

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- November 14, 1967

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

Present

W. A. Wroe, Acting Chairman
Hiram S. Brown
Barton D. Riley
Robert B. Smith
Mrs. Lynita Naughton
Dr. William Hazard

Absent

Edgar E. Jackson
Samuel E. Dunnam
Ed Bluestein

Also Present

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

MINUTES

Minutes of the meeting of August 22, 1967, were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of November 7, 1967.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-67-171 Austin Northwest Development Company: Int. A, Int. 1st & B, 1st to
2604-2906 Anderson Lane GR, 1st
7927 Stillwood Lane
7927 Parkdale Drive

STAFF REPORT: This application covers a large tract of undeveloped land containing approximately 18.6 acres. The stated purpose of this request is for retail shopping. The subject property is located approximately 1,500 feet west of Burnet Road and adjoins "GR" General Retail zoning to the east.

C14-67-171 Austin Northwest Development Company--contd.

"C" Commercial zoning is established on a tract which is also located to the east and on the north side of Anderson Lane where the new post office is under construction. A portion of the subject property is zoned "B" Residence, First Height and Area. The Austin Northwest Development Company has provided adequate right-of-way with regard to Anderson Lane and they are in the process of building a connection between Rockwood Lane and Anderson Lane. This road is now under construction. The staff's concern is with regard to Stillwood Lane and Parkdale Drive which are stub streets that dead-end at the subject property. When the subdivision to the north was developed, these streets were required to provide access to this property which was then owned by Kelly McAdams. If the property under consideration should be zoned "GR", the staff feels there would be no need for the stub streets as they could be a detriment to the adjacent residential area, if traffic is funneled out of the proposed commercial area onto Ashdale Drive.

Mr. Jim Crozier, representing the applicants, has stated that there is a six foot fence along the north property line. It is felt that a fence along the north property line and across the stub end streets would buffer the residential area and prevent commercial traffic from entering the 50 foot residential streets. The staff has no objection to the proposed change as there is considerable existing retail zoning to the east and west of the subject site. It is recommended that the request be granted, with the consideration of the stub streets.

TESTIMONY

WRITTEN COMMENT

Code

H	Rubin H. Haruill: 7928 Rockwood	AGAINST
?	Kelly McAdams: 1425 Preston Avenue	FOR
K	B. L. Collins: 7931 Vinewood Lane	FOR
Y	Paul L. Hooper: 8003 Stillwood Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

	James Crozier (representing applicants)	
AG	Ben S. Burton: 2601 Ashdale Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Jim Crozier, representing the applicants, stated that the staff presented an accurate presentation of this request. The change is requested for a retail outlet that would be closed no later than 9:00 p.m. each night and would not be a detriment to the residential area to the north. There is a board fence six feet high along the rear property line. There is no objection to the closing of the streets and any development on the subject property would be helpful. The property can be screened so that the development will not harm any of the residential property. If a fence does not

C14-67-171 Austin Northwest Development Company--contd.

exist, the applicants will be happy to provide one. The subject property is owned by the Northwest Development Company which has made loans on properties in this area. They are very interested in the existing residences remaining in a fine residential area.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. He stated that the only six foot fence along the rear property line of the subject property are fences that have been erected by the abutting homeowners. There are a large number of residences abutting this tract that do not have a fence. A fence was provided by the developer across the end of Parkdale Drive which did prevent an eyesore, but has deterred proper drainage. There is a very heavy flow of water down Rockdale Lane and the corner lots tend to fill up with water. There should be some assurance that a fence will be provided by the developer for the abutting residential property, and some assurance that what is done to the stub streets will not stop the flow of water.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the existing zoning along Anderson Lane. They further recommended that Stillwood Lane and Parkdale Drive, both stub end streets, be closed.

At the Commission meeting, Mr. Stevens reported that at the Committee meeting, there was a question by one of the adjoining property owners about water ponding at the end of Parkdale Drive. The staff has checked with the drainage division about the existing drainage facilities in regard to the question of leaving the streets open or requesting that they be vacated. There is a storm sewer installation approximately 100 feet west of Parkdale Drive which extends to Anderson Lane. It should be the applicant's burden to install the 100 feet of pipe over to the existing storm sewer installation to provide adequate drainage if the abutting property owners disagree on the street closing. If the abutting property owners agree to petition for the closing of the street, then curbing should be installed across the openings of Parkdale Drive and Stillwood Lane to prevent the water from ponding at the stub ends of these two streets. The Committee was particularly interested in having the streets closed so that there would not be commercial traffic feeding from the subject site into the residential area and onto the residential streets.

Mr. Crozier, representing the applicants, stated that the applicants are willing to do whatever is necessary to correct the drainage problem by installing a pipe to the existing storm sewer, screening the open streets, or by closing the streets.

C14-67-171 Austin Northwest Development Company--contd.

After further discussion, the Commission concurred with the Committee recommendation that this request should be granted as it conforms to the existing zoning along Anderson Lane. They also recommended that Stillwood Lane and Parkdale Drive be closed or that the applicants provide the necessary pipe connection to the existing storm sewer installation so as to prevent the ponding of water on Parkdale Drive and screen both streets so as to prevent commercial traffic from flowing into the residential area. It was then

VOTED: To recommend that the request of Austin Northwest Development Company for a change of zoning from Interim "A" Residence, Interim First Height and Area and "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2604-2906 Anderson Lane, 7927 Stillwood Lane and 7927 Parkdale Drive be GRANTED.

C14-67-173 John D. Byram: A & GR, 1st to C, 5th (as amended)
101-213 West Anderson Lane
101-511 East Anderson Lane
C14-67-194 John D. Byram: A, 1st to C, & GR, 5th (as amended)
213-219 West Anderson Lane

STAFF REPORT: The staff reported that case number C14-67-173, located at 101-213 West Anderson Lane and 101-511 East Anderson Lane was before the Committee at the last regular meeting, at which time there was a question of whether or not three people in the area who did not receive notice of the public hearing would waive their rights to this notice. One of the property owners did not waive the required ten day notice for the request, and it was postponed pending proper notification of all the affected property owners. The site under consideration at that time contained approximately 14 acres. Since the hearing, the applicant has acquired the adjoining property, containing approximately 2.11 acres of land which is case number C14-67-194. "C" Commercial, Fifth Height and Area zoning is being requested in both applications. The property involved in both applications at this time affects approximately 16 acres of land. At the previous hearing, the staff reported that the zoning change was requested to permit the Armstrong-Johnson Ford dealership. This proposal is the same on both tracts of land now under consideration.

The staff presented an aerial map showing the existing and proposed street pattern in support of the need to continue Northcrest Boulevard to Anderson Lane.

When this request was brought before the Committee last month, there was lengthy discussion inasmuch as most of the people in the residential subdivision to the south, were opposed to the type of use that is proposed on the property and the street plan that proposes Northcrest Boulevard to be extended to Anderson Lane and ultimately connecting with Georgian Drive north of Anderson Lane. The staff feels that Northcrest Boulevard should be continued as Guadalupe Street is now the only street that goes through between

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--côntd.

St. Johns Avenue and Anderson Lane. Northcrest Boulevard is a neighborhood collector street with 60 feet of right-of-way, which serves the T. A. Brown Elementary school district that extends northward to Rundberg Lane. The street will serve the new junior high school on St. Johns Avenue and the proposed Allied Stores shopping center to the south of St. Johns Avenue. The sanitary sewer and water plans for this area were based on the existing subdivision which proposed Northcrest Boulevard to cross Anderson Lane. The proposed water and sewer service for the area north of Anderson Lane utilizes the extension of Northcrest Boulevard for services to the area to the north of Anderson Lane.

Adjoining the subject property to the south is the fairly new residential subdivision of Holiday Hills, Sections One and Two which were recorded and developed following 1958 and 1961. A portion of the subdivision adjoining the subject property is only in preliminary form at this time. Anderson Lane is developed with two churches, the T. A. Brown Elementary School, a 200 unit apartment complex (Santa Maria Village) and an apartment project now under construction (Towne Oaks Apartments). To the southeast, abutting a portion of the subject property and fronting onto Anderson Lane and the Interregional Highway, is a large tract of "C" Commercial, Third and Fifth Height and Area zoning which is developed in part with the Henna Chevrolet dealership. At the time "C" Commercial zoning was established on this large tract of land, a one hundred foot strip of land, abutting the existing residential area south of the subject property, was zoned "O" Office, to provide a buffer between the residential and commercial property. The highway frontage for that tract was zoned Fifth Height and Area. Except for the subject property, the undeveloped land fronting on Anderson Lane is zoned "GR" General Retail and "C" Commercial.

Inasmuch as there is "GR" General Retail and "C" Commercial zoning in the area, along Anderson Lane, the staff feels that a retail pattern has been established for Anderson Lane and whether or not a car dealership should be allowed is a matter of degree. Regardless of the zoning finally established on the subject property, there should be as much protection of the adjoining residential property as possible, in terms of screening or a buffer zone.

At the original hearing, a petition was presented in opposition to this request and it has been requested that the petition be resubmitted for consideration at this time. A letter has also been received from the pastor of the Seventh Day Adventist Church on property adjoining the site, who requests that Northcrest Boulevard be continued on through as proposed. This letter is as follows:

"It is understood that the City plans to open an additional street from U. S. Highway 183 (Anderson Lane) south, between Guadalupe Street and the North Interregional Highway. We would like to heartily endorse such plans.

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

The amount of traffic through our church property, via access drives and through our parking lot, strongly demonstrates the inadequacy of through streets in this area. Since we operate an eight grade school Monday through Friday, we are particularly interested in new streets or other means to discourage traffic through our property in order to reduce the possibility of bodily injury to some child. Of course, such traffic through our property is also most undesirable when our worship services are in progress on Saturdays and at other times.

The enclosed sketch details the traffic problems we have been experiencing. At times when we have had a cable across our drive on the west side of our building, cars have driven around on the lawn to the east of the building.

The church is anticipating having Armstrong-Johnson Ford Company as a new neighbor to the east. We have agreed to sell some of our present property to John Byram, lessor to Armstrong-Johnson. Naturally, we favor any zoning considerations that will make it possible for this new business to begin operations next to us.

When property on a U. S. Highway was obtained for our building, we envisioned business establishments ultimately becoming our neighbors. Certainly a new car agency is an acceptable and responsible type business enterprise to locate on a U. S. Highway. We feel it would be as an acceptable a business as we might hope for to locate next to us.

I trust you may be able to accord our views on these matters some consideration."

TESTIMONY

WRITTEN COMMENT

Code

?	Paul A. Grandy, M.D.: 7610 Northcrest Boulevard	AGAINST
E	L. E. Rogers: 301 West Anderson Lane	FOR
	4 petitions totaling 74 signatures	AGAINST

PERSONS APPEARING AT HEARING

Code

E	Leonard E. Rogers: 6003 Highland Hills Drive	FOR
P	J. A. Edwards: 7704 Eastcrest Drive	AGAINST
R	Duane W. Dobson: 100 Prince Drive	AGAINST
Y	John C. Wilson: 7705 Eastcrest Drive	AGAINST
?	Walter H. Hickman: 11400 Hunters Lane	FOR
	Robert Sneed (representing applicant)	

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant, requested that this application be amended so that the south 40 feet of the property now zoned "GR", remain as "GR" and the south 40 feet of the property now zoned "A" Residence, eastward from "GR" to the east boundary of the proposed Holiday Square Subdivision be zoned "O" Office as to provide a buffer between the proposed development and the residential development to the south. In addition, the applicant is proposing and offering that there will be shielding along the property line in compliance with the Federal Housing Authority for a separation of residential from commercial property. Also, the applicant's again offering restrictive covenant on the property that there will be no contractor's yard, lumber yard, or drive-in theater. There is also a tentative agreement at this time between the applicant and the owner of the proposed Holiday Square Subdivision to the south, whereby the applicant will acquire all of the approximately 6 acres of land, subject to the closing of this agreement, and Mr. Baker, representing Mr. Carrington who is the owner, has advised that the applicant will have the title binder issued tomorrow so it will probably be closed before the end of the week. A restrictive covenant will be placed on all of the property in this subdivision lying to the south of the proposed Northway Drive, providing that it may only be used for single-family development or duplexes. All of the property lying to the north of the proposed Northway Drive and abutting the subject property will be restricted to limit the uses to residential purposes. This will allow for future development of "B" or "BB" zoning which would be a subject matter for another hearing. There would be a restrictive covenant offered running in favor of the City and the property owners in the residential subdivision whereas to limit the use of the property to residential uses only and thereby affectively and forever preventing any sort of spillage from the commercial development into the residential subdivision. It is felt that by this procedure and the use of the restrictions, the acquisition of the additional property, and the shielding that the applicant will have established the most classic example of gradation zoning that has existed under the planning procedures so as to separate property that is obviously oriented to commercial use and development. To the east of the subject site there is "C" Commercial, Third Height and Area zoning and the only separation of that area from the homeowners is a one hundred foot strip of "O" Office land which can be used for any development allowed under that classification. It should also be pointed out that many of the people who are opposed to this request have property that is much closer to this "C" Commercial, Third Height and Area district which would permit a building to be erected to a height of 90 feet, and an area which will permit a contractor or lumber yard. This is in existence and is within immediate proximity and much closer to the residential subdivision than anything which is proposed on the property now under consideration. Attention should be called to the fact that there are similar type developments in Austin that have proven to be very successful.

