

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 12, 1967

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

Present

Edgar E. Jackson, Chairman
Hiram S. Brown
Barton D. Riley
Samuel Dunnam
Robert B. Smith
Mrs. Lynita Naughton

Absent

W. A. Wroe
Ed Bluestein
Dr. William Hazard

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at a meeting of December 5, 1967.

Present

W. A. Wroe, Chairman
Samuel E. Dunnam
Barton D. Riley
Robert B. Smith
Dr. William Hazard

Also Present

E. N. Stevens, Chief, Plan Administration
Bill Burnette, Associate Planner

PUBLIC HEARINGS

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

STAFF REPORT: This application covers two tracts of land fronting onto Shoal Creek Boulevard. Tract 1 contains 47,750 square feet and is developed with a two-family dwelling. Tract 2 containing 55,750 square feet is undeveloped. The stated purpose of the application is for apartment development. Shoal Creek runs through the site and at many locations there are very sharp drops from Shoal Creek Boulevard to the creek. The contour information available to the staff indicates a difference in elevation between the high part of the applicant's property and the creek bed and the adjoining lots west of the creek. The difference being 20 to 25 feet at the southern end, approximately 48 feet at midway of the site, and approximately 56 feet at the northern end.

C14-67-183 B. N. Holman--contd.

The area to the north, west and east is developed predominantly with single-family development although there are duplexes established on five lots adjoining the subject property to the north which are also owned by the applicant.

There is considerable history of recent zoning requests in the area. Property at the corner of Shoal Creek Boulevard and West 40th Street was zoned "B" Residence, First Height and Area in 1966. To the southeast at the intersection of West 39½ Street and Shoal Creek Boulevard there are three lots extending easterly which were zoned "B" Residence, First Height and Area in 1967. Also to the south on the opposite corner at the intersection of West 39½ Street and Shoal Creek Boulevard, "B" Residence, Second Height and Area zoning was established in 1963. "B" Residence, First Height and Area exists on property to the south along Seiders Avenue. Adjoining this property, having frontage onto Shoal Creek Boulevard, is a tract of land which is developed with a Jewish Synagogue. There is "B" Residence, First and Second Height and Area zoning in the immediate vicinity.

The applicant's property has severe limitations with regard to erecting a building or buildings on the site. In view of this and because of the close proximity to the new Seton Hospital complex, the recent zoning changes in the area and the fact that Shoal Creek Boulevard is a major arterial street, the staff feels consideration should be given to granting an apartment zone on the site; however, the staff is concerned with how the uses are put on the property and about adequate drainage facilities for Shoal Creek as affecting the site.

The problem of Shoal Creek through this area has been discussed with the Director of Public Works. The following report has been received from Mr. Reuben Rountree, with regard to the creek:

"To prevent the flooding of some of the residences on lots backing up to Shoal Creek, westerly of the Holman property, the channel for Shoal Creek in this area needs to be widened and deepened. The proposed channel should have a bottom width of 46 feet with 1½ to 1 side slopes and allow for a 10 foot high water depth.

The drainage easement needed for such construction plus allowance for a six foot wide foot path along the west side should be a minimum of 82 feet wide through most of the Holman property with a slightly wider area near West 39½ Street where the creek makes a slight bend. The excavation of the east bank of the channel would also cause some of the fill on the existing steep slope above the proposed easement line at the 10 foot high water line to slide into the channel.

C14-67-183 B. N. Holman--contd.

It would thus be necessary to protect the City against future damage claims for undermining or sloping the fill area adjacent to the east bank either during or after construction by securing either a wider easement or by a stipulation in the easement that the City would not be held liable for any settlement or sliding of the ground that might occur between Shoal Creek and Shoal Creek Boulevard."

If the property is zoned as requested, a maximum of 31 regular units or 63 apartment hotel units could be established on Tract 1, and a maximum of 27 regular units or 36 apartment hotel units could be established on Tract 2. It is the staff's understanding that the applicant proposes 31 units on Tract 1 in addition to the existing two-family dwelling, and 36 units on Tract 2. The proposed density would almost meet the density requirements of "B" First Height and Area classification for Tract 1 except for the fact that 7,000 square feet of the area would have to be deleted because of the existing single-family dwelling. The staff recommends in favor of the request if the proposed development is restricted by covenant to 31 units on Tract 1. It is felt that the units permitted on the two tracts of land, under the requested zoning, without a restrictive covenant on Tract 1 would be much too intensive for the area because of the existing residential development, the terrain problem on the site and the access onto Shoal Creek Boulevard which is a heavily traveled street. There is no access to that part of the site located west of Shoal Creek because of the terrain problem and by Shoal Creek separating the site. This particular portion of the property would serve for lot area purposes. The staff recommends that the requested zoning be granted with a restrictive covenant limiting the development on Tract 1 to 31 units.

Mr. Riley stated that he is familiar with this area of Shoal Creek and asked if the past history with regard to flooding of the site is to be reviewed.

Mr. Stevens explained that he does not know all of the history concerning the past flooding of the creek but it is his understanding that the creek did flood in 1960 after some of the fill the applicant had put on his property had sloughed off into the creek bed. He stated that is also his understanding that water flooded some of the lots and some of the houses west of the creek which resulted in a lawsuit against the applicant. Mr. Stevens advised the Committee that he does not know the results of the lawsuit.

TESTIMONY

WRITTEN COMMENT

Code

V	Henry Wetzel, Jr.: 1610 West 39½ Street	FOR
L	Carole McIntosh Sikes: 1701 Emile Lane	FOR
N	Hugo Leipziger-Pearce: 1314 Possum Trot	FOR
BU	Abbie L. McClain: 3811 Pete's Path	AGAINST
BY	David L. Smith: 3905 Pete's Path	AGAINST
CJ	Nelson Puett: P.O. Box 9038	FOR

C14-67-183 B. N. Holman--contd.

PERSONS APPEARING AT HEARING

Code

A	B. N. Holman (applicant)	
A	Mrs. B. N. Holman: 2704 San Pedro	FOR
M	Raymond R. Taylor: 1704 Emile Lane	AGAINST
CG	Roy H. Reynolds, Jr.: 3900 Jefferson Street	AGAINST
CD	J. D. Rice: 3906 Jefferson Street	AGAINST
CH	Charles E. Miller: 3909 Jefferson Street	AGAINST
BZ	Roy S. Rodman: 3907 Pete's Path	AGAINST
CR	Mr. & Mrs. Joe Hornaday: 4105 Jefferson Street	AGAINST
BW	Mr. & Mrs. Barry Bishop: 3901 Pete's Path	AGAINST
?	Gordon L. Parker: 6204 Belfast	AGAINST
?	I. W. Shannon: 4011 Jefferson Street	AGAINST
?	Mr. & Mrs. Everett T. Dawson: 4107 Jefferson Street	AGAINST
?	Oscar W. Holmes: 3307 Big Bend Drive	FOR
	John B. Selman (representing the applicant)	
	One petition with 54 signatures	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, presented the following information: Tract 1 has 47,750 square feet of area and is developed with one duplex dwelling. When a short form subdivision is filed, naturally 7,000 square feet of area will come off of the tract because of the existing dwelling which will leave approximately 40,000 square feet. The applicant is requesting a change from "A" Residence, to "B" Residence, Second Height and Area on Tract 1 with a letter addressed to the City Council offering a restrictive covenant limiting the number of apartment units to a maximum of 30 units.

This is no longer a changing neighborhood or a changing area as the change has already occurred. This is made obvious by the amount of zoning which has been requested and granted and the construction which is in process at this time. Directly across from the property to the south and east of West 40th Street, apartments are under construction which are very nearly completed. The medical park tower, under construction to the south is in close proximity and is a 3½ million dollar structure that will have over 228,000 square feet. When completed, the medical park tower will handle approximately 2,400 patients a day. Jefferson Square is a commercial center which is established along Jefferson Street. The Seton Hospital Complex, also in close proximity, will have over 250 beds for patients and will cost approximately \$8,000,000. The construction started and contemplated in this area indicates that the area has completely changed.

C14-67-183 B. N. Holman--contd.

The applicant proposes to develop luxury type apartments on the site with the proper architectural design following the terrain. The units will be so designed that the maximum beauty of the surrounding neighborhood can be enjoyed. The proposal will blend in with this particular area and will be an asset to the City. Naturally the terrain is a tremendous problem as it is very sloping; however, the applicant has discussed this with several departments of the City and he is well aware that there will have to be at least a 76 to 80 foot drainage easement for Shoal Creek. In addition, the City is going to require that the applicant spend between \$6,000 and \$10,000 dredging and deepening Shoal Creek to prevent flooding as much as possible. This will be an additional expense in utilizing this property. Doing this work is a requirement of the City and the applicant will have to fulfill this requirement. Because of the terrain problems, the applicant actually has very little property. There is approximately 30 feet that he will be able to utilize for apartments. The apartments will have to be pier construction and it will probably be a masterful job in design and engineering to put this accomplishment on the site.

It is realized that in the past there was a lawsuit filed against the applicant as a result of the creek flooding in 1960. This was due to several causes. A professional engineer, Mr. Oscar Holmes, made a report for the applicant at that time in which he indicated that the houses located along Jefferson Street to the west are in a critical position for a 25 year flood or rain. The flood in 1960 was caused by a 7 inch rain which could be considered a 25 year frequency rain.

The applicant, as well as the City, is cognizant of the drainage problem and he will assure the interested parties that he will comply with all requirements that Public Works desires or is reasonable to so benefit the adjacent and adjoining property owners so that the use of the property will not damage the use of adjoining property. The site cannot be developed with single-family development. The applicant is only proposing what is the highest and best use for the property.

Mr. James Eichelberger, nearby property owner, appeared in favor of this request and stated that the area the applicant intends to build on is a difficult site and it can only be improved by the proposal. The applicant has other apartment units in Austin and he always improves a neighborhood.

Arguments Presented AGAINST:

A number of nearby property owners appeared and presented a petition with 54 signatures of people in the area who are opposed to the requested change. The property owners stated that they are opposed to the change for the following reasons as stated on the petition:

1. Such a change would permit the concentration of people in an apartment house, causing noise and disturbance and destroying the tranquility of this unusually quiet and desirable neighborhood, thereby depreciating the property values of the entire area.

C14-67-183 B. N. Holman--contd.

2. Such a change would cause serious traffic problems there being no controlled access from Shoal Creek Boulevard to West 38th Street, and would seriously inconvenience residents of the entire area.
3. Such a change would destroy the natural beauty of Shoal Creek, thereby depreciating the neighborhood and destroying the beauty of the proposed public "hike and bike" trail along Shoal Creek. Even an easement to protect the trail would be ineffective, since an apartment house abutting Shoal Creek would completely destroy the aesthetic value of the proposed trail.
4. Such a change would magnify the already serious flooding problem along Shoal Creek in the immediate area of the proposed change. There has been flooding, causing serious property damage to some 15 homes, which was caused by the fill work program by the same B. N. Holman in 1960. The building of apartments along the creek would necessitate additional fill and increase the risk of further flooding.
5. Such a change would alter the complexion of the neighborhood from residential to commercial, thereby depreciating the property values of the neighborhood. Since there is no commercial development in the neighborhood, except along the major thoroughfare of West 38th Street, the granting of such a request would be arbitrary and capricious, and would result in "spot zoning," contrary to the best interests of the surrounding residents and the public.

In summary, a majority of the property owners appeared in opposition to the request because of the serious flooding problem along Shoal Creek which they feel has been primarily caused by the applicant as a result of fill work. They stated that as a result of this fill work by the applicant, 15 homes along the creek were flooded in 1960. As a result of this flooding, a lawsuit was filed against the applicant for damages caused to the residences. They felt that additional fill work would have to be done along Shoal Creek to allow the proposed development and felt that this would greatly increase the already existing flooding problem. They noted that the existing two-family development and apartment development in the near vicinity has caused considerable noise and disturbance to the residents of the area and felt that this property would increase this problem. To the east, north and west of the property under consideration is residential development and the requested zoning and development will change this neighborhood and be an encroachment into the residential area. The applicant owns five lots adjoining the subject property to the north and if the zoning change is granted, it will set a precedent and he will then request a change on that property. The requested zoning will be detrimental to the entire area and is not justified.

C14-67-183 B. N. Holman--contd.

