

CITY PLANNING COMMISSION
Austin, Texas

617

Regular Meeting -- October 17, 1967

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

Present

Edgar E. Jackson, Chairman
W. A. Wroe
Hiram S. Brown
Samuel E. Dunnam
Ed Bluestein
Barton D. Riley
Robert B. Smith
Mrs. Lynita Naughton
Dr. William Hazard

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of October 10, 1967:

Present

Barton D. Riley, Acting Chairman
Samuel E. Dunnam
Mrs. Lynita Naughton
Robert B. Smith
Dr. William Hazard
Hiram S. Brown

Also Present

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

PUBLIC HEARINGS

C14-67-152 Colorado Hills Estates: BB to A
1729 Parker Lane
1800-1904 Woodland Avenue (proposed)

STAFF REPORT: This application involves approximately 3 acres of undeveloped land having 152 feet of frontage along Parker Lane. The stated purpose of the application is for residential development. The subject property is located in Colorado Hills Estates, Section 2, a residential subdivision which

C14-67-152 Colorado Hills Estates--contd.

is unapproved subject to zoning the property Residential. The streets in the area are adequate to serve the subject property and the staff recommends this request be granted as it is in accordance with the subdivision plan for the property.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Thomas B. Watts (representing applicant)

SUMMARY OF TESTIMONY

Mr. Thomas Watts, representing the applicant, stated that a final plat has been filed and everything is in normal order.

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 to provide a proper zoning boundary relating to the design of the subdivision proposed on the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Colorado Hills Estates for a change of zoning from "BB" Residence, First Height and Area to "A" Residence, First Height and Area for property located at 1729 Parker Lane and 1800-1904 Woodland Avenue (proposed) be GRANTED.

C14-67-153 Sol Smith: B to O
509-515 West Lynn Street
1509-1511 West 6th Street

STAFF REPORT: The stated purpose of the application is for office development. The property under consideration consists of 18,462 square feet and is located at the intersection of West Lynn and West Sixth Streets. "O" Office zoning is established on property at the intersection of Campbell and West Sixth Streets, and "C" Commercial zoning is established on property along West Fifth Street. "D" Industrial zoning exists on property south of West Fifth Street. Apartments are developed on property to the north directly across West Sixth Street, while the remaining development in the area is predominantly single-family and two-family residences. It is felt that further development of the property could be accomplished under the present zoning;

C14-67-153 Sol Smith--contd.

however, the staff could support a change to "O" if the Commission feels the area is changing as either zoning would permit logical development of the site, as related to surrounding zoning.

West Sixth Street, with a present right-of-way of 60 feet, is planned to be used in conjunction with West Fifth Street as a one-way pair between Mo-Pac Boulevard and Congress Avenue. The street is planned to be widened to 70 feet which will require 5 feet from the subject property. West Lynn Street, with a present right-of-way of 25 feet, should be widened to 60 feet as it is a collector street and one of the few streets which extend to Enfield Road. Because of the alignment of the street, approximately 10 to 15 feet will be needed from the subject property. The staff feels that the street should be widened to 60 feet regardless of the zoning. It is recommended that this request be denied at this time because of the inadequate widths of West Lynn and West Sixth Streets.

It was reported by the staff that the applicant was out of town and would not be able to attend the hearing.

TESTIMONY

WRITTEN COMMENT

Code

AJ	Hardy Hollers: 2710 Townes Lane	FOR
R	Francis E. Benoit: 2304 Del Curto Road	FOR
K	R. R. Hernandez: 2050 West 144th, Gardena, Calif.	FOR

PERSONS APPEARING AT HEARING

Code

D	Mrs. Paul Williams: 1511 West 6th Street	AGAINST
?	Mrs. Helena Hardcastle: 1501 West 6th Street	FOR

SUMMARY OF TESTIMONY

No one appeared to represent the applicant.

Mrs. Paul Williams, adjoining property owner appeared in interest of this request. She stated that the existing buildings in this area are setback 25 feet from the street, and asked if the proposed zoning would reduce the setback to 10 feet.

The staff explained that a 10 foot setback would be the requirement.

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 Lynn and West Sixth Streets; however, they stated they would look with favor on the requested zoning as a proper and compatible use for the property if the streets are made adequate.

C14-67-153 Sol Smith--contd.

At the Commission meeting, the staff reported that the applicant was out of town during the Committee hearing and was to contact the staff sometime during the week. However, the staff was not contacted by the applicant who is unaware of the widening needs for West Sixth and West Lynn Streets.

The Commission members agreed on the importance of widening West Lynn Street because of the amount of existing traffic and the traffic that will be generated when West Fifth and West Sixth Streets become a one-way pair. They felt that the traffic in the area now is such that the street should be completed as soon as possible. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Sol Smith for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 509-515 West Lynn Street and 1509-1511 West Sixth Street be DENIED.

It was then unanimously

VOTED: To recommend to the City Council that they consider acquisition of the needed right-of-way for West Lynn Street, between West Fifth and West Sixth Streets.

C14-67-154 Juanita Klingemann: A to O
3700-3710 Manchaca Road

STAFF REPORT: The stated purpose of the application is for apartment and office development on the 62,178 square foot site. The subject property has 262 feet of frontage along Manchaca Road and is approximately 244 feet deep. "O" Office zoning, located on property to the east, was established in 1966, at which time the Commission felt that office zoning was appropriate for the large, irregular shaped parcels of land in the area. Because of the unusual size and shape of the lots, the Commission felt the property could not be appropriately developed with single-family development. "LR" zoning was granted on property to the north in April of this year, and a special permit was obtained for the erection of a trailer court. The staff has no objection to the change as it is a logical extension of the surrounding zoning pattern and is consistent with previous actions of the Commission in the area.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Russell Rowland (representing applicant)

C14-67-154 Juanita Klingemann--contd.

SUMMARY OF TESTIMONY

Mr. Russell Rowland, representing the applicant, stated that the requested zoning is appropriate and would be a tremendous improvement to the 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 granted as it is in keeping with the established zoning pattern and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Juanita Klingemann for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3700-3710 Manchaca Road be GRANTED.

C14-67-155 Jeannette Giles: O to C
 3210-3220 Manor Road
 2019-2105 Anchor Lane

STAFF REPORT: This site consisting of approximately 2 acres of land, fronts onto Anchor Lane and Manor Road. The stated purpose of the application is for commercial development. The staff made an error in notification of several property owners to the south; however, all of the owners orally agreed to waive their right to the 10 day notice as required by state law. Two property owners who do not reside in Austin, have been notified by telephone and their written approval will be received by mail. This area is developed with a mixed zoning pattern consisting of "C", "GR", "A", "LR", and "O" Districts. A request for "C" Commercial zoning was recently made on property adjoining to the east at which time the Commission recommended that the request be denied as commercial zoning would be too intensive for this location on Manor Road which serves as an entrance to the airport. However, the Commission stated they would look with favor on "O" Office zoning for the area. The City Council granted the "C" Commercial zoning as requested. "C" Commercial zoning is also established on the property abutting the subject site to the west. In view of the fact that commercial zoning abuts the subject property on both sides, the staff feels that the requested zoning would be consistent with the new zoning pattern. Anchor Lane, which has a present right-of-way of 50 feet, should be widened to 70 feet. Due to the anticipated alignment of the street, the right-of-way needed from the subject property would taper from zero to fifteen feet. It is anticipated that the remaining right-of-way will come from the Airport side of the street which is owned by the city. There is a 25 to 30 foot height restriction on the property because of the Airport Zoning regulations.

C14-67-155 Jeannette Giles--contd.

Mr. Glenn Cortez, Assistant City Attorney, stated that under the new interpretation from the FAA, it appears that the City will have to acquire an avigation easement over some of the property in this area. This is an easement which allows overflights and clearances essentially above a certain height limit. The avigation easement will not restrict the property any more than the existing Airport Zoning Regulations but should be mentioned as a point of information.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Jeannette Giles (Applicant)

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that "C" Commercial zoning is requested because of the existing commercial zoning on both sides of the subject site. The granting of this change will simply tie the property together. The sale of the property is contingent upon the zoning change.

The applicant further stated that she built her home on the property and expected to remain, but with the changes that have occurred in zoning and the airport, it became necessary to move to another location.

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 Anchor Lane; however, they stated they would look with favor on the requested zoning if the street is made adequate, as it would be in keeping with the established pattern and development in the area. The Committee also recognized the possibility that an avigational easement may be required over the subject property. At the Commission meeting, the staff reported a letter from Mr. Joe Crow, agent for seller, stating that the applicant and the purchaser of the subject property agree to dedicate to the City of Austin from 0 to 15 feet of right-of-way from the subject property for the widening of Anchor Lane.

In view of the offer of dedication, the Commission unanimously

VOTED: To recommend that the request of Jeannette Giles for a change of zoning from "O" Office, First Height and Area to "C" Commercial, First Height and Area for property located at 3210-3220 Manor Road and 2019-2105 Anchor Lane be GRANTED.

C14-67-156 Rev. E. L. Roberts: A to C
 2917-2919 East 19th Street
 1809-1815 Clifford Avenue

STAFF REPORT: This site contains approximately 21,840 square feet of undeveloped land. The stated purpose of the application is for apartment development. If the property is zoned as requested, 43 apartment hotel units could be developed on the property. "D" Industrial zoning is established on property to the north across 19th Street and there is "C" Commercial zoning east of Clifford Avenue. All of the property to the east, with the exception of one lot zoned "LR", is zoned and developed residentially. The staff feels that the requested "C" zoning district is a broad classification for apartment usage. If the property is to be used for apartments, the zoning should be consistent with the development. It is recommended that the application be amended to an apartment classification. It is realized that commercial zoning increases density, but from the standpoint of zoning the land, the staff feels any classification up to an "LR" district would be appropriate. If used for commercial purposes, the request would be an intrusion into a residential neighborhood. The subject property is served by two streets. Clifford Street, with a present right-of-way of 20 feet, is inadequate and should be widened to at least 50 feet which would effect the subject property by 15 feet. East 19th Street is classified as a major arterial street in the Master Plan and is scheduled to be widened from the present right-of-way of 60 feet to 90 feet. All of the right-of-way at this point is to come from the south side of the street, which will effect the subject property by 30 feet. If any zoning change is granted, the applicant should provide for his portion of the widening needed for Clifford Avenue. Acquisition of the needed right-of-way for East 19th Street should also be considered by the Commission and Council. If it is felt that all of the necessary right-of-way should not be acquired at this time, a setback line should be provided to prevent any construction into an area that the City may later require. The right-of-way needs for both streets would reduce the area of the property but the requested zoning would still permit the applicant to develop 32 units on the site under the requested zoning.

WRITTEN COMMENT

Code

AN	Standard Mfg. Co., Inc: P. O. Box 1987	FOR
C	Mrs. Corrine Butler Harris: 1803 Clifford Avenue	AGAINST
M	Mr. & Mrs. Arnold Williams: 2927 East 19th Street	AGAINST
V	William H. Johnson: 2925 East 19th Street	AGAINST
AA	Mrs. Carrie Hudspeth: 1706 Sanchez Street	AGAINST
G	Georgia Polk: 2923 East 19th Street	AGAINST
Z	Daisy Stiles: 1708 Sanchez Street	FOR
L	Mr. & Mrs. Harvey Crayton: 1806 Sanchez Street	AGAINST
X	Mrs. L. G. Phares: 1711 Clifford Street	AGAINST

PERSONS APPEARING AT HEARING

Code

P	Leslie Jones: 1709 Sanchez Street	AGAINST
A	Rev. E. L. Roberts (applicant)	

C14-67-156 Rev. E. L. Roberts--contd.

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that it was his understanding that the requested "C" Commercial zoning for the property would be required in order to have the highest density possible. There has not been very much planning for the property as it was felt this should be done after the zoning was changed.

Mr. Riley asked the applicant about his view on the right-of-way that is needed from the subject property. Reverend Roberts stated that this would have to be taken into consideration and he is not in a position to say anything about it at this time.

One nearby property owner 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 streets are inadequate; however, if the streets were made adequate, the Committee stated they would look with favor on granting "B" Residence, First Height and Area zoning which would allow proper development of the property.

At the Commission meeting, the staff reported that the applicant is requesting that this application be withdrawn. The Commission then

VOTED: To ACCEPT the withdrawal of this application.

C14-67-157 Cal Marshall: Int. A, Int. 1st to B, 1st
1104-A - 1118-A Gardner Road

STAFF REPORT: This application covers three undeveloped lots totaling 47,075 square feet. The stated purpose of the application is for apartment development. The area has recently been annexed to the City, and is a part of the Johnston Terrace Subdivision which was recorded in August of this year. Johnston High School is located on property to the Northeast. The area south of Bolm Road is designated in the Master Plan as an industrial area. "D" Industrial zoning exists on property to the southwest, and "C" Commercial zoning was established on a large tract of land adjoining the subject property in 1960. The staff has no objection to the requested change as it is felt that apartment usage is proper for the area as a buffer zone and use between residential and commercial uses.

TESTIMONY

WRITTEN COMMENT

Code

L Stanzel Rental Company: Schulenberg, Texas

FOR

C14-67-157 Cal Marshall--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the subject property adjoins commercial zoning, is adjacent to a planned industrial area, and could logically serve as a buffer.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Cal Marshall 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 1104-A - 1118-A Gardner Road be GRANTED.

C14-67-158 Mrs. Wilbert Krause: A to BB
2214 Thornton Road

STAFF REPORT: This application covers a large tract of land containing 48,176 square feet. The stated purpose of the application is for apartment development. The site has approximately 94 feet of frontage along Thornton Road and is approximately 388 feet deep. "C" Commercial zoning is established to the north along South Lamar Boulevard. "BB" and "C" zoning was recently granted on property to the southeast on Thornton Road. The staff recognizes the sound housing in the area; however, it is felt that low density apartment development is appropriate in view of the commercial property adjoining to the north. The only objection is to the width of Thornton Road which has a present right-of-way of 50 feet. This is inadequate and should be widened to at least 60 feet in order to serve the increased density of apartment development.

TESTIMONY

WRITTEN COMMENT

Code

S Motsenbocker-Johnston: 2159 South Lamar FOR

PERSONS APPEARING AT HEARING

Code

A Wilbert Krause (applicant)
P Mr. & Mrs. John B. Morgan: 2300 Thornton Road AGAINST
Z H. K. French: 2212 Thornton Road AGAINST

C14-67-158 Mrs. Wilbert Krause--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Wilbert Krause was present on behalf of this request and stated that if the zoning change is granted he will put improvements on the property that will be beneficial to the entire neighborhood. There is no objection to dedicating the necessary right-of-way for the widening of Thornton Road. The buildings will be in the rear and the plans are for a horseshoe type drive so that there will not be any apartments close to the road or close to the adjoining houses.

Arguments Presented AGAINST:

The two property owners adjoining the subject property on each side appeared in opposition to this request. They stated that they are opposed to a driveway that would be adjacent to their property because of the location of their homes. This is a nice quiet neighborhood and there are no apartments in the near vicinity. This change would be an intrusion.

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 Thornton Road; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as a logical zoning to permit further use of the large lots in this area.

At the Commission meeting, the staff reported that Mr. Krause was present at the Zoning hearing and stated that he was willing to dedicate right-of-way; however, he has not contacted the staff with regard to the right-of-way. The Commission agreed with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Wilbert Krause for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2214 Thornton Road be DENIED.

C14-67-159 Chester D. Brooks: BB, 1st to B, 2nd
 3210-3212 Bailey Lane
 1201-1203 West 33rd Street

STAFF REPORT: This application covers two lots totaling 13,560 square feet. The stated purpose of the application is for an apartment dwelling. The requested zoning would permit a maximum of 18 apartment hotel units on the property. Property to the west and to the south was recently before the Commission for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area. At the hearing, the staff pointed

C14-67-159 Chester D. Brooks--contd.

out their objection to changing the zoning to a high density apartment zone for the area located between Lamar Boulevard, West 44th Street, and Shoal Creek Road because of the increased density and the limited access in the area. It was recommended that "B" First Height and Area zoning be granted as this would allow limited multi-family development. The Commission concurred with the staff recommendation and recommended that "B" Second Height and Area zoning be denied on both sites but that "B" Residence, First Height and Area zoning be granted on the property south of the subject property. At this time the zoning on both tracts is pending before the City Council. In connection with the zoning request on the property to the south, 5 feet of right-of-way was offered for the widening of Bailey Lane. The Council granted "B" Second Height and Area zoning on property to the west along Shoal Creek Boulevard; this is the only Second Height and Area zoning in the neighborhood.