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

The usage on the principal portion of the land is to build the Armstrong-Johnson plant. The reason the additional area was acquired and included is the fact that the property will be divided by the proposed extension of Northcrest Boulevard. The applicant would prefer that the street not be extended through the subject property but the City is firm in stating that Northcrest Boulevard must be extended. The question of how much of the property is proposed to be used has been asked. At the last hearing, the applicant filed a plan showing the property that would be occupied by Armstrong-Johnson. It runs approximately 150 or 250 feet and is on both sides of the proposed street. The additional land was acquired because of the street as there would not be enough property on one side of the street to handle the proposed development. If the street had not been in the property, there would have been no need to purchase the additional land. The applicant did not set-up the plans for the extension of Northcrest Boulevard running north and south, but he is in the position of having the street go through his property.

It is felt that the requested zoning is the proper zoning and proper usage for this property and the frontage along Anderson Lane. The applicant has gone far beyond what is normally done by acquiring the additional land and making the restrictive covenants so as to prohibit any additional spillage of commercial into the residential area. The people in the area are sincere in their feeling of opposition but it is felt that the proposal will not impair the residential property. The very fact that some of the people bought their homes after the property to the east was zoned and used commercially is evidence to the fact that it has not deteriorated or harmed the residential area.

Mr. E. L. Rogers, pastor of the Seventh Day Adventist Church, located on adjoining property, appeared in favor of this request. He stated that when the church bought their property, it was recognized that there would be business along Interstate 35. It was hoped that a drive-in theater would not be developed on the property but it was known that businesses did exist up and down the street. Mr. Rogers stated that his primary reason for being in favor of this request is because of the proposed extension of Northcrest Boulevard through the subject property to Anderson Lane. The church is not interested in property as much as saving people's lives. Delafield Lane presently dead-ends into the church property, and the church building is located near this dead-end street. There is an elementary church school on the property and the school children play on the parking lot. Cars are parked there during church services and children are in and around the cars. The point that is being made is that the people in this area use the church property and parking lot as a way to get to Anderson Lane. They do not consider Delafield as a dead-end street as they go on through the street through the church parking lot, around the church and out to Anderson Lane. The same route is used to get from Anderson Lane to the residential area. This creates a very dangerous hazard for the children using this area for play.

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

Northcrest Boulevard should be opened up so that the traffic can be funneled through that street and not through the church property.

Arguments Presented AGAINST:

Mr. Duane Dobson and Mr. John Wilson appeared as representatives of the residential property owners in this area who are opposed to this request. They presented the following information: At the last hearing, a number of property owners appeared and spoke in opposition to this request; however, since that time there has been a neighborhood meeting and it was decided that the opposition to this request should be presented by a small delegation. The petition mentioned by the staff in opposition to the request contains 78 signatures. It has been stated that some of the people in the area bought their homes after the "C" Commercial and "O" Office zoning was established on property to the east. This is partially true, but after looking at the records it appeared that this subdivision would be completed so that there would be a pocket and the only commercial would be abutting only a portion of the residences. The fact was brought out that Mr. Carrington has told several people he was not going to finish the subdivision abutting the property under consideration or he was going to sell the property or put apartments on it. After this, it was learned that the applicant had purchased this property from Mr. Carrington. At the last hearing, one of the major concerns was what would be done with the property owned by Mr. Carrington and if apartments would be put into the area. If apartments are established, there will be a tremendous traffic problem. It is realized that the area along U. S. Highway 183 is commercial type property but the homeowners are concerned about what is happening on the commercial property because of the affect on the residential property and the affect on the streets. The homeowners are concerned about the fact that there would be commercial property all along the north and the existing residential subdivision and about the opening of Northcrest Boulevard. The opening of the street is not meant to be a major thoroughfare but is to be a collector street. This is normally designated as a street in a residential area to get people in and out, it is not designed to get people from far points of the City to other points. It was pointed out that Northcrest Boulevard is the only street that will be extended and it stands to reason that all the traffic will be funneled down one way or another and carry the major traffic to the residential area. There will be a traffic problem regardless of what use will be made on any vacant property to the south or north. After the last zoning hearing, the residential property owners had a meeting and invited Mr. Sneed to attend, at which time he proposed essentially the same proposal made at this meeting. One of the basic concerns is whether or not there will be apartment units on the property adjacent to the site. It is realized that duplexes can be developed on residential property which is different from what the people in the area thought would be developed, but the question is whether or not the property will stay under "A" Residential classification or later be zoned to some type of apartment zoning. The residential homeowner's proposition to Mr. Sneed was that the opposition would be withdrawn if the applicant would restrict the area adjacent to the site to nothing but residential or duplex development. Because of the fact that Northcrest Boulevard will be the only

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

through street, some type of protection should be given to the residential area not just for a buffer area but a protection to keep high density from coming into a basically single-family residential area. This has been carefully considered and it is felt that this would be the best solution to all of the objections. Mr. Sneed has advised the people that it is the applicant's intention to try to protect the residential property. There was a possibility of forcing Mr. Carrington to finish the subdivision but now the property has changed hands and since the applicant is refusing to restrict the north side of the subdivision it can be assumed that there will be an attempt to put apartments on the property. All of the people in the area would be happy if Northcrest Boulevard was not extended on through. Most of the homes in the area have one car garages but the homeowners have two cars so cars are parked along the street. Any additional traffic which will be created by the continuation of the street and the possible development of apartments, will be detrimental. The people recognize the problems that the applicant has, and are not happy about what is proposed; however, they are willing to compromise and let the commercial go through if there could be some agreement on what would be done with the property adjoining to the south.

COMMENTS AND ACTION BY THE COMMITTEE

C14-67-173 John D. Byram: A & GR, 1st to C, 5th (as amended)

The Committee accepted the request to amend this application to have the rear 40 feet of the existing "GR" District remain "GR" and the rear 40 feet of the area to be changed from "A" Residence be zoned "O" Office for the distance between the existing "GR" and the northerly prolongation of the eastern boundary of the "O" Office zoning established on property adjacent to the south. They concluded that this request, as amended, should be granted as it is a logical zoning for the property along Anderson Lane, a major arterial street, and as related to the existing zoning pattern.

At the Commission meeting, Mr. Stevens stated that when this request was originally heard, the Committee voted to recommend to the City Council that the restrictions offered by Mr. Sneed, regarding fencing to the minimum standards as set forth by FHA, and restriction of certain uses normally permitted in the "C" Commercial district such as the operation of a liquor store, a drive-in theater, a contractor construction yard, and a lumber yard. Mr. Sneed again offered these same restrictions at the last Committee meeting.

The Commission concurred with the Committee recommendation that this request as amended should be granted. They further recommended that the City Council accept the restrictive covenants as offered by Mr. Sneed. It was unanimously

VOTED: To recommend that the request of John D. Byram for a change of zoning from "A" Residence, and "GR" General Retail, First Height and Area to "C" Commercial, Fifth Height and Area and "O" Office, Fifth Height and Area (as amended) for property located at 101-213 West Anderson Lane and 101-511 East Anderson Lane be GRANTED.

C14-67-173 John D. Byram--contd.
C14-67-194 John D. Byram--contd.

COMMENTS AND ACTION BY THE COMMITTEE

C14-67-194 John D. Byram: A, 1st to C and GR, 5th (as amended)

The Committee reviewed the information and concluded that this request should be granted as a logical use of the property under consideration Save and Except the south 40 feet. They felt that the south 40 feet of the site should be granted "GR" General Retail zoning in order to conform with the zoning recommended on the adjoining site and as a buffer to protect the residential property to the south.

At the Commission meeting, Mr. Stevens asked Mr. Robert Sneed, representing the applicant, if the requested amendment pertaining to Case No. C14-67-173, which is adjacent to the subject property, also applies to this request.

Mr. Sneed stated that the amendment was intended to cover this application. The requested amendment is that the south 40 feet of the subject property be zoned "GR" General Retail, Fifth Height and Area, as this zoning will tie in with the zoning on the land immediately adjacent to the west. The applicant is proposing and offering the same restrictive covenants on this site as on the adjoining property which pertains to the shielding along the south property line and the restriction of the property which prohibits the operation of a liquor store, a drive-in theater, a contractor construction yard and a lumber yard.

The Commission concurred with the Committee recommendation that this request as amended should be granted. They also recommended that the City Council accept the restrictive covenants as offered by Mr. Sneed. It was then unanimously

VOTED: To recommend that the request of John D. Byram for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail and "C" Commercial, Fifth Height and Area (as amended) for property located at 213-219 West Anderson Lane be GRANTED.

C14-67-175 Vincent R. Arnold: C to C-2
2608-2610 West 7th Street

STAFF REPORT: This application covers a small area containing 3,264 square feet. The request is made for the development of a package store which will be in a small convenient community center which houses a grocery store, cafe, and a washateria which is under construction. The applicant first requested that "C-2" zoning be granted on all of Lot 3, but he was advised by the staff that it has been a past policy of the Commission to grant "C-2" zoning only to the location that the zoning is needed. In view of this, the request has been limited to the rear portion of the lot where the store will be located. The existing "C" Commercial, Second Height and Area zoning has been established since 1940. Property located to the west is owned by the University and is

C14-67-175 Vincent R. Arnold--contd.

vacant. Property to the south is also owned by the University and is developed with a student housing project. West 7th Street with 56 feet of right-of-way, should be widened to 60 feet, but the necessary right-of-way will come from the University property on the south and will not affect the subject property. The staff has no objection to the requested change.

TESTIMONY

WRITTEN COMMENT

Code

C Clinton W. Benjamin: 5007 Strass Drive FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Vincent R. Arnold for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 2608-2610 West 7th Street be GRANTED.

C14-67-176 O. J. Hinton: A, 1st to B, 2nd
1009-1011 Aggie Lane

STAFF REPORT: This application covers two lots totaling 25,600 square feet of land. The stated purpose of the request is for an apartment hotel. Property adjoining to the east was zoned "B" Residence, Second Height and Area in 1964, following which there was a special permit to develop the property with apartments. The development was to occur in phases. The first two phases of development have been completed and the third is under construction at this time. When the zoning was requested and the special permit was granted on the adjoining property, there was concern about the streets serving this area. When Mrs. Sylvia Kivlin, owner of the adjoining property, developed the apartment project, the Commission required a thirty foot driveway through her property to Lamar Boulevard in order to overcome some of the inadequacies of Morrow Street. The staff is still concerned with the street situation as Morrow Street with 50 feet of right-of-way should be widened to 60 feet, as it will serve as a collector street. Aggie Lane with the present right-of-way of 50 feet, does not serve

C14-67-176 O. J. Hinton--contd.

many lots but does flow traffic onto Morrow Street which is inadequate to serve apartment density. "D" Industrial zoning is established on the large undeveloped tract of land to the west which is owned by the Jefferson Chemical Company.

The staff feels that all of the lots on this small street should join in if the zoning is changed so as to get the same privilege and use of the land. If only the two lots under consideration are zoned, it will place a burden on the other lots. If the Committee feels the request should be granted, the staff would like to point out that when and if lots fronting onto Morrow Street request a change in zoning, right-of-way should be acquired for the widening of Morrow Street. This would not totally solve the inadequate street situation, but would provide some of the right-of-way for future widening. In time, the staff feels that there will be some apartment development extending west along Morrow Street from Lamar Boulevard and when this occurs, the street should have at least 40 feet paving.

TESTIMONY

WRITTEN COMMENT

Code

J Audrey M. Thomas: 1007 Aggie Lane
P A. L. Kivlon: 2517 Wheless Lane

AGAINST
FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into a residential area which has inadequate streets to serve the proposed density increase.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of O. J. Hinton for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 1009-1011 Aggie Lane be DENIED.

C14-67-177 Jack Andrewartha: A to C
 413-507 West 38½ Street

STAFF REPORT: This application covers 21,546 square feet of land. The subject property is a part of the property adjoining to the west having frontage onto Guadalupe Street. Tourist cabins are established on the property, and it appears that they extend back and include the property which is the area under consideration. The stated purpose of the application is to continue the present commercial use on the property and to make the zoning uniform on the entire tract. Property along Guadalupe Street is zoned and developed commercially. A children's home located to the rear of the site adjoins the the subject property, and is separated by a rock wall. Although the Ordinance has not been passed, "B" Residence, Second Height and Area zoning has recently been granted on property to the east on West 38½ Street.

West 38½ Street is a narrow street with only 17½ feet of right-of-way in front of the subject property. The staff has no objection to the requested change provided the property under consideration and the property adjoining to the west is used as one site. It is one site now, and to be used separately it would have to be replatted. The staff would be opposed if the site was developed separately with the only access being from West 38½ Street.