Arguments Presented in REBUTTAL:

Mr. Selman stated that a previous lawsuit filed against the applicant with regard to flooding of the creek is not an issue in this request. This is a request to change the zoning for the highest and best use of the property. The applicant is aware of the flooding problems along Shoal Creek Boulevard but the problem will not be resolved if the property is undeveloped.

Mr. Selman stated that he has been advised by the applicant that since the lawsuit he has moved a great deal of dirt out of the creek and in order to build the proposed development more dirt will have to be removed. The plans are to build two stories below the street level. It is felt that the problems with the creek can be worked out. If the zoning is granted, there will not be a building permit issued until all of the requirements, including the easement for drainage have been complied with. A luxury type apartment development as proposed will be an asset to the area and will stabilize the flow of the drainage in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied for the following reasons:

1. The proposed use is not suitable for this land for reasons of terrain and relationship to adjoining residential development.
2. The density requested is not necessary or desirable for proper site development as the existing "A" Residence zoning, with proper division of the site, is appropriate and less harmful to a number of residential lots to the west.

At the Commission meeting, Mr. John Selman representing the applicant, presented a letter to the Commission requesting that this application be withdrawn. The Commission then unanimously

VOTED: To ACCEPT the withdrawal of this zoning request.

C14-67-195 James H. Arnold: A to GR (Tr.1) & B (Tr.2)
 Tract 1: Rear of 7107-7203 Burnet Road
 Rear of 7102-7108 Hardy Drive
 Tract 2: 7102-7108 Hardy Drive

STAFF REPORT: This application covers two tracts of undeveloped land. Tract 1 contains 77,723 square feet and Tract 2, fronting onto Hardy Drive, contains 74,366 square feet. The applicant also owns commercial property adjoining Tract 1 to the west which has frontage onto Burnet Road; therefore, the applicant's property runs from Burnet Road to Hardy Drive. The stated purpose is for a retail shopping development and buffer zone to adjacent areas.

C14-67-195 James H. Arnold--contd.

Tract 1 adjoins "GR" zoning fronting onto Burnet Road, and the staff feels that the requested zoning would be a logical extension of existing zoning which would allow a more consistent depth for commercial development. The "B" Residence zoning which is requested on Tract 2 is next to residential zoning and development. Hardy Drive is a residential street with 50 feet of right-of-way which is inadequate to serve apartment development. The staff feels that bringing apartment zoning to this street would be an intrusion and encroachment into an area that is developed with single-family residences. If the requested "B" First Height and Area zoning is granted, 37 regular apartment units or 49 apartment hotel units would be permitted on the tract. The staff would be in favor of the requested zoning for Tract 2 save and except a lot depth from Hardy Drive which would prevent commercial or apartment traffic entering a residential street. This would allow two-family residential development. It is felt that sufficient study has been made to determine that Tract 2 can be subdivided into duplex lots.

TESTIMONY

WRITTEN COMMENT

Code

BJ	Kelly McAdams: 1425 Preston Avenue	FOR
AX	Mrs. Ella L. Barnett: 614-B Franklin Boulevard	FOR
BL	Veritas Investment Company: P. O. Box 1074	FOR

PERSONS APPEARING AT HEARING

Code

Hal Hendrix (representing applicant)

SUMMARY OF TESTIMONY

Mr. Hal Hendrix was present on behalf of this request and stated that the two tracts under consideration are actually being thought of for a development in conjunction with the property adjoining to the west having frontage onto Burnet Road. The tract adjoining to the west as well as an adjacent tract containing approximately 6½ acres is actually a part of the property that is to be developed in conjunction with the subject property. Combining the property under consideration and the two additional tracts, there is a total land area projected for development of approximately 11 acres. The prospective purchasers proposed to use the property for a major retail development which will be oriented entirely toward Burnet Road. The requested "GR" zoning on Tract 1 is a logical extension of zoning that exists to the north and west and would permit a suitable depth of development for retail purposes. On Tract 2, the prospective purchasers and developers recognize that this is a different problem and for this reason, it is felt that "B" Residence zoning would do several things, including a beginning to provide in this area some sort of a transition zone between a predominantly residential area to the east and north and the area to the west and south. The current plans do not include any building of any sort on Tract 2. It is proposed that this tract be held for future extension of parking areas if needed.

C14-67-195 James H. Arnold--contd.

Mr. Hendrix stated that because of the close proximity of residential development to Tract 2, he has been authorized by the applicant and the prospective purchasers of the property to submit a letter to the Commission stating that they recognize the change of zoning on Tract 2 could at some future date make it advisable to widen a portion of Hardy Drive and agreeing to dedicate for street purposes such additional frontage width as might be required. The prospective purchasers will also screen Tract 2 from adjacent areas by privacy fencing or a suitable planting and a "Green belt" to insure privacy and carry out the attractiveness of the entire area. It is felt that the proposed use of the property with the conditions as outlined would be a logical and reasonable use of the site and would constitute a distinct approval of the residential areas to the north and east and would be in the interest of the neighborhood as well as permitting a suitable use for the property. There are no plans for an entrance into the commercial property from Hardy Drive although there may be a driveway for employees.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "GR" General Retail, First Height and Area for Tract 1 should be granted as a logical extension of the zoning to the north and along Burnet Road; however, they felt that the requested "B" Residence, First Height and Area zoning for Tract 2 should be denied as it would be an intrusion into a residential area and because access onto Hardy Drive, with inadequate right-of-way, to serve commercial or apartment development would be detrimental to the existing residential neighborhood.

At the Commission meeting, the staff reported that the representative for the applicant has submitted a letter offering to dedicate right-of-way from the subject property for the future widening of Hardy Drive.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James H. Arnold for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (Tract 1) located at the rear of 7107-7203 Burnet Road and the rear of 7102-7108 Hardy Drive be GRANTED, but that the request for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (Tract 2) located at 7102-7108 Hardy Drive be DENIED.

C14-67-196 J. H. Wheeler: A & BB to B
900-908 Banister Lane

STAFF REPORT: This application covers four lots totaling 50,611 square feet of area. The stated purpose of the application is for apartment development consisting of one and two bedroom units. The requested zoning would permit a maximum of 25 regular units or 33 apartment hotel units; this is approximately

C14-67-196 J. H. Wheeler--contd.

six regular units per lot. The area north of Banister Lane is residential in character which is developed with single-family and two-family residences on large irregular shaped tracts of land. Two of the lots under consideration were zoned "BB" in June of 1967 at which time the staff felt the requested zoning would be appropriate as it would buffer the area from the commercial development to the south. Ben White Commercial Subdivision is proposed on property to the south having frontage onto Banister Lane and Ben White Boulevard. In 1966, "GR" zoning was granted on property to the east along Ben White Boulevard. The staff feels that this type of zoning and development is logical along Banister Lane and recommends in favor of the request.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

D. C. Abner (representing applicant)

SUMMARY OF TESTIMONY

Mr. D. C. Abner, representing the applicant, appeared at the hearing and stated that the requested zoning would provide a logical buffer between the general retail area to the south and the residential area to the north. The area to the south is being leveled off and filled so as to allow commercial development. It is felt that the requested zoning is in line with what is taking place in 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 denied as the "BB" Residence, First Height and Area zoning existing on a portion of the property under consideration is appropriate and recommended that this same zoning be extended to the balance of the site as a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. H. Wheeler for a change of zoning from "A" Residence and "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 900-908 Banister Lane be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED.

C14-67-197 Nelson Puett: Int. A, Int. 1st to B, 1st
8806-8808 and 8807-8809 Redfield Lane
1405-1413 Peyton Gin Road

STAFF REPORT: This application covers two tracts of land totaling 34,754 square feet. Tract 1, containing two lots with 18,200 square feet is located at the southwest corner of Peyton Gin Road and Redfield Lane and Tract 2, containing two lots with 17,554 square feet is located at the southeast corner of Peyton Gin Road and Redfield Lane. The zoning is requested to permit apartment (four unit) construction. The proposed zoning would permit the development of 12 units on Tract 1 and eight units on Tract 2, making a total of 20 units on the entire area. The property under consideration is part of Wooten Village a residential subdivision recently started and now under construction by the applicant. The area adjoining the tier of lots west of Clarewood Drive has just been laid out for single-family residential development. It is the staff's understanding in checking deed records that this area, with the exception of the property now under consideration, is deed restricted against anything but single-family use. To the north of the subject site is a proposed residential subdivision, and south of Peyton Gin Road is an existing residential subdivision.

Peyton Gin Road is a 70 foot collector street serving residences, Lanier High School and commercial facilities established along Lamar Boulevard. The staff recommends that this request be denied because of the existing and planned residential development in this area.

TESTIMONY

WRITTEN COMMENT

Code

D Mr. & Mrs. Frank H. Spellmann: 8800 Brookfield Drive AGAINST

PERSON APPEARING AT HEARING

Code

Thomas Watts (representing applicant)

SUMMARY OF TESTIMONY

Mr. Thomas Watts, representing the applicant, stated that the applicant still owns most of the lots in this area. There has been a townhouse request made on property across the street and a church is established to the west. Another church is established across the extension of Ohlen Road between U. S. Highway 183 and Peyton Gin Road. The property under consideration could serve as a commercial site because of the fact that Peyton Gin Road is a commercial collector street that will have a heavy amount of traffic due to the various retail business and the school property. The property is not very desirable for single-family development. The applicant would like to use the four lots for fourplex development which would provide a buffer against the highly traveled Peyton Gin Road.

No one appeared in opposition to the request.

C14-67-197 Nelson Puett--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be changing the pattern that was established through recent subdivision design and construction for "A" Residential development, and that such a change if granted would establish a precedent for other changes in the area to the detriment of the existing single-family housing.

At the Commission meeting, Mr. Nelson Puett advised the members that he was out of town at the time of the Zoning hearing and requested an opportunity to present information on this request.

The Commission members agreed to hear testimony from Mr. Puett inasmuch as there was no one present at the Zoning hearing who opposed the requested change.

Mr. Puett advised the Commission that he owns the property under consideration and would like to develop it the way he thinks is best which is the development of apartments. It appears that the property was designed for residential purposes but when the subdivision was first planned, Bryant-Curington Engineers were told that the four lots should be developed with apartments. This development was planned from the very beginning. It is felt that the proposed development is the best use for the property as it would provide a buffer between Peyton Gin Road and the residential area to the south. Mr. Puett further stated that it is his experience that development on lots abutting a heavily traveled street tend to become substandard in a short time. Apartments are the trend today and the requested change will be restricted to the development of four units on each lot. One of the reasons the Planning Department is opposed to this request is because of the 50 foot street; however, almost one-half of all the apartment development in Austin is on 50 foot streets.

Mr. Jackson stated that in his opinion the requested change at this location would be piece-meal zoning. The situation would be different if the proposed use had been planned for in the subdivision of the area. The area is now zoned and planned for single-family development and the granting of "B" zoning in the midst of this area would be piece-meal or spot zoning. Mr. Jackson further stated that he is inclined to agree that a buffer area is needed but if this development was proposed, then a tier of lots along Peyton Gin Road should have been originally planned. The request for this entire subdivision was for "A" Residential development.

Mr. Thomas Watts stated that it is his understanding that if apartment development had originally been proposed on a series of lots facing onto Peyton Gin Road that the Commission would not be in opposition. Some consideration; however, should be given to the fact that as soon as property to the north is annexed to the City, a request will be made for apartment zoning.

C14-67-197 Nelson Puett--contd.

Mr. Dunnam stated that in his opinion the request for apartment zoning on the property at this time is a case of non-planning inasmuch as the request is being made after a plan for the area has been submitted and approved.

Mr. Puett explained that this area is new and he does not want all of the property in the area changed to apartment zoning as all of the lots, with the exception of the property under consideration, are deed restricted to one single-family dwelling on a lot.

Mr. Watts stated that it is realized that this should have been planned for in the original plan; however, the applicant has been working under the assumption that this type of development could be done just as it was ten years ago when this preliminary plan was submitted.

Mr. Puett stated that if the property is not zoned for apartments at this time, it will probably not be developed for four or five years and then eventually someone will want to put a service station on the site. It would be better to have fourplexes on the property now rather than wait five years and have a service station developed.

Mr. Dunnam explained that the Commission does not object to the proposed use but the objection is to the fact that the area was planned for residential development and now the request is to change the zoning on only a few lots.