The staff feels that the street pattern in this area is inadequate to serve Second Height and Area zoning and development. Bailey Lane, with a present right-of-way of 45 feet, should be widened to 50 feet which will effect the subject property by 5 feet. West 33rd Street is also inadequate with only 50 feet of right-of-way. This street should be widened to a minimum of 60 feet to serve multi-family development. West 32nd Street is also inadequate with only 30 feet of right-of-way. Because of the inadequacies of the streets, access is very limited. There is a park to the east directly across from the subject property from which right-of-way can be obtained, but this will not eliminate the inadequate street pattern in the area. In view of the inadequate street pattern and the density allowed under the Second Height and Area zoning, the staff recommends this request be denied but that "B" First Height and Area be granted, provided the streets are made adequate. This will allow the development of 9 units on the subject property.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Chester D. Brooks (applicant)

SUMMARY OF TESTIMONY

Mr. Brooks appeared at the hearing and stated that there are two units developed on the subject property at the present time and the proposal is to add 12 additional units. Plans have been submitted to the Planning Department. The total development on the property is proposed to be 14 apartment units with 21 off-street parking spaces. The street right-of-way

C14-67-159 Chester D. Brooks--contd.

should not be a problem in that a 37 unit apartment project is existing on property having frontage onto Shoal Creek Boulevard which is a 30 foot street. There is an additional 20 units established on property adjoining the site. The alley abutting the subject property has recently been opened although it was considered an abandoned alley according to the City when the subject property was rezoned in 1959. One-half of this alley was suppose to revert to the subject site. Mr. Brooks further stated that additional widening for the streets should not be necessary as the City took 10 feet of the alley that was suppose to belong to him. If the City had not taken this 10 feet, an additional 2 units could have been built on the property. There is a new drive on both sides of the site as the streets were paved within the last few years. If the City wants to take 5 feet from the subject property at a later time it will not hurt the sidewalk area as there will be adequate parking. There is no objection to the right-of-way after the zoning has been granted. The requested zoning is not unreasonable and would allow the most logical development of the 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 the requested zoning would be too intensive for the area and because the streets serving the property are inadequate. However, they stated they would look with favor on "B" Residence, First Height and Area zoning, if the streets are made adequate, as this would be a logical extension of present zoning and development.

At the Commission meeting, Mr. Stevens stated that the staff reported to the Zoning Committee that requests for rezoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area was pending on property adjoining the subject site to the west and to the south. This was misleading in that the requested "B" Residence, Second Height and Area zoning has been granted by the Council, and the Ordinance is only pending because of right-of-way.

The Commission members felt that "B" Residence, First Height and Area zoning would be adequate for the street system in this area. However, they felt that no change should be granted at this time because of the inadequacy of the streets serving the property. It was then unanimously

VOTED: To recommend that the request of Chester D. Brooks for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3210-3212 Bailey Lane and 1201-1203 West 33rd Street be DENIED.

C14-67-160 G. B. Simms: A, 1st to O, 2nd
 1700-1706 Patton Lane
 6601-6719 Berkman Drive

STAFF REPORT: This is a large tract of undeveloped land consisting of 78,368 square feet. The stated purpose of the application is for building a medical and dental clinic. The subject property is served by Berkman Drive, with a present right-of-way of 60 feet, extending northward from 51st Street across U. S. Highway 290. There is a grade separation planned for Berkman Drive and U. S. Highway 290. Berkman Drive is scheduled to be widened to 70 feet which will require 5 feet of right-of-way from the subject property. The staff is not opposed to the requested "O" Office zoning but there is opposition to the Second Height and Area because of the height permitted and the reduction of setback on the abutting streets. Inasmuch as Berkman Drive is a major street, it is felt that a normal setback provision should be observed. The staff recommends that "O" Office, First Height and Area zoning be granted.

Mr. Riley asked if Patton Lane should be widened. Mr. Stevens explained that in terms of the present use of Patton Lane, it could be retained as a 50 foot street which would be adequate; however, if the zoning extends down this street, it should be widened.

TESTIMONY

WRITTEN COMMENT

Code

W Mrs. Edna O. Blanchard: 6504-B Hickman Street
 V Winona C. Lasater: 2319 West 8th Street

FOR
 FOR

PERSONS APPEARING AT HEARING

Code

F Raye V. Baker: 4712 Evans
 Ed Padgett (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mr. Ed Padgett, representing the applicant, stated that Second Height and Area zoning is requested because of the planned overpass, the two-way traffic on this street will separate to the north of the subject property, and one-way traffic fronting onto U. S. Highway 290 will be going east. The plans are to come off of Patton Drive on the east side of the property with a two-way drive for traffic. Because of this plan, a great deal of the property will be utilized for ingress and egress. It is anticipated that there will be apartments developed on the northern portion of the site. The necessary right-of-way for the widening of Berkman Drive will be dedicated.

No one appeared in opposition to the request.

C14-67-160 G. B. Simms--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as too intensive zoning for the area; however, they felt that "O" Office, First Height and Area zoning would be a logical gradation from the commercial zoning districts north of the subject site. They also felt that Berkman Drive and Patton Lane were inadequate to serve the proposed development and recommended that Berkman Drive be widened 5 feet and Patton Lane be widened 10 feet.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of G. B. Simms for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area for property located at 1700-1706 Patton Lane and 6601-6719 Berkman Drive be DENIED.

C14-67-161 Dale O. Johnson, et al: A, 1st to B, 2nd
 6207-6211 Langham Street
 1800-1806 Montopolis Drive
 6206-6212 Kasper Street

STAFF REPORT: This application involves three parcels of land totaling 59,850 square feet. The stated purpose is for the construction of low rent apartments. A request for "B" Residence, Second Height and Area zoning was made on a portion of the property earlier this year at which time the request was withdrawn in order to await the outcome of a request for "C" Commercial zoning on property east of Montopolis Drive. A request for "C" Commercial, Sixth Height and Area zoning on property to the south was before the Commission in February of this year. This request was granted by the City Council but the ordinance is pending. When the request for "C", Sixth Height and Area zoning was granted, the City obtained from 5 to 30 feet of right-of-way for the widening of Kasper Street and 13 feet of right-of-way for the widening of Montopolis Drive. The right-of-way needs are still a problem inasmuch as 5 feet is needed from the subject property for the widening of Kasper and Langham Streets and 13 feet is needed for the widening of Montopolis Drive. The staff has no objection to the requested "B" zoning; however, it is felt that Second Height and Area density is too much for this area.

TESTIMONY

WRITTEN COMMENT
 Code

None

PERSONS APPEARING AT HEARING
 Code

A Dale O. Johnson (applicant)

C14-67-161 Dale O. Johnson, et al,--contd.

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and presented the following information: The project that is planned for the subject property is a prototype low rent privately financed apartment project, which is designed for the individuals in this area. Second Height and Area zoning is needed for density in order to accomplish the proposal as planned. The Austin Baptist Association, owner of one of the tracts under consideration, was not involved in the original request which was withdrawn; however, this tract is now included as well as the tract adjoining to the south, fronting onto Kasper Street. The additional tracts have been included because of the virtue and importance of the proposed project in this depressed area. The project is to cover the entire area now under consideration. The necessary right-of-way for the widening of Langham and Kasper Streets will be dedicated from the two tracts adjoining the tract owned by the Austin Baptist Association; however, it is not known if right-of-way will be dedicated from property owned by this association. Mr. Johnson further stated that it is his understanding that the Montopolis area is to be a relocation area for the urban renewal project areas. With this in mind, it is important to the City to have some type of housing in the area that will take care of the people being relocated. With regard to the existing housing most of the houses will be torn down. The City has been in the area and has condemned several houses in the near vicinity. The general characteristics of the area is highly depressed. The economical development of the area to date has probably been one of the most neglected areas in the City. The social value of the proposal should override the density objection. Montopolis Drive and Riverside Drive provide more than adequate access into and out of this area. A drive-in theater is established on property to the east across Montopolis Drive and there is a garage established on property to the south.

The proposal has been discussed with many residents in the area and they are in favor of a change. The plans are for an open housing type project which if successful, will be developed in other areas of Austin. The project will consist primarily of furnished efficiency type units that will rent for approximately \$55.00 to \$59.00 a month. One bedroom units will probably rent for approximately \$75.00 a month which is within the economic ability of the people in the area.

Mr. Riley advised the applicant that "B" Second Height and Area zoning would permit a great deal of density for this immediate area. He stated that he questions whether or not this much density is needed near the City limit line.

C14-67-161 Dale O. Johnson, et al--contd.

Mr. Johnson explained that the area to the east has been developed basically as "A" Residential which has extended fairly far out. There is a large vacant area in the near vicinity and a drive-in theater. There may possibly be a shopping center developed in the future. The trend is that the City limit line will extend towards Ben White Boulevard which is approximately one mile from the subject site. This would be the logical step because of the growth of the City. The area to the south was recently rezoned to "C" Sixth Height and Area. The density requested is not so great that it would be detrimental to the area. The real emphasis should be placed on social values and a high density classification will serve a purpose that is needed.

Dr. Hazard advised the applicant that the real concern is that a project of this type could become a slum within 25 years. Low cost housing always presents this sort of danger and this should be one of the basis for consideration. A recent study and report was made in Austin which indicated that the people in the area prefer to live in small rundown houses with a yard as long as it belongs to them rather than multi-family buildings. This is particularly true of the Montopolis area. Mr. Johnson stated that he personally feels that multi-family type housing as planned would not be detrimental to those people who wish to live in their own homes on their own property; however, four applications for apartments have already been made which indicates that there is a need. The type of construction that is planned is basically concrete block and brick, which has proven to be sound construction and requires low maintenance.

Dr. Hazard advised the applicant that the Montopolis area has been designated as a Local Action Area for urban renewal at a later date. He asked the staff what the future plans are under this program. Mr. Stevens stated that he does not have the information available at this time but it can be obtained by the full Commission meeting.

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 pending further consideration by the full Commission on the Local Action programs that are anticipated in the area and a report on Community Development Plan proposals in the area.

At the Commission meeting, Mr. Lillie reported that the Montopolis area which is within the City limits, north of Felix Avenue is proposed for clearance and redevelopment urban renewal action. Over 50 per cent of the structures in that area are substandard or have environmental deficiencies which qualifies the area for clearance and redevelopment action. That portion of the Montopolis community south of Felix Avenue, which includes the subject property is less than 50 per cent substandard and is proposed as a code enforcement project. This program is designed to upgrade residential structures that are economically feasible to repair, and to upgrade public facilities such as streets, water, sewer and storm drainage facilities. It will also include adding to school and park sites and possibly providing sidewalks along major streets.

C14-67-161 Dale O. Johnson, et al--contd.

The Community Renewal Program proposes the Code Enforcement Project be undertaken before the clearance and redevelopment project in the area north of Felix Avenue. In so doing, this area can be used for relocation of families from the clearance and redevelopment area. It is also proposed that the Montopolis code enforcement project be undertaken upon completion of the Meadowbrook Code Enforcement Project in south Austin, of course the priority of all projects must first be determined by the City Council. In addition to the projects proposed, Mr. Lillie presented information concerning the Community Action Program activities taking place in the Montopolis area. He stated that as indicated in the report submitted to the Commission, there is proposed approximately 200 units of low cost housing in the area located just south of the Recreation Center. This will be predominantly single-family development.

Dr. Hazard stated that current studies show that low income areas have a high level of dissatisfaction with the City as a whole. This dissatisfaction has a tendency to spread and cause milling in the streets, fights, and rioting. Where there is a wide spreading of dissatisfaction there seems to be the condition of crowded housing or apartment areas. Some consideration should be given in the low income areas to maintain as many single-family homes as possible, for there is a desire by individuals to own a home regardless of what it may look like. There seems to be a feeling of stability that people have in owning their homes. As indicated in a recent study and report of this area, the people prefer to live in their own homes as opposed to garage apartments, public housing or apartments. There is sufficient land included in the subject property to maintain it for single-family development.

Mr. Jackson stated that an apartment unit is not needed in this area. From a zoning standpoint, the density allowed under "B" Residence, Second Height and Area zoning would be too great.

Mr. Wroe stated that in his opinion careful consideration would have to be given to modern day apartment structures, particularly those developed in low income areas. Consideration would have to be given to a high concentration of people on a particular site and the possible deterioration that could rapidly occur. The inexpensive constructed homes have a much better chance of being maintained.

After further discussion, the Commission members agreed that the requested zoning is too intensive for the subject property and the area. It was therefore

VOTED: To recommend that the request of Dale O. Johnson, et al, for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 6207-6211 Langham Street, 1800-1806 Montopolis Drive and 6206-6212 Kasper Street be DENIED.

C14-67-162 Frank C. Barron: A to BB
2955-2971 East 51st Street

STAFF REPORT: This application covers a triangular shaped parcel of land containing 44,550 square feet. The stated purpose of the application is for developing a garden apartment unit. The requested zoning would permit a maximum of 23 regular apartment units on the site. There is a drainage easement through the subject property which is approximately 70 feet wide, located adjacent to the east property line. This easement area is used for electric services, sanitary sewer and telephone services. Because of this existing 70 foot easement and the odd shape of the site, the land would be difficult to develop. Under normal development, duplexes could be erected but with the easement area the use of the property is limited. The area immediately to the west is zoned "BB" and developed with low density apartments. Single-family residences are in the process of development and do exist on the north side of East 51st Street. Immediately to the east and on the same side of the street is a large tract of land which is developed with one or two residences. "GR" zoning is established on property to the north. The existing creek, which is a good buffer, has been the dividing line between the apartment, residential and commercial districts. If the subject site was utilized as part of a planned development with a larger tract, there would be no question that it should remain as "A" Residential; however, as a separate parcel in that it does not relate to a larger tract or the "B" zoning to the south of Creekwood Road, the staff feels it would be difficult not to recommend some relief in zoning. There is concern about the amount of traffic coming out onto East 51st Street because of the bridge location and the two street intersections. East 51st Street extends eastward to a new subdivision on the north side of the street and then narrows to a county-type road. It is the staff's feeling that "BB" zoning should be granted for all of the property, except the easement area, as this would keep the number of units down to the proper number that could be developed with regard to building location and required off-street parking.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Harry Price (representing applicant)

SUMMARY OF TESTIMONY

Mr. Harry Price, representing the applicant, submitted photographs showing the size of the tract and the existing easement. He stated that it is contemplated that 8 to 14 luxury, garden type apartments will be developed on the subject property. There will not be any structures located on the easement; however, permission has been granted to develop a swimming pool over the existing underground telephone cables. The plans are for a two story

C14-67-162 Frank C. Barron--contd.

dwelling on the property as this is a First Height and Area district which limits the height of structures to 35 feet. The easement limits the development of the property and it is felt that the proposal will be the proper development. It will be a very attractive new concept type of development. There is a large demand for duplex type units in Austin. It is contemplated that the units will rent for approximately \$135.00 per month. When East 51st Street extends from New Manor Road to old Manor Road, this entire area of the City will be easily accessible. There are apartments 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 granted as a logical extension of the existing zoning pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank C. Barron for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2955-2971 East 51st Street be GRANTED.

C14-67-163 Buddy G. Thomas: A to B
900-902 Taulbee Lane

STAFF REPORT: This site consists of 21,825 square feet of land which is undeveloped. The stated purpose of the application is for apartments. The proposed zoning would permit a maximum development of 14 apartment hotel units on the site. Approximately 11½ feet of the site is zoned "C" Commercial as a result of strip zoning along Lamar Boulevard. The subject property abutts Taulbee Lane, with a present right-of-way of 50 feet, which should be widened to 60 feet, requiring 5 feet of right-of-way from the subject property if apartment zoning is established. "B" Residence zoning was granted on property south of Morrow Street in 1964. Right-of-way for the widening of Morrow Street was not acquired at the time as the zoning was extended back from Lamar Boulevard; however, in time the street may have to be widened as a result of the apartment development. Development in this area will be difficult because of the large lots. The staff does not oppose the requested zoning as the property adjoins commercial zoning and would serve as a buffer between the commercial and residential development. Lamar Boulevard is the location of one of the expressways with a proposed right-of-way of 250 feet. There will be a major intersection at Lamar Boulevard, U. S. Highway 183 and Anderson Lane.