TESTIMONY

WRITTEN COMMENT

Code

T Milton B. Clapp: 7114 Oakridge, San Antonio, Tex. FOR

PERSONS APPEARING AT HEARING

Code

Phil Mockford (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Phil Mockford, representing the applicant, stated that the property under consideration is actually considered as part of the tract of land having frontage onto Guadalupe Street. When Guadalupe Street was strip zoned, the zoning only extended back 120 feet and the actual lot owned by the applicant is 270 feet deep. The applicant's sole interest is getting the existing use in conformity with the zoning. It would not be practical to subdivide the property and exit onto a 17½ foot street. The highest and best use is not being made for the property but there are no immediate plans to do anything with it. Mr. Mockford stated that in answer to the statement that the existing buildings now extend 10 feet into the street, it is his understanding that the City nor the applicant knows the exact location of the street right-of-way line. The structures that are on the property have been there for approximately 40 years and the applicant would welcome a survey by the City to determine the location of the right-of-way line.

C14-67-177 Jack Andrewartha--contd.

Mr. Dunnam asked Mr. Mockford if the applicant would be willing to enter into a covenant that would restrict access from West 38½ Street and keep the property as one parcel of land with access from Lamar Boulevard.

Mr. Mockford stated that as a practical matter, if the subject property was divided and developed as a site, there would have to be access from West 38½ Street but the applicant does not plan to resubdivide and would approve of a restrictive covenant.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. He stated that the structures on the subject property extend 10 feet over into West 38½ Street. He felt that this violation should be cleared up before a zoning change is granted. The structures have been on the ten feet of street right-of-way for approximately 40 years and the street is now being paved. He further stated that he is opposed to granting a change in zoning until the applicant rectifies the use of the buildings onto the pavement of the street.

Mr. Glenn Cortez, Assistant City Attorney, advised the Committee that the City will check into any encroachment of the street and report to the full Commission at the next regular meeting.

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 zoning existing along Guadalupe Street.

At the Commission meeting, the staff reported that the Zoning Committee had requested a report from the Legal Department concerning the possible encroachment of the existing improvements on the subject property into the right-of-way of West 38½ Street. Mr. Cortez, Assistant City Attorney, has discussed this with Mr. Mockford, and they are going to meet later this week to determine whether or not there is an encroachment. Hyde Park Subdivision plat shows that West 38½ Street has 20 feet of right-of-way and Public Works records show that the street has 30 feet of right-of-way and that there is an encroachment into the right-of-way area.

The Commission concurred with the Committee recommendation and felt that this request should be granted as a logical extension of the zoning existing along Guadalupe Street and because the subject property is actually a part of the adjoining tract having frontage onto Guadalupe Street. It was then unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 413-507 West 38½ Street be GRANTED.

C14-67-178 F. S. Cochran and R. L. Kanewske: A, 1st to B, 2nd
312-314 West 35th Street

STAFF REPORT: This site contains 9,375 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for apartment development. If the property is zoned as requested a maximum of 12 apartment hotel units would be permitted on the site. This property was part of a Commission Area Study which resulted in a recommendation of "B" Residence, First Height and Area for the property located within an area bounded by Guadalupe Street, Duval Street, West 30th Street and West 38th Street except for the Aldridge Place Subdivision. The Commission also recommended widening the residential streets to adequately meet the increased needs as the rezoning occurred. The staff feels the street situation could best be handled if larger areas could be considered for rezoning. The staff is not opposed to "B" Residence zoning but feels that Second Height and Area permits to great of a density within a neighborhood of single-family homes and in an area where the streets are not of standard width. The staff recommends that "B" Residence, First Height and Area zoning be granted provided West 35th Street is made adequate. Five feet of widening would come from the subject property.

TESTIMONY

WRITTEN COMMENT

Code

AU	Mr. & Mrs. O. B. Hutchinson: 403 West 35th Street	FOR
BK	Richard J. Mathews: 406 West 34th Street	FOR
X	Bertha E. Frenzel: 1106½ Tillery	FOR
BL	O. N. Bruck: 4803 Bailey Oak Drive	FOR
R	Mr. & Mrs. H.R. Sckacht: 300 West 35th Street	FOR
W	W. L. Heierman: 310 West 35th Street	FOR
AR	Major Irene M. Knolle: Route 7, Box 280-R	FOR
O	Mrs. Carlos E. Castaneda: 301 West 37th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Robert L. Kanewske (applicant)
	Sam Meyers (representing applicants)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Sam Meyers, representing the applicants, stated that in his opinion the requested zoning would help this area. The area has been checked and it is an old area that needs revamping. The requested change has been discussed with several nearby property owners and they are not opposed. There is a 25 foot alley abutting the site on the west and a small alley at the rear of the property where parking would be off of the street. There are many houses along the street that should be removed. The applicants are willing to dedicate 5 feet for the widening of West 35th Street. Home Lane is a 40 foot paved street from 35th to 38½ Streets. West 35th Street is a 50 foot street. There are large apartment units coming into this area and the requested zoning would be a good change for the area so that people can get something out of their property.

C14-67-178 F. S. Cochran and R. L. Kanewske--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request. They stated that there are too many apartments in this area now which create a lot of noise and dust to disturb the residential homeowners. The alley in back of the subject property is not wide enough to provide access and it appears that the site is too small to build apartments and provide sufficient off-street parking.

COMMENTS AND ACTION BY THE COMMITTEE

Mr. Meyers, representing the applicants, requested that this application be amended to "B" Residence, First Height and Area.

The Committee accepted the amended application and reviewed the information presented. They noted that 5 feet of right-of-way has been offered for the widening of West 35th Street and felt that this request should be granted as it conforms to the zoning recommended by the Commission as a result of an area study.

At the Commission meeting, the staff reported a letter from Mr. R. L. Kanewske offering to dedicate 5 feet of right-of-way for the widening of West 35th Street.

Mr. Osborne advised the Commission that in his opinion the requested zoning could be considered piece-meal zoning.

Mr. Wroe stated that the Committee did discuss whether or not this would be piece-meal zoning; however, the requested zoning complies with a past study the Commission on this area and the Commission has gone on record as being in favor of the requested density in this area. After further discussion, the Commission unanimously

VOTED: To recommend that the request of F. S. Cochran and R. L. Kanewske for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 312-314 West 35th Street be GRANTED.

C14-67-179 Ray Yates: A to DL
 9525-9623 F.M. 1325
 9530-9620 Georgetown Road

STAFF REPORT: This application covers a triangular shaped parcel of land containing 27,700 square feet. The stated purpose of the application is for the construction of a service station. The requested zoning conforms to the Master Plan designation of Industrial for this area and the staff supports the request subject to provision for the widening of upper Georgetown Road. According to the Subdivision Ordinance, any road serving an industrial area should have at least 80 feet of right-of-way. Upper

C14-67-179 Ray Yates--contd.

Georgetown Road has 60 feet of right-of-way. If Upper Georgetown Road was increased in width to 80 feet, it would require 10 feet from the subject tract which could limit the development of the site because of its size and shape. The staff feels that 70 feet of right-of-way would be adequate for Upper Georgetown Road and would effect the subject property by only five feet.

TESTIMONY

WRITTEN COMMENT

Code

K Kelly McAdams: 1425 Preston FOR

PERSONS APPEARING AT HEARING

Code

? W. E. Thompson: 3000 Breeze Terrace FOR
 ? W. D. Graves: 2500 Briargrove FOR
 Jack Ritter (representing applicant)

SUMMARY OF TESTIMONY

Mr. Jack Ritter, Jr., representing the applicant, stated that he did not know that Upper Georgetown Road needed to be widened, and he is not in a position to offer the right-of-way at this time until it is discussed with the applicant. The five feet would probably not be an impediment as the City has been more than fair. "D" Industrial zoning exists across F.M. 1325 to the west and also to the south. The applicant would like the subject property zoned in order to conform with the surrounding property. The property will be used for local retail purposes.

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 Upper Georgetown Road; however, they stated they would look with favor on the request provided the street is brought up to 70 feet as recommended by the staff, as the requested zoning conforms to the Master Plan designation for the area.

At the Commission meeting, the staff reported that Mr. Jack Ritter, representing the applicant, was not aware of the right-of-way needs for Upper Georgetown Road until the zoning hearing. He stated at the hearing that he would have to discuss the right-of-way with the applicant before any decision could be made. There has been no word since that time from Mr. Ritter or the applicant.

C14-67-179 Ray Yates--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ray Yates for a change of zoning from "A" Residence, First Height and Area to "DL" Light Industrial, First Height and Area for property located at 9525-9623 F.M. 1325 and 9530-9620 Upper Georgetown Road be DENIED.

C14-67-180 Johnny Lucius: A to B
5101-5103 Evans Avenue
600-602 East 51st Street

STAFF REPORT: This application covers 12,500 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for apartment development. The proposed zoning would permit the development of 6 apartment units on the site. Although "C" Commercial zoning is established at the intersection of Duval Street, Bruning Avenue and East 51st Street, it is only partially developed under that classification. "A" Residential zoning and development is established to the north, east and south of the subject property. East 51st Street, with 50 feet of right-of-way, is a collector street which connects Lamar Boulevard with Airport Boulevard. The staff feels the street should be widened to 60 feet which will effect the subject property by five feet. Evans Avenue is a residential street with 50 feet of right-of-way. This request can be considered as a gradation in zoning, serving as a buffer zone between the commercial and residential development.

TESTIMONY

WRITTEN COMMENT

Code		
X	Charles Wendlandt: P. O. Box 404	FOR
AX	Malinda Wegner: 5101 Martin Avenue	AGAINST
AY	Augusta U. Lunday: 5109 Martin Avenue	AGAINST
AJ	Mr. & Mrs. E. T. Hamilton: 5015 Evans Avenue	FOR
AK	Dr. P. J. Paris: 1725 East 38½ Street	FOR
B	Curtis L. Varnell: 5105 Evans Avenue	AGAINST
C	Mr. & Mrs. Floyd N. Cass: 5107 Evans Avenue	AGAINST
R	Henry E. Harned: 5014 Evans Avenue	FOR

PERSONS APPEARING AT HEARING

Code		
	Forest S. Pearson (representing applicant)	
BF	Mrs. M. B. Patton: 5107 Martin Avenue	NO OPINION

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Forest Pearson, representing the applicant, stated that their interest in this property stems from the fact that they are rental managers for the existing property. It has been very difficult to maintain the property as

C14-67-180 Johnny Lucius--contd.

a suitable place for single-family residences. The improvements on the property are in a deplorable condition and are condemned by the City. The applicant has the problem of improving what exists on the site or changing the zoning and developing new apartments. The requested change will accommodate 6 units but the applicant plans to put only 4 units on the site. He has discovered that the depth of the lot is not enough to accommodate two duplexes. The proposed development will be an asset to the area. The site fronts onto a street with a high traffic count. It is agreed that this entire area is not ready for change but there is commercial zoning directly across from the site. It is felt that the proposed zoning would provide an orderly buffer between the commercial property to the west and the existing residential property to the east. It was not known that five feet of right-of-way is needed for East 51st Street, but the applicant would not be particularly opposed as there is enough square footage in the lot for 6 units and the applicant only wishes to build four; however, a decision cannot be made on the right-of-way at this time until it is discussed with the applicant.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. He stated that there are a number of apartment units near Duval Street that are disturbing to this area. The existing apartments have air conditioners sticking out of the windows. He stated that his property adjoins the subject site and he would not want the same type of development that would allow air conditioners to stick out of the windows and disturb him. There would be no objection to duplexes.

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 East 51st Street; however, they stated they would look with favor on the requested zoning if the street is made adequate, as a gradation of the zoning between the commercial property to the west and the residential property to the east.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Johnny Lucius for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5101-5103 Evans Avenue and 600-602 East 51st Street be DENIED.

C14-67-181 Austin Savings & Loan Association: A to C
 1713-1801 State Highway 29 (Old Lockhart Highway)
 1710-1802 Old Austin - Del Valle Road

STAFF REPORT: The purpose of this application, which contains 35,283 square feet, is to establish property zoning for a trailer court. The area is basically "A" Residence in character but does include some "GR" General Retail and "C" Commercial zoning districts. This year two requests for "B" Residence,

C14-67-181 Austin Savings & Loan Association--contd.

First Height and Area have been granted on Dalton Lane. The Commission recommended granting both zoning applications subject to adequate right-of-way being provided on Dalton Lane. A trailer court, which is a non-conforming use, is established on property to the west of the site. The staff feels that the subject property as well as the property to the north could be developed with "C" Commercial zoning. The only problems are connected with Old Austin - Del Valle Road which has anywhere from 40 to 60 feet of right-of-way. The staff feels there should be 30 feet of right-of-way on each side of the center line which would require eight feet from the subject property. The property fronts onto the Old Lockhart Highway which has 90 feet of right-of-way. The site is located to the east of the airport, which will present some problems in developing as there is a height limitation in the area. The limitation would have to be checked with the Building Inspector, but the development would probably be limited to 25 feet just as the height was limited on Dalton Lane which was recently rezoned. The staff recommends that the change be granted, subject to adequate right-of-way for Old Austin - Del Valle Road, as it is proper for the area.

TESTIMONY

WRITTEN COMMENT

Code

U May Belle Hill, et al: 1907 Cliff

FOR

PERSONS APPEARING AT HEARING

Code

George C. Green (representing applicants)

SUMMARY OF TESTIMONY

Mr. George Green appeared on behalf of this request and stated that a point of consideration should be the fact that the property not only fronts onto the Old Austin - Del Valle Road but also fronts onto the Old Lockhart Highway which has 90 feet of right-of-way. He asked if it would make any difference if access is from the wide street rather than the narrow street. Mr. Stevens explained that the granting of this request without right-of-way would set a precedent for other requests on property along the Old Austin - Del Valle Road without double frontage.

