwards Heights, Section 3
 Woodward Drive and Parker Lane
 (8-31-67)

CASE FOR RECONSIDERATION

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

STAFF REPORT: This zoning request was referred back to the Commission for reconsideration in connection with an application made on the property adjoining to the east. The original application filed on this property was for "B" Residence, Second Height and Area zoning; however, at the Zoning hearing, Mr. Selman, representing the applicant, submitted a letter amending the application to "B" Residence, First Height and Area, and offering to dedicate right-of-way for the future widening of Berkman Drive. The Commission felt that the requested zoning was too intensive for the area and recommended that the request be denied. When the application went to the City Council, Mr. Selman advised them that an application was being made on the adjoining property and requested that both applications be considered at the same time. He indicated that he had worked with the Director of Planning on the utilization of the subject property and the adjoining property. It was agreed that a fence would be constructed on the east side of the property, and that there would not be any head-in parking on either of the streets abutting the subject property. A letter to this effect has been submitted. In view of this agreement, the staff recommends the request be granted.

The Commission agreed that "B" Residence, First Height and Area zoning would permit logical development of the large tract of land located between commercial and residential development. They felt that in view of the agreement by the applicant and inasmuch as the subject property will be developed in conjunction with adjoining property, that this request should be granted. It was then unanimously

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 for property located at 6201-6203 Berkman Drive and 1700-1708 Wheless Lane be GRANTED.

OTHER BUSINESS

C2-67-1(e) AUSTIN DEVELOPMENT PLAN AMENDMENT
 Approximately 51 acres located east of Missouri-Pacific
 Railroad, between Steck Avenue and U. S. Highway 183

The Director of Planning reported that this is a request for a change in the Austin Development Plan from Low Density Residential to Manufacturing and Related Uses for approximately 51 acres of land located east of Missouri-Pacific Railroad, between Steck Avenue and U. S. Highway 183. The area is generally flat with relatively few trees.

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

In the general area to the north of U. S. Highway 183, there is industrial property. Last month, the Commission recommended a change in the Austin Development Plan to Manufacturing and Related Uses on a 168 acre tract of land, also owned by Mr. George McDonald, the applicant, located west of the railroad and north of U. S. Highway 183. This has been adopted by the City Council. Along the area between the proposed M6-Pac Boulevard and the railroad there is another strip of industrial land.

In the Austin Development Plan, adopted by the City Council in 1961, the strip of land lying between Shoal Creek and the railroad was designated for industrial uses. Approximately two years ago this was changed, by request and consideration of the Commission and the Council, from industrial to residential. The request submitted at this time is to change this area back to industrial. In general, the staff feels the circumstances have not materially changed. This piece of land is in an area where the establishment of the appropriate land use designation is fairly flexible. There has been a residential subdivision developed in the area to the east of Shoal Creek. Property to the west and south is designated as industrial. The staff feels that the subject property is suitable for industrial purposes and recommends the request be granted.

Mr. Osborne further stated that it is his understanding that there is an area adjacent to Steck Avenue which is to be used for commercial purposes and very low density multi-family development. In addition, there will be a strip of land from the extension of Shoal Creek Boulevard, between the industrial area and the creek, that will also be used for low density multi-family development which will likely become duplexes.

There is a narrow strip of land east of the railroad, fronting onto Steck Avenue, which is designated for industrial purposes and developed with the Stripling Blake Lumber yard.

Mr. Dunnam asked about the location of railroad sidings in this area. Mr. Osborne explained that it is his understanding that the siding presently located on Hancock Drive is going to have to be closed because there will be an overpass at Hancock Drive. There has been consistent growth in the utilization of sidings in the northwest area because of the industrial and commercial development. There is a railroad siding at the Stripling Blake property on Steck Avenue; however, they have exclusive control over that siding. The railroad is interested in an additional siding in this vicinity that can be served by U. S. Highway 183 and various other roads. It is felt that this is one of the prime locations for a siding in this area.

The type of operation proposed for the subject property will probably tend to parallel the Stripling Blake operation which could be warehouses and possibly a small manufacturing plant.