C14-67-163 Buddy G. Thomas--contd.

TESTIMONY

WRITTEN COMMENT

Code

G Mamie J. Poole: 910 Taulbee Lane

FOR

PERSONS APPEARING AT HEARING

Code

AK Eva Baden Anderle: 1408 Norwalk Lane

NO OPINION

AK Arthur Anderle: 1408 Norwalk Lane

NO OPINION

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 denied because of inadequate right-of-way of Taulbee Lane; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as it would serve as a buffer between the commercial zoning to the east and the residential zoning to the west.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate the necessary right-of-way for the widening of Taulbee Lane.

The Commission felt that in view of this offer of dedication this request should be granted as it would serve as a buffer between the commercial zoning to the east and the residential zoning to the west.

It was therefore

VOTED: To recommend that the request of Buddy G. Thomas for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 900-902 Taulbee Lane be GRANTED.

C14-67-164 Alice Miller and Ann Miller Crockett: A to C
 1016-1022 East 50th Street
 5000-5002 Interregional Highway (U. S. 81)

STAFF REPORT: This application covers approximately 21,735 square feet of land. The stated purpose of the application is for commercial development. The subject site has approximately 161 feet of frontage along East 50th Street and 140 feet of frontage along the Interregional Highway. "BB" zoning was recently granted on property to the south along Harmon Avenue, although the Ordinance is still pending. Last month, a request was made

C14-67-164 Alice Miller and Ann Miller Crockett--contd.

on property south of East 50th Street for a change from "O" Office to "C" Commercial, Second Height and Area. "C" Commercial, First Height and Area zoning was granted. The staff has no particular objection to this request as it is felt that the area along the Interregional is well-developed for commercial use. The major problem involved is East 50th Street, with only 50 feet of right-of-way, should be widened to 60 feet; this will require 5 feet from the subject property. Five feet of widening was obtained from the property across the street in connection with the recent rezoning. As a point of information, the Highway Department has plans for improving the Interregional Highway which will involve a portion of the applicant's property; however, this is subject to approval by the Bureau of Public Roads. It should also be pointed out that this area is within the Airport Zoning area and an aviation easement may be required over the site.

TESTIMONY

WRITTEN COMMENT

Code

E W. W. Wernecke: 7808 Watson Street

FOR

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated that he does not know what effect the Highway Department plans will have on the subject site. It may have an effect on the development of the property if the Interregional Highway is improved; however, the application should not be denied because of a proposal which may or may not be carried out. The necessary five feet for the widening of East 50th Street presents no problem. This application was filed in relation to the property across the street which was recently rezoned.

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, subject to provision of 5 feet of right-of-way for the widening of East 50th Street, as the requested zoning is consistent with the zoning and development in the area.

At the Commission meeting, the staff reported that Mr. Richard Baker, representing the applicant, had orally indicated the applicant's willingness to provide for the necessary right-of-way for the widening of East 50th Street; however, the staff does not have a letter to this effect to submit to the Commission.

C14-67-164 Alice Miller and Ann Miller Crockett--contd.

The Commission felt that this request should be denied because of the inadequate right-of-way of East 50th Street; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as it is consistent with the zoning and development in the area. It was then

VOTED: To recommend that the request of Alice Miller and Ann Miller Crockett for a change of zoning from "A" Residence, Fifth Height and Area to "C" Commercial, Fifth Height and Area for property located at 1016-1022 East 50th Street and 5000-5002 Interregional Highway (U. S. Highway 81) be DENIED.

C14-67-165 William Loden: A, 1st to B, 2nd
 4510-4524 Bennett Avenue
 919-923 East 46th Street

STAFF REPORT: This application involves 39,000 square feet of land. The stated purpose is for the construction of residential apartments. The requested zoning would permit a maximum of 52 apartment hotel units on the site. "B" Residence, Second Height and Area zoning with intensive apartment development is established on property to the east across Bennett Avenue. Head-in parking for this project is located at the rear and is directly across from the subject site. The staff's concern is with the remaining residential neighborhood and it is recommended that this application be denied but that "B" Residence, First Height and Area zoning be granted. This recommendation is made from the standpoint of inadequate streets and an intrusion of high-density apartment development into an existing residential area. The staff feels that further development of high-density apartments would further burden the balance of the neighborhood. There is a parking problem in this neighborhood, primarily created by the existing apartment development. Bennett Avenue, with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet, requiring 5 feet of right-of-way from the subject site.

TESTIMONY

WRITTEN COMMENT

Code

L	Mr. & Mrs. Bernard Hyltin: 4523 Depew Street	AGAINST
AA	Bob P. Horton, Sr.: 105 Vista Ave., Round Rock	FOR
Y	Mrs. Steve Baugh: 4627 Red River Street	AGAINST
AE	Mrs. James Coke Mayes: 4607 Depew Street	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
B	Marin Spitzenberger: 4501 Depew Street	AGAINST
E	Johnny Marquart: 1006 East 45th Street	AGAINST
G	H. C. Bloom: 4511 Depew Street	AGAINST

C14-67-165 William Loden--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, stated that it is realized that the Tanglewood Apartments developed on property across from the site is a big problem; however, the applicant did not create this problem. The City of Austin and the people created the problem. It was created when Hancock Park, to the south, was changed to commercial and developed with a large shopping center. At the time, the citizens voted to have the park converted. Since that time, this entire area has been changing. The subject property is approximately $3\frac{1}{2}$ blocks from this commercial shopping and is effected by the existing commercial development. The parking problems were further created by the zoning of the property across the street. Because of the shopping center and the high-density apartment development, it is only a matter of time before this area is used for the overflow of students from the University. This is where the students will go to live. Approximately 90 per cent of the residences living in the apartment project across the street are University students. There are 3,600 new students enrolled at the University and there must be some place for them to live. This is the most logical and the closest area. The highest and best use for the area is no longer single-family development.

The applicant proposes to build an apartment house for students that will consist of primarily one bedroom units. Under the present Building Code, no matter how many apartments are constructed, the applicant will have to comply with the requirement of providing $1\frac{1}{2}$ parking spaces per bedroom and two parking spaces for two bedrooms. It is felt that it is only fair that the applicant have the same consideration as the property across the street, and be able to use his property in the same manner. It is realized that Bennett Avenue has only 30 feet of paving and the applicant is willing to dedicate 5 feet of right-of-way. The present plans are not to build on the entire tract but to start construction on the corner of East 46th Street and Bennett Avenue and then go south in the neighborhood of the Tanglewood Apartment area. There is "LR", "B", "C" and "O" zoning in the near vicinity. There is a railroad track located to the east and Airport Boulevard is east of the railroad track.

Arguments Presented AGAINST:

Two nearby property owners appeared in opposition to this request. They stated that the primary objection to the requested zoning is because of the existing parking problems. It is realized that the City Ordinance requires $1\frac{1}{2}$ parking spaces per one bedroom; however, this will not take care of the cars that will be parked in the area. The parking problems that exist cause many traffic problems which are detrimental to the residential neighborhood that exists to the west of the site. If this request is granted, it will create a hardship for the people in the area as a precedent will be set.

C14-67-165 William Loden--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the requested zoning is too intensive for the area and because Bennett Avenue, with a present right-of-way of 50 feet is inadequate; however, they stated they would look with favor on "B" Residence, First Height and Area zoning if the street is made adequate.

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

In view of the offer of dedication of right-of-way for the widening of Bennett Avenue, the Commission felt that "B" Residence, First Height and Area zoning should be granted.

It was therefore

VOTED: To recommend that the request of William Loden for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4510-4524 Bennett Avenue and 919-923 East 46th Street be DENIED but that "B" Residence, First Height and Area be granted.

C14-67-167 James E. Raffa: B, 1st to B, 2nd
1037 East 44th Street
4304-4308 Clarkson Avenue

STAFF REPORT: This application covers 13,357 square feet of land which is undeveloped. The stated purpose of the application is for residential apartments. The site is located in the near vicinity of Hancock Center and is served by two streets which are both only 50 feet wide. This property was before the Commission in 1966, at which time the zoning was changed from "A" Residence, First Height and Area to "B" Residence, First Height and Area. The applicant is now requesting Second Height and Area zoning which would permit 16 apartment hotel units to be developed on the site. The staff feels that "B" First or Second Height and Area zoning would be too intensive for the established residential neighborhood. Although the site is near Hancock Center and is across the street from the railroad right-of-way and commercial property existing along Airport Boulevard, the remaining residential area is well-maintained, and has an inadequate street pattern to support such density. It is felt that the existing zoning is adequate as it allows the development of six units. The staff recommends that the zoning be denied.

C14-67-167 James E. Raffa--contd.

TESTIMONY

WRITTEN COMMENT

Code

V	Carl E. Quick: 2206 Harford Road	AGAINST
J	George E. Brahshaw: 1032 East 43rd Street	AGAINST
D	L. M. Roberts: 1031 East 44th Street	AGAINST
AA	Mrs. T. D. Butler: 1032 East 44th Street	AGAINST
Y	Lucile M. Jones: 1029 Ellingson Lane	AGAINST
E	G. W. Sassman: 1030 East 44th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

	John Selman (representing applicant)	
E	Mr. & Mrs. G. W. Sassman: 1030 East 44th Street	AGAINST
F	Mr. & Mrs. Paul E. Wallen: 1035 East 44th Street	AGAINST
AA	Mrs. T. D. Butler: 1032 East 44th Street	AGAINST
Y	Lucile M. Jones: 1029 Ellingson Lane	AGAINST
D	L. M. Roberts: 1031 East 44th Street	AGAINST
S	Ben E. Smith, Jr.: 1037 East 43rd Street	AGAINST
AB	Mr. & Mrs. D. L. Thomson: 1028 East 44th Street	AGAINST
Z	Mrs. J. J. Warminski: 1031 Ellingson Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, offered the following information: The subject property cannot be seen from the Interregional Highway because of a railroad track. The site faces the back door of the Armstrong-Johnson property which is zoned and developed commercially. The development of 6 units on the site has already been approved by the City Council and the applicant is requesting that this number be increased to 12. He is not asking for the full 16 units that would be allowed under the requested zoning, and is willing to submit a restrictive covenant limiting the development to 12 units. A plan for the development of 12 units, with provision for 21 parking spaces, has been worked out. The highest and best use of the property is as proposed because of the location at the rear of Armstrong-Johnson Ford dealer, the Interregional Highway and Hancock Center which is a large commercial center. This area is destined to be the center of Austin in the future. The proposal will benefit and serve the University students moving into the area and the people who now work in the near vicinity. The development will reduce the parking problems as there will be more than adequate off-street parking provided. Regardless of the zoning change, the development on the site will not face onto 44th Street. A precedent of "B" Second Height and Area zoning has been established and the request is in keeping with the development in the immediate neighborhood. The proposal will be a buffer area between the "GR" zoning and development to the south, the railroad track and commercial property to the east and the residential property to the west.

C14-67-167 James E. Raffa--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request. They stated that this is a friendly neighborhood which is developed with well-maintained residential homes. The granting of the zoning requested would set a precedent for other changes in the area and would be detrimental to the existing neighborhood. Parking and traffic is already a great problem and the proposal on the subject property will only increase the problem, that is caused by employees parking from Hancock Center and the existing apartment development to the north. The proposal will only add to the congestion.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because the requested zoning is too intensive for the property, and would be an intrusion into an existing residential neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James E. Raffa for a change of zoning from "B" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1037 East 44th Street and 4304-4308 Clarkson Avenue be DENIED.

C14-67-168 Cherrylawn Properties, Inc.: Int. A, Int. 1st to LR, 1st
6216-6228 Springdale Road

STAFF REPORT: This site consists of 23,870 square feet of land which is undeveloped. The stated purpose of the application is for commercial use. Property to the north, zoned "LR", was before the Commission in 1964, at which time it was felt that the requested change was an integral part of the Cherrylawn Subdivision which would provide commercial facilities for the developing area. They also noted the location was on two thoroughfare streets. The preliminary subdivision plan has been revised to include the subject property in the commercial area of the subdivision. The staff feels the requested change is in conformance with the approved subdivision for the property and recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

E Watt Schieffer: 1011 East 40th Street

FOR

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)

C14-67-168 Cherrylawn Properties, Inc.--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that he agrees with the Planning Department report.

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 a logical extension of existing zoning pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Cherrylawn Properties, Inc., for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at 6216-6228 Springdale Road be GRANTED.

C14-67-169 Robert C. Noren: A to C
4612 (4606) Glissman Road

STAFF REPORT: This application covers a small lot containing 6,351 square feet. The stated purpose of the application is for commercial development. The address as stated was taken from the City maps; on the ground it is actually 4606 Glissman Road. The site is served by a dead-end gravel street with 50 feet of right-of-way. The applicant also owns abutting property to the west, having frontage onto Springdale Road, which is developed with a bakery. It is the staff's understanding that the applicant wishes to expand the bakery onto the subject site. All of the lots on the north side of Glissman Road, with the exception of one, belongs to the applicant. The staff sees no particular objection to the proposal to expand the bakery; however, there is concern as Glissman Road is only a 50 foot gravel street. The request also contradicts the Master Plan as this entire area is designated for manufacturing and related uses. If the Legal Department feels that the proposed use will not be in conflict with the Master Plan, the staff recommends it be granted, realizing that Glissman Road is inadequate but it is a dead-end street and there are no plans to extend it. The one lot addition will benefit the development on the front lot.

Mr. Glenn Cortez, Assistant City Attorney, stated that the requested "C" Commercial use is for the purpose of establishing an annex to the factory or bakery that is in existence, which is a manufacturing use. The Master Plan calls for manufacturing and related uses in this area. If the factory is established on the site as an addition, there would be no conflict in actual use of the property. "C" Commercial zoning does allow some manufacturing type uses.

C14-67-169 Robert C. Noren--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Van Thompson, Jr. (representing applicant)

SUMMARY OF TESTIMONY

Mr. Van Thompson, representing the applicant, stated that he had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending determination of the right-of-way needs for Glissman Road.

At the Commission meeting, the staff reported that this application was referred to the full Commission at the request of the staff in order to determine the right-of-way needs for Glissman Road. At the Committee hearing, the staff stated that they could not see any need for widening of the street although there was concern about extending the existing bakery, located on the adjoining property. The staff requested another opportunity to look at the street and it is now felt from the standpoint of further commercial or industrial development of the street, that there should be an additional 5 feet of right-of-way provided in order to bring the street to 60 feet of right-of-way. This right-of-way should be started at the corner and extended the length of the street. The street dead-ends into the Allan Jr. High School property. There is not a bridge connecting the street to the school property but there appears to be a good deal of foot traffic. This is a planned industrial area and if used industrially, the standard industrial street is 80 feet.

Mr. Brown stated that he could not see any reason for the street to be wider than the existing 50 feet as it is a dead-end street with little traffic.

Mr. Jackson stated that he feels that this particular portion of the street is adequate for the present use.

C14-67-169 Robert C. Noren--contd.

Mr. Riley stated that the street is adequate for the present use at this time; however, if commercial zoning is extended back onto the street a precedent would be set and other commercial uses could follow. If right-of-way is not acquired from the subject site, it will be difficult to require right-of-way from the remaining lots if they are changed to commercial. The Commission has consistently denied requests for rezoning when the streets were inadequate.

A majority of the Commission felt that this request should be denied because of the inadequate right-of-way of Glissman Road; however, they stated they would look with favor on the requested zoning, if the street is made adequate, as it is an expansion of an existing use on adjoining property owned by the applicant and is not inconsistent with the development and character of the neighborhood. It was then

VOTED: To recommend that the request of Robert C. Noren for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 4612 (4606) Glissman Road be DENIED.