Mr. Stevens advised the Commission that in front of Lanier High School there is a commercial area which is immediately west of Country Air Addition Subdivision. A zoning district of "LR" and a buffer district of "B" zoning was established. In the past, the Commission and the staff has been reluctant to strip zone Peyton Gin Road because of the school, and the residential development which exists and is occurring in this area, and did not see fit to make this a retail strip along Peyton Gin Road. Peyton Gin Road is a collector street with a proposed right-of-way of 70 and 80 feet; 80 feet of right-of-way to the east of Lamar Boulevard and 70 feet to the west.

The Commission members generally agreed that they did not oppose the type of development as proposed by the applicant along Peyton Gin Road with a proper subdivision design; however, they felt that the granting of this request would be piece-meal zoning and should be denied. It was then

VOTED: To recommend that the request of Nelson Puett for a change of zoning from Interim "A", Interim First Height and Area to "B" Residence, First Height and Area for property located at 8806-8808 and 8807-8809 Redfield Lane and 1405-1413 Peyton Gin Road be DENIED.

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

C14-67-198 Nelson Puett: Int. A, Int. 1st to B, 1st
 8500-8506 and 8501-8503 Dryfield Drive
 8500-8501 Remington Lane
 8503 and 8504 Beech Drive

STAFF REPORT: This application covers four lots totaling 35,300 square feet. The stated purpose of the request is for apartment (four unit) construction. The requested zoning would permit from three to five units per lot for a total of 15 units on the four lots. The sites are a part of the Wooten Village Subdivision which is a residential subdivision recently started by the applicant and is now under construction. There is a heating and air conditioning business established on property to the west across Beech Drive and adjoining that tract is property which is presently being developed with an apartment hotel. North of Dryfield Drive, adjoining one of the lots under consideration, is a duplex. There is existing and proposed residential development to the east and south of the property. Beech Drive is presently under construction in front of the property under consideration. The staff recommends that the requested zoning be denied because of the single-family and two-family development existing and proposed in the area and because of the present street widths.

TESTIMONY

WRITTEN COMMENT

Code

F Glen Roy Knipstein: 8504 Brookfield Drive
 S Harold Gene Patterson: 2303 Fortune Drive

AGAINST
 FOR

PERSONS APPEARING AT HEARING

Code

Thomas Watts (representing applicant)

SUMMARY OF TESTIMONY

Mr. Thomas Watts, representing the applicant, stated that the requested zoning is logical inasmuch as there is a commercial use established on property west of Beech Drive and an apartment project is under construction on the tract adjoining the commercial property. There is commercial and industrial uses proposed along U. S. Highway 183 and the requested zoning would provide a buffer.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be changing the pattern that was established through recent subdivision design and construction for "A" Residential development, and that such a change if granted would establish a precedent for other changes in the area to the detriment of the existing single-family housing.

C14-67-198 Nelson Puett--contd.

At the Commission meeting, Mr. Puett advised the Commission that all of the property west of Beech Drive has been sold off for industrial purposes. The same principles apply to this request as in the previous case and it is felt that the zoning should be granted as it would allow the best development of the property and provide a buffer. The development will be restricted to four units on each lot which would be the best use of the site.

Mr. Watts stated that there is a construction yard established on property to the west across Beech Drive and an apartment project is under construction on property adjoining that site to the south.

Mr. Riley stated that one of the reasons the Committee was opposed to this request is because of the 50 foot streets. After further discussion, a majority of the members concurred with the Committee recommendation, and

VOTED: To recommend that the request of Nelson Puett for a change of zoning from Interim "A", Interim First Height and Area to "B" Residence, First Height and Area for property located at 8500-8506 and 8501-8503 Dryfield Drive, 8500-8501 Remington Lane and 8503 and 8504 Beech Drive be DENIED.

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

NAY: Mr. Brown

ABSENT: Messrs. Wroe, Bluestein and Hazard

C14-67-199 Robert W. Tower and Charles Spellman: A to B
1107-1109 Kinney Avenue
Add'n Area: 1201-1203 Kinney Avenue

STAFF REPORT: This application consists of 42,240 square feet of land which is developed with non-conforming uses. The stated purpose of the application is for apartment development. The tract of land adjoining to the south has been included as additional area in order to complete the pattern of zoning. Last month, the applicant requested and was granted a variance in which he was allowed to change the existing garage apartments into two-family dwellings. Since that time, he has made a zoning application in order to obtain the proper zoning for the site. The area to the west and north of the property is developed predominantly with single-family dwellings; however, to the east and south is a mixture of "B" and "GR" zoning and development. In 1965, "B" Residence zoning and "C" Commercial zoning was granted on property to the south and east. The "B" zoning was granted on property adjoining the additional area and the "C" zoning was granted on the adjoining tract having frontage onto Lamar Boulevard. There was a recent request to rezone the property fronting onto Lamar Boulevard from "A" and "C" to "B" and "C". At the present time this case is pending the Ordinance, but it was granted by the City Council in October of this year. At the time, the Commission felt that the requested zoning was appropriate but there was a question of right-of-way for Lamar Boulevard. The right-of-way has been handled in connection with the subdivision on the property. The staff feels that this request as well as the additional area should be granted as the appropriate zoning for the area.

C14-67-199 Robert W. Tower and Charles Spellman--contd.

TESTIMONY

WRITTEN COMMENT

Code

N	Associated Home Buyers, Inc.: P.O. Box 9038	FOR
B	Daniel B. Strait: 2108 Trail of Madrones	FOR
S	Barrow Corporation: P.O. Box 9038	FOR
R	Lamarwell Realty Company: 1540 Milam Bldg., San Antonio	FOR

PERSONS APPEARING AT HEARING

Code

A Robert W. Tower (applicant)

SUMMARY OF TESTIMONY

Mr. Robert Tower appeared at the hearing and stated that the staff has adequately presented the petition for change.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request, including the additional area, should be granted as a logical extension of existing zoning to the south.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert W. Tower and Charles Spellman for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1107-1109 Kinney Avenue and the additional area located at 1201-1203 Kinney Avenue be GRANTED.

C14-67-200 David B. Barrow: Int. A, Int 1st to LR, 1st
3630-3638 and 3637-3713 North Hills Drive
6914-6926 and 6915-7013 Hart Lane

STAFF REPORT: This application covers 95,130 square feet of land which has recently been annexed to the City. The stated purpose of the application is for local retail development. The only history in this area is the Northwest Hills, Section 9 and 9A Subdivisions which were recorded on November 17, 1967. Northwest Hills, Section 9 Subdivision dedicated the right-of-way for North Hills Drive and Hart Lane. Section 9A set up the five lots which are under consideration at this time. Hart Lane is proposed to extend southward tying in with Balcones Boulevard. The area between Hart Lane and Far West Boulevard has been set aside for apartment and commercial development in the developer's Master Plan. The staff has no objection to the requested change.

C14-67-200 David B. Barrow--contd.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

David B. Barrow, Jr. (representing applicant)

SUMMARY OF TESTIMONY

Mr. David B. Barrow, Jr. appeared at the hearing and stated that the plan is to develop the property with offices and a shopping center.

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 part of the developer's planned development for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of David B. Barrow for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at 3630-3638 and 3637-3713 North Hills Drive and 6914-6926 and 6915-7013 Hart Lane be GRANTED.

C14-67-201 J. K. Hurst: O, 2nd to C, 3rd
1400-1404 Rio Grande Street
700-704 West 14th Street

STAFF REPORT: This site consists of 17,664 square feet of land which is presently undeveloped except for a parking lot. The stated purpose of the application is for constructing a multi-unit apartment dwelling. This area was zoned "O" Office, Second Height and Area in 1955 as a result of the Planning Commission Area Study. The land uses existing in the area consist of multi-family dwellings to the north of West 16th Street as well as a number of single-family residences, offices, and clinics. St. Martin's Lutheran Church is established on the block to the northeast between West 16th and West 15th Streets and Rio Grande and Nueces Streets. The only changes in the "O" Office area as established by the Commission in 1955, are at the southwest corner of 17th and Rio Grande Street which was zoned "C" Commercial in 1965. The property at the northeast corner of 17th and Rio Grande Street where St. David's Hospital was located was also zoned "C" Commercial. Earlier this year, a request for "LR" zoning was made on property located at the intersection of West 15th Street and West Avenue. The

C14-67-201 J. K. Hurst--contd.

Commission recommended against this change which is still pending before the City Council. The 15th Street Crosstown Expressway, with a proposed right-of-way of 250 feet, is to be located in this area but will not take the property; however the property would be taken if the Central Expressway is finally located in the immediate area. There is concern with the "C" Commercial, Third Height and Area request, in that under this classification there is no density requirement. "C" Commercial zoning is a very broad and intensive classification covering many retail and service uses. If this classification is established, it will set a precedent to change the area particularly along West 15th Street. The staff feels that the existing "O" Office zoning is proper and appropriate zoning and recommends that the requested change be denied as being too intensive for the area.

TESTIMONY

WRITTEN COMMENT

Code

K	M. & Mrs. William P. Danforth: 1400 West Avenue	AGAINST
AG	A. L. Moyer: 1405 Rio Grande	FOR
AN	Dr. T. R. McElhenney: 1402 Bldg. Corp.	AGAINST

PERSONS APPEARING AT HEARING

Code

	Robert Mueller (representing applicant)	
K	Mr. & Mrs. William P. Danforth: 1400 West Avenue	AGAINST
F	Mrs. R. G. Mueller, Sr.: 1308 West Avenue	AGAINST
?	Mrs. Will Caswell: 1502 West Avenue	AGAINST
	One Petition with 21 signatures	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Mueller was present on behalf of this request and presented the following information: As stated in the application, the applicant has no intention of running the property down by making a wide open commercial area. The zoning is requested strictly for an apartment use. The reason "C" Commercial, Third Height and Area zoning is requested is that there is no other zoning classification in the Ordinance to allow the applicant to develop the property as proposed. Under the "O" Office, Second Height and Area classification, a maximum height of 45 feet is allowed and there can be only one apartment for every 750 square feet. Under the "C" Commercial, Third Height and Area classification, 90 feet of height is allowed and there is no minimum requirement for an individual apartment. The applicant is only proposing to provide for an economical use of the property without the restrictive provision of "O" Office zoning. The plans are to have a five or six story structure which would not be allowed under the existing zoning. It is felt that the structure can not go up in height without removing the minimum square foot per unit. The applicant is a partial owner of the property

C14-67-201 J. K. Hurst--contd.

adjoining to the west and it would not be to her best interest to develop the property commercially and harm the other property values in the area. Mr. Mueller advised the Committee that he would like to state for the record that no other use except an apartment hotel will be made of the subject property. The plans are only to improve the property which is at this time vacant. All of the area east of Congress Avenue between the Capitol complex and the Interregional Highway will be cleared of this development. New development has to go to the west between West Avenue and Congress Avenue. It is realized that "O" Office zoning was established in the immediate vicinity as a result of the Planning Commission Area Study in 1965; however, that study is now out of date. With regard to parking, this is an area in which the City Council determines the required amount of parking and this will be complied with. The applicant's proposal is to comply with whatever off-street parking is required that will alleviate the congestion that is now in the area. The requested zoning is for the highest and best use of the property.

Arguments Presented AGAINST:

A number of property owners appeared and presented photographs of the area and a petition in opposition to this request. They stated that the requested zoning on the subject property would be piece-meal zoning in an area which is presently zoned "O" Office. There are many fine homes in this area with a beautiful view of the Capitol complex. If the requested zoning is allowed, and a six or seven story apartment building is constructed, this will be detrimental to the entire area. The existing "O" Office zoning for the area was the result of a Planning Commission Area Study and there is no reason for this classification to change. "O" Office zoning gives a wide enough use for businesses that are presently located or planned in the area. Because of Austin High School which is located to the south along West Avenue, there are very serious and hazardous traffic problems now existing. If the proposed development is allowed this problem can only be greatly increased. Serious consideration should be given to the establishment of a "C" Commercial zone at this location because of the close proximity to St. Martin's Lutheran Church which is located to the north. One of the major concerns of the residential property owners is the 74 different uses that would be allowed under a "C" Commercial zoning. It is felt that this zoning on the subject property will set a precedent for other changes which would be very detrimental to the church and the residential property values. The applicant can build apartments on the site at the present time and there is no necessity for a more dense zoning.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be too intensive for the area. They felt that the existing "O" Office zoning is the appropriate zoning for the area.

C14-67-201 J. K. Hurst--contd.