Mr. Green stated that the applicants would be willing to go along with whatever is recommended by the Committee.

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 the highest and best use of the land. The Committee noted that the necessary right-of-way for the widening of the Old Austin - Del Valle Road has been offered.

C14-67-181 Austin Savings & Loan Association--contd.

At the Commission meeting, the staff reported a letter from Mr. J. A. Raper, Vice-President of Austin Savings & Loan Association, offering to dedicate up to eight feet of right-of-way for the widening of the Old Austin - Del Valle Road.

The Commission took note of this offer of dedication and concurred with the Committee recommendation that this request should be granted as it is the highest and best use of the land. It was then unanimously

VOTED: To recommend that the request of Austin Savings & Loan Association for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 1713-1801 State Highway 29 (Old Lockhart Highway) and 1710-1802 Old Austin - Del Valle Road be GRANTED.

C14-67-182 Edgar Montgomery: A to B
1507-1509 Newning Avenue

STAFF REPORT: This application covers 20,000 square feet of land. The stated purpose of the application is for apartment development. A request for "B", First Height and Area zoning was made on the subject property in August, 1966, at which time the staff and the Commission recommended denial. The request was subsequently denied by the Council. When a request for rezoning has been denied, there is a one year waiting period before the request can be refiled. This waiting period is over and the applicant is again requesting that the property be rezoned. The Commission originally recommended denial as it was felt it would be an intrusion into a well-defined residential area. The staff feels that the situation in this area is the same although there is "B" zoning in the area which was granted prior to the denial of the original request. The staff recommends denial as an intrusion into a well-defined residential area.

TESTIMONY

WRITTEN COMMENT

Code

V	Zelma Broome: 509-B East Monroe Street	FOR
J	Volna Lee Daum: 510 East Broadway, Karnes City, Tex.	AGAINST
M	Mrs. M. C. Boatright: 1419 Newning Avenue	AGAINST
N	Jack Mason: 1503 Newning Avenue	FOR
AR	Mrs. E. M. Buckholts: 1707 Sylvan Drive	FOR

PERSONS APPEARING AT HEARING

Code

A	Edgar Montgomery (applicant)
	John B. Selman (representing applicant)

C14-67-182 Edgar Montgomery--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, presented the following information: In 1966, there were three zoning changes granted on property within a distance of approximately 100 feet to 100 yards from the subject property. This is a well-defined residential area, but what the staff has overlooked and failed to consider is that some of the residences in this area have been converted into apartments. Immediately across the street, on East Monroe, there is a sign listing apartments for rent, and there are at least five or six units established. To the north on the corner of Park Lane and Newning Avenue, there are eight apartments. South of East Monroe there are five or six units established. To the east of the subject property there is "B" zoning fronting onto East Side Drive, which will be developed with apartments. There have been many apartments established on Newning Avenue within the last several years. The applicant is only requesting "B" Residence, First Height and Area zoning and the other changes have been for "B" Residence, Second Height and Area zoning. The point that should be made is that this is an area that has completely changed. Mr. Selman stated that this is not a case of spot zoning and referred to a definition of spot zoning in the Texas Jurisprudence. This entire area has changed - it changed in 1966. The applicant did not get his property changed last year but the entire area was changed by the Council. It is realized that the Commission only makes recommendations to the Council, but it should be pointed out that the Council has said on three separate occasions within the last twelve months that this has changed to residential apartments. Not only has it changed in the area in which people have constructed apartments or the areas in which they have filed for a zoning change but the people living in this area have taken their two story homes and converted them into apartments. It is not known when this was done but it has been in existence for many years. There cannot be a detriment to the property owners by the proposed use of the subject property as other property is being used in the same manner. The applicant has checked this particular area and there are many apartments existing. In summary, the City has grown in south Austin and this particular area has everything to offer residential apartment investors. There is a beautiful park located to the west, easy access to town, and the people in this area are utilizing their property for apartments. The applicant is justified in requesting a change of zoning on his property.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as the streets serving the property are adequate and the requested change is in keeping with the existing development of the area.

C14-67-182 Edgar Montgomery--contd.

At the Commission meeting, the Director of Planning stated that if the Commission feels that the tier of deep lots between Stacy Park and Newning Avenue will eventually be zoned "B" Residence, First Height and Area, then the requested change on the subject property would be justified. It is difficult to make a recommendation in this case as the area is generally a stable area with sound residential development; however, "B" Residence, First and Second Height and Area zoning has been granted in the recent past.

Mrs. Naughton stated that in her opinion the requested change would be an intrusion into an obviously residential area. Mr. Wroe stated that this would have been true several years ago; however, there have been recent changes to "B" Residence zoning granted in this immediate area. After further discussion, the Commission unanimously

VOTED: To recommend that the request of Edgar Montgomery for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1507-1509 Newning Avenue be GRANTED.

C14-67-183 B. N. Holman: A, 1st to B, 2nd (Tr. 1) & A, 1st to B, 1st (Tr. 2)
 Tract 1: 3910-3918 Shoal Creek Boulevard
 Tract 2: 3920-4010 Shoal Creek Boulevard

STAFF REPORT: Because of inadequate notification, this request for rezoning by B. N. Holman cannot be legally heard at this time.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-67-184 J. Alton Bauerle: A to BB
 2101-2105 Polaris Avenue

STAFF REPORT: This site contains 25,490 square feet of land which is undeveloped. The stated purpose of the application is for apartment development. The requested zoning would permit 12 units on the site. Across the street from the site there is a miniature golf course, a driving range and warehouse, which are located outside of the City Limits and are commercial uses. To the south is a junior high school, and to the west and south is the residential subdivision that the subject property is a part of. The streets serving the property have only 50 feet of right-of-way, and are inadequate for apartment development. The staff feels the subject property could be divided into three lots which would provide enough area for duplex development. In view of the effect that this request would have on the adjoining residential property, the inadequate right-of-way of the streets, and the possibility of duplex development, the staff feels the request should be denied.

C14-67-184 J. Alton Bauerle--contd.

TESTIMONY

WRITTEN COMMENT

Code

D	John A. Huddleston: 8603 Hathaway	AGAINST
L	Claude E. Harkins: 8603 Bowling Green	FOR

PERSONS APPEARING AT HEARING

Code

A	J. Alton Bauerle (Applicant)
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SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he was told by the Planning Department that he could not cut the subject site into three lots, as 50 feet is required at the building line and 50 feet behind the building line. It is true that directly across the street is a miniature golf range and a driving range but there is also a lumber yard and roofing company located across the street. There is a large warehouse, complete with railroad services on the property to the northeast adjacent to the railroad track. There is a ball diamond established on property owned by the Optimist Club. Mr. Bauerle stated that it is his understanding that property to the east of the railroad track will soon be submitted to the City for industrial designation. To the south is predominantly duplex development. At this time, there is no development on property between the subject property and Burnet Road to the west because there is not enough square footage in the lots for duplex development. It is felt that apartment usage is the proper usage for this land. The plans are for 10 units which would not be a detriment 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 referred to the full Commission pending further study to determine if the subject site has enough square footage to provide for three duplex sites.

At the Commission meeting, the staff reported that this application was referred to the full Commission in order for the staff to determine if the property could be divided into three duplex lots. At the Zoning Hearing, Mr. Bauerle stated that he had discussed this with the Planning Department and was advised that there is not enough area in the tract. The staff has checked the area and it appears that the 25,490 square feet as reported for the lot size is in error. The tract has only 20,722 square feet which is shy of the area that would be required for three duplex lots. The angle of the lot lines creates a problem which would necessitate a variance on the shape of at least one of the lots. The applicant could replat the property into two duplex lots and one single-family lot. Since the Zoning Hearing, Mr. Ronald Zent has

C14-67-184 J. Alton Bauerle--contd.

filed an application to the Board of Adjustment for a variance to allow duplex development on three parcels of land fronting onto Bowling Green Drive and Polaris Avenue. The staff feels that this should have a bearing on how the subject property is zoned. If the requested zoning is granted, Polaris Avenue, a gravel street with only 50 feet of right-of-way, should be widened. It was pointed out by the applicant that the land use map is in error as the property to the north and adjacent to the railroad track is developed with a lumber yard or storage yard. This is true and has been corrected.

Mr. Riley stated that in his opinion, the property should be divided into two duplex lots rather than have an apartment zone created in an area which is predominantly residential. After further discussion, the Commission unanimously

VOTED: To recommend that the request of J. Alton Bauerle for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2101-2105 Polaris Avenue be DENIED.

C14-67-185 Gordon M. Lantz: A to BB
3408-3410 Red River Street

STAFF REPORT: This application contains 14,000 square feet of land. The stated purpose of the application is for apartment development. In 1962, a request for "BB" zoning was made on the subject property and the property adjoining to the south. At the Zoning hearing on that request, the Committee felt that "BB" zoning would be an intrusion and would do an injustice to the balance of the residential area. There was also a statement by the staff that the property in this area is deed restricted. The staff feels that the requested zoning on the one lot would be an intrusion into this well-developed subdivision. If the property is zoned as requested, seven regular apartment units would be allowed on the site. The staff feels this would be a detriment to the balance of the residential area. There is a large area of "B" zoning directly across the street which is developed with St. Paul's Lutheran Church. "B" zoning is also established on property to the west, across Red River Street and south of Luther Lane. The staff feels that the lots to the south of Harris Avenue can be the dividing line between apartment and single-family development. It is recommended that the requested zoning be denied.

TESTIMONY

WRITTEN COMMENT

Code

B

Glen E. Lewis: 3406 Red River Street

FOR

C14-67-185 Gordon M. Lantz--contd.

PERSONS APPEARING AT HEARING

Code

A	Gordon M. Lantz (applicant)	
A	Mrs. Gordon M. Lantz: 3408 Red River Street	FOR
S	Mr. & Mrs. Allen E. Smith: 832 East 37th Street	AGAINST
K	Mrs. Natalie M. Collins: 829 East 37th Street	AGAINST
?	Mrs. A. L. Horstmann: 838 East 37th Street	AGAINST
?	Mrs. Gail E. Johnson: 832 East 37th Street	AGAINST
?	Mr. & Mrs. Martin Legett: 3410 Greenway	AGAINST
?	Mrs. William Shive: 843 East 38th Street	AGAINST
?	Marietta McGregor Payne: 3704 Greenway	AGAINST
?	Mrs. John B. Williams: 834 East 37th Street	AGAINST
?	Mrs. Fredric T. Neal, Jr.: 831 East 38th Street	AGAINST
?	W. O. Nelle: 840 East 37th Street	AGAINST
?	Mr. & Mrs. Monroe Hagn: 3701 Hampton Road	AGAINST
?	Mary E. Baird: 828 East 37th Street	AGAINST
?	Mr. & Mrs. James P. Meyers: 837 East 38th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and presented the following information: There are six apartment units developed on property immediately to the west having frontage onto Hampton Road. Across the street is "B" zoning and "BB" zoning with apartment development existing to the south. Some of the lots in this area are deed restricted, but a title check was made on the subject property and there are no restrictions. The plans are not to put anything pretentious on the site as the intent is to develop something small in the area of six units. Since Hancock Center has been established this is no longer a residential area. When the people from Concordia College come by this area it is no longer a residential area because of the great amount of traffic. Directly in back of the site there are some vacant lots so the requested zoning would be a buffer. What is built on the property will be sedate as the units will be rented to engineering students who must have a quiet place to study. There are garage apartments in the area and the traffic on Red River Street would be detrimental to residential development on the site.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request and presented the following information: The logical dividing line between the proposed type of development and the existing residential development is the tier of lots along Harris Avenue and west of Red River Street. The property across the street is zoned "B" Residence but is developed with a school and a church. Robert E. Lee School is located south of Harris Avenue and west of Hampton Road. There are many children in this area and if apartments are allowed the traffic would be greatly increased which would be hazardous to

C14-67-185 Gordon M. Lantz--contd.

the children. The people in the area have substantial investment in their homes. They have gone to a great extent to protect this value. If the zoning change is granted, it will set a precedent and it is inevitable that the surrounding neighbors will follow. The area which is bounded by East 37th Street, Hampton Road, Harris Avenue, and Red River Street is an area which is ideally situated and arranged for residential living. It is hoped that the kind of development that exists will set a precedent for similar residential developments to follow. The requested zoning is a classic example of piece-meal zoning. The people in the area in attempting to keep the development residential have even gone to the extent of acquiring property on out Red River Street to assure the fact that it will stay residential. The Committee can be assured that because of this, there will not be any problem of this sort coming into the area from the north. The requested zoning would be detrimental to this area and should be denied.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would constitute an intrusion into an area with very sound residential development, and would be the beginning of an intrusion into an area with substantial residential values in which the residents have shown a very strong determination to protect the area and themselves.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Gordon M. Lantz for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3408-3410 Red River Street be DENIED.