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

NAY: Mr. Brown

ABSENT: None

C14-67-170 Lloyd W. Payne: A to C
1616-1628 Riverside Drive

STAFF REPORT: This application covers a triangular shaped parcel of land containing 62,650 square feet. The stated purpose of the application is for boat sales and rentals. The site has 181 feet of frontage along Riverside Drive and tapers to approximately 25 feet of frontage on Town Lake. There is "A", "B", "LR", "GR" and "C" zoning existing in the immediate area. Property adjacent to the west is developed with the Town Lake Apartments. The large tract of land to the east of the site is Scottish Rite property. "C" Commercial zoning is established on property across the street which is developed with a drive-in grocery, and on property located at the intersection of the proposed Lakeshore Boulevard and Riverside Drive. There is a large apartment complex developed on property east of this location. "C" Commercial zoning as requested on the site permits the rental and storage of boats inside or outside; whereas, under "GR" zoning there is no outside storage. The staff's concern is the creation of commercial zoning of this size and shape at this location between apartment complexes and the Scottish Rite property. It would be difficult to fully utilize the site for apartments because of the shape of the property. It is difficult to support "C" Commercial zoning at this location because of the adjoining residential land and the broad range of retail and service uses that are permitted under such zoning.

C14-67-170 Lloyd W. Payne--contd.

TESTIMONY

WRITTEN COMMENT

Code

H Mrs. Lois Thomas: 1005 Summit Street

AGAINST

PERSONS APPEARING AT HEARING

Code

? Frank E. Montgomery (representing applicant)

? Daniel Limon: 4612 Glissman Road

SUMMARY OF TESTIMONY

Mr. Frank Montgomery, representing the applicant, offered the following information: Not many people in Austin fully appreciate the great potential that there is in the large beautiful man made body of water in the downtown section of the City. The status of the ownership of the property along Town Lake should be reviewed. As of last week, all of the property from the dam to the Longhorn crossing, with the exception of one small piece of property at the mouth of Waller Creek, is owned by the City of Austin. There is no property on the north side of the lake that is available. Likewise, that portion of the south bank inside the City limits from Zilker Park to Drake Bridge is owned by the City. From Drake Bridge to Congress Avenue Bridge there is some private property and from Congress Avenue Bridge to the Interregional Highway bridge there are some tracts of land available at very high prices. The subject site is an ideal location for a boat distributor because of the background of the area and the availability of the lake to show off the boats in the water. It is realized at the present time that no power crafts are allowed on Town Lake; however, it is felt that when the dredging operations have been completed, the City Council will consider limited use of power boats. Therefore, the subject site is an ideal location for the proposed tenant who wishes to have boat sales and rentals. There is a local investor that has offered to purchase the property subject to the proper zoning and there is an out of state client who has exclusive franchise on various types of boats that can be demonstrated on the lake. There is a possibility that the developer can get by with 200 feet of the requested zoning in order to take care of the display and storage of the boats. It is not known what zoning would be needed at the lake level in order to display boats for sale and have a limited amount of storage. The proposed tenant for the property has house boats which are a trailer type of boat that need to be openly displayed outside.

Mr. Dunnam stated that he personally would be inclined to recommending "GR" zoning with the use as proposed permitted by a special permit. There is no objection to the proposal but a special permit to allow the use would be more acceptable.

C14-67-170 Lloyd W. Payne--contd.

Mr. Montgomery explained that the use permitted by special permit has been discussed. He stated that he has had experience in dealing with people from out of town before and all they know is what their legal department tells them. An attempt can be made to assure them that they can get a special permit but they are not always easy to convince. The proposed tenant is nationwide and they have apparently had experiences where they have been disappointed. With the characteristics of the neighborhood, the requested "C" zoning is not unreasonable. There is "C" and "GR" zoning across the street, apartment development on adjoining property, and "LR" zoning to the west.

Mr. Stevens advised the Committee that the "GR" classification provides for the sale of new or used boats but this is the extent of the provision for boats under this classification, except under the special permit regulations. The proposal is to accommodate rental, storage, sales and services. "C" Commercial zoning is needed to cover the range of activities proposed.

Mr. Montgomery stated that even though the boats would be demonstrated in the rear area, the actual sales would take place in the front. Perhaps the zoning could be extended back 200 feet from the lake and approximately 250 feet of the site could be zoned commercial for a display room, and sales along with a paved parking lot.

Mr. Stevens stated that the proposal in relation to special permit controls should be reviewed with the Building Inspector.

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 further study of the development of the property by special permit.

At the Commission meeting, Mr. Stevens reported that the Committee was concerned about the establishment of "C" Commercial zoning on this large tract of land between the lake and Riverside Drive because of the broad uses that would be permitted and because of the existing zoning and development. The Committee discussed with Mr. Montgomery, representing the applicant, the possibility of going in with "GR" zoning and a special permit which would allow the uses proposed. A special permit for the proposed use would be permitted because of the existing "C" Commercial property across the street or if the front 200 feet of the site is zoned "C" Commercial and the remainder "GR" as suggested by the applicant. Mr. Montgomery did not feel that "GR" zoning would take care of the proposed use and did not want to have to apply for a special permit. The Committee felt rather strongly against the zoning but not against the proposed use.

C14-67-170 Lloyd W. Payne--contd.

Mr. Jackson stated that the Scottish Rite property adjoins the subject site to the east and the Town Lake Apartments are developed on property adjoining to the west. He noted that Riverside Drive is going to be widened and will intereseect with the proposed Lake Shore Drive, and felt that the requested zoning would not be in conformity with the surrounding area.

The Committee wanted to explore the special permit route before making a decision on the requested zoning. The staff did discuss this with the Building Inspector who stated that he felt that "C" Commercial zoning would be required for all of the uses proposed; however, the Building Inspector's office stated the "GR" zoning would permit the use by special permit.

Dr. Hazard stated that under the current ordinance, power boats cannot be demonstrated on Town Lake. This should be a point of consideration. After further discussion, the Commission members agreed that the requested zoning is too intensive for the present zoning pattern in the area. It was then unanimously

VOTED: To recommend that the request of Lloyd W. Payne, for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1616-1628 Riverside Drive be DENIED.

C14-67-173 John D. Byram: A & GR, 1st to C, 5th
101-213 West Anderson Lane
101-511 East Anderson Lane

STAFF REPORT: This application covers approximately 14 acres of land. During the processing of the application, the staff failed to give adequate notice to three property owners in the neighborhood. As a result of this, the burden was placed on the applicant to contact the people who did not received notice to see if they would waive their rights to the 10 day notice period as required by State law.

Mr. Robert Sneed, representing the applicant, stated that two of the property owners who did not receive notices were contacted directly in person and did submit a written waiver of the right to 10 days notice, which is submitted to the staff for the record. The third owner, Mr. T. N. Maxwell, is out of town; however, he was contacted by telephone in Kerrville earlier this morning at which time he told the applicant that he was willing to sign a waiver and would sign it when he returned to Austin so that it could be submitted for record. Mr. Maxwell is to return to Austin on Wednesday.

Mr. Glenn Cortez, Assistant City Attorney, stated that in view of the two waivers submitted and the discussion with the third party who stated to the applicant that he would sign a waiver, the hearing can proceed; however, if the third owner does not sign the waiver, the hearing would be invalid.

C14-67-173 John D. Byram--contd.

The staff reported that the stated purpose of this application is for an automobile dealership. The site is separated by an undeveloped street which was dedicated in connection with a request made by the previous owner of the property. This occurred in 1966 at which time it was pointed out to the Commission and the applicant that it has long been the City's plan to have Northcrest Boulevard as the connecting street from St. Johns Avenue to Anderson Lane and then connecting to Georgian Drive. The section of Northcrest Boulevard through the subject property is not yet developed. Adjoining the site to the south is a fairly new residential subdivision which is being developed in two phases. A portion of the subdivision has been developed and the streets are in; however, the section immediately abutting the subject property is only in preliminary form. The preliminary is still in force and will have to be followed when developed, at which time the City will want the connecting street between the existing Northcrest Boulevard and the subject property. The applicant would like to relocate as far to the east as possible, the section of Northcrest Boulevard which extends through the subject site. The staff has no objection to the vacation and rededication of the street as long as it does not propose too much of a curve. Nothing definite on the relocation has been submitted. It is the staff's understanding that the applicant has discussed this with the developer of the residential subdivision to the south and there has been some indication of a willingness to shift the street. If the developer to the south does not agree, the relocation of the street would be limited to the subject property which would give less flexibility in the rearrangement. A portion of the property was changed to "GR" zoning in 1966 and the balance is zoned "A" Residential and was a part of the Wonsley property that was separated by the dedication of Anderson Lane through the Wonsley tract.

It is the staff's understanding that the proposed dealership will be located to the west of the proposed undeveloped street or wherever the street is finally located. This is one of the reasons for the proposed realignment in order to locate the dealership. "GR" zoning will permit the sale of new cars but there are operations attached to a dealership, such as the sale of trucks, which are limited to trucks of less than a one ton capacity, that require "C" Commercial zoning.

In this particular area, there are existing large tracts of "C" Commercial and "GR" General Retail property. The property to the southeast was rezoned to "C" Commercial, Third Height and Area and "O" Office, First and Fifth Height and Area in 1966 for the Henna Chevrolet dealership. The "O" Office zoning which was granted on that property established the buffer of "O" behind the residential tier of lots adjoining the tract. "C" Commercial, Third Height and Area was granted for the balance of the tract with the exception of the highway frontage which was zoned Fifth Height and Area. All of the property to the west, on both sides of Anderson Lane is zoned "C" Commercial, with the exception of two church tracts, one abutting the subject tract and the school site, the other directly across Anderson Lane. The Wonsley property, also located across Anderson Lane from a portion of the site is zoned "GR" with the Interregional Highway frontage being zoned "C" Sixth Height and Area. The staff feels that a commercial pattern has been established along Anderson Lane

C14-67-173 John D. Byram--contd.

and it is a matter of degree in granting "C" on this site. Because of the "C" and "GR" zoning pattern that is established between the Interregional Highway and Lamar Boulevard, the staff raises no objection to "C" as related to the "C" zoning adjoining to the south and in the near vicinity. At the same time, it is felt that the property can be developed commercial under the "GR" district although not with an automobile dealership as proposed. Regardless of the zoning, there should be as much protection of the adjoining residential property as possible in terms of screening, buffer zoning or whatever can be accomplished. The lots that separate the existing residential neighborhood from the subject property are yet to be developed but at sometime in the future it is anticipated that they will be developed with residences that will be backing to this large commercial facility.

A petition in opposition to the request has been presented for the Committee's consideration.

TESTIMONY

WRITTEN COMMENT

Code

?	Paul A. Grandy, M.D.: 7610 Northcrest Boulevard Petition with 74 names	AGAINST AGAINST
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PERSONS APPEARING AT HEARING

Code

R	Mr. & Mrs. Duane W. Dobson: 100 Prince Drive	AGAINST
X	Max G. Ulrich: 7703 Eastcrest Drive	AGAINST
P	Mr. & Mrs. James A. Edwards: 7704 Eastcrest Drive	AGAINST
Y	Mr. & Mrs. John C. Wilson: 7705 Eastcrest Drive	AGAINST
Q	Mr. & Mrs. Ronald P. Berry: 7702 Eastcrest Drive	AGAINST
?	Gene A. Reeves: 201 Prairie Dell	AGAINST
?	Marecelino Torres: 7612 Northcrest Drive	AGAINST
?	Don Parker: 7521 Northcrest Drive	AGAINST
?	George DeVilleneuve: 7515 Northcrest Drive	AGAINST
?	John D. Pope, Jr.: 103 Prince Drive	AGAINST
?	P. A. Grandy, M.D.: 7610 Northcrest Boulevard	AGAINST
?	Wayne Rhea: 7615 Eastcrest Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant, stated that he would like to make full disclosure of all of the financial interests involved in this property. Mr. John D. Byram, is the owner of the property which is a part of this application. He has made and entered into a lease with Armstrong-Johnson, local Ford Dealer, subject to the granting of the requested change in zoning, whereby he will lease to them the small tip of the property at the east for

C14-67-173 John D. Byram--contd.

the purpose of a pylon. The remainder of the property he will lease will run to approximately the mid point of the entire tract under consideration. The building that is proposed will cost approximately \$500,000. Assuming everybody agrees to that plan, it is contemplated that the building will be a masonry aggregate precast solid building. It is recognized that any sort of zoning application that upsets a neighborhood is one that is critical and should be explained in as much detail as possible. It is requested that the application which is now pending be amended. First, the applicant would like to withdraw the application so far as the portion of it is concerned that is now zoned "GR" as to the south 20 feet and ask that it not be changed to "C" Commercial but that it be left "GR". Then following that, property presently zoned "A" Residence to the line which presently abuts "O" Office zoning, it is requested that a 20 foot buffer strip be made for a zoning classification of "O" Office rather than "C" Commercial. The applicant will then have easily complied identically with the setback, in fact more so, than was the decision made by the Planning Commission and Council as relates to the property zoned immediately to the east except that the rear portion of that property is zoned Third Height and Area which would permit structures to 90 feet. This application is limited to Fifth Height and Area which limits the height of structures to 45 feet. The situation as far as zoning classification is concerned, is now in the identical position with that previous change in 1966 on property to the east.

There has been in the neighborhood considerable worry concerning the opening of Northcrest Boulevard. From the applicant's point of view, he would prefer that the street not be opened, but that it be vacated in order to utilize the entire tract. Many hours have been spent with the staff trying to convince them that this would be the best thing, but the Planning Department is unyielding in their view point. After studying this, it is felt that the opening of the street will create an access for the flow of traffic that is presently hemmed in. The applicant would prefer to have the street abandoned as it would cost a great deal to put it in; however, it is an existing street that has been dedicated.

There seems to be fear of the requested zoning in this neighborhood. From a zoning standpoint at the present time, a portion of the property is already zoned "GR" which allows the proposed building to be constructed and the automobile agency to be operated; however, there cannot be any trucks on the property for sale that are more than a one-ton capacity. The Henna Automobile dealership sells campers which are pickup trucks with a cabin on the back. It is necessary if the applicant is going to compete in the normal type business operation to have the same type trucks which is more than a one-ton capacity. Armstrong-Johnson has their truck center in another area and from what is understood, they do not plan a truck center type operation on the subject site. This operation on the subject property will be the same type plant they have in downtown Austin. If an automobile agency is going to deal with camper type vehicles, which has become a popular and necessary item for a car dealership, then "C" Commercial zoning is needed.

C14-67-173 John D. Byram--contd.

Mr. Sneed further stated that he will prepare and file for record, running to the benefit of the owners of lots in the subdivision and to the City, restrictive covenants in perpetuation which will prohibit on this property the operation of a liquor store, a drive-in theater, a contractor construction yard and a lumber yard. The applicant will also provide as far as the property is concerned, that there will be erected on the west side of the property down to and through the residential portion, at the time any improvements are placed on it, a shielding separation that is equal to the standards that are now required by FHA that normally separates a residential area. It is felt that this is a stronger application in the sense of the protection of the neighborhood than was put together in the case of the zoning on the property to the east. Many of the changes were made prior to the time that some of the people bought their homes in the residential area.

There has been a great deal of discussion about Austin and what is happening. Mr. Sneed stated that Capital Plaza Shopping Center was established as a result of an economic study by an economist from Washington who predicted that by 1975, the location of Capital Plaza would be the geographical center of the City. This trend has already started. At the time the Scarbrough tract was changed, it was pointed out that the tract had more commercial square feet than all of the commercial property in downtown Austin put together. The economic center of Austin is moving into and arriving in the area where the subject property is located. Mr. Sneed presented a preliminary design of the development pointing out where the street is actually located and where they would like to relocate it. He stated that it should be pointed out that there are two subdivisions that are as nice as the one in this area which have been built and designed with the same identical type of ultimate planning that is proposed. It is inevitable that the development of this area and all of the frontage along Anderson Lane will be developed commercially and not residentially. High density and commercial development is already existing and proposed in the area is a continuous commercial development. For these reasons, it is felt that the application is proper and is in keeping with the plan of the City in that it conforms to the existing pattern and is in line with applications that have been previously granted in this area within a one year period.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request. They stated that the petition submitted to the staff in opposition to the request contained approximately 80 signatures representing every homeowner in the area. When the people in this area originally purchased their homes, they could look out their windows and see open areas. In 1966, Henna Chevrolet was established on property adjoining this subdivision to the east. The noise of the body shop at Henna Chevrolet is tremendous. There are several cars which are torn down that are stored outside. This development was established prior to the time when the subdivision first started to develop. When the people purchased their lots for developing their homes, it was pointed out

C14-67-173 John D. Byram--contd.

that all of the area to the north was also going to be developed with homes. When the change to "GR" zoning came about in 1966, only a few of the people in the area received notices so the change was made without proper notification of existing homeowners. This was evidently due to the fact that the tax plats were not up to date.