At the Commission meeting, Mr. Dunnam suggested that an area study be made of the area west of the Capitol in view of the changes in the area and the development of the 15th Street expressway. The area has undergone a very rapid transition because of the development of 15th Street, pressure from University expansion and the Brackenridge project and other pressures in the area.

Mr. Lillie advised the Commission that the Master Plan for the area between Lamar Boulevard and the Capitol and from West 7th Street north is anticipated for high density apartment development. In fact, most of the area is now zoned Second Height and Area which is in line with the anticipated development. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. K. Hurst for a change of zoning from "O" Office, Second Height and Area to "C" Commercial, Third Height and Area for property located at 1400-1404 Rio Grande Street and 700-704 West 14th Street be DENIED.

C14-67-202 Wayne Dayton: Int. A, Int. 1st to B, 2nd
8500 Beech Drive

STAFF REPORT: This site consisting of 12,500 square feet is 100 feet wide and 125 feet deep. The stated purpose of the application is for constructing apartments. If the property is zoned as requested, 16 apartment hotel units would be permitted. This particular parcel of land has recently been annexed to the City. Prior to annexation, the applicant did begin construction on an apartment project. Rock Veneer is now being put across the front of the structure. The lot adjoining to the north is developed with a one story masonry building housing an air conditioning business. The remaining lots along Beech Drive are vacant. There are two lots to the north, fronting along U. S. Highway 183, which are developed with businesses. The remaining lots along U. S. Highway 183 are vacant. A residential subdivision has recently been started on Dryfield Drive which extends from Lanier High School west. The paving of Beech Drive presently extends to the north property line of the subject lot and the remaining portion of the street is now under construction. It is realized that the zoning is requested so that the apartment project now under construction can proceed; however, this is a new area which is being developed with single-family dwellings. It is the staff's understanding that there will also be duplex development on the north side of Beech Drive. The staff feels that the requested "B" Residence, Second Height and Area zoning should be denied as it is too intensive for the area and because the streets are inadequate for high density apartment development.

C14-67-202 Wayne Dayton--contd.

TESTIMONY

WRITTEN COMMENT

Code

B	Nelson Puett: P.O. Box 9038	FOR
K	Glen Roy Knipstein: 8504 Brookfield Drive	AGAINST
D	Harold Gene Patterson: 2303 Fortune Drive	FOR

PERSONS APPEARING AT HEARING

Code

A	Wayne Dayton (applicant)
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SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he purchased the subject property several years ago with the intention of using it for commercial property. When the property was purchased, it was not in the City. At that time, U. S. Highway 183 from North Lamar Boulevard southward was in the process of being put in. Mr. Dayton stated that in July of this year he applied with the City for a permit to build the apartment project that is now under construction. At the time, the Building Inspector's office advised that a building permit was not needed because the property was out of the City. Mr. Dick Jordan, Building Inspector, also advised that the only permit needed to begin construction on the project was a heating and air conditioning permit and an electrical permit. These permits were acquired, and the apartment project was started. Mr. Dayton further explained that a short time ago he mailed a check to the City for water and sewer taps and he was informed that the City would have to return the check as they could not except it because the property was purchased by metes and bounds. The City then said the property would have to be brought in as a separate lot. This process was started and approximately two weeks later a letter from Mr. Tinstman, City Manager, was received stating that the property under consideration was now in the City. The property is now in the City, and a building permit is needed for something that has already been started.

Mr. Wroe asked the staff if the apartment project which is under construction would be allowed inasmuch as a use prior to the time the property was annexed. Mr. Stevens explained that he had discussed this with the Building Inspector, and in turn with the Legal Department. Inasmuch as the property has not been platted as required under the Subdivision Ordinance, the building is not permitted.

Mr. Dayton stated that the apartment project contains 15 units which is presently under construction will be finished in January or February. There is water on the property as a short form subdivision was required. The zoning requested is the highest and best use for the property as the lot adjoins a commercial use that exists on the adjoining lot.

No one appeared in opposition to the request.

C14-67-202 Wayne Dayton--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into an area which has been subdivided and planned for residential development and fronts on a street that has inadequate width to serve apartment usage.

At the Commission meeting, Mr. Jackson stated that the property west of Beech Drive was never intended for residential use. In the preliminary plan the full depth of the property between U. S. Highway 183 and Beech Drive was intended for commercial use. The property is backed up to a commercial building and there is a commercial use on property adjoining the north.

Mr. Foxworth explained that the property was intended for commercial use; however, the preliminary plan was that all of the commercial tracts would have frontage onto U. S. Highway 183 which the subject property does not have.

Mr. Stevens advised the Commission that at the zoning hearing, Mr. Dayton stated that he was informed by the Building Inspector's office that a permit would not be needed to build on the site as the property was at that time out of the City. Mr. Dayton was advised by the Building Inspector's office that the apartment project under construction would be a non-conforming use when brought into the City. The lot is not legally split under the Subdivision Ordinance and a short form subdivision had to be filed and approved before the property can be served with utilities. There is a 15 unit apartment project on the site and the applicant was told by Mr. Jordan, Building Official, before construction was started that the use would be non-conforming.

Mr. Foxworth explained that he discussed this with Mr. Dayton and informed him that he would have to have the property annexed, the zoning granted, and a subdivision on the lot before services such as electric and water could be furnished. The subdivision has been disapproved by the Subdivision Committee and the Planning Commission pending the required zoning change.

Mr. Jackson stated that the whole strip was set aside for commercial type purposes and there is no control when property is out of the City; however, the zoning requested should be denied as it is too intensive for the area and because the street is inadequate to serve the development.

The Commission members discussed this request in terms of the existing and planned development and concurred with the Committee recommendation that this request should be denied. It was then unanimously

VOTED: To recommend that the request of Wayne Dayton, for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, Second Height and Area for property located at 8500 Beech Drive be DENIED.

C14-67-203 Jack Andrewartha: Int. A, Int. 1st to D, 2nd (as amended) (Tr.1),
 Tract 1: 3310-3404 Steck Avenue C, 2nd (Tr.2), GR, 1st (Tr.3)
 Tract 2: 3224-3308 Steck Avenue & O, 1st (Tr.4)
 8200-8240 Shoal Creek Boulevard
 Tract 3: 3106-3222 Steck Avenue
 8201-8243 Shoal Creek Boulevard
 Tract 4: 8300-8406 and 8301-8405 Shoal Creek Boulevard

STAFF REPORT: This application covers four tracts of undeveloped land. Tract 1 contains 11.05 acres; Tract 2 contains 2.41 acres; Tract 3 contains 4.99 acres and Tract 4 contains 4.39 acres. The stated purpose of the application is for Industrial, Commercial, General Retail, and Office use. This particular request is filed in connection with a recent subdivision of the property and a reconsideration in changing of the Master Plan. The subdivision is a part of Allandale Estates which extends from Steck Avenue to U. S. Highway 183. The total subdivision contains approximately 117 acres which proposes 204 lots. The first section of the subdivision is to the east of Shoal Creek. The subject property is part of a final plat which contains some 22 acres of land and has been disapproved pending a zoning request. The subdivision has gone through the Subdivision Committee and the Commission and the layout and uses as proposed have been approved.

The staff recommends that the request be granted in connection with their particular plan with two reservations. The "E" Heavy Industrial classification and the Second Height and Area portion of the request as it would waive setback along Shoal Creek if extended all the way to U. S. Highway 183. If the Second Height and Area classification is not continued, the staff would raise no serious objection. The staff feels that "D" Industrial zoning should be granted and the the height and area for all of the property under consideration be First Height and Area. The area to the south, including the Steck property is Industrial. The large tract to the north is also designated Industrial as a result of the recent change in the Master Plan. There is a lumber yard or storage yard established on the ten acre tract adjoining Tract 1 to the west.

Steck Avenue with a present right-of-way of 60 feet, will be widened to 70 feet as 10 feet of additional right-of-way has been dedicated in connection with the subdivision. Shoal Creek Boulevard is proposed as a major arterial street with 80 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT
 Code

None

PERSONS APPEARING AT HEARING
 Code

V Oscar W. Holmes (representing applicant)
 Mr. & Mrs. William W. Jones: 8202 Sandalwood Cove AGAINST

C14-67-203 Jack Andrewartha--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Oscar Holmes, representing the applicant, stated that they are in general agreement with everything the staff has said and it is requested that the proposed change on Tract 1 be amended to "D" Industrial, Second Height and Area as suggested by the staff. The property under consideration is Allandale Estates, Section 2 and a strip of ten feet along this subdivision has been set aside in order to increase the width of Steck Avenue from the present 60 feet of right-of-way to 70 feet. Shoal Creek Boulevard with a present right-of-way width of 80 feet will have 60 feet of paving. The plans are to extend the same proposal on property to the north.

Mr. Jack Andrewartha was present at the hearing and stated that Second Height and Area zoning is needed for the higher density proposed for the property. The particular use on Tract 1 will start off with a continuation of the Stripling Blake Lumber Yard. They will continue to use this tract to expand their present facilities. Approximately four years ago, this property was purchased as Industrial property. After due consideration, it was felt that the best use of the property would be residential so a request to roll the Master Plan designation back to residential was approved. Several years later, because of the industrial development starting in this area, it was felt that the property should again be changed to Industrial which was recently approved. There is a need for Industrial property in this area now and there will be a screening on Shoal Creek. Some of the lots facing the residential area will not be developed with an Industrial use. In order to buffer the residential area, a step system starting with Industrial to Commercial to "O" Office and then to residential is being used. There is in fact a natural division between the property under consideration and the residential property because of the channel of Shoal Creek. It is felt that the proposed use will coincide with the original Master Plan designation for this area.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. He stated that if the requested change is granted, it will devalue the existing residential property and there is no way this can be avoided. The concern is not only with the aesthetic value of the area but also the economic value of the homes. There are a number of people in this area who did not receive notices of this public hearing even though they live within three hundred feet of the subject property. The reason for this is because the names are not on the tax rolls. It is difficult to believe that a person can be paying taxes and not be on the tax rolls. The people in this area have invested their life's savings in their homes and a change such as the one proposed will be very detrimental. This was a residential area when the property owners purchased their property and now it has been changed back to commercial and industrial without the knowledge of the people who are affected the most.

C14-67-203 Jack Andrewartha--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "D" Industrial, Second Height and Area zoning (as amended) for Tract 1 and the "C" Commercial, Second Height and Area zoning for Tract 2 should be denied as the Second Height and Area district is too intensive for the area; however, they felt that "D" Industrial, First Height and Area (Tract 1), "C" Commercial, First Height and Area (Tract 2), "GR" General Retail, First Height and Area (Tract 3), and "O" Office, First Height and Area (Tract 4) should be granted as the proper zoning for the property under consideration inasmuch as the area to be zoned "D" Industrial is in conformance with a recent change in the Master Plan for this area, and the remaining property will serve as a buffer between the industrial and residential development.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jack Andrewartha for a change of zoning from Interim "A", Interim First Height and Area to "D" Industrial, Second Height and Area (as amended) (Tract 1), "C" Commercial, Second Height and Area (Tract 2) be DENIED but that "D" Industrial, First Height and Area (Tract 1), "C" Commercial, First Height and Area (Tract 2), "GR" General Retail, First Height and Area (Tract 3) and "O" Office, First Height and Area (Tract 4) for property located at (Tract 1) 3310-3404 Steck Avenue, (Tract 2) 3224-3308 Steck Avenue and 8200-8240 Shoal Creek Boulevard, and (Tract 3) 3106-3222 Steck Avenue and 8201-8243 Shoal Creek Boulevard and (Tract 4) 8300-8406 and 8301-8405 Shoal Creek Boulevard be GRANTED.

C14-67-204 R. D. Carter: A to B
601 Franklin Boulevard
5306-5310 Guadalupe Street

STAFF REPORT: This site consists of 12,000 square feet of land which is undeveloped. The stated purpose of the application is for constructing apartments. The proposed zoning would permit the development of six apartment units on the site. A request for "B" Residence zoning was made on this property earlier this year at which time the Commission recommended denial as it was felt that the requested zoning would be an intrusion into a well-established residential area, and because the existing street pattern was inadequate to carry the traffic that would be created. The request was withdrawn at the Council hearing. The area to the west, south and east is "A" Residential in character.

Mr. Al Bauerle recently requested a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area on property to the north along Franklin Boulevard. At which time the Committee and the Commission recommended that the request be amended to "BB", First Height and Area. The request was amended to "BB", First Height and Area which was granted by the City Council in October. Mr. Bauerle has written a letter opposing this request as he feels it would be too intensive.