C14-67-186 C. T. Uselton: A, 1st to B, 2nd
4307-4311 Avenue A

STAFF REPORT: This application covers two lots totaling 15,000 square feet. The stated purpose is for apartment development. The requested zoning would permit either 10 regular units or 20 apartment hotel units to be developed on the site. "C" Commercial zoning and development is established to the west along Guadalupe Street. "B" Residence, Second Height and Area zoning was granted on property north of West 44th Street in 1939; "B" Residence, First Height and Area zoning was granted on property at the southwest corner of West 44th Street and Avenue A in 1961, and "O" Office zoning was established on the northwest corner of West 44th Street and Avenue A in 1957. Even though there is mixed zoning pattern in the area north of West 44th Street, the development is still predominantly single-family. The streets are adequate as Avenue A and West 44th Street both have 60 feet of right-of-way. The staff feels "B" zoning is proper for the area and recommends "B" Residence, First Height and Area zoning be granted, as this would be appropriate for the area. This would allow seven units to be developed on the site.

C14-67-186 C. T. Uselton--contd.

TESTIMONY

WRITTEN COMMENT

Code

AP Frank R. Rundell: 4312 Avenue A

FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

No one appeared in favor of this request.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to "B" Residence, Second Height and Area zoning on the subject property; however he stated that he would not object if the property was zoned "B" Residence, First Height and Area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be too intense for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted as the appropriate zoning for the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. T. Uselton for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4307-4311 Avenue A be DENIED but that "B" Residence, First Height and Area zoning be GRANTED.

C14-67-187 Ross Blumentritt, et al: B, 2nd to C, 3rd
 907-911 Neches Street
 501-507 East 10th Street

STAFF REPORT: This application covers three parcels which are under separate ownership, and contain 17,664 square feet. The stated purpose of the request is for a high-rise development. The subject property is located across the street from unzoned property which is the proposed building site for the First Baptist Church. West of the church property is the federal center which is the highest structure in the immediate vicinity. The property under consideration is at the intersection of East 10th and Neches Street and is above the street level. This could present an access problem for the 69' x 64' corner lot. There is also concern about the use of the property as two of the three lots under consideration are of such a small size that development would be

C14-67-187 Ross Blumentritt, et al--contd.

difficult if developed separately. East 10th Street is the southern edge of the Brackenridge Urban Renewal Project area. The staff feels that "C" Commercial, Third Height and Area zoning is in keeping with the established pattern and is consistent with most of the area.

The staff presented a letter to the Committee from Mr. Kelly H. Stevens, owner of adjoining property, in which he states that he has acquired the German Free School which is located adjacent to the site. He has spent a great deal of time restoring and improving the property with the thought that it should eventually be a City owned historical monument. Mr. Kelly Stevens' concern is in protecting the historical value of the property adjoining the subject site.

TESTIMONY

WRITTEN COMMENT

Code

E	Kelly H. Stevens: 507 East 10th Street	AGAINST
U	Frank E. Montgomery: 221 East 11th Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Ross Blumentritt (applicant)	
?	Jack C. Goodman: 6604 Vine Street	FOR
?	Gerald E. Williams: 6509 Auburnhill	FOR
?	Glen H. McLaughlin: 4114 Shoal Creek Boulevard	FOR

SUMMARY OF TESTIMONY

Mr. Ross Blumentritt appeared at the hearing and stated that he owns the lot at the intersection of East 10th Street and Neches Street. It is true that individually the development of the lots under consideration would be a problem because of the size; however, the adjoining property owners requested to join in this application. The grade of Neches street has not yet been established due to the federal building on 9th Street. It is not known what the grade will be in this block or the block to the south; however, there is probably enough differential in the elevation to provide for at least three levels of parking on the individual sites without any interior ramp. Any development on the three parcels would have to comply with the off-street parking requirements.

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 conforms with the existing zoning in the area.

C14-67-187 Ross Blumentritt, et al--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Ross Blumentritt, et al for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Third Height and Area for property located at 907-911 Neches Street and 501-507 East 10th Street be GRANTED.

C14-67-188 Robert Bailey: A to LR
 4601-4605 Ledesma Street
 1143-D - 1145-D Springdale Road

STAFF REPORT: This site contains 9,694 square feet of land which is undeveloped. The stated purpose of the request is for a barber shop. The applicant has an existing barber shop in the Urban Renewal area which will be taken by the Urban Renewal Agency. When this occurs, he wishes to open a new barber shop at this location. There is "C" Commercial zoning to the south which was established in 1964. Across the street at the corner of Springdale Road there is undeveloped "GR" zoning which was established in 1965. To the west of the "GR" district is apartment development, and to the north of Springdale Road is a City park. The staff has no objections, although it is felt that this application would have been easier to support had it included the adjoining property to the south which is adjacent to a "C" Commercial district, however; there is a right-of-way problem on Springdale Road and the staff did not feel justified in including the adjoining lot to the south as additional area. Springdale Road with a present right-of-way of 70 feet, is designated as a major arterial street that will be widened to 90 feet. This would require 15 feet of additional right-of-way from the subject property. Further north around 12th Street, Springdale Road will become an expressway. The staff feels that the requested change on the subject property is the beginning of zoning on Ledesma Street and should it extend into the interior for either commercial or apartment development, Ledesma Street should be widened to at least 60 feet; however, if the zoning stops with the subject property, the existing right-of-way of 50 feet should be adequate as the subject property will have access from two streets.

TESTIMONY

WRITTEN COMMENT

Code

P	A. L. Moyer: 1405 Rio Grande Street	FOR
AD	Don E. Legge: 600 Western Republic Building	FOR

PERSONS APPEARING AT HEARING

Code

A	Robert Bailey (applicant)
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C14-67-188 Robert Bailey--contd.

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the proposed structure will front onto Springdale Road. It is hoped that the Committee will see fit to recommend the granting of this request because the Urban Renewal Agency is taking the property where the barber shop is now located. Mr. Bailey stated that this is the second time he has had to move out of a urban renewal area and he needs to try to establish some place where he will not be required to move again.

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 the streets; however, they stated they would look with favor on the requested zoning, if the streets are made adequate, as the proper zoning at this location.

At the Commission meeting, the staff reported that there has been no word from the applicant concerning the right-of-way needed for the widening of the streets. At the Committee hearing, one of the members requested a report on the urban renewal plans for this area.

Mr. Richard Lillie, Assistant Director of Planning, advised the Commission that the Community Renewal Program which is now in the final stages of being completed has set priorities for future urban renewal projects in the City. The first phase, which includes the area north of Ledesma Road and east of Springdale Road, is scheduled as a conservation and rehabilitation area scheduled in the first 10 year phase. The second phase, which covers the area south of Ledesma Street and east of Springdale Road is also scheduled for conservation and rehabilitation but it is of such nature that the percentage of the structures were not at a point that it was felt the area needed immediate attention. This is the reason this area was delayed until phase 2. It is felt that a great deal can be accomplished in this area by the Code Enforcement Program.

Mr. Wroe stated that there is a relatively new subdivision in this area and asked why an area this young needs to be considered under urban renewal. Mr. Osborne explained that part of the reason is that there is a mixture of new subdivisions which generally are in good shape although there are some signs of deterioration, plus the fact that there are other buildings that were built before the area came into the City and some after. In the area south of Ledesma Street the substandard housing is probably in the range of 25 to 30 percent whereas the area north of Ledesma has approximately 50 percent of substandard housing. Part of the difficulty with low cost subdivision is the maintenance which tends to be very low as the people do not have the money to properly maintain their homes.

C14-67-188 Robert Bailey--contd.

Mr. Wroe stated that in his opinion there should be careful consideration when changes are made in an area as it is imperative that some of these neighborhoods be protected so that there will be an incentive for the property owners to upgrade their property.

Mr. Smith said that in his opinion the requested zoning should be granted as the proposed barber shop will front onto Springdale Road and because commercial zoning exists in this same block to the south. Springdale Road is a street that will be developed with businesses and there is no doubt the people in the area would appreciate a barber shop being so close. Mr. Smith further stated that the applicant had recently contacted him and advised him that a letter offering to dedicate the right-of-way has been mailed.

Some of the Commission members felt that the requested zoning would set a precedent down Ledesma Street and felt that this area should be protected.

A motion to deny the request failed to carry by the following vote:

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

After further discussion, a motion was made to deny the request because of the inadequate right-of-way, but to look with favor on the requested zoning, provided the applicant provides for his portion of the necessary right-of-way needed for the widening of the streets, as the requested zoning is proper for the area. This motion also failed to carry by the following vote:

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

THE MOTION FAILED TO CARRY AND NO RECOMMENDATION IS MADE.

C14-67-189 G. A. McNeil: A to B
 5904 Grover Avenue
 Rear of 1201 Palo Duro Road

STAFF REPORT: This application covers a small site consisting of 2,640 square feet. The stated purpose of the request is for operating a beauty shop. The property under consideration is a portion of a lot fronting onto Palo Duro Road. The residence fronts onto Palo Duro Road. The garage and beauty shop fronts onto Grover Avenue. "A" Residential zoning permits a beauty shop in the home, subject to a number of conditions. The condition that has caused the problem is the one that limits the employees to members of the household. "B" Residence, zoning permits the employee of one person outside of the household. This is the purpose of the change. The property does back to commercial property which is developed with a service station. The staff feels that the beauty shop is a good use between the residences and the commercial use at the intersection. The staff recommends in favor of the change.

C14-67-189 G. A. McNeil--contd.

TESTIMONY

WRITTEN COMMENT

Code

M	John P. McKenzie: 5909 Grover Avenue	AGAINST
H	Carl Fuhrmann: Majestic Bldg., San Antonio, Texas	FOR
X	Myra Presley: 2503 Parkview	FOR
AE	Mr. & Mrs. Allan E. Vonminder	FOR

PERSONS APPEARING AT HEARING

Code

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicant, stated that the zoning is requested so that the owner of the beauty shop could have one employee who is not a member of the household. The application has been carefully drawn as to prevent any possibility of spillage into the residential area. This is a gradation matter and there is not any concern with restrictive covenant violations in that the usage has been existing at this location for several years, plus the fact that there have been other violations of the restrictions. It is felt that as a matter of law, the restrictions are duly waived because of the many violations.

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 gradation of zoning between the commercial property to the south and the residential property to the north.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of G. A. McNeil for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5904 Grover Avenue and the rear of 1201 Palo Duro Road be GRANTED.

C14-67-190 M. K. Hage, Jr.: O to GR
 3106-3110 Red River Street
 815-821 East 32nd Street

STAFF REPORT: This application covers 29,435 square feet of land. The stated purpose is for erecting a shopping center. The subject property has been before the Commission for consideration on five previous occasions. Three of the requests for rezoning and two for a special permit. The first request for a special permit was denied but the second was granted subject to certain conditions.

C14-67-190 M. K. Hage, Jr.--contd.

In 1966, a small parcel of land located at the southwest corner of East 30th Street and Red River Street was zoned "LR" for the purpose of permitting a Dobbs House Restaurant. To the east across from the "LR" district and the subject property, there is a large apartment complex. South of the apartment complex is Medical Arts Square of which the front portion is zoned "C" Commercial and the back portion is zoned "B" Residential. St. David's Hospital is located east of the apartment complex and the Medical Arts Square. To the east across Red River Street and north of East 32nd Street is a "C" Commercial district which is developed with various commercial uses. To the north and south of the subject property is "O" Office zoning which is developed primarily with doctor's offices.

There are widening needs for Red River Street in this particular area. Red River Street, with a present right-of-way of 60 feet, should be widened to 70 feet which will require 5 feet of widening from the subject property. East 32nd Street has 60 feet of right-of-way and the staff feels this is adequate.

The staff feels that the subject property should remain under the present zoning of "O" Office, any retail facilities proposed be developed by a special permit as the subject property is across the intersection from "C" Commercial property. Mr. Stevens asked Mr. Cortez if the proposed uses would be allowed under the special permit classification, in view of the existing "C" Commercial zoning being located across the intersection.

Mr. Glenn Cortez, Assistant City Attorney, stated that in 1961 there was a special permit granted on the subject property on the basis of the "C" Commercial property being indirectly across the street. There has been nothing to change the City's mind on this point and it is felt that a special permit could be granted on the basis of the "C" Commercial district.

Mr. Stevens stated that in view of this procedure being open, the staff would prefer to see the proposed development be accomplished by a special permit because of the conditions that can be required. It is realized that there is "C" Commercial zoning across the street and "LR" zoning to the south; however, the request is for "GR" which would be the heaviest zoning on this side of Red River Street. The staff recommends that the request be denied so that development can be accomplished by special permit control.

A petition containing 22 signatures has been received in opposition to the request.

TESTIMONY

WRITTEN COMMENT

Code

P	Mr. & Mrs. R. N. Hester: 806 East 32nd Street	AGAINST
X	Waldo E. Lewis, Jr.: 812 East 32nd Street	AGAINST
K	Mr. & Mrs. Magnus Bolander: 3201 Beanna	AGAINST
?	Mrs. J. T. Magee: 3205 Beanna	AGAINST

C14-67-190 M. K. Hage, Jr.--contd.