This is a fairly new residential area and there are many children playing in the streets. If the subject property is developed as proposed, there will be trucks in the area and when cars are tuned, they will be taken out for a test drive through this area during the time the children are going to and from school. If the site is zoned commercially, the developer of this subdivision has indicated that he may not follow the preliminary plan to continue residential development on the property adjoining the site. He has indicated that there may be apartments constructed on the property abutting the site. If apartments are developed, a tremendous traffic problem will be created as access is limited. Traffic will therefore be funneled throughout this area. Most of the people in the area would not have purchased their property if there had been any indication that commercial development would be in such close proximity. This neighborhood is concerned with the extension of Northcrest Boulevard and it is assumed that the City will not do away with that street.

It is recognized that there is a problem as a portion of the property is already zoned "GR". As far as the people in the area are concerned, the establishment of an automobile dealership would be a nuisance from which the residential area cannot be protected. It is realized that the rezoning of the site would be desirable for commercial interests; however, it would be of no benefit to the residential area. This area encompasses a fine elementary school and three churches. It is now requested that a commercial use be established which would be a hazard and intrusion into a domestic and tranquil area. If this change is granted, there will be placed in motion a chain of events which will not in anyway strengthen the family fiber of the effected area. Northcrest Boulevard is not actually a boulevard because of the narrow width. Most of the residents in the area have a one car garage but they usually have two cars which means that one car is usually parked along the street. Because of this, an increase in traffic would be detrimental. This is a quiet area as it exists and it is requested that this change not be granted.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to delete the south 20 feet of the existing "GR" property and to change the south 20 feet of the property that adjoins residential "A" and "O" Office zoning to "O" Office zoning.

A Howard E. Brunson (applicant)

C14-67-174 Howard E. Brunson--contd.

SUMMARY OF TESTIMONY

Mr. Howard Brunson appeared at the hearing and stated that he had nothing to add to the report by the staff.

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 a logical extension of existing zoning pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Howard E. Brunson for a change of zoning from "B" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 1421 Arena Drive and 1422 Town Creek be GRANTED.

SPECIAL PERMITS

CP14-67-16	Woodward Street Apartments--H. E. Williams, Jr.: 232 unit apartment 3401-3417 San Marino Drive 1710-1810 Woodward Street 3400-3438 Parker Lane (proposed)	<u>dwelling group</u>
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STAFF REPORT: The staff reported that 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 site is an apartment dwelling group containing 232 units, 486 off-street parking spaces, three swimming pools, seven storage rooms and one nursery building. Last month a request for a special permit on a portion of the property now under consideration was before the Commission. The request was withdrawn so that a later request could be submitted on a larger area. Since that time, Lot 2 of St. Edwards Heights, Section 3 subdivision has been added to the original area and brought in for rezoning. The zoning on that portion of the property has been granted but the Ordinance is pending. This request is now a combination of the property that was under consideration last month and the area which was recently rezoned. Departmental reports are not complete at this time, although one of the major objections is in connection with the parking off of Parker Lane. This has been taken care of by the applicant, but the staff recommends the request be referred to the full Commission pending completion of the remaining departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

CP14-67-16 Woodward Street Apartments--H. E. Williams, Jr.--contd.

PERSONS APPEARING AT HEARING

Code

David Barrow, Jr. (representing the applicant)

SUMMARY OF TESTIMONY

Mr. David Barrow, Jr., representing the applicant, was present at the hearing and stated that he would appreciate knowing, before the meeting, when the staff is going to recommend that a request be referred to the full Commission.

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, Mr. Stevens advised the Commission that the staff had recommended that this request be referred to the full Commission because all of the departmental reports had not been received. The reports have now been received and the comments are as follows:

Water and Sewer

- A six inch water main will be required to the north property line from San Marino Drive to the central north-south parking area then the six inch main should extend southerly in the parking area to Woodward Street. Fire hydrants should be located on this main at points designated by the Fire Department. Fire demand water meters will be required at San Marino Drive and at Woodward Street.

Storm Sewer

- Show dimensions on drainage easement.

Building Inspector

- I understand annexation, zoning and re-subdivision has all been applied for. If so when these things become final this plat complies from a zoning standpoint. However scale is too small to determine any Building Code Requirements.

Fire Prevention
Tax Assessor

- OK.
- Taxes are paid through 1966.

CP14-67-16 Woodward Street Apartments--H. E. Williams, Jr.--contd.

- | | |
|--------------------------|---|
| Office Engineer | - Require request for commercial driveways. |
| Director of Public Works | - Location of driveways meet with our approval, however, we will need a letter of request and approved plans for them before construction begins on the driveways. |
| Health | - Approved. Subject to sanitary sewer line being available. |
| Traffic Engineer | - Head-in parking on inside of curve along Parker Lane introduces a hazard. Parker Lane may someday develop into a collector street. In that case head-in parking would be objectionable. |
| Fire Protection | - I have recommended locations of fire hydrants on the accompanying plat and the recommended hydrant locations are marked in red with a double circle. |

All requirements have been worked out and the staff is in agreement with the plan. It is recommended that this special permit be approved. The Commission then

VOTED: To APPROVE the request of Woodward Street Apartments--H. E. Williams, Jr., for a special permit to erect a 232 unit apartment dwelling group on property located at 3401-3417 San Marino Drive, 1710-1810 Woodward Street and 3400-3438 Parker Lane (proposed), and authorized the Chairman to sign the necessary resolution.

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

CP14-67-17 St. Ignatius Parish: A Boys Club of Austin
 205 (207)-303 West Johanna Street
 2001-2005 Wilson Street

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. The subject property was recently rezoned "B" Residence, First Height and Area, although the Ordinance is pending right-of-way for West Johanna Street. The rezoning was for the Boy's Club of Austin with the understanding that there would be a special permit filed for the proposed uses. Under the Ordinance a boys club as proposed is considered as an eleemosynary institution.

CP14-67-17 St. Ignatius Parish--contd.

The notice advertising the hearing lists types of uses and is as follows:

"The following uses to be conducted within the buildings are training, hobbies, and vocational in nature, and are listed for the purpose of clarifying the use of the existing buildings. However, all proposed uses cannot be listed until the complete program is determined.

1. Arts and Crafts
2. Game Room
3. Hobby Room (stamp and coin collecting)
4. Library
5. Scouting
6. Woodcutting shop

The following types of activities to be conducted outdoors and will be limited to the available outdoor space.

1. Basketball
2. Tennis
3. Tether Ball
4. Other related activities"

In discussing the other related activities with the applicants, they have stated they have yet to firm up their operation in connection with the Boys Club; however, they contend that the uses will be similar to arts, crafts, etc. There may be other such activities but in the nature of the things the staff has listed. There is not available space for a football field as such. They hope to have a swimming pool and there may be other outdoor uses.

In connection with the zoning of the property, there is a question of right-of-way. The northern section of the property was to be dedicated for widening of West Johanna Street. Although the zoning has been granted, the Ordinance is pending this right-of-way, and would have to be passed before the request can be approved. There are two existing structures on the property and the applicants have stated they do not propose any additional structures. The required parking is to be off of the alley. There is presently an indented curb along West Johanna Street. The applicants did submit what the staff thought was an incomplete site plan because all of the proposed activities are not spelled out. They have revised this and did incorporate most of the items in question. It was the staff's understanding that the applicants were to walk the site plan around to the various City departments for comments; however, this was not done and the site plan had to be mailed out at the last minute. Because of this, there are no departmental reports at this time and the staff recommends the request be referred to the full Commission pending completion of departmental reports.

CP14-67-17 St. Ignatius Parish--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

AA Cyrus W. Palmore (representing applicant)
 Juan Rangel: 1903 Newton Street

FOR

SUMMARY OF TESTIMONY

Mr. Cyrus Palmore, representing the Boys Club of Austin, stated that he is third Vice-President of this organization. Recently tubes of airplane type glue have been picked up on the subject site and it is hoped that this will be changed with the establishment of the Boys Club on the site. This club and the activities involved will be well organized. The director of the club will be paid so that a well-qualified person can be obtained for the position that will be a benefit to the community. This club will not be detrimental to the surrounding area.

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 propose to utilize the existing improvements on the subject property. All of the uses have not yet been outlined as the applicants do not wish to limit themselves to any specific use but want the uses to be general in nature. The following departmental reports have been received:

Water and Sewer	- No problems are apparent.
Electric Department	- No problems are apparent.
Health Department	- No objections.
Public Works	- OK.
Building Inspector	- OK.
Advanced Planning	- Access to parking area is not adequate as alley is only 17.25' wide and 20' is needed for 90 degree parking.
Traffic Engineer	- OK.
Drainage	- OK.
Tax Assessor	- OK.
Fire Prevention	- OK.
Fire Protection	- OK.
Director of Public Works	- OK.

CP14-67-17 St. Ignatius Parish--contd.

The only particular problem is in regard to the parking. Mr. Ken Zimmerman, representing the Boys Club has orally agreed to the departmental comments, including the change in parking. The zoning has been granted but the Ordinance is pending right-of-way. The staff recommends that this request be approved, but that it be withheld until the Ordinance is passed and subject to the change in parking as agreed to.

Mr. Zimmerman stated that originally, angle parking was planned because of the narrow alley. It was felt it would be easier for volunteer people to get in and out of the alley. More than the required number of off-street parking spaces are being provided. As far as the depth is concerned, this should not be a problem. The Commission then

VOTED: To APPROVE the request of St. Ignatius Parish for a special permit to permit the Boy's Club of Austin on property located at 205 (207)-303 West Johanna Street and 2001-2005 Wilson Street, pending the Ordinance changing the zoning and subject to the change in parking as outlined, and authorized the Chairman to sign the necessary resolution upon completion.

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

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of October 2, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The staff reported that one appeal has been filed from the decision of the Subdivision Committee on the following preliminary plan:

C8-67-62 Valle San Jose Subdivision

The staff also reported that the following subdivisions were referred to the Commission without action:

<u>C8-67-67</u>	<u>Johnston Terrace, Section 2</u>
<u>C8-67-70</u>	<u>Highland Hills, Section 9, Phase 2</u>
<u>C8-67-76</u>	<u>Westover Hills, Section 4</u>
<u>C8-67-77</u>	<u>Allandale Estates - Revised</u>

The Commission then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of October 2, 1967, on the minutes of this meeting.

PRELIMINARY PLANS

C8-67-62 Valle San Jose Subdivision
F.M. 812 and F.M. 973

The staff reported that this preliminary subdivision was considered by the Subdivision Committee at the last regular meeting, at which time the Subdivision Committee disapproved the plan because of the layout and the size and shape of the tracts created by the proposed subdivision. The owner, Mr. John W. Pruitt, has appealed the action of the Subdivision Committee to the Full Commission.

The staff reviewed the following Planning Department comments that were presented to the Subdivision Committee:

1. Variance required on length of Carlin Drive. Recommend variance be granted as provision is being made for continuation of the street.

Carlin Drive is a dead-end 60 foot collector street running east and west through the subdivision. The street exceeds the Ordinance requirement of 400 feet in length for a dead-end street.

2. Variance required on length of all blocks.

All of the blocks exceed the 1,200 foot residential block length as permitted by the Subdivision Ordinance.

The staff recommended to the Subdivision Committee that this variance be granted, realizing that this would not be the best solution; however, this recommendation was based on the fact that most of these tracts of land have been sold by contract of sale. The Subdivision Committee disapproved the plan as they felt that this was not the proper layout for this in that it did present problems to future subdivide these tracts of land.

3. Round corners on street intersections.

This is to comply with Commission policy that was established a few years ago.

4. Show building lines on plans.
5. Compliance with departmental reports.

Mr. Pruitt stated that this subdivision has been in existence approximately 4 years and a plan was not required for a subdivision in this area. Approximately 3 years ago an attempt was made to subdivide this property in an entirely different manner in order to alleviate some of the problems that the Subdivision Committee felt did create a hazard. Extensive engineering work was done and it was found that the property would not sell if subdivided in smaller tracts. The subject property is located approximately two miles this side of Elroy which is a long way from Austin to be selling small tracts

C8-67-62 Valle San Jose Subdivision--contd.

of land. All of the tracts contain three acres or more. All but four of the tracts have been sold under contract of sale. At this point, there is no way to back up and resubdivide without violating the existing contracts in revising the street plan as is.

Mr. Foxworth explained that the primary reason for the Subdivision Committee's action was because of the size and shape of the tracts of land created by this plan which would be difficult for individual tract owners to resubdivide or further subdivide at some point in the future. The tracts are of such size and shape that any tract by itself would not permit a street through the middle with lots on both sides. At least one or more owners would have to subdivide together in order to accomplish a loop street or a single street. This property is within five miles of the City.

Mr. Pruitt stated that when this first came to his knowledge, the five mile circle came to approximately tract ten which is located in northwest corner of this subdivision. The property is approximately nine miles from Austin by highway.

Mr. Foxworth further explained that the Subdivision Committee's reason for disapproval was the layout. The objection was that the obviously additional streets should have been provided to make the lots more suitable where they could be resubdivided in the future more reasonably.

Mr. Pruitt stated that an attempt was made to subdivide the property in a different manner. But when property is located in the country, people want more land so they can have a garden. The property is too far out from town to be economically feasible to subdivide into smaller tracts of land. Mr. Riley stated that the lots under consideration are long narrow lots that would later become a problem for resubdividing. There is no objection to large lots if they are property laid out.

Mr. Dunnam stated that in his opinion this sort of development will cause trouble in the future when the City gets out that far. The subdivision is poorly laid out and the plan is not good. The objection is not the large lots but the way they are laid out. By approving it, just because something was done without approval is to give sanction to bad planning.

Mr. Pruitt stated that there are some rough creeks in this area that actually prevent much more street development.

Mr. Bluestein stated that the fringe area of this subdivision could get power from LCRA and water could be supplied by the water district without the subdivision being approved.

C8-67-62 Valle San Jose Subdivision--contd.

Mr. Foxworth stated that the primary reason this subdivision was required to be brought in as a subdivision was because of the streets which are proposed. All of the tracts are three acres or larger. Had the lots been so arranged that all of the tracts would have had frontage onto an existing street then it would not have been necessary to bring the plan before the Subdivision Committee or the Planning Commission. The tracts fronting onto an existing street are not affected but the tracts fronting onto the proposed street cannot get service unless the plan is approved.

Mr. Pruitt stated that he had a minority interest in this property when the subdivision was first put in. Since that time the majority of the lots have been purchased. There has been discussion with Mr. Vic Schmidt, Director of Water and Sewer, about putting in a water line and it was thought that a plan would not have to be submitted although he did say it would be better planning.

Mr. Foxworth advised the Commission that Carlin Street was never dedicated and accepted by the County. It is a private street as such so it qualifies as a proposed street in this plan. The staff acknowledges that the plan proposed is not the best design by any means, but again due to the problems that exist it was recommended that the Subdivision Committee approve the plan subject to the conditions as previously stated. After the Subdivision Committee meeting, Mr. Pruitt discussed the plan with the staff indicating which tracts had been sold by contract and there would be no way to get additional streets without affecting the tracts under contract.

Mr. Dunnam stated that the Commission does not have jurisdiction over planning in the county, whether it is good or bad, but the Commission should set certain standards of planning and not approve bad planning. A different solution should be worked out for this problem.

Mr. Bluestein explained that he was on the Subdivision Committee when this was discussed and some of the members had mixed feelings. Most of the subdividing was done when it was presented. Sometimes the Commission can do something about a subdivision plan but there are other times when they cannot. In some instances, and this may be one, even though it lacks what the Commission likes, it may be that approval could still exact some control as compared to disregarding it and letting the subdivider continue on. After further discussion it was then

VOTED: To APPROVE the preliminary plan of VALLE SAN JOSE SUBDIVISION, subject to departmental requirements and granting a variance on the length of Carlin Drive and the length of all blocks.