C14-67-204 R. D. Carter--contd.

Guadalupe Street, with a present right-of-way of 50 feet, should be widened to at least 60 feet which would require five feet from the subject property. Franklin Boulevard also with 50 feet of right-of-way, should be widened by five feet which would decrease the area under consideration to the point where only five units instead of six would be permitted on the site if zoned as requested. The staff recommends that the requested "B" Residence, First Height and Area zoning be denied as it would be inconsistent with the recent zoning established but that "BB" Residence, First Height and Area zoning be granted, provided the streets are made adequate.

TESTIMONY

WRITTEN COMMENT

Code

W	Al Bauerle: 1806 West 35th Street	AGAINST
BC	Willie Rolff, Jr.: 5212 Guadalupe Street	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 it would be an intrusion into a residential area, and Guadalupe Street as well as Franklin Boulevard with 50 feet of right-of-way, are inadequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of R. D. Carter for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 601 Franklin Boulevard and 5306-5310 Guadalupe Street be DENIED.

C14-67-205 Terrell Timmermann: BB to B
 5307 Link Avenue
 Rear of 5302-5306 Avenue F

STAFF REPORT: This site contains 17,876 square feet of land which is developed with an apartment project. The stated purpose of the application is for constructing apartments. This is a mixed zoning area with "C" Commercial and "GR" General Retail zoning established on property along North Loop Boulevard. To the east there is "BB" Residence and "O" Office zoning which fronts on Avenue F. "BB" zoning existing on the subject property was established in 1960.

C14-67-205 Terrell Timmermann--contd.

The present zoning will allow eight units on the site, and the requested zoning will also allow only eight units unless the applicant obtains a variance from the Board of Adjustment to erect an apartment hotel in which case he then could have 12 units. The staff feels this would be too intensive for the property and recommends the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Terrell Timmermann (applicant)

SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that he purchased this property approximately six years ago and it is presently developed with a fourplex. Since that time, the lot adjoining to the north has been acquired. The plans are to add eight units if the Board of Adjustment will grant a variance for the area that is lacking for an apartment hotel. If this request is not granted, an application will still be made to the Board of Adjustment for a variance for the 124 square feet of area the lot is shy of to allow five units to be added to the existing four. The preference would be to add eight units rather than five which would make a total of 12.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be too intensive for the property. They felt that the existing "BB" Residence, First Height and Area zoning is the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Terrell Timmermann for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5307 Link Avenue and the rear of 5302-5306 Avenue F be DENIED.

C14-67-206 Louie E. Russell: A to O
1313-1315 Fort Branch Boulevard

STAFF REPORT: This site consists of 6,700 square feet of land which is undeveloped. The stated purpose of the application is for a barber shop. The surrounding area is basically an "A" Residential area. "C" Commercial zoning is established on property to the north. The subdivision of this area was recorded in 1947. Fort Branch Boulevard has a present right-of-way of 50 feet which is inadequate for commercial development. The staff recommends that this request be denied as the street has inadequate right-of-way and because the requested zoning would be an intrusion into an established residential area.

TESTIMONY

WRITTEN COMMENT

Code

AC	Willie Motin: 1335 Delano Street	FOR
L	Shed Williams, Jr.: 1000 Slaughter Lane	FOR
B	Rev. Thelman Gray: 1317 Fort Branch Boulevard	FOR
?	Jack A. Walker: 5509 Hudson Street	FOR
?	Eddie Owens: 1312 Fort Branch Boulevard	FOR
?	Leroy Gaines: 1410 Fort Branch Boulevard	FOR
?	Willie R. Brown: 1414 Fort Branch Boulevard	FOR
?	Ela Mae Thomas	FOR
?	J. R. Thomas: 5610 Hudson Street	FOR
?	Alice Lemons: 1205 Fort Branch Boulevard	FOR
H	Claudia Mae Thompson: 1301 Fort Branch Boulevard	FOR
?	George Karo	FOR
?	Willie L. Baker: 1145 Delano Street	FOR
?	Johnny Ebbs: 1410-B Meander Drive	FOR
?	Nelson Freeman: 1317 Delano Street	FOR
?	Albert T. Nunn: 1224 Eleanor Street	FOR
?	Mr. & Mrs. Elijah Thompson: 1416 Fort Branch Blvd.	FOR
?	Jeanette Kelley	FOR
?	Charles W. Hill: 1235 Eleanor Street	FOR
?	Rudolph Robinson: 5405 Hudson Street	FOR
?	Jay Spear: 1418 Meander Drive	FOR
?	James Addison: 1311 Fort Branch Boulevard	FOR
?	Ben House: 5501 Hudson Street	FOR
?	Malch McDonald: 1140 Fort Branch Boulevard	FOR
K	Mrs. Essie Williams: 1307 Fort Branch Boulevard	FOR
?	Handy Williamson: 5607 Hudson Street	FOR
?	Richard Johnson: 2606 Sol Wilson Street	FOR
?	Rev. Hurley D. Williams: 1415 Fort Branch Boulevard	FOR
?	T. M. Tidwell: 1124 Eleanor Street	FOR
?	J. T. Randolph: 1418 Fort Branch Boulevard	FOR
?	Steve Valdez: 1300 Fort Branch Boulevard	FOR

C14-67-206 Louie E. Russell--contd.

PERSONS APPEARING AT HEARING

Code

A	Louie E. Russell (applicant)	
A	Isla Almetra Russell: 1609 Delano Street	FOR
H	Claudia Mae Thompson: 3101 Fort Branch Boulevard	FOR

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the zoning is requested so that he can have a barber shop on the subject property. He stated that when he purchased the property he was informed that a barber shop could be put on the site. Most of the people in the area would like to have a barber shop at this location so they are in favor of the requested change.

One nearby property owner appeared in favor of this request and stated that this is a fast growing area of the City and a barber shop is needed.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion into an established residential neighborhood and because Fort Branch Road has inadequate right-of-way.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Louie E. Russell for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1313-1315 Fort Branch Boulevard be DENIED.

C14-67-207 Paul Hardy and Jerry L. Kilpatrik: A, 1st to B, 1st (as amended)
1004-1010 West Mary Street

STAFF REPORT: This application covers 26,250 square feet of land which is undeveloped. The stated purpose of the application is for future development. This area is basically an "A" Residential Area which has been established for a long time. Property to the east at the northwest intersection of South Fourth Street and West Mary Street was originally zoned "C" Commercial in 1948. In 1960, a request was made to roll the zoning back to "A" Residential zoning. At the time, the Commission stated that since the property is located in a well-established residential area the request for a roll back in zoning would be proper and recommended that the request be granted. "C" Commercial, Second Height and Area zoning has been established on property adjoining the subject site at the intersection of West Fifth and Mary Streets for a number of years. Even though the property joins "C" Commercial, Second Height and Area, the staff feels the request would be an intrusion into the residential neighborhood now existing and recommends that it be denied.

C14-67-207 Paul Hardy and Jerry L. Kilpatrik--contd.

TESTIMONY

WRITTEN COMMENT

Code

AC	Mrs. Janie Morgan: 1001 West Mary Street	FOR
AP	Frank W. McBee: 913 West Mary Street	FOR

PERSONS APPEARING AT HEARING

Code

A	Paul Hardy (applicant)	
?	William H. Luedecke: 1004-1010 West Mary Street	FOR

SUMMARY OF TESTIMONY

Mr. Paul Hardy was present on behalf of this request and stated that the property adjoining to the east is developed with an amusement park which is an eyesore to the neighborhood. At the time the subject property was purchased, several other pieces of property up and down West Mary Street which were vacant or developed with dilapidated houses were offered for sale. West of the site there is a 20 unit apartment house.

Mr. Hardy stated that since the application has been filed, they have gone forward with securing financing for the development of apartments. Since gathering the finances, it has been found that "C" Commercial, Second Height and Area zoning is not needed and it is requested that this application be amended to "B" Residence, Second Height and Area. Any right-of-way that is needed in the area from the subject property will be provided.

Mr. Stevens advised the Committee that from the standpoint of the existing commercial property at the intersection, "B" Residence, Second Height and Area zoning could be considered as a buffer, gradation or separation and could be supported; however, the staff would much prefer that "B" Residence, First Height and Area zoning be granted.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "B" Residence, Second Height and Area. They reviewed the information presented and concluded that this request, (as amended) should be denied as it would be too intensive for the area; however, they recommended that "B" Residence, First Height and Area zoning be granted as the logical zoning of the property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Paul Hardy and Jerry Kilpatrik for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area (as amended) for property located at 1004-1010 West Mary Street be DENIED but that "B" Residence, First Height and Area be GRANTED.

C14-67-208 C. K. Jamison: A, 1st to B, 2nd
505 Kenniston Drive

STAFF REPORT: This site contains 10,950 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for constructing residential apartments. "LR" Local Retail and "C" Commercial zoning adjoins the site on the west and "GR" General Retail zoning adjoins the site on the south. The area to the north and east is predominantly developed with single-family residences. The condition of the houses along this street range from sound to poor.

Kenniston Drive extends eastward from Guadalupe Street through this older area and into a new subdivision which starts at Isabelle Street. Kenniston Drive with a present right-of-way of 50 feet should be widened to 60 feet which will require five feet from the subject property.

The staff feels that there is some merit in this request inasmuch as the property backs to commercial zoning and an apartment district would provide some gradation. Mr. John Selman, attorney for the applicant, has indicated that the applicant proposes to develop the property with six units. The zoning as requested would permit 14 units. "B" Residence, First Height and Area zoning would permit only five units. The staff is not opposed to six units but would be opposed to 14 units as the basic concern is density. Second Height and Area zoning is too dense but the staff would not be opposed if the development could be limited by restrictive covenant to six units.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that they realize "B" Residence, Second Height and Area zoning is too severe; however, "B" Residence, First Height and Area does not permit enough density, to justify the increased cost of land, so a higher classification is needed. A letter to the City Council has been prepared which states that a restrictive covenant will be filed limiting the development to six units. A letter will also be filed to the effect that the applicant will dedicate the additional right-of-way if needed for the widening of Kenniston Drive. It is felt that there is a trend in apartment development in this particular area and the property can serve as a buffer.

No one appeared in opposition to the request.

C14-67-208 C. K. Jamison--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and recognized the fact that Kenniston Drive has inadequate right-of-way. A motion was made to deny this request because of the inadequate right-of-way but to look with favor on the requested zoning if the street is made adequate. A motion was also made to recommend to the City Council that a restrictive covenant, as offered by the attorney for the applicant, be accepted limiting the development on the property to six units.

The motions failed to carry by a two to three vote.

A majority of the members felt that "B" Residence, Second Height and Area zoning is too intensive for the property and felt that the request should be denied; however, they stated they would look with favor on granting "B" Residence, First Height and Area as the proper zoning for the site provided the street is made adequate.

At the Commission meeting, the staff reported a letter from Mr. John Selman, representing the applicant, offering to dedicate five feet of right-of-way for the widening of Kenniston Drive.

The Commission members discussed the proposed use of the property and noted that "B" Residence, First Height and Area zoning would permit five units to be developed on the site. They recognized the fact that the applicant has offered, by restrictive covenant, to six units and felt that the one additional unit would not be detrimental and would be a practical use of the site. They felt that if the number of units could be limited by a restrictive covenant to six as proposed, that they would favor the proposal. They realized that the acceptance of restrictive covenants is the prerogative of the City Council and felt that the most the Commission could do would be to recommend, in addition to the zoning change, that the restrictive covenants be accepted by the Council. It was then

VOTED: To recommend that the request of C. K. Jamison for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 505 Kenniston Drive be GRANTED.

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

NAY: Mr. Riley

ABSENT: Messrs. Wroe, Bluestein, and Hazard

It was further

VOTED: To recommend to the City Council that the development on the site be limited by restrictive covenant as offered by the applicant, to six units.

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

NAY: Mr. Riley

ABSENT: Messrs. Wroe, Bluestein, and Hazard.