AL	Forest Pearson: P. O. Box 1987	AGAINST
E	Everett W. Dunn: Box 165, Harley Iowa	AGAINST
L	Louise Smith: Route 3, Box 164-S, San Antonio	AGAINST
N	Ray W. McCary: 808 East 32nd Street	AGAINST
W	Patrick H. Downing: P. O. Box 1055	AGAINST
	Petition with 22 signatures	AGAINST

PERSONS APPEARING AT HEARING

Code

	John B. Selman (representing applicant)	
B	Anna Mae Ford: 811 East 32nd Street	AGAINST
F	Norrell M. Goodwin: 808 East 31st Street	AGAINST
N	Patrick H. Downing: P. O. Box 1055	AGAINST
AG	R. G. Weiss: 807 East 31st Street	AGAINST
?	Leah J. Hagn: 921 Keith Lane	AGAINST
?	Mrs. William Shive: 843 East 38th Street	AGAINST
?	Charles H. Cox: 810 East 32nd Street	AGAINST
?	Francis A. Morris, Jr.: 3100 Red River Street	AGAINST
?	John P. Schneider: 5 Green Lanes	AGAINST
?	Mrs. A. L. Horstmann: 838 East 37th Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, requested that this application be amended to "LR" Local Retail, First Height and Area zoning. The reason for this is because of the fact that the Commercial businesses that the proposed owner would like to build on this particular piece of property includes a drive-in grocery, drive-in cleaners, pharmacy, dress and apparel shop and offices. Under the present "O" zoning classification, the pharmacy and the offices could be established but the drive-in grocery and drive-in cleaners would have to be established under an "LR" classification. When the application was filed, it was thought that there might be a small department store that would come under the "GR" classification. There has been talk in the past about a service station being established on this property. It should be stated at this time that a service station will not be constructed on the property if zoned as requested, and a restrictive covenant to this effect will be given to the City for fifteen years.

Mr. Selman presented a site plan showing what is proposed for the subject property. He stated that the site plan has been submitted to the building inspector's office for approval. The five feet of right-of-way needed for widening of Red River Street will be dedicated in a letter offering this five feet will be submitted. This property has considerable history, it is felt that the requested zoning is a logical extension of the present zoning that is in the area with the Commercial across the street, the use of Red River Street as presently utilized, and the "LR" zoning to the south. One of the reasons why this property becomes more and more valuable should be

C14-67-190 M. K. Hage, Jr.--contd.

pointed out. It should be pointed out that five to ten years ago no one in the City would have dreamed that IBM would have a large plant in Austin. This is similar to what is happening in this area. No one ever thought that there would be a presidential library established along this street. This is a changing area. The people in the area have beautiful homes and have lived there for many years. They have lived adjacent to one of the largest businesses in this country, which is the University of Texas. Changes in Austin have been discussed before, but this particular area within the close proximity of the University, is the area that has seen the most change. This is what has made this particular property and area the subject of so much zoning because of the economical value and use of the property. The highest and best use for this property could be a higher classification of zoning than what is requested. It is felt that in this location the highest and best use for the property could possibly be a 12 or 14 story apartment complex or service station; however, the applicant is not proposing either one of those uses. The prospective investor is only proposing to use the property to its highest and best use. There are approximately 600 apartment units within a three block area. With this type of density increase in population, the whole area has changed. It is well known that the opposition to this request is concerned about the traffic. It is realized that Red River Street is a highly traveled and congested street but this property has not made it so. The subject property has not been in use, therefore, it is felt that the applicant is entitled as much as anyone, to use their property to the highest and best use as others have in the immediate vicinity. It is admitted that the property zoned "LR" will produce traffic but it will create less traffic under this zone than would be created under a different zone.

Mr. Selman stated that in conversations with the applicant, he said that one of the reasons he abandoned further medical offices was the fact that the subject property is not large enough for that type of development. If the area had been large enough or if he could have acquired additional land, a medical office complex would have been established. In this particular area, the commercial businesses have been successful.

Mr. Wroe asked if the applicant would consider the special permit as recommended by the staff.

Mr. Robert Sneed, attorney for the applicant, stated that in his opinion this should be settled by a zoning change and not a special permit, otherwise there could be a law suit because of the fact that the Ordinance says the property would have to be across from a commercial zone. A law suit filed on a previous approved special permit was on this basis as there was a question in that this property was diagonally across from the intersection from "C" Commercial zoning.

Arguments Presented AGAINST:

Mr. Richard Baker, representing a number of adjacent property owners, appeared in opposition to this request and presented a map to the Committee which shows some of the uses being made of the land in this immediate area. He also presented a petition in opposition to the request, and offered the following

C14-67-190 M. K. Hage, Jr.--contd.

information: The past history of this property in the area should be reviewed. The original application was filed in 1956, at which time an application was filed for a change of zoning from "A" Residence, to "LR" Local Retail, this was approved by the Commission and then went to the City Council where it was amended to "BB" zoning and then withdrawn. In 1959, the front portion of the two lots was zoned "O" Office. In 1961, Continental Oil Company filed a petition for a special permit for the construction of a service station on the front portion of the property fronting onto Red River Street. This application was first filed in May, 1961, and was denied on a four to four vote. In September, 1961, an application was granted for a special permit by a five to three vote. Following this, on September 14, an application by a number of the property owners was filed with the Planning Department, the application is number 141 which was a request to roll back the zoning from "O" Office to "B" Residence. Accompanying this application and filed with the Planning Department was a petition which was signed by 86 owners in the immediate area. Mr. Baker read the petition in which the Commission was requested to change the use district from "O" Office to "B" Residence to preserve the residential character of the neighborhood and protect the property rights of the residences who have acquired property in the area. The City Council refused to deny the special permit and on September 29, 1961, a number of the property owners filed a cause of action suit against the City of Austin. Mr. Baker read the petition which was filed in the 53rd Judicial District Court.

The staff asked Mr. Glenn Cortez, Assistant City Attorney, if the special permit could be granted at this time inasmuch as the property is indirectly across from "C" Commercial zoning. It is submitted that shortly after the granting of the first special permit, on the 20th of October, the Continental Oil Company, acting through its attorneys, canceled the special permit because of the suit which was filed. Thus it was not necessary to go forward with the suit. In 1964, the applicant requested a change on the back portion of the property. His attorney stated that a medical complex in conjunction with the property presently zoned "O" Office was proposed and that adequate parking would be provided for patients. It was further stated at that time that the requested zoning is in keeping with the development of the area and the complex around St. David's Hospital. It was also stated that the property along Red River Street is zoned "O" Office and there are no deed restrictions regarding the property along Red River Street. This change was objected to by the property owners in the area as they were interested in protecting the residential area. The City Council meeting, on March 26, 1964, it was again stated that Mr. Hage acquired property along Red River Street for doctors offices and off-street parking. Now a zoning application has been filed requesting a change on this particular property, being the same property on which an application was made to roll the zoning back to "B", and a law suit was filed to disallow the execution of a special permit. There is a petition filed with the Committee which is signed by 22 residential property owners in the immediate area who have filed an objection and request this application be denied. In addition, there are five doctors who own property in this area who are at this meeting and who have filed

C14-67-190 M. K. Hage, Jr.--contd.

their objections to the request. The doctors who are opposed purchased their property from Mr. Hage prior to the time he bought the subject property and it was their understanding from him when they purchased their property that the adjoining property would be acquired and used for the purpose of a medical complex which would be consistent with the application filed in 1964. It is submitted that there have been no changes since that time and arguments presented by the attorneys for the applicant in 1964 are applicable now. In 1956, one of the issues was where to stop the expansion of commercial facilities going west. It was discussed that Red River Street was the place to stop this. Until 1966, there have been no intrusions of anything greater than "O" Office on the west side of Red River Street except for the "LR" district to the south. Starting at 19th Street going in a northerly direction there is only one "LR" zoning district established. This change was granted for the construction of a Dobbs House Restaurant. The testimony at that hearing was that there was a contract in existence with a long term lease. The property owners who have continually objected to this application were not given notice of the "LR" application as they are not in the area specified for notice. If they had known, they would have objected. Even if they had objected, the proposed use was a service type eating unit which was probably useful or necessary in the area and was not incompatible with the offices in the area. This is the only intrusion on the west side of Red River Street. It has been a consistent problem where people are trying to change the property from single-family to apartment uses. This has been constant and to complicate this by expanding "LR" would be a traversity as far as these people are concerned. The east side of Red River Street has been an area that is used for retail and commercial. The area where the Medical Arts Center is constructed is used in this classification and that is the only other "C" Commercial zoning until the property at the corner of East 32nd and Red River Streets, which is immediately diagonally across from the subject site. Going south there is not much use for commercial purposes.

One of the primary problems in the utilization of this particular tract of ground is the traffic problem. West 32nd Street has only been paved 30 feet although it does have 60 feet of right-of-way. Red River Street has 40 feet of pavement but this is not sufficient. The problem is that the street is so heavily traveled that it presents serious traffic problems. It is the feeling of the property owners that the requested change authorizing a service center would further congest this traffic and that the people who would utilize the center would utilize it at the peak periods of day when the traffic already presents serious problems. If the property was used for medical offices, the primary flow of traffic would be between the peak periods. Red River Street is a congested street and the applicant did not cause this nor did any of the property owners living there. Mr. Selman stated that in the past 15 years there has been a substantial change in the character of the area and he is right to a point. The change was mainly until 1964; however, since 1964, there has been little or no change in this area. It is requested that this application be denied as it would be an intrusion into a well-defined

C14-67-190 M. K. Hage, Jr.--contd.

office area which has already started to develop and also an unwanted intrusion into a residential area which is well-maintained. It is submitted that the streets in the area are insufficient to carry the traffic.

A number of nearby property owners appeared in opposition to this request for the reasons as previously stated by Mr. Baker. They further stated that the residential area has shown considerable improvement in the past years and most of the people feel that the requested zoning would be a detriment and would set a precedent for the other changes in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the amended application to "LR" Local Retail, First Height and Area and reviewed the information presented, concluding that this request should be denied as the present zoning is in keeping with the general character of the area.

At the Commission meeting, the staff reported that Mr. Robert Sneed, attorney for the applicant, has requested that this application be withdrawn.

The Commission then

VOTED: To ACCEPT the withdrawal of this application.

C14-67-191 M. L. Foster: A to O
4002-4006 Clawson Road

STAFF REPORT: This application covers 44,685 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for a classroom. The applicant teaches driver education courses and according to a new regulation, he must have ample classroom and a certain amount of class hours to continue a driver's education program. The lots in this area are very large and irregular shaped; however, this is a residential area. A residential subdivision, which has been in existence for four or five years, is developed across Clawson Road to the east. Further to the east is a new approved preliminary plan proposing multi-family and single-family development. Clawson Road, with 55 feet of right-of-way in front of the subject property, is inadequate and should be widened to 60 feet. The staff recommends denial of this request because of the inadequate right-of-way of Clawson Road and because the requested "O" Office zoning would be an intrusion into an "A" Residential district.

TESTIMONY

WRITTEN COMMENT

Code

L	Mrs. Euveda Orter: 4017 Clawson Road	AGAINST
AB	George E. Tannehill, II: 3907 Clawson Road	AGAINST
AC	M. L. Walker: 3903 Clawson Road	AGAINST

C14-67-191 M L. Foster--contd.

PERSONS APPEARING AT HEARING

Code

AB	George E. Tannehill, II: 3907 Clawson Road	AGAINST
AC	M. L. Walker: 3903 Clawson Road	AGAINST
A	M. L. Foster (applicant)	

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he has been operating a driver's draining school in Austin for the past 24 years. House Bill No. 568 goes into effect on January 1, 1968, which requires in order to have this program there must be a classroom with a minimum square footage of 300 feet and a seating capacity for 12 people. The request is only for a very small schoolhouse. The subject property contains 44,685 feet which is ample for the proposed schoolhouse and off-street parking around the small building. Mr. Foster further stated that he does not have the money to build a schoolhouse at any other location or to rent a building for this purpose. The subject property is available and the zoning should be granted. According to House Bill No. 568, the school has to be separated and apart from the residence.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that this is a residential neighborhood that should not be changed. If the zoning is granted it will increase traffic.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into a residential area and is served by a street with inadequate right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M. L. Foster for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4002-4006 Clawson Road be DENIED.

C14-67-192 HHR, Inc.: A to B
6508-6510 Hickman Avenue

STAFF REPORT: This site consists of 15,943 square feet which is undeveloped. The stated purpose of the application is for the construction of multi-family dwellings. The subject property was before the Commission in 1964, in connection with the property adjoining to the west. At the time, the

C14-67-192 HHR, Inc.--contd.

Commission recommended that "B" Residence zoning be granted on the property adjoining to the west but the subject property be withdrawn on that application as it was felt that it would be an intrusion into a well-developed residential area. The subject property was subsequently withdrawn. This area is still predominantly single-family and Hickman Avenue, with a present right-of-way of 50 feet, is inadequate. The staff has discussed with the applicant the possibility of dividing the property into two duplex lots which would allow two duplexes to be built which would be appropriate for the area. The staff recommends that the requested zoning be denied.

TESTIMONY

WRITTEN COMMENT

Code

R Mrs. Edna O. Blanchard: 6504 B Hickman
Q Winona C. Lasater: 2319 West 8th

FOR
AGAINST

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 denied as the proposed development would be an intrusion into a residential area and because Hickman Avenue has inadequate right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of HHR, Inc. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6508-6510 Hickman Avenue be DENIED.