AYE: Mrs. Naughton and Messrs. Smith, Bluestein, Jackson and Wroe
NAY: Messrs. Hazard, Dunnam, Riley and Brown
ABSENT: None

C8-67-67 Johnston Terrace, Section 2
 Arthur Stiles Road

The staff reported that this preliminary plan was referred to the full Commission from the last regular Subdivision Committee meeting primarily because of the intersection of Arthur Stiles Road and Thurgood Avenue. The property under consideration lies immediately north of Johnston High School and Boggy Creek runs along the north boundary.

The staff reviewed the following departmental comments that were previously submitted to the Subdivision Committee:

1. Cul-de-sac required at west end of Lotus Lane.

Lotus Lane is a 60 foot collector street running east from Gardner Road along the north side of Johnston High School.

2. Recommend slight modification of plan in vicinity of Thurgood Avenue and Lotus Lane to provide more usable building sites for lots 12-18, block C.

The area between the proposed drainage easement and the building setback line from Thurgood Avenue is very limited and the staff feels that a slight shifting of Thurgood Avenue to the east will provide more usable building area for the lots in question.

3. Recommend line between lots 6 and 7, block E be shifted into lot 6 to provide a better building site for lot 7.
4. Lot 23, block E, does not comply with ordinance requirements for width on corner lot.

Lot 23 is located at the corner of Thurgood Avenue and Lotus Lane on the north side of the school. This lot does not comply because it does not have 60 feet of width 50 feet behind the building line.

Mr. Thomas Watts, engineer for the developer, stated that the lot does have 60 feet of width as required.

5. Annexation required.
6. Compliance with departmental reports.

Mr. Foxworth advised the Commission that the Subdivision Committee was concerned with the intersection of Thurgood Avenue and Arthur Stiles Road. The Planning Department recommendation or suggested modification of the area along Thurgood Avenue where it intersects Lotus Lane with a partial cul-de-sac was done to give frontage to the same lots they have on the plan.

C8-67-67 Johnston Terrace, Section 2--contd.

Mr. Riley asked if the staff has worked with the engineer or the developer with this plan.

Mr. Foxworth stated that there is a plan in the file but at the Subdivision Committee meeting, the members wanted to discuss a temporary cul-de-sac provision. Until the Commission makes some recommendation with regard to this, the other plan involving the cul-de-sac cannot be considered. There is a plan but it would require a cul-de-sac on the end of the street and under the present policy or until the Commission establishes another policy on cul-de-sacs, Mr. Watts does not want this plan considered at this time. This will leave Thurgood Avenue in access of one lot depth from the intersection where a cul-de-sac is normally required.

Mr. Riley asked if anything has been done on cul-de-sacs as it is not very desirable to have a cul-de-sac when it is definitely known that a street will be carried on through.

Mr. Osborne explained that approximately four years ago the Commission recommended that a temporary cul-de-sac be worked out if possible. The Planning Department feels that where a street does dead-end, whether it is to continue or not, there should be some kind of a cul-de-sac. The staff was unable to resolve the construction standards or other arrangements that would back up a temporary cul-de-sac. It is very possible that this can be restarted again on the basic issue the Committee has raised, if it can be resolved with public works and the utility departments. It is strongly recommended that cul-de-sacs not be eliminated entirely. Some provision should be made even though temporary, as there would be too many problems where the street might not extend on through. The staff is very much in agreement with temporary cul-de-sac if the construction standards, utility problems and ownership problems can be resolved. It was brought out that a fire truck could not turn on many of the cul-de-sacs and there was some thought that a "T" type turnaround might be preferable.

Mr. Osborne explained that the traffic situation usually works out better on a cul-de-sac rather than a "T". Fire trucks can turn by backing as there is more maneuvering room. The normal delivery truck can get in and out and garbage trucks can operate in the cul-de-sac without difficulty. The cul-de-sac takes care of most difficulties but not the unusual circumstances.

Mr. Riley stated that when a street does carry on through there is a bulb left where the cul-de-sac was and this is a hazard.

Mr. Watts stated that in a practical sense when a cul-de-sac is built it is considered permanent as the street and curbs are put in and the setback lines are required from the property lines. There are not very many cases where a cul-de-sac is vacated when the street is carried through as the curbing is there.

C8-67-67 Johnston Terrace, Section 2--contd.

Mr. Jackson stated that in his opinion the cul-de-sac would have to be required at this time until a study is made by the staff in conjunction with various City departments as to an acceptable form of a temporary cul-de-sac.

Mr. Riley stated that the intersection of Arthur Stiles Road and Thurgood Avenue should be given very serious consideration as this is a hazardous intersection because of the angle of the intersection and curving streets.

Mr. Watts presented a modification of the plan indicating that after working with the original layout in relation to the intersection in question, it has been determined that the easterly end on Thurgood Avenue can be shifted northerly toward the creek partially eliminating the undesirable curb in the street and the Arthur Stiles Road could be shifted slightly to more nearly intersect Thurgood Avenue at right angles. He further stated that in his opinion there would not be excessive traffic on this road even though it is proposed to go through to Bluestein Boulevard as the road that goes around the rear of Johnston High School ties in with a "T" intersection with Gardner Lane. It is felt that the traffic in this area will be predominantly local traffic.

Mr. Jackson indicated that he prefers the intersection on the revised plan over the original plan.

Mr. Watts explained that the revised plan presented one other problem in relation to lot layout. The plan shifts Arthur Stiles Road to the west at its intersection of Thurgood Avenue and thereby creates two pie shaped lots behind three lots facing Arthur Stiles Road, which is somewhat undesirable.

Mr. Jackson suggested that the last five lots be excluded on the final plans. Mr. Watts felt that this would be a good solution in the event the adjoining property to the east is sold to Mr. Cal Marshall.

Mr. Riley stated that he felt that the original plan could be modified by shifting Thurgood Avenue closer to the creek and a slight modification of the intersection of Arthur Stiles Road and Thurgood Avenue.

Mr. Watts stated that the street could be shifted slightly westerly to intersect Thurgood Avenue more nearly at right angles. After further discussion, the Commission

VOTED: To APPROVE the preliminary plans of JOHNSTON TERRACE, SECTION 2, subject to compliance with departmental reports and with the condition that the intersection of Arthur Stiles Road and Thurgood Avenue be modified and Thurgood Avenue being shifted toward the creek to eliminate the sharp turn at the intersection.

C8-67-70 Highland Hills, Section 9, Phase 2
Shadow Mountain Drive and Indian Cove

The staff reported that this preliminary plan was before the Subdivision Committee at the last regular meeting at which time it was referred to the full Commission. At the Subdivision Committee meeting, the staff recommended approval, subject to a number of conditions; however, at the meeting, Mr. George Allen, owner of property to the northeast along and abutting the subject property was present and expressed some opposition to the location of Laurel Valley Lane. This is a stub street which is proposed to cross a creek at the boundary line. Mr. Allen questioned whether the proposed location to cross the creek would be the best location. The Committee referred the request to the Commission in order for Mr. Bradfield to have an opportunity to discuss this with Mr. Allen and work out a mutual location for the street in regard to both pieces of property.

At the Subdivision Committee Meeting, the Planning Department recommended approval of the preliminary plans subject to the following conditions:

1. Cul-de-sac required at west end of Shadow Mountain Drive and at north end of Laurel Valley Lane.
2. Area west of lot 38 required to be included in the plan.

It has been determined that this is a part of the plan but a street name is needed for the street as shown in that area abutting lot 38.

3. Show name for stub street adjoining lot 38.
4. Variance required on block length.

Recommend variance be granted based on topography.

5. Annexation required.
6. Compliance with departmental reports.

Mr. Tom Bradfield informed the Commission that Mr. Allen, owner of abutting property, appeared at the Subdivision Committee meeting and wanted to know if the proposed location of Laurel Valley Lane would be the best possible location. He did not necessarily object to it. What prompted this is the fact that there is almost no reasonable access along the creek from both sides. The proposed location is at a point where there is access and at the point where Mr. Allen's property is the narrowest. All the area that is developed has to depend on proposed Laurel Valley Lane for access through the area to get to Murchison High School. There is another problem involved in that a cul-de-sac would be required in the Creek bottom which is not just impractical but impossible. Fortunately, it is only one lot away at this point. This is a crossing which is needed not just from the stand point of developing the area but from the standpoint of the whole neighborhood's access to the school and finally to a shopping center which is proposed. It is hoped that the Commission will approve this plan and if necessary, give the help needed to see that the street can go across Mr. Allen's property.

C8-67-70 Highland Hills, Section 9, Phase 2--contd.

Mr. Bradfield presented a letter to the Commission for consideration concerning the location of Laurel Valley Lane and its crossing of the creek at the proposed location, signed by Bradfield Cummings, and Bryant Curington, engineers, indicating that the proposed location is the best location for the street from an engineering standpoint. The letter was also prepared for Mr. Allen's signature but does not have his signature at this time as Mr. Allen is out of town for two weeks.

Mr. Riley was of the opinion that Lot 74 and 75 could be left out at this time and the Commission could waive the cul-de-sac requirement.

Mr. Watts advised the Commission that the two lots could be platted as one lot and the cul-de-sac requirement waived. The lot could then be further resubdivided at a later date.

Mr. Bradfield explained that the excavation needs to be used in the creek and the pipe needs to be placed in the bottom of the creek now. Mr. Allen should not object to making his property accessible. From the standpoint of the entire area, the Commission or the Council should designate this as a right-of-way and permit whatever connections can be made.

Mr. Foxworth stated that the only other comment was the question of the cul-de-sac, as there would be two lots that would depend on the street for access unless platted as one lot. The other question involves the cul-de-sac at the west end of Shadow Mountain Drive.

Mr. Watts stated that it is anticipated that the extreme end is one of the last areas that will be developed and perhaps by that time there will be joint development by Mr. Barrow that will permit the street to continue on through. This can be worked out in time.

Mr. Bradfield felt that the logical way to work this out would be to go beyond the property under consideration and into the Barrow property and work something out there.

Mr. Foxworth advised the developers and the Commission perhaps by the time the final development occurs there may be some sort of temporary cul-de-sac worked out. At the present time the staff is not in a position to recommend a temporary cul-de-sac as such, either on the subject property or the adjoining property, until a study is made and a report to the Commission is made.

The Commission discussed the possibility of recommending this be approved with the cul-de-sac being provided outside the platted property as long as the turn around is provided.

C8-67-70 Highland Hills, Section 9, Phase 2--contd.

Mr. Foxworth advised the Commission there have been such recommendations by the Commission; however, the cul-de-sacs were dedicated and fiscal arrangements were made unless otherwise specified by the Director of Public Works. After further discussion, the Commission

VOTED: To APPROVE the preliminary plans of HIGHLAND HILLS, SECTION 9, PHASE 2 subject to the departmental requirements, and with the condition that lot 73 through 75 be combined into one lot on the final plat to eliminate the necessity for a cul-de-sac on Laurel Valley Lane and subject to provision for a cul-de-sac on the west end of Shadow Mountain Drive.

C8-67-76 Westover Hills, Section 4
Hyridge Drive and Baines Ridge

The staff reported that this preliminary plan was referred to the full Commission at the last Subdivision Committee meeting. Property to the north and east has been platted and developed. This preliminary plan proposes the southerly extension of Mesa Drive and the platting of the area immediately west of Mesa Drive and adjoining Highridge on the south. At the Subdivision Committee meeting, the Planning Department recommended that the plan be modified. The following departmental comments were also reviewed:

1. Recommend plan be modified to eliminate lots fronting onto Mesa Drive.

This plan proposes all of the lots along Mesa Drive in this section to front onto Mesa Drive. Within this area of Westover Hills there are only approximately five or six lots on the extreme north end that face onto Mesa Drive. Immediately to the north and east, the lots are backing and siding onto Mesa Drive. The staff feels that the fronting of lots onto Mesa Drive is not desirable from the standpoint of planning. The approval of this plan in relation to Mesa Drive and the adjoining property sets a pattern for continuation of the same type of development. At the Committee meeting, the staff recommended that this be modified but due to the number of cases, a modification was not worked out. There is another problem involved in that the Committee has indicated they would like to review the overall situation of fronting lots on thoroughfares. There are many problems involved in the fronting of lots onto thoroughfares such as vehicles backing out of driveways, noise factors, etc. The Committee felt that the full Commission should consider the problem of lots fronting onto a thoroughfare and establish some policy in regard to this matter. The staff does not have a recommendation to the Commission with regard to a general policy regarding lots fronting on and abutting thoroughfares; therefore it is recommended that the plan as submitted be modified. The staff does have a suggested modification to the plan and a copy was given to Mr. Thomas Watts, engineer for the developer, just before the meeting. Mr. Watts has not had an opportunity to review this with his client at this point.

C8-67-76 Westover Hills, Section 4--contd.

Mr. Watts stated that there are several problems involved. He explained that the layout submitted was so designed to be served by sewer lines which required a deep cut through solid rock to provide services to the area included in this plan. The property to the north has been subdivided and sewer has been installed in Hyridge Drive along the north edge of the subject property which is approximately three to four feet deep, which is extremely shallow for a sewer. This subdivision will have to be served by a sewer from this point. He also stated that another reason for this layout was the movement of traffic through the area to Hyridge Drive inasmuch as Hyridge Drive is the only street connecting with Balcones Drive or Mo-Pac Boulevard.

Mr. Watts further stated that the modification suggested by the staff is basically the same plan but the collector street loses its continuity as routing traffic to Hyridge Drive and does not lend itself as readily to developing in sections as the layout submitted by the developer.

Mr. Riley stated that the developer's plan contains sixteen lots facing Mesa Drive, which would involve the backing out of traffic onto Mesa Drive, whereas the Planning Department's suggested modification is for only three lots backing onto Mesa Drive with all other lots siding.

The layout proposed by the developer will fit in at this time but in a few years when the traffic projection is greater, the hazard will be the homeowner's and not the developer's.

Mr. Wallace Mayfield, the developer of the subdivision, stated that the question is whether or not houses should face on Mesa Drive. The first development to face lots onto Mesa Drive occurred approximately five years ago. At that time, Mo-Pac Boulevard was not very definite; however, no property is being acquired for Mo-Pac Boulevard and along the West Loop which is located to the west of this subdivision. West Loop and Mo-Pac Boulevard will carry a major portion of the traffic toward the south with an east-west thoroughfare (Far West Boulevard) connecting the West Loop with Mo-Pac Boulevard.

Mr. Mayfield further stated that he owns and controls approximately 95% of the land from U. S. Highway 183 to Spicewood Springs Road. One section of Westover Hills was developed with lots backing up to Mesa Drive which resulted in large telephone and electric power poles and transformers along the west side of Mesa Drive which has completely ruined the effect of a well planned Westover Hills residential section. He indicated that further development extending Mesa Drive southerly to Spicewood Springs Road and the backing of lots would result in approximately a two mile "tunnel" of nothing but rear fences, telephone poles and power lines on both sides of Mesa Drive. This will be one of the worst things that can happen to good planning in Austin as compared to the development in Northwest Hills and Highland Hills which fronts lots developed with beautiful houses onto Mesa Drive. This development is a compliment to Austin. If developed with lots backing onto Mesa Drive there will be a 23 foot strip of land between the curb and the rear fence line with nothing but tall grass and sunflowers.

C8-67-76 Westover Hills, Section 4--contd.

Mr. Mayfield pointed out that at the present time there is a very low accident rate on Mesa Drive and he feels that Mo-Pac Boulevard and West Loop will carry the major portion of the traffic from this area. There is circulation all through the area.

Mr. Mayfield stated that he would guarantee that the proposed residences will be 144 feet apart from one side to the other so that there will be beautiful well-kept lawns. There will be a setback far enough to assure that this will be a beautiful drive in Austin. There are lots fronting onto Mesa in existence and there is no reason to stop a development that has been successful.

Mrs. Naughton stated that she realizes that there are some very beautiful homes in this area; however, she would not buy a house that fronts onto Mesa Drive because of the traffic pattern that will exist with the many homes that will be developed.