Cl4-67-209 C. K. Jamison: A to C
 702-704 Denson Drive

STAFF REPORT: This site contains 7,872 square feet of land which is developed with a single-family dwelling. The stated purpose of the application is for building residential apartments. The requested zoning will permit a maximum development of four regular units or fifteen apartment hotel units on the site. Earlier this year, a request for "B" Residence, First Height and Area zoning was made on the property to the north fronting onto Burns Street which was recommended against by the Commission. The strip commercial zoning existing along Lamar Boulevard has been extended to the property adjoining the site on the west. The staff did not oppose the extension of "C" Commercial zoning when it was established on the adjoining property; however, it was felt then as now that commercial zoning should not extend down Denson Drive. A request for "O" Office zoning was made on property to the south at the intersection of Guadalupe Street and Denson Drive, at which time the staff recommended against the request as it would be inconsistent with the development in the area; however, "O" Office zoning was established. There is unzoned property to the south across Denson Drive which is developed with the Texas Department of Public Safety and the Austin Public Schools Service offices. "B" Residence, First Height and Area zoning requires a base area of 8,000 square feet to be used for apartment purposes. Under "B" Residence, Second Height and Area zoning, the property could be developed with five units; however, there is no Second Height and Area zoning in the immediate vicinity. In terms of a proper zoning pattern, the request could be considered a logical extension of the existing district. The staff feels that "C" Commercial zoning is too intensive as it would permit a maximum development of 15 units on the site, and would be an intrusion into the residential area east of the property. The staff recommends "O" Office or "B" Residence, zoning for the property.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that a letter has been prepared for submission to the City Council offering to limit the development on the property by restrictive covenant to ten units. The requested zoning would permit 15 units but the applicant only wants to develop 10. The request for "B" Residence, First Height and Area zoning recently made on property to the north was turned down because that lot is on an inside street. There is no reason why this entire area will not be continued under some type of commercial or apartment use as this is logical. The applicant also owns the

C14-67-209 C. K. Jamison--contd.

adjoining lot and if a screening fence of some sort is required, it will be provided. It is not logical to stop the "C" Commercial property on the adjoining lot and completely cut off this lot. The adjoining property can be developed with 12 units and the property now under consideration should be utilized in the same manner. It is felt that the request is a logical extension of the existing zoning. The Department of Public Safety is established on property to the south across Denson Drive and there is "O" Office zoning to the east at Guadalupe and Denson Street. Austin is a changing and growing city and because of this fact, the property can not be used for single-family development. Because the cost of building, the most logical use of the property is for apartment zoning.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and several of the members felt that the requested zoning should be granted. They further recommended that the City Council accept a restrictive covenant as offered by the attorney for the applicant, limiting the development on the site to 10 units.

This motion failed to carry by a two to three vote.

It was then recommended that the request be denied as it would be an intrusion into a residential area but that "B" Residence, First Height and Area zoning be granted as the proper zoning for the site and a gradation between the commercial property and the residential property.

At the Commission meeting, the staff reviewed the reasons for the requested "C" Commercial zoning. The requested zoning drops the density requirement for one unit in an apartment hotel to 500 square feet and a base area of only 6,000 square feet is needed to qualify for the apartment hotel provision.

Mr. Jackson stated that when the "C" Commercial zoning was granted on the property adjoining to the west, the Commission stated that they would not be in favor of extending this zoning down Denson Drive into the residential area as it would be too intensive. After further discussion, a majority of the Commission members concurred with the Committee recommendation and

VOTED: To recommend that the request of C. K. Jamison for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 702-704 Denson Drive be DENIED but that "B" Residence, First Height and Area be GRANTED.

AYE: Mrs. Naughton and Messrs. Dunnam, Jackson, Riley

NAY: Messrs. Smith and Brown

ABSENT: Messrs. Wroe, Bluestein and Hazard

C14-67-210 Westgate Square: A to BB
 4908-5008 West Wind Trail
 2300-2302 Jones Road 8

STAFF REPORT: This application covers seven lots totaling 1.72 acres of land. Each lot contains approximately 9,000 square feet. The stated purpose of the application is for constructing residential apartments. The requested zoning would permit 37 units on the total area or approximately four units on each lot. "BB" Residence zoning was recently granted on the remaining lots north of Jones Road having frontage on West Wind Trail and Westgate Boulevard. Jones Road with a present right-of-way of 60 feet is adequate. West Wind Trail has only 50 feet of right-of-way, but the staff feels this is sufficient inasmuch as a number of the lots along West Wind Trail have double frontage. In view of the recent granting of "BB" zoning on the property to the north and to the east of West Wind Trail, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

S Nelson Puett: 5425 Burnet Road

FOR

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman appeared on behalf of this request and stated that this land has been purchased and lots under consideration are all sold subject to the requested zoning being granted. The lots are to be used for fourplex development. The right-of-way for West Wind Trail is adequate as the lots to the east have another means of access.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of present zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Westgate Square for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4908-5008 West Wind Trail and 2300-2302 Jones Road be GRANTED.

C14-67-211 Carl T. Widen: A to B
 400-404 Oltorf Street
 2204-2318 Wilson Street

STAFF REPORT: This application covers a large tract of undeveloped land containing 9.80 acres. The stated purpose of the application is for constructing apartments. The requested zoning would permit a maximum of 284 apartment hotel units. East Bouldin Creek bounds the site on the west. "C" Commercial zoning is established on property west of South First Street, and "GR", "O" and "A" zoning is established to the south. The relationship of the subject property to the existing sound housing on the east side of Wilson Street is the objectional part of this request. It is felt that the property could logically be used for apartment development as it backs to commercial on two sides and potential commercial on one side. The site would be difficult to develop under the "A" Residence classification. It is the staff's understanding that the houses along Wilson Street actually front onto Forest Avenue; however, if the requested zoning is granted, a buffer of duplexes could be established for the frontage along Wilson Street. Oltorf Street, with a present right-of-way of 60 feet, should be widened if the request is granted which would require 10 feet from the subject property.

TESTIMONY

WRITTEN COMMENT

Code

BU	E. D. Bohls: First Federal Savings & Loan Bldg.	FOR
?	M. Woodrow Stiefer: 2504 Briargrove	FOR
BD	Alfred L. Butler: 2309 Forest Avenue	FOR
AP	Lilly May Boatman: 7400 Alvert Road	AGAINST
AV	Alice Allen: 2300 Euclid Street	AGAINST
AR	M. W. Diercks: 2306 Forest Avenue	FOR
G	Richard Hodges: 3801 Avenue H	FOR
R	Harry E. Montandon: 2412 N. Interregional Highway	FOR
AD	William H. Pannell: 210 Fletcher Street	AGAINST
AQ	Chester Allan: 2304 Forrest Avenue	AGAINST
BF	T. E. Craig: 2301 Forest Avenue	AGAINST
AE	Michael E. Wilson: 212 Fletcher Avenue	AGAINST
AF	Wilkes B. Lacy: 214 Fletcher Avenue	AGAINST
BB	William Bruns: 2315 Forest Avenue	AGAINST
AG	Ted R. Myatt: 216 Fletcher Avenue	AGAINST
AT	Gerald M. Clopton: 2310 Forest Avenue	AGAINST
AN	Eugene J. Wilson: 2300 Fletcher Avenue	AGAINST
AK	T. C. Boyd: 1013 Milam Place	AGAINST
AH	Walter G. Stromquist: 218 Fletcher Avenue	AGAINST

PERSONS APPEARING AT HEARING

Code

AT	Gerald M. Clopton: 2310 Forest Avenue	AGAINST
BJ	George F. Krueger: 2100 Hodges Street	FOR
CP	Herbert Sladek: 2602 Wilson Street	FOR
?	Bill Davidson	FOR

C14-67-211 Carl T. Widen--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Bill Davidson appeared at the hearing and stated that he is purchasing the property under consideration subject to the requested zoning and presented a sketch of the development that is being contemplated for the site showing the development and streets leading into the development. The requested zoning will allow 284 units on the large area under consideration which cannot be considered as a high density project. Oltorf Street is a heavily traveled street carrying approximately 12,000 cars a day which cannot be considered as a residential street. Wilson Street has very little traffic. One point that should be considered is the fact that there are no houses on property around the site that actually face the tract itself. It is contemplated that there will be two streets off of Wilson Street into the subject property. The proposed development would not interfere with any quiet residential neighborhood inasmuch as there is a brand new service station at the intersection of Oltorf and South First Street and there is a strip commercial center developed with a barber shop, beauty shop, washateria and drive-in grocery located on property to the west. The subject property is vacant at the present time but Bouldin Creek will serve as a natural buffer between the proposed development and the existing development. Most of the homes in this area, with the exception of the homes along Wilson Street, are in such a state of repair that a privacy fence would be preferred around the apartments to screen the development. The property is an eyesore at the present time and the proposed development is the best use for the site. There should be no problem with the widening needed from the site for Oltorf Street.

One nearby property owner appeared in favor of the request and stated that in his opinion, a nice apartment complex would be an attractive addition to the area.

Arguments Presented AGAINST:

One nearby property owner appeared and stated that he has objections from 12 different property owners in this area who are opposed to the change. East Bouldin Creek forms a natural boundary between the commercial development to the south and west and the very fine residential development to the north and east and the requested zoning should not be extended across this boundary. "B" zoning on the site would jeopardize the existing residential values of the area along Wilson Street.

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 Oltorf Street; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as the appropriate use for the property.

C14-67-211 Carl T. Widen--contd.

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

Mr. Gerald Clopton, a nearby property owner in opposition to this request, appeared at the hearing and asked to present additional information as to why this request should not be granted.

The Commission members asked the nature of the information and Mr. Clopton informed them that this information is a petition in opposition to the request and facts and figures about traffic and safety.

The Commission members felt that this information had been considered at the Zoning meeting and advised Mr. Clopton that any additional information could be presented to the City Council at which time the applicant or his representative would have an opportunity to hear the information and answer any objection.

The Commission was cognizant of the applicant's offer to dedicate right-of-way for the widening of Oltorf Street and felt that this request should be granted. It was then

VOTED: To recommend that the request of Carl T. Widen for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 400-404 Oltorf Street and 2204-2318 Wilson Street be GRANTED.

C14-67-212 Mrs. T. A. Mae Minette Bryant and C. C. Cook: A to GR
 1811-1815 West 35th Street
 3405-3411 Oakmont Boulevard

STAFF REPORT: This application covers three parcels of land containing approximately 31,900 square feet. The stated purpose of the application is for future development. There is considerable history on both sides of West 35th Street. The heaviest zoning is "LR" which was established on property to the north in 1965, and on property adjoining to the east of the subject site earlier this year. "O" Office zoning exists on property south of West 35th Street, and "B" zoning exists on property north of West 35th Street. "C" Commercial zoning is established at the intersection of West 35th and Jefferson Streets. There is "A" Residential zoning and development to the west, north and south of the subject property. The 35th Street Expressway, with a proposed right-of-way of 250 feet, is proposed through this area which will eventually affect the subject property as the entire area will be needed for right-of-way. At the present time, West 35th Street is a commercial collector street which should be widened. This will require five of right-of-way from the subject property. There are three sound structures developed on the three parcels of land under consideration, and

C14-67-212 Mrs. T. A. Mae Minette Bryant and C. C. Cook--contd.

across Oakmont Street to the west is a very large fine single-family dwelling. If the request is granted, the staff feels the three parcels should be combined into one site for commercial use with primary access from West 35th Street rather than Oakmont Boulevard because of the existing single-family development and the fact that Oakmont Boulevard is a residential street.

It is the staff's feeling that "GR" zoning as requested is too intensive for this area and recommends the request be denied but that "LR" zoning be granted as it is a logical extension of existing zoning.

TESTIMONY

WRITTEN COMMENT

Code

AL	Sam Harris: 3404 Jefferson Street	FOR
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PERSONS APPEARING AT HEARING

Code

A	C. C. Cook (applicant)	
AB	Watt Harris, Jr.: 1901 West 35th Street	AGAINST
M	Donald E. Cranfill: 1804 West 34th Street	NO OPINION
N	George B. Eitelman: 1806 West 34th Street	NO OPINION
Y	Robert M. Cavett: 1901 West 34th Street	NO OPINION

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. C. C. Cook appeared at the hearing and stated that there is a duplex and a triplex developed on the property at this time and he has lived on the site for eleven years. He stated that there are no plans for the immediate development of the property but feels the requested zoning would be compatible with existing zoning and development.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request and stated that although there has been commercial zoning and development established in the near vicinity, it is felt that the proper zoning for this area is residential. The residential property west of Oakmont Boulevard is buffered from the commercial development along West 35th Street. According to the Highway Department, Mo-Pac Boulevard will go up Jackson Street and this area will eventually change; however, this is not the time for changes to occur. Oakmont Boulevard is a heavily traveled street at the present time, and the requested zoning will be detrimental. There are a number of children in the area and additional traffic would be hazardous.