C14-67-193 Robert P. Dunnam: C, 3rd to C, 4th
806-814 San Antonio Street
501-515 West 9th Street

STAFF REPORT: This application covers 27,776 square feet of land which is presently undeveloped. The zoning is requested so that three additional floors can be added to the proposed luxury apartment. The subject property was before the Commission a few months ago at which time it was zoned Third Height and Area. Since that time, the applicant has requested a variance from the Board of Adjustment to erect an eight story structure providing no front setback. This request was granted by the Board. In reviewing this request, the question was raised as to whether or not a change in zoning would effect the action of the Board of Adjustment.

C14-67-193 Robert P. Dunnam--contd.

Mr. Glenn Cortez, Assistant City Attorney, stated that this would not affect the granting of a variance by the Board if the site plan has not changed.

Mr. Stevens stated that the requested zoning permits a height of 200 feet. The applicant proposes a structure to be 11 stories. Fourth Height and Area zoning exists at the intersection of West 10th and Nueces Streets on which there are apartments under construction. The area has Second and Third Height and Area zoning and Fourth Height and Area is established along Lavaca Street. The staff previously recommended the Third Height and Area zoning to accommodate the particular proposal and because it was in the near vicinity of Third Height and Area zoning. The staff has no objection to the proposed building but does oppose establishing a Fourth Height and Area for the general area. The applicant does lose some building height when compared to other property in the area because of the terrain differences. The staff recommends that the property remain Third Height and Area as the requested zoning would set a precedent for the remaining area if granted.

TESTIMONY

WRITTEN COMMENT

Code

L	Mrs. Stella Hofheinz: P. O. Box 1987	FOR
Q	Jean Holloway: 807 Rio Grande Street	FOR
Y	John W. Carpenter: 207 East 2nd Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Robert P. Dunnam (applicant)
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SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and presented the following information: A request for rezoning was made on this property approximately two months ago. From the preliminary analysis with the architects on the site and the proposed improvements, it appeared that "C" Commercial, Third Height and Area zoning would be sufficient for the stated purpose; however, after more detailed analysis, it has been found that the proposal cannot be accomplished within a 90 foot height limitation. For this reason, it is requested that "C" Commercial, Fourth Height and Area zoning be granted. A letter has been addressed to the City Council, whereby voluntarily limiting the height of the proposed structure to 120 feet. This request is as much a function of zoning as is economics. In the original consideration, the thinking was in terms of 90 feet from the ground level on 9th Street. Approximately 4 feet is lost because of the terrain. This is a very fine historical location of the City because of the public library and other facilities and this should be protected. The plans are for a luxury or semi-luxury apartment project. The present thinking is in terms of 8,500 gross square feet per floor. The average apartment size will be in excess of 1,100 square feet for two bedroom units and for three bedroom units, the average square footage would be

C14-67-193 Robert P. Dunnam--contd.

1,350 to 1,400 square feet. The height is needed so that there can be nine foot ceilings rather than eight foot. Under the "C" Commercial, Third Height and Area classification, only 46 units could be developed with the proposed square footage and ceiling height. It would not be economically feasible to develop with this condition. It is anticipated that only 60 units will be developed under the Fourth Height and Area zoning so that a project can be built that would be a maximum benefit to the development of the City at this location. The present thinking is for ten stories plus the penthouse. It is the intent to preserve the historical and architectural integrity of this neighborhood.

No one appeared in opposition to this request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the zoning in the area.

At the Commission meeting, Mr. Stevens reported that since the zoning hearing, the applicant has submitted sketches of the property showing the land and the cross section of the proposed structure. In addition to the sketch, the applicant proposes to limit the height of the proposed structure to 135 feet. At the zoning hearing, the applicant advised the Committee that the plans were to offer a restrictive covenant limiting the height of the proposed structure to 120 feet. He now says that the structure must have a height of 135 feet because the height restriction must be based from the curb level along 9th Street. The staff previously stated that there is no opposition to the proposal on the subject property; however, if the request is granted, there is concern about the fact that a precedent would be established for the general area rather than just the particular property in question. The Fourth Height and Area zoning has very few controls from the standpoint of height, coverage and bulk.

Mr. Osborne stated that the block to the north, between West 10th and West 11th Streets and Rio Grande and Nueces Street is zoned Fourth Height and Area. Approximately one-half of this block is currently being developed. To the south along West 7th Street is Third Height and Area zoning, and along West 8th Street is Second Height and Area zoning. The bulk of the Fourth Height and Area zoning is to the east around Guadalupe Street. The problem is not particularly what is proposed on the subject site as much as the overall bulk of building that would go into this area. This is a problem that does exist in the Zoning Ordinance inasmuch as careful distinctions for density requirements are not made. The Commission could rezone the property with the idea in mind that the staff will attempt to work on more suitable classification that will take into account the development of bulk building. When an elevator type structure is proposed, the economical consideration has to be for 10 or 12 stories. One of the key considerations in this area is the preservation of the character of the area such as the trees and the buildings that will remain.

C14-67-193 Robert P. Dunnam--contd.

Mr. Wroe stated that he is not opposed to the applicant's plan or the zoning if it does not adversely affect the remaining area. This request is the third change that has been recently considered on the subject property which indicates that the plans are not final as yet. "C" Commercial, Fourth Height and Area zoning with a different plan could be a hazard and detriment to the area.

Mrs. Naughton stated that her concern is the establishment of Fourth Height and Area zoning in an area that does not have this zoning or development. Mr. Riley stated that he does not oppose the design of the proposed structure but feels the requested zoning would set a precedent and similar development on other property may not conform.

The Commission members agreed that "C" Commercial, Fourth Height and Area zoning should not be granted on the subject property as it would establish a change in the area and set a precedent; however, they stated they would be in favor of the applicant's proposal on the site because of the location, the size and shape of the site, and the fact that there is ample open space, provided the development could be controlled by restrictive covenants. The members realized that they are not in a position to accept restrictive covenants but recommended that the City Council consider the proposed development with the use of restrictive covenants for control. It was then

VOTED: To recommend that the request of Robert P. Dunnam for a change of zoning from "C" Commercial, Third Height and Area to "C" Commercial, Fourth Height and Area for property located at 806-814 San Antonio Street and 501-515 West 9th Street be DENIED.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of October 30, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that the following subdivision was referred to the Commission without action: C8-67-69 Highland Hills Northwest, Section 5.

It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of October 30, 1967, on the minutes of this meeting.

PRELIMINARY PLANS

C8-67-69 Highland Hills, Northwest, Section 5, Revised
Running Rope and Lamplight Lane

The staff reported that this preliminary plan was heard at the last two Subdivision Committee meetings. At the first Subdivision meeting, the request was postponed for 30 days because of a problem in relation to the

C8-67-69 Highland Hills, Northwest, Section 5, Revised--contd.

location of the streets as effecting the M. E. Hart property which is located to the east of the property under consideration. At the last Subdivision Committee meeting, there had been no agreement worked out with property owners involved and the Committee postponed the request again with the understanding that if the problems could be worked out before the full Commission meeting, that it could be submitted to the Commission for approval. Rockcliff Lane was originally to go through the Hart property and skirt the subdivision to the east but this was objected to by that owner. The street has now been relocated, and brought entirely into the subject property and ties in with property to the north owned by Mr. David Barrow. In view of this, the staff recommends approval subject to compliance with departmental reports as revised, pending concurrence by Mr. Barrow that this particular layout of Rockcliff Lane will not effect his plan to the north which is already approved.

Mr. Thomas Watts, engineer for the applicant, informed the Commission that the grade of the street will be steeper than originally proposed because of the relocation; however, the grade will probably be between 15 and 20 percent. He further stated that Mr. Barrow has seen this layout and it is his understanding that he has agreed to it. The relocation of the street only changes the angle and the intersection will remain the same.

Mr. Stevens stated that the grade of the street will have to be approved by Mr. Rountree, Director of Public Works. After further discussion, the Commission

VOTED: To APPROVE the preliminary plan of HIGHLAND HILLS NORTHWEST, Section 5, Revised, subject to compliance with departmental reports, approval of the street grade by the Director of Public Works, and concurrence by Mr. Barrow that the location of Rockcliff Lane will not affect the plan on his property to the north.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT for filing the following final plats:

<u>C8-67-90</u>	<u>Barton Hills West, Section 1</u>
	Barton Hills Drive and Mountain View
<u>C8-67-84</u>	<u>Bergstrom Place, Section 1</u>
	State Highway 71 & Bergstrom AFB
	(Building lines required on plat)

SUBDIVISION PLATS - CONSIDERED

C8-67-86 Colony North, Section 3
Jamestown Drive and Bangor Bend

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

VOTED: To DISAPPROVE the final plat of COLONY NORTH, Section 3, pending the required fiscal arrangements.

C8-67-6 Deloney Acres
Riverside Farm Road and Townview

The staff recommended disapproval of this final plat pending the required tax certificates. The Commission then

VOTED: To DISAPPROVE the final plat of DELONEY ACRES, pending the required tax certificates.

C8-67-77 Allandale Estates, Section 2
U.S. 183 and I. & G.N. Railroad

The staff recommended disapproval of this final plat pending the required fiscal arrangements and Council action on the zoning required. This subdivision proposes industrial, office and commercial uses which is contrary to the zoning that will exist on the property when it is annexed. The property is in the process of being annexed and a zoning application has been filed on the property. It was then

VOTED: To DISAPPROVE the final plat of ALLANDALE ESTATES, Section 2, pending the requirements as indicated.

C8-67-43 Buckingham Place
Eberhart Lane and Middleham Place

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

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

C8-67-64 Angus Valley No. 7
West Cow Path

The staff recommended disapproval of this final plat pending additional deed references on the face of the plat. The Commission then

VOTED: To DISAPPROVE the final plat of ANGUS VALLEY NO. 7, pending additional deed references on the face of the plat.

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

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

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

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

The staff recommended disapproval of this final plat pending the required fiscal arrangements. The streets have been put in and are paved but a letter of acceptance from the Department of Public Works is required in lieu of the fiscal arrangements. The Commission then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, Section 9, pending the required fiscal arrangements, or letter of acceptance.

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

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

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

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

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

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

C8-67-21 Ben White Commercial
Ben White Boulevard and South 2nd Street

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

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

C8-67-17 Twin Oaks Industrial
Ben White Boulevard and Warehouse Road

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

VOTED: To DISAPPROVE the final plat of TWIN OAKS INDUSTRIAL, pending the required fiscal arrangements.

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

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

VOTED: To APPROVE the final plat of CHERRY CREEK NO. II.

C8-67-63 Perkins Trails
Lansing Drive and Brighton Road

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

VOTED: To APPROVE the final plat of PERKINS TRAILS.

SHORT FORM PLATS - FILED

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

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

C8s-67-176 Beverly Hills, Section 1, Block B
Westview

C8s-67-177 Alece Wilkins Subdivision
Nancy Drive and Stassney Lane

C8s-67-175 Roy A. Ragland Subdivision
Center Street and South Street

The staff reported that this request involves a variance from the signature of the adjoining property owner. A letter has been received stating that an attempt has been made to get the adjoining owner to participate in the platting, but he has refused. In view of this, the staff recommends that the variance be granted and that this short form plat be accepted for filing only inasmuch as the departmental reports have not been completed. The Commission then

VOTED: To ACCEPT for filing the short form plat of ROY A. RAGLAND SUBDIVISION, granting a variance on the signature of the adjoining property owner.

SHORT FORM PLATS - CONSIDERED

C8s-67-157 Louiseau Addition
 U.S. 183 and North Lamar Boulevard

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

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

C8s-67-160 Travis Heights, Resub. Lots 4-7
 Travis Heights Boulevard

The staff reported that a variance involving the width of Lots 4-A and 5-A is required for this subdivision. A letter has been received from the applicant requesting that the variance be granted. Lots 4-A and 5-A do not have 50 feet of width 50 feet behind the building line. The staff has discussed this with the surveyor since the Subdivision Committee meeting and he has indicated that the plat would be revised; however, this has not been accomplished at this time and the staff can only recommend disapproval pending a revision to the plat. The Commission then

VOTED: To DISAPPROVE the short form plat of TRAVIS HEIGHTS, Resub. Lots 4-7, pending a revision to the plat.

C8s-67-169 J. G. Taylor
 Monte Vista Drive

The staff reported that a variance is required on the width of Monte Vista Drive which is only 40 feet wide. The 40 foot width of the street is by approval of a former subdivision. The staff recommends that the variance be granted and that this short form plat be disapproved pending the required fiscal arrangements. The Commission then

VOTED: To DISAPPROVE the short form plat of J. G. TAYLOR, pending the required fiscal arrangements, granting a variance on the width of Monte Vista Drive.