Mr. Riley explained that in his opinion the proposed development of lots fronting onto Mesa Drive would be acceptable at this time; however, consideration should be given to what will happen in the future and not just what is happening at the present time. It is realized that Mo-Pac Boulevard and West Loop will carry a great deal of the traffic but there will be a large number of homes that will be developed in this area and the traffic that will be generated in the future should be a serious consideration. Mr. Riley further stated that he was not in favor in having power lines along Mesa Drive.

Mr. Mayfield stated that this area is solid rock and the power lines cannot be buried. The previous subdivisions developed in this area having lots backing up to Mesa do have the power lines all along the street. If the lots front onto Mesa Drive in this section as proposed, this can be controlled and no lot will be under 100 feet wide.

Mr. Dunnam said that it appears that Mesa Drive will extend to U. S. Highway 183. The south end of the street will go down to Spicewood Springs Road and through Mr. Barrow's land to Bull Creek Road. If Mesa Drive is carried through in this manner, it is inevitable that the traffic generated on this street will be heavy. Mesa Drive will be a major residential collector street from U. S. Highway 183 to Bull Creek Road.

Mr. Mayfield stated that he will guarantee 144 feet from one house to another. A sideyard facing onto a street is not as attractive or desirable as a front yard.

Mr. Watts stated that with regard to the suggested modification by the staff he has found several things that are objectionable. He pointed out that one of the objections to the Planning Department's suggested revisions was the short cul-de-sac extending westerly off of Mesa with only about six lots which tends to isolate these lots from the rest of the subdivision.

C8-67-76 Westover Hills, Section 4--contd.

It would be much more desirable to have the lots fronting onto Mesa Drive. Mr. Mayfield again stated that he would change the lots to 100 foot widths instead of minimum restrictions on them.

Mr. Jackson stated that in his opinion the public acceptance of residences fronting onto Mesa Drive is as good as anywhere in Austin. A traffic hazard does not exist because Mesa Drive is a 90 foot street.

Mr. Riley stated that a 90 foot street is not a residential street. A residential street is only 50 feet wide. A 90 foot street will be a hazard for children in this area.

Mr. Foxworth advised the Commission that Mesa Drive is a secondary thoroughfare in the Master Plan.

Mr. Riley explained that plans should be made for the future as well as for the present times.

Mr. Dunnam was of the opinion that there could be very fine homes in cul-de-sac development off of a street like Mesa Drive. It is inevitable that Mesa Drive will be a highly traveled street.

Mr. Osborne advised the Commission that this general type of layout could be accepted and as a compromise of fronting lots onto a thoroughfare, an additional setback could be required. This is a compromise situation that is very often used. There has to be an adjustment made one way or another. If the Commission approves lots fronting onto a major thoroughfare street, the greater setback should be provided. This can work although there are limitations.

Mr. Mayfield stated that in view of the concern by the Commission that he would guarantee 150 feet from house to house.

Mr. Foxworth continued the review of the following departmental comments:

2. Contour lines not more than 100 horizontal feet apart are required.
3. Cul-de-sac required at south end of Greenflint Lane.
4. Full right-of-way (90 feet) for Mesa Drive required at time of final platting.

Only one-half of the proposed southerly extension of Mesa Drive comes from the proposed subdivision the other one-half will come from the property to the east. This is the alignment set up by the existing dedication of Mesa Drive to the north. The full 90 feet of right-of-way will have to be provided at the time any abutting lots are platted.

5. Annexation required.

C8-67-76 Westover Hills, Section 4--contd.

6. Compliance with departmental reports.

Mr. Jackson stated that the point of concern at this time is whether or not the Commission will approve lots facing onto a secondary thoroughfare.

Mr. Mayfield stated that in order to help solve the problem he will restrict the lots fronting onto Mesa Drive whereby a circular drive will be required on each lot and there will be 150 feet between houses.

Mr. Dunnam asked if the depth of any of the lots could be improved as they are only approximately 120 feet which would be adequate for normal street.

Mr. Mayfield stated that the lots could be added to but there has been some objection to large backyards.

Mr. Foxworth suggested that if the Commission approved the lots fronting onto Mesa Drive that the depths of the lots be increased to 150 feet with a minimum setback of 40 feet. The preliminary plan could be approved subject to wider, deeper lots, greater setback and a deed and plat restriction to the effect that lots fronting onto Mesa Drive will have a circular drive.

Dr. Hazard was of the opinion that the approval of the subject preliminary plan in this matter is just postponing something that will be coming before the Commission again.

The Commission members felt that in view of the offer by Mr. Mayfield this request should be approved. After further discussion it was then

VOTED: To APPROVE the preliminary plans of WESTOVER HILLS, SECTION 4 pending the conditions as outlined and subject to the following requirements:

1. Wider lots fronting onto Mesa Drive.
2. Deeper lots fronting onto Mesa Drive.
3. A greater than normal setback for lots fronting onto Mesa Drive.
4. A deed and plat restriction on final plat to the effect that each lot fronting onto Mesa Drive shall provide a circular drive to prevent cars backing out of driveway onto street.

ABSTAINED: Dr. Hazard

The Commission also agreed that approval of this plan does not constitute a precedent in regard to lots fronting onto thoroughfares and asked the Planning Department to present a recommendation concerning this matter at the next regular Planning Commission Meeting.

C8-67-77 Allandale Estates-Revised
 Shoalcreek Boulevard and Steck Avenue

The staff reported that this preliminary plan was before the Subdivision Committee at the last meeting at which time it was referred to the Commission for consideration of a revision of a portion of the plan. The engineer and the owner have revised the plan to correspond with the modifications suggested by the staff and it is recommended that this be approved subject to compliance with departmental reports. It was then

VOTED: To APPROVE the preliminary plan of ALLANDALE ESTATES-REVISED, subject to compliance with departmental reports.

C8-65-73 Palomino Park
 Riddle Road

The staff reported a letter to withdraw a portion (approximately 18 acres) of this preliminary plan because the original owner has sold this property in three separate tracts and neither the original owner or any of the three new owners are interested in developing this street as indicated on the original approved preliminary plan. There is a letter to this effect in the files which is signed by the original owner and the three owners of the individual tracts. The staff has no objection to this withdrawal. The Commission then

VOTED: To ACCEPT the withdrawal of this portion of PALOMINO PARK, preliminary plan.

SUBDIVISION PLATS - FILED

The staff reported that departmental reports have not been completed and recommended that the following plats be accepted for filing only. The Commission then

VOTED: To ACCEPT for filing the following final plats:

C8-67-64 Angus Valley No. 7
 West Cow Path
C8-67-77 Allandale Estates, Section 2
 Shoalcreek Boulevard and Steck Avenue
C8-67-86 Colony North, Section 3
 Jamestown Drive and Bangor Bend

C8-67-79 Balcones Hills, Section 3
 Hillrise Drive and Greenview

The staff reported that departmental reports have not been received for this final plat. The engineer has requested the final plat be disapproved pending completion of departmental reports so that it can be approved by telephone poll within seven days. The Commission then

VOTED: To ACCEPT for filing the final plat of BALCONES HILLS, SECTION 3, and disapprove pending completion of departmental reports.

SUBDIVISION PLATS - CONSIDERED

The staff reported that all requirements of the Ordinance have been met and recommended that the following final plats be approved. The Commission then

VOTED: To APPROVE the following final plats:

C8-67-73	<u>Quail Creek</u>
	Peyton Gin Road and Laurel Grove
C8-67-30	<u>Southwest Gate Addition</u>
	Manchaca Road and Drew Lane
C8-67-48	<u>Balcones Hills, Section 2</u>
	Greenslope Drive and Crown Crest
C8-67-61	<u>Wooten Village, Section 5</u>
	Fairfield Drive and Sheffield

C8-67-12	<u>Highland Hills Northwest, Section 4</u>
	Farwest Boulevard and Spurlock Drive

The staff reported that this final plat has complied with all departmental reports; however, a 15 foot building setback line from the side street on corner lots is required. The applicant has agreed and the staff recommends approval. It was then

VOTED: To APPROVE the final plat of HIGHLAND HILLS, NORTHWEST, SECTION 4, subject to a 15 foot building setback line from the side street on corner lots.

C8-62-34	<u>Pleasant Valley, Section 1</u>
	Lyons Road and Fiesta

The staff reported that there is a variance involved in this final plat as the property under consideration is in the ponding area of the Glen Oaks Urban Renewal area. There is a clearance from the drainage engineer, Mr. Morgan, and from the Director of Public Works recommending that the plat be approved with an elevation note being placed on the plat limiting the finished floor elevation of any structure to 460.5 feet. This note is on the plat, but a variance is required by the Commission. With approval from the drainage engineer and the Director of Public Works, the staff recommends the variance be granted and that this final plat be disapproved pending completion of departmental reports.

The Commission felt that in view of the fact that the note limiting the finished floor elevation of any structure to 460.5 feet is on the plat, that this variance should be granted. It was then

VOTED: To DISAPPROVE the final plat of PLEASANT VALLY, Section 1, pending completion of departmental reports, and GRANTING a variance on the lots that are subject to flooding.

C8-67-72 North Acres, Section 3
 Middle Fiskville and Floradale

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

VOTED: To DISAPPROVE the final plat of NORTH ACRES, SECTION 3, pending the requirements as noted.

C8-67-54 Fairway Green
 Hogan Avenue

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

VOTED: To DISAPPROVE the final plat of FAIRWAY GREEN pending the requirements as noted.

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

The staff recommended that this final plat be disapproved pending the required fiscal arrangements, additional easements, tax certificates and completion of departmental reports.

Mr. David Barrow, Jr., the developer, stated that the fiscal arrangements have been made because the utilities are in place and they have been built.

Mr. Watts stated that the reason that there is not a letter of acceptance is because they do not have a plat. After further discussion the Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, SECTION 9, pending the requirements as noted.

C8-67-63 Perkins Trail
 Lancing Drive and Brighton Road

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

VOTED: To DISAPPROVE the final plat of PERKINS TRAIL pending the requirements as noted.

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

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

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

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

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

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

SHORT FORM PLATS - FILED

The staff reported that the departmental reports have not been completed and recommended that the following short form plats be accepted for filing only. The Commission then

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

- C8s-67-158 C. R. Johns Subdivision and portions of Salina St.
 Pennsylvania & Leona Resub. of Blk. 11
- C8s-67-151 Manor Hills, Section 11, Resub. Lots 14-19
 New Manor Road and East 51st Street
- C8s-67-156 Westover Hills, Section 3, Phase 4, Resub.
 Silver Arrow Circle
- C8s-67-157 Loiseau Addition
 U. S. Highway 183 and North Lamar Boulevard
- C8s-67-160 Travis Heights Resub. Lots 4, 6 & 7
 Travis Heights Boulevard

C8s-67-159 Sillman Subdivision, Lots 12 and 13, Block 5, Resub.
West 11th Street

The staff reported that this short form plat requires a variance on the signature of the adjoining owner. An effort has been made to get the adjoining owner to sign and the staff recommends that the variance be granted so that this short form plat can be accepted for filing. It was then

VOTED: To ACCEPT for filing the short form plat of SILLMAN SUBDIVISION, Lots 12 and 13, Block 5, granting a variance on the signature of the adjoining owner.

C8s-67-154 Dayton Addition
Beech Drive

The staff reported that this short form plat requires a variance on the signature of the adjoining property owner. An attempt has been made to get the adjoining owner to participate but he does not wish to join in at this time. In view of this, the staff recommends that this short form plat be accepted for filing and the variance be granted. It was then

VOTED: To ACCEPT for filing the short form plat of DAYTON ADDITION, granting a variance on the signature of the adjoining owner.

C8s-67-143 Flourney's Sweetbair, Section 3A
Bramble Drive and Blythewood Drive

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

VOTED: To REJECT for filing the short form plat of FLOURNOY'S SWEET-BRIAR, SECTION 3A, pending return of the tracing.

SHORT FORM PLATS - CONSIDERED

The staff reported that all departmental requirements have been complied with and recommended that the following short form plats be approved. The Commission then

VOTED: To APPROVE the following short form plats:

<u>C8s-67-152</u>	<u>Kealing Subdivision, Section 2</u>
	<u>Cotton Street and Angelina</u>
<u>C8s-67-136</u>	<u>Harmony Heights Addition</u>
	<u>Mendoza Drive and Mason Avenue</u>
<u>C8s-67-134</u>	<u>Grand Canyon Drive Subdivision</u>
	<u>Grand Canyon Drive and East St. Johns</u>
<u>C8s-67-146</u>	<u>Houston Street Subdivision</u>
	<u>Houston Street</u>

ABSTAINED: Mr. Wroe

C8s-67-153 Bowling Green, Lots 14 and 15, Block E, Resub.
Hathaway Drive and Colfax Avenue

The staff reported that this short form plat requires a variance from the signature of the adjoining owner. An effort has been made to get the signature of the adjoining owner and the staff recommends this short form plat be approved and a variance be granted. It was then

VOTED: To APPROVE the short form plat of BOWLING GREEN, Lots 14 and 15, Block E, Resub., granting a variance on the signature of the adjoining owner.

C8s-67-161 McLean Resub. Portion of Lot 12
Hillview Road

The staff reported that a variance on the signature of the adjoining owner is required on this short form subdivision. An attempt has been made to get the adjoining owner to join but he does not wish to do so. The staff recommends that the variance be granted and that this short form plat be approved. It was then

VOTED: To APPROVE the short form plat of MCLEAN RESUB., portion of Lot 12, granting a variance on the signature of the adjoining owner.

C8s-67-149 Westfield "A" Resub., Lot 4, Block 6
Enfield Road and Elton Lane

The staff reported that this subdivision, located on the southwest corner of Enfield Road and Elton Lane, has complied with all the requirements of the Ordinance; however, a variance is involved on the width of Elton Lane which is only 30 feet wide. The Ordinance requires 50 feet but the staff recommends the variance be granted as the street is paved with 30 feet of paving and the City has no future plans for the street. It was then

VOTED: To APPROVE the short form plat of WESTFIELD "A" RESUB., Lot 4, Block 6, granting a variance on the width of Elton Lane.

C8s-67-155 Tobin and Johnson Subdivision, Resub. Lot 15 and 16, Block 7
Bonnie Road and Dillman

The staff reported this short form plat has complied with all other requirements of the Ordinance; however, a variance is required on the width of corner Lot 16A which is 50 feet wide. The Ordinance requires a corner lot to be 60 feet wide. The staff recommends that the variance be granted due to the fact that the lot line of the front 75 feet is not being changed. The purpose of this short form is to take a portion of the area off of the adjoining lot into the corner and add to the corner lot so that a duplex can be built. The original lot was 50 feet wide all the way back and the applicant is now making the lot wider at the rear than the original subdivision. It was then

VOTED: To APPROVE the short form plat of TOBIN and JOHNSON SUBDIVISION, Resub. Lot 15 and 16, Block 7, granting a variance on the width of corner Lot 16A.

C8s-67-139 C. H. Byrd Subdivision
F.M. Road 1626

The staff recommended disapproval of this short form plat pending the required fiscal arrangements, additional easements, completion of departmental reports and annexation to water district. The Commission then

VOTED: To DISAPPROVE the short form plat of C. H. BYRD SUBDIVISION pending the requirements as noted.

C8s-67-141 Lynn C. Dure Subdivision
East 40th and East 41st Street

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

VOTED: To DISAPPROVE the short form plat of LYNN C. DURE SUBDIVISION pending completion of departmental reports.

C8s-65-105 A. B. Beddow Subdivision, Revised
Airport Boulevard and East 38½ Street

The staff recommended disapproval of this short form plat pending the required fiscal arrangements, additional easements, completion of departmental reports and a required sewer main at elevation 554 at building. The Commission then

VOTED: To DISAPPROVE the short form plat of A. B. BEDDOW SUBDIVISION, REVISED pending the requirements as noted.

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

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

VOTED: To DISAPPROVE the short form plat of NORTHWEST HILLS, SECTION 9-A pending the requirements as noted.