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

The Commission discussed the request and recognized that there is industrial designations established on property north of U. S. Highway 183, south of Steck Avenue and adjacent to the subject property to the east. They felt that the change would be appropriate for the subject property as a logical extension of an existing industrial designation. It was then unanimously

VOTED: To recommend that the land use designation for approximately 51 acres of land located east of Missouri-Pacific Railroad, between Steck Avenue and U. S. Highway 183, be changed from Low-Density Residential to Manufacturing and Related Uses.

C2-67-4(c) ZONING ORDINANCE; Interim Revisions
Townhouse Regulations

The Director of Planning advised the Commission that a special meeting, for the discussion of townhouse regulations, is needed. He stated that this could be a meeting for the Commission members only or it could be a public hearing. It is suggested that a public hearing be held so that the Commission can have the full impact of the opinions of the staff, the proponents and opponents with respect to this regulation. It would not be necessary for the Commission to take final action on this regulation at this meeting.

After discussing with Mr. Osborne the status of the Townhouse Ordinance, the Commission members agreed that it would be desirable to hold a public hearing on October 24, 1967.

The Commission also discussed the possibility of holding one additional meeting per month because of the existing work load. It was tentatively agreed that this would be desirable and a special meeting schedule could be tentatively set at the next regular Commission meeting.

C5-67-7 CAPITOL CITY EAST GENERAL NEIGHBORHOOD RENEWAL PLAN

At the request of the Urban Renewal Agency of the City of Austin, the Planning Commission reviewed the Capitol City East General Neighborhood Renewal Plan. Land use, street, drainage, utility, public facility and zoning plans were presented by Mr. Lillie, Assistant Director of Planning, and Mr. Isom Hale, Consultant to the Urban Renewal Agency of the City of Austin. It was noted that one area of the proposed Neighborhood Renewal Plan did not conform with the Austin Master Plan with respect to present industrial designation of a proposed residential area. The Commission recognized the Neighborhood Renewal Plan and the exception to the Austin Master Plan. The Commission unanimously adopted the following resolution:

WHEREAS, the Planning Commission has, at its regular meeting of September 19, 1967, reviewed the Capitol City East General Neighborhood Renewal Plan (Tex. R-86) with a view toward making a recommendation to the City Council; and

C5-67-7 CAPITOL CITY EAST GENERAL NEIGHBORHOOD RENEWAL PLAN--contd.

WHEREAS, upon such review, the Planning Commission finds that, as submitted to it, the Capitol City East General Neighborhood Renewal Plan is in general conformance with the Austin Development Plan with one exception; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN:

That steps be initiated to amend the Austin Development Plan to reflect the land use pattern proposed in the Capitol City East General Neighborhood Renewal Plan.

The Commission requested that the City Council set hearings on the indicated change in the Master Plan and on the proposed Capitol City East General Neighborhood Renewal Plan.

C10-67-1(p) ALLEY VACATION

Alley located 160 feet east of Lamar Boulevard,
extending 121 feet northerly from 30½ Street

The staff reported that this request to vacate the alley located 160 feet east of Lamar Boulevard, extending 121 feet northerly from 30½ Street is made by all of the abutting property owners. A request to vacate this alley was before the Commission previously, at which time one of the property owners did object; however, that property has been sold and the present property owner has joined in the request. The staff reported all departments favor the request and recommends this vacation, as the alley is not open on the ground for use and as it has a substandard width, subject to the retention of the necessary sanitary sewer and electric easements. The Commission then

VOTED: To recommend that the alley located 160 feet east of Lamar Boulevard, extending 121 feet northerly from 30½ Street be VACATED, subject to the retention of the necessary sanitary sewer and electric easements.

C10-67-1(q) ALLEY VACATION

Alley located south of West 28th Street between Salado and Rio Grande Streets

This is a request by abutting property owners, to vacate the alley located south of West 28th Street between Salado and Rio Grande Streets. The alley is only 13½ feet wide. The staff reported all departments favor the request and recommends this vacation be granted, subject to the retention of the necessary water easements. The Commission then

VOTED: To recommend that the alley located south of West 28th Street between Salado and Rio Grande Streets be VACATED, subject to the retention of the necessary water easements.

ADJOURNMENT: The meeting was adjourned at 11:00 p.m.

Hoyle M. Osborne, Executive Secretary