CI4-67-212 Mrs. T. A. Mae Minette Bryant and C. C. Cook--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West 35th Street and because the requested zoning is not appropriate for the area. They stated they would look with favor on "O" Office zoning for the site, provided the street is made adequate, as the logical zoning between the existing commercial district to the east and a good quality residential area to the west and south. The Committee also felt that the three parcels of land should be consolidated into one parcel for development purposes to prevent commercial operations being served only from Oakmont Boulevard.

At the Commission meeting, the staff reported a letter from Mr. C. C. Cook offering five feet of right-of-way for the widening of West 35th Street.

The Commission was cognizant of the applicant's offer to dedicate right-of-way and felt that in view of this, "O" Office zoning should be granted as the logical zoning between the existing commercial district to the east and the residential area to the west and south. They concurred with the Committee recommendation that the three parcels of land should be consolidated into one parcel for development purposes. It was then unanimously

VOTED: To recommend that the request of Mrs. T. A. Mae Minette Bryant and C. C. Cook for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1811-1815 West 35th Street and 3405-3411 Oakmont Boulevard be DENIED but that "O" Office, First Height and Area zoning be GRANTED.

SPECIAL PERMITS

CP14-67-18 Southwest Industrial Properties, Inc.: 108 unit apartment dwelling
 1901-1939 South Lakeshore Boulevard group
 1200-1234 Town Creek Drive
 1300-1328 Arena Drive

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 108 units, 199 parking spaces, one recreation building and one swimming pool. The subject property is zoned "B" Residence, First Height and Area.

The staff reviewed the following departmental comments:

Fire Prevention	- O.K.
Water and Sewer	- Water and sewer is available. Plat is satisfactory.

CP14-67-18 Southwest Industrial Properties, Inc.--contd.

Building Inspector

Fire Protection
ElectricTraffic Engineer
Storm Sewer

Director of Public Works

Health

Tax Assessor

Office Engineer

- Plot plan acceptable. No corrections. This includes no approval from a building code standpoint.
- Recommendations shown in red.
- Overhead lines, easements are OK. If customer wants underground electric service, underground easements to be at later date.
- OK.
- Inlets are existing in curb on Arena Drive and South Lakeshore Boulevard at proposed driveway locations. Inlets must be re-located at owners expense or re-locate driveways.
- Driveway locations meet with our approval which need request for and approval of driveways before construction begins.
- Approved. Sanitary sewer line available.
- Taxes are paid through 1966. The 1967 taxes are not paid.
- Will require separate request for commercial driveways.

The staff recommends approval of this special permit pending compliance with departmental requirements.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

CP14-67-18 Southwest Industrial Properties, Inc.--contd.

At the Commission meeting, the staff reported that all of the department requirements have been met by notation on the site plan and the staff recommends approval. The Commission then

VOTED: To APPROVE the request of Southwest Industrial Properties, Inc. for a Special Permit for the erection of a 108 unit apartment dwelling group for property located at 1901-1939 South Lakeshore Boulevard, 1200-1234 Town Creek Drive and 1300-1328 Arena Drive, and authorized the Chairman to sign the necessary resolution.

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

CP14-67-19 Emile Jamail: 101 unit apartment dwelling group
 4322-4330 Bull Creek Road
 2801-2907 Camp Mabry Road

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin. Proposed is an apartment dwelling group containing 101 apartment units, 162 off-street parking spaces, two swimming pools, one recreation building and two laundry rooms. The property was recently rezoned to "B" Residence, Second Height and Area with a restriction that there not be more than one unit for every 1,000 square feet of area. The property consists of two lots.

The following department comments were reviewed:

Building Inspector

- 1. Zoning OK. 2. Lot area OK.
- 3. Parking OK if we do away with a garbage pick-up spot. 4. Additional R.O.W. for Mo-Pac has not been arranged for. 5. This includes no approval from a building code standpoint. 6. Head-in parking from Camp Mabry Drive is to be improved 20 feet in depth.

Fire Prevention
 Water and Sewer

- OK
- Plat is satisfactory. Water and sewer available. Additional fire hydrants may be required by the Fire Department.

Fire Protection
 Traffic Engineer
 Storm Sewer

- Recommendations shown in red.
- OK.
- Existing inlet in Camp Mabry Drive will have to be relocated at developer's expense, or relocate parking area somewhat.

CP14-67-19 Emile Jamail--contd.

Director of Public Works

- Driveway locations meet with our approval, however, will need request and approved plans before construction begins. Minimum width of islands should be five feet and I would recommend a minimum radius of five feet on all driveway curb returns. Must provide minimum of 20 feet for the head-in parking along Camp Mabry Road.

Tax Assessor

- Taxes are paid through 1966. The 1967 taxes are not paid.

Health

- Approved. Sanitary sewer lines available.

Electric

- OK.

Office Engineer

- Parking on Camp Mabry Road too shallow. Must be 20 feet in the clear.

The Planning Department staff questions the advisability of having head-in parking along Camp Mabry Road even though it is and will continue to be a dead-end street. If there is an overflow of parking, it is likely to occur on Camp Mabry Road on the residential side. Cars would back into the traffic. The staff feels this could result in a condition detrimental to the existing single-family development on the north side of the street. This is a matter of judgement on the part of the Commission.

The Committee members discussed the question of head-in parking and felt that in view of the fact that the street will be a dead-end street that this should not cause too much difficulty.

The staff recommends that the request be approved pending compliance with the technical requirements by the various City departments.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

T A. P. Wiseman: 2808 Camp Mabry Road
 ? Ellis Finke: 2806 Camp Mabry Road

AGAINST
 NO OPINION

CP14-67-19 Emile Jamail--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present at the hearing and stated that the proposed apartment project is set back from the proposed Mo-Pac Boulevard because of the right-of-way that will be needed.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to this request. He stated that he has lived in this area for 19 years and there is a drainage problem from Camp Mabry Road to Highland Terrace. The drainage is improperly installed and this should be checked before the project is allowed or the problems will become even more severe. There is also objection because of safety inasmuch as Camp Mabry Road is a very narrow street and the proposed development will create serious parking and traffic problems.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that there were a number of technical questions on this particular apartment proposal and the Committee recommended approval subject to compliance with departmental reports. These conditions have been met by notation on this site plan and the staff recommends approval. Mr. Glenn Cortez, Assistant City Attorney, has approved the proposed west lot line as related to the right-of-way proposed for Mo-Pac Boulevard, including the off-ramp in this location. This line is an angling line and the applicant has located it to the best of his ability after having checked with the City and State. This particular line has not been surveyed and staked on the ground and the State has yet to acquire this property. The only concern by the staff is that the parking is minimum and a change in the west line would effect the parking.

The Commission agreed that in view of the fact that all technical requirements have been met, that this special permit should be approved. It was therefore

VOTED: To APPROVE the request of Emile Jamail for a Special Permit for erection of a 101 unit apartment dwelling group for property located at 4322-4330 Bull Creek Road and 2801-2907 Camp Mabry Road, and authorized the Chairman to sign the necessary resolution.

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

POSTPONED CASE

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

STAFF REPORT: The staff reported that this request for a change of zoning from "A" Residence, First Height and Area to "O" Office, Second Height and Area was originally heard by the Zoning Committee on October 10, 1967, at which time the staff recommended that the request be denied as it would be too intensive for the area; however, the staff was in favor of "O" Office, First Height and Area zoning, provided Berkman Drive was made adequate. The Committee and the Commission concurred with the staff recommendation. It was brought out at the meeting that Berkman Drive as it comes into U.S. Highway 290 will be divided and the major entry to the subject property as planned by the applicant will be off of Patton Lane. As a result, the Committee and the Commission recommended that Patton Lane also be widened.

When the request went to the City Council, it was discussed in terms of density and the applicant proposed a restrictive covenant limiting the development. Mr. Stevens explained that he stated to the Council that the Austin Apartment House Association has proposed an amendment to the text of the Ordinance regarding the density requirement which was to be submitted to the Commission. The Council then referred this request to the Commission pending the results of this amendment.

At the last Planning Commission meeting, Mr. Osborne advised the Commission that the proposed amendment had only been submitted in resolution form the day of the meeting and the staff had not had an opportunity to consider or study the proposal. The Commission felt that in view of this, the only thing they could do would be to reaffirm their prior recommendation to deny the request or postpone it until the next regular Planning Commission when the proposed amendment would be presented for consideration. The application was postponed.

The Director is ill and not available at this meeting to present the proposal. The Council referred the request back to the Commission to consider in terms of the density amendment; however, as there has been a two month delay with with another month before the Commission has an opportunity to study this request the applicant's option to purchase the property is effected and he would like the Commission to make a recommendation at this time so that he can conclude his transaction one way or the other.

Mr. Padgett was present at the meeting and stated that "O" Office, Second Height and Area zoning would permit 104 units to be developed on the subject property whereas "O" Office, First Height and Area zoning would permit only 52 units. During the time between the original Planning Commission meeting and the Council hearing on this request, it was determined that a compromise could be made and a restrictive covenant could be offered limiting the development on the site. At the Council hearing, it was requested that "O" Office, Second Height and Area zoning be granted with a limited coverage of 20 units more than the First Height and Area district would permit which would be a total of 72 units. The staff reported that a proposed amendment to the text

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

of the density requirement in the Ordinance would be submitted to the Planning Commission and the Council felt that in view of this, the request should be referred back to the Commission for consideration in conjunction with the proposed amendment.

Mrs. Naughton stated that it was her understanding that offices as well as apartments were contemplated on the site. Mr. Padgett explained that at the present time he does not know how much of the area will be covered with apartments or how much will be developed with offices.

Mr. Dunnam stated that he is inclined to want to make up for inadequacies in the Zoning Ordinance and feels that the density requirements between First and Second Height and Area zoning are inadequate. The only practical way to make up for this inadequacy in the Ordinance is by restrictive covenants.

Mr. Jackson stated that he is not opposed to the proposed development; however, consideration should be given to the fact that "O" Office, Second Height and Area zoning even with a restrictive covenant allows a height of 45 feet and a setback of only 10 feet.

The Commission members discussed the request in terms of setback, density and height. They felt that "O" Office, Second Height and Area zoning should be granted, with a restrictive covenant limiting the development to 72 units and that the setback as well as the height requirements on the property be the same as under the "O" Office, First Height and Area district.

It was then unanimously

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

It was further recommended that the City Council accept a restrictive covenant limiting the development on the site to 72 units and that the setback and height requirements be the same as "O" Office, First Height and Area.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of November 27, 1967, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of November 27, 1967, on the minutes of this meeting.

PRELIMINARY PLANS

C8-67-32 Wedgewood
 U.S. Highway 290 & State Highway 71

The staff reported that the six months approval of this preliminary plan has expired and the applicant is requesting reapproval of the plan as originally approved in order that the final plat may be accepted at this meeting. The Commission then

VOTED: To REAPPROVE the preliminary plan of WEDGEWOOD SUBDIVISION.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT for filing the following final plats:

C8-67-32 Wedgewood
 U.S. Highway 290 & State Highway 71
C8-67-90 Northwest Hills - Mesa Oaks, Phase 4-A
 Mesa Drive
C8-67-91 River Oaks Lake Estates, Section 3
 Parmer Lane and North Lamar Boulevard

SUBDIVISION PLATS - CONSIDERED

C8-67-77 Allandale Estates, Section 2
 U.S. Highway 183 & I & GN Railway

The staff reported that this final plat has complied with all departmental reports and all requirements of the Ordinance with the exception of the zoning. The subdivision is planned for commercial and industrial uses which is contrary to the existing zoning. A zoning application on the site is before the Commission at this time for consideration, and the staff recommends that this final plat be approved and requests permission to hold the plat from record until the Council acts on the zoning request. The Commission therefore

VOTED: To APPROVE the final plat of Allandale Estates, Section 2, pending the necessary zoning, authorizing the staff to hold the plat from record pending Council action on the requested zoning.

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

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 COLORADO HILLS ESTATES, Section 2.

C8-64-8 Barton Hills West, Section 1
Barton Hills Drive and Mt. View Lane

The staff recommends disapproval of this final plat pending completion of departmental reports and annexation. The drainage report is still lacking; however, a clear report has been received from the Office Engineer of Public Works which indicates that they have received the clear report. The Planning Department's copy has not been received through the mail as yet. An annexation request has been filed and is scheduled for hearing before the City Council. The staff requests permission to poll the Commission upon completion of departmental reports and annexation. The Commission then

VOTED: To DISAPPROVE the final plat of BARTON HILLS WEST, Section 1, pending the items as noted and authorized the staff to poll the Commission upon completion.