ADMINISTRATIVE APPROVAL

The staff reported that one short form plat has 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 plat:

C8s-67-145 Oak Park, Section 4
U. S. 290 and Parkwood Drive

OTHER BUSINESS

R1409 INQUIRIES AND CONTACTS

Mr. Lillie reported that at the last City Council Meeting, Mr. Frank Montgomery presented a resolution to the Council by the members of the Austin Apartment Association recommending that the Council appoint a Citizens Committee to study incongruities in the Zoning Ordinance relating to the density requirements for apartments. This has been referred to the Planning Commission for consideration.

R1409 INQUIRIES AND CONTACTS--contd.

Mr. Osborne has asked that the Commission be advised that the staff does not have the details on this resolution at this time but there will be a report for the Commission in advance of the November meeting.

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

Consideration of proposed amendment to Master Plan concerning the area located between Pleasant Valley Road, Boggy Creek, M-K and S-P Railroads and East 7th Street.

Mr. Richard Lillie, Assistant Planning Director, advised the Commission that at their last regular meeting the staff, the Urban Renewal Agency and the consultant presented a plan for the Capitol City East General Neighborhood Renewal Area. It was approved by the Planning Commission and recommended to the City Council for approval. This plan conforms to the Austin Development Plan with one exception. Because of this exception, the Austin Development Plan must be amended.

In the late 1940's, almost all of East Austin, east of Pleasant Valley Road and south of Lyons Street was zoned to a "D" Industrial pattern. In 1956, during the development of The Austin Plan, most of the area south of 7th Street down to the Colorado River and from the Interregional Highway east was proposed for industrial development.

When the revised Austin Development Plan was adopted by the Council in 1961, a large portion of the area originally designated Industrial was changed to Residential leaving the strip along the railroad track as Industrial.

In 1963, a proposal to resubdivide a tract of land located at Gonzales Street and Springdale Road for residential purposes was referred to the Planning Commission by the Council. An area study was undertaken to determine the validity of the Industrial designation. The study was made by the staff and the Planning Commission and it was recommended that the area developed residentially should be rezoned for residential purposes and the area developed commercially and industrially be zoned to permit their appropriate uses. This recommendation was submitted to the City Council and is still pending.

In 1965 the study for Capitol City East GNRP was started and has reached a point where the plan is complete. It has been approved by the Commission and will be before the City Council for approval on October 26. The primary reason for proposing that the area bounded by the Southern Pacific Railroad, Springdale Road and East 7th Street be changed from Industrial to Residential is the existing single-family residential development. There is some vacant land in the area. The second area proposed for change is bounded by Pleasant Valley Road, Boggy Creek, Tillery Street and East 7th Street. This area is proposed in the Austin Development Plan as Industrial and Open Space. This second area is also single-family residential in character with some duplex development and one commercial use. The streets in the area have 50 feet of right-of-way or less and most are unpaved.

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

The only industrial use in the vicinity is Mrs. Baird's Bakery which is located on Tillery Street. The land use proposal in the GNRP is that the area remain residential in character. There are several reasons for this proposal: (1) The existing structures in the area are basically sound and would require a very minor amount of repair to bring them to the minimum Housing Code standards; (2) There is very little encroachment into the area by commercial uses; (3) The streets are 50 feet of right-of-way or less and are for the most part are unpaved; (4) The predominant residential land use pattern in the area has not changed. The planners originally thought that Industrial would be a good designation for the area and that it would eventually develop to this pattern, however, this change has not occurred. The recommendation by the Planning Commission in 1963 and the current recommendation in the GNRP report in respect to land use in this area is sound. It is recommended that the Master Plan be amended to a residential designation.

By adopting this proposal the existing single-family homes will be protected. Several new streets and some resubdivision of some of the large tracts into smaller lots to provide additional residential lots are proposed. The character of the Capitol City East GNRP is one of Conservation and Rehabilitation with spot clearance. This means that those land uses that are existing and can be feasibly and economically brought up to standard and are in conformance to the plan will be permitted to remain. The project proposed is one whereby an eligible property owner in the area can qualify for long term low interest loans. In the project itself, the consultants have created almost 400 additional lots because of the existing under-utilization of the land. For these reasons the staff recommends that the GNRP as developed be adopted and that the Austin Development Plan be amended.

Mr. Bluestein asked if the primary reason for the change in the Master Plan is for Urban Renewal. Mr. Lillie explained that the land uses designated in the GNRP must be in conformance with the Austin Development Plan. When this plan is considered by the City Council the Urban Renewal Agency will also request approval of an application for advanced planning money for the area. During the next year, the detail plan of the area will be done.

Mr. Dunnam asked if part of the area is subject to flooding of Boggy Creek.

Mr. Lillie stated that this is in the flood area of Boggy Creek and this was a prime consideration in the development of the land use plan.

Mr. Dunnam asked if there is some kind of ground cover, grass or soil holding ground cover that can be planted in the area that will stay there and thrive and resist erosion by Boggy Creek.

Mr. Isom Hale, consultant for the Urban Renewal Agency, stated that this would be included in the detailed study which is the next stage of planning.

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

Dr. Hazard advised the Commission that the staff recommendation is in keeping with the findings in the sociological study that he conducted. This proposal will hold down multi-family and apartment dwellings in this area and give the people in the low income area an opportunity to have their own homes.

Mr. F. A. Lawrence appeared in opposition to the proposed change. He stated that the particular area he is concerned with is the triangular area south of the Southern Pacific Railroad. His property is located within this area and he has operated a wholesale lumber yard on his property for fifteen years and is still getting rent on the property. This immediate area is not all residential as there is a bakery, service station, cafe and a storage area for trucks in the very near vicinity. This property has been zoned "D" Industrial for a long time and it should not be changed as this is one of the few areas close to downtown Austin that can still be developed for industrial purposes. Mr. Lawrence stated that he has gone to a great deal of expense to move several houses off of his property so the land could be utilized for industrial purposes. There is a railroad spur into the property which also increases the value for industrial use. The price of the land for industrial purposes has increased over the past years and if the property is now changed to residential, many people will lose a great deal of money. In an industrial area of this type there is always a "dead period" in which the land is not used to the highest and best use, however, there are indications that this period is coming to an end and that the property will soon be used industrially just as it is now zoned. If the Master Plan is amended and this area is designated as Residential, the zoning will have to be changed to match the designation in the Master Plan before the Urban Renewal Agency can do anything in the area.

Reference should be made to the notice of public hearing that was in the newspaper. Approximately 85% of the people in the area cannot read the newspaper so they did not know about this hearing. Mr. Lawrence stated that he has contacted the property owners in this triangle and 100% of the people do not want their property changed from Industrial to Residential. There is no reason why this particular area should be changed as it could provide a buffer.

Representatives of the Urban Renewal Agency have stated that they do not want to put an undue burden on anybody and the proposed change would do just that. The change will lower the value of the land and be unfair to the people in the area who have been paying taxes on industrial property and not residential property.

Mr. R. A. Hodges, representing the Southern Pacific Railroad stated that there are still a few industries in this area that need a warehouse and railroad service. The railroad services property owned by Mr. Lawrence. There is not too much industrial property downtown which is rail served and the railroad would certainly not like to see the area changed to residential and have residences built around a railroad track. There could possibly be some industries or warehousing facilities which the railroad might serve in the future.

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

Mr. Poole stated that he represents his mother, who has lived in this area for a long time and she does not want to move or have the classification of the property changed. She is afraid that Urban Renewal will force her to sell whatever property she has. It is felt that the proposed change will devalue the property. The taxes that are paid are paid on an industrial rate and not a residential rate and the change will mean that all the money that has been paid through the years will be lost.

Mr. J. L. Perry asked what the plans are for Springdale Road.

Mr. Lillie explained that Springdale Road has 60 feet of right-of-way and very narrow paving. The Expressway and Major Arterial Plan adopted by the City Council proposes that the street right-of-way be widened to 90 feet. In the GNRP the right-of-way is proposed to come from the west side.

Mr. Perry asked what would be done about the houses that are now sitting 25 feet from the street.

Mr. Lillie explained that these structures and parcels would have to be acquired under the current plan to provide the necessary right-of-way for the street.

Mr. Perry stated that he has had his property for a number of years and has been very satisfied with the designation that exists. If the street that is existing is shifted and the width that is there is used, there would be no objection. However, there is objection to changing the street and changing the property back to residential "A" because of the commercial taxes that have been paid for many years.

Mr. Lillie informed the Commission and interested parties that the proposal at this time is not to change zoning but is to change the Master Plan land use designation for the area. The zoning will not come up for consideration until after the project goes into execution.

Mrs. Douglas Nowotney appeared in opposition to the request and asked how the Urban Renewal Agency will acquire property from the people who do not wish to sell. She stated that she has been advised by a real estate agent that zoning this area residential would definitely decrease the value of the property and when Urban Renewal decides to buy this property they could buy it on a much cheaper basis.

Mr. Silas Maxwell also appeared in opposition to this request. He stated that his property now fronts onto two streets; however, if this plan is adopted, his property will only front onto one street. He stated that he has owned his property for a long time and has seen the property in this area go from vacant lots to residential use and some commercial and some industrial.

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

This area was zoned industrial when East 7th Street was opened up and it should remain industrial. There has been little or no income on this property for several years, but the taxes that have been paid, have been paid on the basis of industrial zoning. There are definite plans for developing the property for industrial purposes. In fact, it is only a matter of time before this entire area is developed industrially. If it had been known that this area would be changed to residential, many of the people would not have bought their homes and invested their money many years ago. There is no justification for changing the zoning on this property. This is an ideal location for the expansion of industrial uses.

Mr. Jack Ritter, Jr., representing Jack Ritter, Sr., appeared in opposition to this request. Mr. Ritter stated that in his opinion the existing business at Gunter and East 7th Streets would not be permitted to continue operating if the plan is approved because the re-use designation would be for commercial and the business that exists is an industrial use. He felt that this change would mean a definite financial loss to the company. It is requested that a substantial section around Gunter Street remain as industrial as it has been zoned and is being used at this time. It is realized that Gunter Street with 50 feet of right-of-way is a residential street, but it has been used in this manner for many years. Mr. Ritter further stated that in order to show good faith they are willing to pave their portion of the street.

Mr. Riley advised Mr. Ritter and Mr. Maxwell that Gunter Street is a residential street that is used for industrial traffic. Streets in industrial areas are required to be 80 feet wide with a substantial heavy type paving. Normally an industrial area is considered as a planned industrial area. This is an old industrial area that has not proven to have industrial development potential. The Austin Development Plan has been changed many times recently to include other planned industrial areas.

The Commission members discussed the proposed change in relation to the entire area and the triangular area where so many people are opposed to the change. They felt that there was merit in the property owners opposition; however, they felt that additional information is needed about the entire area and about the possibility of deleting the triangular portion of the area south of the railroad tracks from the GNR. They felt that the staff should present further information on this request at the special meeting of the Planning Commission which is to be held October 24 and that a final decision should be postponed until the next regular Planning Commission meeting. It was then

VOTED: To POSTPONE for thirty days the requested change in the Austin Development Plan for this area.

- C10-67-1(h) STREET VACATION
 South 4th Street, 141 feet immediately south of
 West Live Oak Street
- C10-67-1(r) ALLEY VACATION
 Alley located between South 4th and 5th Streets
 and south of Live Oak Street

The staff reported that in May of this year, a request to vacate South 4th Street, 141 feet south of West Live Oak Street was made by Mr. Cook owner of Green Pastures. At the time, it was the staff's understanding that a request for the vacation of the alley in this block would be made; however, it was felt that South 4th Street should not be vacated until such time as the alley was vacated as it would become a dead-end alley.

The Commission was in favor of the requested vacation of South 4th Street; however, it was voted that the request be postponed until a request was made for the vacation of the alley.

The request is now made for the vacation of the alley located between South 4th and 5th Streets south of West Live Oak Street and all of the abutting property owners have joined in the request. The request has been circulated to the various City departments and it is recommended that the vacation be approved, subject to the retention of the necessary sanitary sewer easements. The staff recommends that this include the portion of South 4th Street, 141 feet south of West Live Oak Street, subject to the retention of the necessary sanitary sewer, water department, electric department, and telephone company easements. It was then

VOTED: To recommend that South 4th Street, 141 feet south of West Live Oak Street be VACATED, subject to the retention of the easements as outlined above.

It was further

VOTED: To recommend that the alley located between South 4th and 5th Streets and south of Live Oak Street be VACATED, subject to the retention of the necessary easements.

- C10-67-1(s) STREET VACATION
 Cul-de-sac portion of Elmont Drive
 east of Tinnin Ford Road

The staff reported that this request for the vacation of the cul-de-sac portion of Elmont Drive east of Tinnin Ford Road is made by Mr. Marlton O. Metcalfe, representing Walter J. Kassuba and Frank Montgomery. They have approval of Kassuba Beach, Phase II, and are extending the street and relocating the cul-de-sac to the end of the street. The staff recommends the vacation be granted. It was then

VOTED: To recommend the vacation of the cul-de-sac portion of Elmont Drive east of Tinnin Ford Road.

C10-67-1(t) STREET VACATION

Portion of Maywood Avenue located south
of Warren Street

The staff reported that this request for vacation is actually a shifting of property lines and is being done in connection with Woods Knoll Subdivision. The subdivision is in a disapproved pending status at this time and the staff recommends the vacation be approved in connection with the recording of the Subdivision plat. The Commission then

VOTED: To recommend that the portion of Maywood Avenue located south of Warren Street be VACATED at the time the subdivision plat of Woods Knoll Subdivision is recorded.

C10-67-1(u) ALLEY VACATION

Alley located between Sabine, Oldham, 20½ and 21st Streets

The staff reported that this request for vacation is made by a number of property owners. The various city departments, with the exception of the Planning Department recommends the vacation be granted subject to the retention of the necessary easements. The Planning Department recommends the alley not be closed as it is in the University East Urban Renewal Area and the staff can see no purpose of it being vacated and then having to acquire it at a later date.

Mr. Lillie advised the Commission that in this particular project, all of the land including streets that are not going to be retained for circulation, will be vacated. The problem in this area is that if the alley is now vacated then subject to private development, they will have to be acquired by the Urban Renewal Agency and then sold to the University. If retained as a public alley, then it will be one item of land that will not have to be sold.

The Commission members agreed that in view of the fact that this is in the University East Urban Renewal Area that the alley should not be vacated. It was then

VOTED: To recommend that this request for the vacation of the alley located between Sabine, Oldham, 20½ and 21st Streets be disapproved.

C10-67-1 (v) STREET VACATION

2635 North Lamar Boulevard extending east of
Lamar Boulevard 110 feet

The staff reported that this request for vacation is made by all of the abutting property owners. The alley was a part of a zoning request for "O" Office zoning on adjoining tracts of land. The alley is undeveloped on the ground and is located on a hillside. All of the departments have

C10-67-1(v) STREET VACATION--contd.

recommended the vacation, subject to the retention of the necessary sanitary sewer, storm sewer, electric department and telephone company easements. It was then

VOTED: To recommend that the alley located at 2635 North Lamar Boulevard extending east of Lamar Boulevard 110 feet, be vacated subject to the retention of the necessary easements.

C10-67-1(w) STREET VACATION

Leona Street strip located on the east side adjacent to vacated alley between New York and Pennsylvania Avenue.

The staff reported that this request for vacation is a joint request by the Urban Renewal Agency and the abutting property owners. The plan is to curve the alignment of the off-set now existing in the Leona Street. It is necessary to dedicate some additional land and vacate a portion in order to accomplish the proposed curving alignment. The vacation is recommended by the various city departments. The Commission then

VOTED: To recommend that the Leona Street strip located on the east side adjacent to vacated alley between New York and Pennsylvania Avenue be VACATED.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported approval by a majority of the Commission of the following subdivisions on September 28, 1967:

<u>C8-66-36</u>	<u>Herman Brown Addition, No. 2, Section 5</u>
	Pecos Street and Northwood Road
<u>C8-67-59</u>	<u>Kassuba Beech, Phase 2</u>
	Southlake Shore Boulevard
<u>C8-67-60</u>	<u>Palomino Park, Section 4</u>
	Rocking Horse Road

<u>C8-67-42</u>	<u>Mission Hills Subdivision</u>
	Ben White Boulevard and Catalina Drive

(The staff reported approval by a majority of the Commission on September 25, 1967.)

ADJOURNMENT: The meeting was adjourned at 12:25 a.m.