C8s-67-173 Wooten Park Square, Section 3
 Mullen Drive and Wooten Park Drive

The staff reported that this is a one lot short form proposal located on Mullen Drive just north of Wooten Park Drive. Involved is a variance to exclude the balance of the tract. Mullen Drive is the entrance to Allandale North Subdivision. Several months ago, Mr. Nelson Puett, owner of this property, filed a three lot short form at which time he requested a variance to exclude the balance of the property. This was granted by the Commission. The staff can recommend that this variance be granted but there is one item that should be checked with the Director of Public Works. There are

C8s-67-173 Wooten Park Square, Section 3--contd.

two existing islands in the middle of Mullen Drive with rose bushes in them. The staff questions any proposed driveway into the lot which may or may not be effected by the islands. The Director of Public Works has given a clear report but the staff is uncertain as to whether or not he has taken this into consideration. The staff would like to check with Public Works in order to determine that there are no access problems. It is recommended that the variance be granted subject to further checking with Public Works on the location of the driveway in relation to the islands in the middle of Mullen Drive and that the plat be disapproved pending the required fiscal arrangements as required for drainage. It was then

VOTED: To DISAPPROVE the short form plat of WOOTEN PARK SQUARE, Section 3, pending the required fiscal arrangements, granting a variance to exclude the balance of the tract, pending a check with Public Works on the location of the driveway in relation to the islands in Mullen Drive.

C8s-67-168 C. R. John's Subdivision
Salina, Pennsylvania and Leona Streets

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 C. R. JOHN'S SUBDIVISION, pending completion of departmental reports.

C8s-67-167 Mansbendel Subdivision
King Street and West 37th Street

The staff reported that this short form plat involves a variance on the width of King Street which abuts the proposed subdivision on the east side. King Street at the present time is only 27 feet wide. The staff has checked this with the Department of Public Works and decided that five feet of right-of-way is needed in order to at least bring the street above 30 feet of right-of-way so that a 30 foot pavement can be maintained for the street. This has been discussed with Mr. Myers Parsons, representative for this subdivision, and he has stated that they would be willing to dedicate the five feet of right-of-way. This will still involve a variance inasmuch as the Ordinance requires streets to have 50 feet of right-of-way. The staff recommends the variance be granted with the provision that five feet of right-of-way be dedicated, and disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of MANSBENDEL SUBDIVISION, pending completion of departmental reports, and granting a variance on the width of King Street, provided five feet of right-of-way is dedicated from the subject property for street widening.

C8s-67-164 Tadlock Subdivision
U.S. Highway 183 and Duval Lane

The staff reported that this short form plat involves a variance on the signature of the adjoining property owner. A letter has been received requesting that this variance be granted. Inasmuch as an attempt was made to get the adjoining owner to participate, the staff recommends that the variance be granted and that this short form plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of TADLOCK SUBDIVISION, granting a variance on the signature of the adjoining owner.

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

The staff recommended disapproval of this short form plat pending the required additional easements, fiscal arrangements, completion of departmental reports, and subject to the approval of Northwest Hills, Section 9, inasmuch as the lots in the subject subdivision front onto the streets in Northwest Hills, Section 9 Subdivision. After further discussion, the Commission

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

C8s-67-171 Fulkerson Subdivision
F.M. Highway 2304

The staff reported that this is a two lot short form plat located on F.M. 2304 which is actually the new Manchaca Road. There is a variance involved in that the owner of this property owns the adjoining property to the south and west and he is requesting a variance to exclude the balance of the property for the following reasons as stated in his letter:

1. Cost of Water main would tax my property and produce undue burden on my family.
2. Additional developing of the land in these large sections would not reimburse the capital expenditure.
3. Cost of financial credit at this time is too tremendous, specifically the interest rate on borrowed money.

The staff recommends that the variance be granted due to the fact that the approval of the two lots under consideration will not interfere with the layout of the balance of the property inasmuch as there is adequate street frontage for the remainder of the property. This short form plat has complied with all departmental requirements and all requirements of the Ordinance and the staff recommends approval. The Commission then

VOTED: To APPROVE the short form plat of FULKERSON SUBDIVISION, granting a variance to exclude the balance of the tract.

C8s-67-172 Treadwell Addition, Section 4
Burnet Road

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance; however, a variance is requested to exclude the balance of the tract. The property under consideration is located in front of the Burnet Drive-in Theater and the balance of the property is where the theater is located. The theater has a long term lease on the property and the applicant is requesting a variance because of this. The staff recommends that the variance be granted and that this short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of TREADWELL ADDITION, Section 4, granting a variance to exclude the balance of the tract.

C8s-67-174 Will Thurman Subdivision
South Congress Avenue

The staff reported that this short form plat has complied with departmental reports and all requirements of the Ordinance except for a variance which is required on the signature of the adjoining property owner. A letter has been received requesting that this variance be granted inasmuch as the adjoining owner does not wish to participate in the platting at this time. In view of the fact that an attempt was made to get the adjoining owner to join in the platting, the staff recommends that the variance be granted and that this short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of WILL THURMAN SUBDIVISION, granting a variance on the signature of the adjoining property owner.

C8s-67-150 Townlake Plaza, Block D
Arena Drive and Town Creek Drive

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance and recommended approval. The Commission then

VOTED: To APPROVE the short form plat of TOWNLAKE PLAZA, Block D.

ADMINISTRATIVE APPROVAL

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

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

C8s-67-151 Manor Hills, Section 11, Resub.
New Manor Road and East 51st Street
C8s-67-170 Bowling Green Resub., Block C
Burnet Road and Colfax Avenue
C8s-67-165 Northfair
St. Johns Avenue

REPORTS

SUBDIVISION APPROVAL BY POLL

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

VOTED: To APPROVE the following plats:

<u>C8-67-37</u>	<u>Oak Ridge, Section 2</u> U.S. Highway 81 and Little Oak Drive (10-2-67)
<u>C8-67-54</u>	<u>Fairway Greens</u> Hogan Avenue and Montopolis Drive (10-31-67)
<u>C8-62-34</u>	<u>Pleasant Valley, Section 1</u> Lyons Road and Fiesta Street (10-31-67)
<u>*C8-67-2</u>	<u>Woods Knoll Addition</u> Maywood Avenue south of Warren Street (10-31-67) *(Hold plat for deed reference)

ZONING REFERRAL

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

Mr. Stevens reported that this request was referred to the Commission by the Council at the last regular zoning hearing. The Commission has previously recommended that the request be denied as it would be too intensive for the area. It was also felt that "O" Office, First Height and Area zoning would be a logical gradation from the commercial zoning district north of the subject site.

"O" Office, Second Height and Area zoning was requested so that the front portion of the property, at the corner of Patton Lane and Berkman Drive, could be developed with offices and the remainder of the property could be developed with apartments. Mr. Stevens further explained that at the Council hearing, he advised them that it was his understanding that there would be a proposal to amend the text of the density requirement in the Ordinance. The Council took this into consideration and felt that the request should be referred back to the Commission to be considered in terms of any revision to the Zoning Ordinance.

Mr. Osborne advised the Commission that the Austin Apartment House Association submitted a resolution to the Council requesting that the density provision in the Ordinance be reviewed. This was referred to the Commission and as a result, the staff asked representatives of the Austin Apartment

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

House Association to submit their recommendations on the density provisions. This information was received Monday, with the notation that they recognized that it was too late for the Commission to consider the proposal at this meeting. The staff has not had an opportunity to study the density provision or to review the recommendations by the Austin Apartment House Association.

Mr. Padgett stated that it was realized that the Commission felt the density allowed under the requested zoning was too great; however, there have been zoning changes granted with a variance in density by restrictive covenants. "O" Office, Second Height and Area zoning would permit 106 units to be erected on the site whereas "O" Office, First Height and Area would only permit 53. It was anticipated that only 70 to 75 units would be constructed and a restrictive covenant to this effect would be submitted.

Mr. Stevens advised the Commission that Mr. Padgett did offer a restrictive covenant to the Council, not only on the density but also on setback; however, they felt that in view of the fact that the density provisions may soon be amended, that this request should be referred back to the Commission with that consideration.

The Commission members felt that without presentation of the proposed density provision amendment, that the only alternative at this time would be to reaffirm their prior recommendation or to postpone the request until such an amendment is presented for review. It was then unanimously

VOTED: To POSTPONE this request for a change of zoning.

OTHER BUSINESS

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

Area located between Pleasant Valley Road, Boggy Creek, MK and SP Railroad and East 7th Street

The Commission noted that the proposed amendment had been heard and considered at two previous meetings. The Commission members agreed to hear additional testimony from those present.

Mr. F. A. Lawrence appeared in opposition to the request and presented a petition by a number of the property owners in this area. He stated that the triangular area under consideration, located south of the railroad track, is almost completely surrounded by "D" Industrial zoning and the amendment would be a case of "spot zoning". Mr. Lawrence referred to the Austin Transportation Plan and submitted a land use map of the area for consideration. He stated that in 1962, it was predicted that in 15 years this area would be developed to greater industrial use. There is approximately 1,728 acres of industrial property in the City of Austin at the present time, but it has been predicted that in 1982, there will be a need for approximately 3,380 acres of industrial property. According to the predictions by the Planning Department, the industrial need will increase about

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

three times. The Population Distribution map indicates that there are 1,900 people now living in the general area; it is predicted that in 1982, there will only be 600 people living in the general area. This means that people will be moving out of the area and this will become an industrial section of Austin.

Mr. Lawrence referred to the original Urban Renewal Bill which explains the purpose of the Renewal Program. One of the purposes of urban renewal is for the clearance of slum and blighted areas. This area does not come under that classification.

Mr. Osborne explained to the Commission that the proposed amendment is a change in the Master Plan and not a change in zoning. Notice of proposed change in the Master Plan is placed in the newspaper and not sent to individuals. The issues are the circumstances in the area and how they relate to the overall plan of the community. This is not a discussion of an urban renewal project as such. It is a preliminary plan which may or may not lead to urban renewal action. It will not affect the zoning of the property at the present time or the issuance of a building permit if a lot is presently designated as industrial. The consideration is whether or not the Master Plan for the City should be amended. For example, Springdale Road is designated as an arterial street which will require widening. The plan submitted by the Renewal Agency conforms to this. The Renewal Agency's preliminary plan indicates that this area is residential and should remain so. The homes are in reasonably sound condition although there is a substantial element of blight because of the narrow unpaved streets, the inadequate street pattern, drainage problems and mixed uses. The Commission's responsibility is to recommend to the City Council what the long range plan for this area should be. If approved by the Council, the GNRP can be submitted to the Federal Government by the Urban Renewal Agency. The City and the Agency can then decide whether or not to proceed with this as a renewal project with detailed planning of the area.

Mr. Smith asked if a change in the Master Plan would lead to a change in zoning at a later date. Mr. Osborne explained that it would if this becomes a renewal project.

Mr. Leon Lurie, Director of Urban Renewal Agency, was present at the hearing and offered the following information: It is anticipated that detailed planning could be undertaken within the next year. There would be a plan prepared for the entire area. This would have to be reviewed with the neighborhood and approved by the Planning Commission and City Council. Finally, the Federal Government would have to approve the project. The project will probably take from two to four years to complete. Mr. Lurie further stated that it has been his understanding through telephone conversations with many people in the area that there are a number of people in the area who own their own homes and who wish to remain there. He explained that it is not the intent of the Renewal Agency to go into this area and clear out the standard residential structures but that leaving the area as "industrial" could require such clearance. If the homeowners in the area plan to continue living

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in their homes then the area should certainly not remain as an industrial area. The preliminary plans that are being prepared are based on the fact that the major portion of the area is being utilized as residential and has continued to grow from this standpoint.

Mr. S. J. Maxwell, property owner in the area, appeared at the hearing and stated that he was not aware of the proposed change in the Master Plan for this area until last month. "It has been stated by Mr. Osborne that no public notice or personal notice is necessary when the Master Plan is changed. This is not true. This is more than a hearing on zoning, it is a taking of property without due process of law. If the amendment is approved, the people in the area will be deprived of their property rights, and they are certainly entitled to notice when their property rights are to be taken. It is not up to the City to tell property owners how to develop their land. The land belongs to the individual property owner and they should be able to develop their property for any use they propose. There is not a dilapidated house in this triangular area and it does not meet the definition of a slum or blighted area as given in the urban renewal bill."

Mr. Wroe stated that in his opinion, a plan that creates so much unrest and uneasiness within the effected area is not a good plan. The Urban Renewal Agency should consider a revision to the plan.

Mrs. Naughton stated that this area is not up to standard. If the area was made to conform to industrial standards in street pattern, street width and tract sizes, the property owners would be more affected than under the plan which is proposed.

Mr. Riley stated that the existing usage map indicates that there is little industrial development in this particular area. The area is predominantly developed with residences and should be designated under this classification.

Mr. Smith stated that if the Commission disapproves the change in the Master Plan, the Urban Renewal Agency can make an adjustment. There is residential development and there is land being used for industrial purposes or intended for industrial purposes. There maybe some doubt as to the future expansion of the area for industrial purposes, but the people who reside there have requested that the area remain as it is. He further stated that if the disapproval of the plan where to negate the urban renewal plan he would be inclined to voted in favor of the change.

Dr. Hazard stated that he feels that there has been no evidence to suggest that industry is coming into this area. The changes that are proposed in upgrading the residential development will benefit the area to a greater extent than if it remains industrial. The changes that would be required under a systematic industrial use would create more changes than what is proposed.

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After further discussion, a motion to recommend that the proposed amendment to the Master Plan be disapproved failed to carry by the following vote:

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

THE MOTION FAILED TO CARRY BY A TIE VOTE AND DENIAL IS RECOMMENDED.

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

Hoyle M. Osborne
Executive Secretary