C8-67-84 Bergstrom Place, Section 1
State Highway 71 & Bergstrom AFB

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

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

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

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

VOTED: To DISAPPROVE the final plat of BARTON TERRACE, Section 5, pending the required fiscal arrangements.

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

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

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

C8-67-57 Northwest Hills - Mesa Oaks, Phase 5
Rustling Road and Burney Drive

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

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS - MESA OAKS, Phase 5, pending the items as outlined.

SHORT FORM PLATS - FILED

C8s-67-185 H. M. Bohn Addition
Congress Avenue and Ben White Boulevard

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

VOTED: To ACCEPT for filing the short form plat of H. M. BOHN ADDITION.

C8s-67-192 Eastin Nelson Subdivision
Caswell Avenue and East 47th Street

The staff reported that this short form plat involves a variance on the width of Lots 4 and 5. There was a recent zoning application on this property at which time the Commission recommended denial and the request was subsequently withdrawn. The applicant has worked with the staff on a possible resubdivision of the tract of land for the purpose of putting duplexes on the lots. Lot 1 has a large existing single-family dwelling on it and the applicant proposes to cut the balance of the tract into four lots which will make a total of five lots. Lots 4 and 5 involve a variance in that they do not have 25 feet of width at the building line nor at a point 50 feet behind the building line. The two lots have 23.5 feet of frontage but there is more than adequate building site at the rear of each of the lots. The applicant has recently requested a variance from the Board of Adjustment to provide a lot width of 23 feet at the building line, which was granted by the Board subject to a short form subdivision. Because the property is so deep, the irregular shaped lots seem to be the most logical way to subdivide the property, particular in view of the fact that there is an existing residence on Lot 1. Consideration was given to subdividing the property with a cul-de-sac, but this would allow only a total of four lots and the applicant would also have the expense of a street and utilities. The division of the property as presented was suggested by the staff. After further discussion, the Commission

VOTED: To ACCEPT for filing the short form plat of EASTIN NELSON SUBDIVISION, granting a variance on the width of Lots 4 and 5.

C8s-67-193 Austin Brethern Church
Peyton Gin Road

The staff reported that this is an attempt to subdivide one lot out of a larger tract of land on Peyton Gin Road. The property under consideration has been sold under contract of sale out of the larger tract which consists of approximately 120 acres. The church tract is approximately two acres. There are a number of considerations and variances involved in this request. One is that the original 120 acre tract of land was owned by Mr. Robinson whose house is located on property immediately west of the church tract. The entire tract, with the exception of the tract where the house is located, was sold to Mr. Nelson Puett who in turn sold the two acre tract to the church. Before the tract was sold, representatives of the church came to the Planning Department

C8s-67-193 Austin Brethern Church--contd.

and discussed with the staff the problems involved on this tract of land and what it would take to get approval by the City so that there could be utility services to the church. They were informed that it would take a subdivision of the entire tract. At this point, it was obviously indicated that a long form subdivision would be required rather than a short form because the remaining tract of land has limited frontage onto Peyton Gin Road as a result of the Robinson Tract and the church tract being split out of this large tract. There is access to the large tract from Rutland Drive; however, this would be difficult for the southern portion of the property because of a creek running through the middle which would require a substantial creek crossing. Rundberg Lane will ultimately go through the northern half of the 120 acre tract. The representatives of the church were informed that a long form subdivision would be necessary due to the fact that almost all of the frontage along Peyton Gin Road has been conveyed off and a street is needed to serve the tract in the future. The normal policy of the City is that when a street is required, that the street be dedicated and developed to the extent of the platted lot or lots abutting it. Right-of-way is also needed for the widening of Peyton Gin Road which is being provided by the plat in the amount of 10 feet. There is sufficient room for a 50 foot street and a tier of lots on the 120 acre tract as there is approximately 20 feet of frontage left along Peyton Gin Road.

Mrs. Naughton stated that in her opinion, it would not be fair to penalize the church by requiring them to dedicate the entire right-of-way for the street.

Mr. Foxworth explained that in order to plat the lot out, the street should be dedicated and provision for construction of the street should be made to a point where the church property abuts it. The problem involved is that two tracts have already been split out by metes and bounds and there is no assurance that the remaining property will not be sold in the same manner and then there will be no street. The staff recommends that a preliminary plan providing for a street be filed. There is no assurance at this point where a street might be. There is no plan on the property east and west with a indication of where a connecting street may possibly join in. Little Walnut Creek running through this 120 acre tract tends to isolate the north end from the south end which makes it obvious that access is needed from Peyton Gin Road.

Mr. Thomas Watts, appeared at the hearing and stated that there are many things that can happen in this area in the near or distance future to change any plan that may be submitted.

Little Walnut Creek runs through the 120 acre tract and if it is short formed the owner will be faced with drainage easements as well as a creek crossing which will be wide and very shallow. Sometime in the future, this tract will be subdivided into lots and the creek will be brought down to a minimum size and there will be a large drainage easement on the tract. This is a very good reason why Mr. Puett does not want to be involved in a short

C8s-67-193 Austin Brethern Church--contd.

form at this time. There is provision being made for a street to come through the northern portion of the tract as Rundberg Lane is to be extended. There are many people who do not want a lot facing into a church, school or other public facility. Mr. Puett is aware of the problems involved but he is not ready at this time to contemplate any kind of development. The tract still has legal frontage onto Rutland Drive and Peyton Gin Road and can still be logically subdivided as it is.

Mr. Stevens explained that to approve the subdivision as requested would involve three variances. One of the variances is that the division of this property does not qualify under the Subdivision Ordinance as a short form. One of the first requirements of the Ordinance is that the land under consideration abut upon a street of adequate width and that there be no consideration of drainage. The two other variances involved would be to exclude the balance of the tract owned by Mr. Puett and a variance from requiring Mr. Robinson to join in the platting. If a street is not located on a portion of this tract, it will probably be the burden of the adjoining property owner to provide access to the interior of the large tract. The staff recommends against the variances and the short form and recommends that a preliminary plan be filed for the entire tract.

Mr. John Wilson, representing the Austin Brethern Church, appeared at the hearing and stated that Mr. Nelson Puett owns the large tract of land from which the subject property came. With regard to the street, it is the position of the church that when they were sold this piece of property, since the large tract was retained by the same owner, then consideration should have been given by that owner as there is enough room on the tract for a street. The burden for providing the street should fall on the adjoining property owner. The short form was filed in the name of Nelson Puett because the church does not have the money at the present time to acquire the tract outright and they are going to finance it after the first of the year. The church has to be relocated by this time and unless the short form is approved, they cannot develop this property. There is room for the street to go through and there will be no problem insofar as the rest of the property is concerned. Development cannot occur on the subject property without the necessary variances.

Mr. Jackson stated that if they decide to put the street next to the subject property, then the church would have to bear a portion of the cost.

Mr. Foxworth stated that since Mr. Puett is the present owner of the large tract he would be required to furnish the street so that the future owner will not be obligated.

Mr. Dunnam stated that if a street was dedicated and not cut and the property was ultimately unified with property to the east or west there would be no reason why the street once it is dedicated, could not be vacated if it is found that a different location or plan would be more suitable. There needs to be some assurance with regard to this tract of land that there is some access to the rear of the property.

C8s-67-193 Austin Brethern Church--contd.

Mr. Foxworth explained that this would still entail the dedication and necessary fiscal arrangements for the development of the street; however, it would be up to the Director of Public Works to determine at what time the street is constructed.

Mr. Watts advised the Commission that the property is now out of the City and there is no reason why it should be annexed. It is in the jurisdiction of the County Commissioner's Court. The property is still outside of the developable area even though there is development in the near vicinity. No formal pattern of development has been set and it is logical at this point to say that it is too early for the owner to know how he will develop the property.

Mr. Jackson stated that in his opinion since the church tract came from the tract owned by Mr. Puett that he should be required to join in the platting.

Mr. Jack Goodman, representing the church as an architect stated that he understands the problem as presented but what solution can the Planning Commission give to the church to allow them to start construction without having to go back to Mr. Puett and negotiate when he is not interested in developing his property.

Mr. Nelson Puett offered the following information: The subject property was sold to the church at which time they were advised that the development of the tract would have nothing to do with the larger tract. The property now belongs to the church to do with as they choose. Mr. Puett further stated that as a convenience he does not mind signing the plat but he is not dedicating any street or platting any lots out of his property. He stated that he does not object to signing anything that will not commit him to do anything with his land.

Mr. Watts said that if the tract owned by Mr. Puett were to come in as a legal short form, there is nothing in the Ordinance that says the property does not have legal frontage. If the entire tract, including the church and Robinson tracts, was brought in as a short form, each tract would still have legal frontage onto Peyton Road as required by Ordinance. He further explained that the balance of the tract has sufficient frontage on Peyton Gin Road to provide for a street into the remaining portion of the property owned by Mr. Puett and is obvious that Mr. Puett or a future owner of the tract would be required to provide a street into the interior portion of the tract.

Mr. Foxworth stated that this would not meet the requirements for a short form procedure as there are drainage requirements on the entire tract and streets are needed.

C8s-67-193 Austin Brethern Church--contd.

Mr. Stevens explained that the staff feels that there is a necessity to consider provision for a street at this time. It could be approved as it is if the Commission does not agree. If the Commission sees merit in granting the necessary variance and requiring a stub street on the church property, then the staff would suggest that the short form exclude Mr. Puett's property.

Mr. Dunnam inquired as to the possibility of having a street dedicated either on the church property or on Mr. Puett's property or jointly with the understanding that with some other layout in the future it would not necessitate the actual development of the street which could then be vacated.

Mr. Watts stated that since Mr. Puett has indicated that he will not commit himself to anything at this point this would leave the burden of the street dedication on the church.

Mr. Wilson asked the staff if the church could provide the full right-of-way of the street out of the church tract. Mr. Foxworth explained that this could probably be accomplished if the church is willing to provide the full 50 feet of right-of-way and put up the necessary fiscal arrangements for the utilities and street construction as may be required for the street in this portion of the property and actual construction of the street could probably be delayed due to the fact that the property is now outside of the City limits and no paving is required by the County. The dedication would have to be accepted by the Commissioner's Court of the County which can be accomplished but the County will not accept the street for maintenance until built in accordance with their requirements. From the developer's standpoint this could probably be at a time more convenient for them. If the church is willing to provide the full 50 feet of right-of-way on the subject tract, the staff would recommend that the Commission grant a variance from requiring Mr. Puett to join in.

Mr. Puett stated that the church bought two acres of land from him which is good level land. They do not need a street and they do not have any drainage problem. He stated that when a street is needed he should have to put it in and it should not be the burden of the church.

Mr. Goodman advised that the church owns only two acres of land which is the minimum area on which to develop a church structure. If a 50 foot street is required through their property, the area will be reduced and there will not be much room left to build a church.

Mr. Foxworth explained that the applicants were made aware of all of the problems on this property before they made any arrangements to purchase the site. They asked what would happen if they bought the property and they were informed that they could not get utility service without subdivision approval. The staff feels there is no justification for granting the requested variances.

C8s-67-193 Austin Brethern Church--contd.

The Commission discussed the requested variances and the problems involved. They felt that this short form plat should be accepted for filing, granting a variance from the requirements of the Ordinance which states that property which requires consideration from a drainage and street standpoint does not qualify for short form consideration and further granting variances to exclude the Robinson Tract and the Puett Tract from this plat. They felt that the variances are justified due to the fact that development on the balance of Puett Tract appears to be too far in the future and the major property owner has enough property to provide a street to Peyton Gin Road, and because the requirement of a street on the church property would place an undue burden on the church. After further discussion, the Commission unanimously

VOTED: To ACCEPT for filing the short form plat of AUSTIN BRETHERN CHURCH, granting a variance from the requirements of the Ordinance which states that property which requires consideration from a drainage and street standpoint does not qualify for short form consideration, and further granting variances to exclude the Robinson and Puett tracts from this plat.

SHORT FORM PLATS - CONSIDERED

C8s-67-186 Bowling Green, Resub. 10-13
Polaris Avenue and Bowling Green

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining property owner. A letter has been received from Mr. Ralph W. Vertrees, in which he states an attempt was made to get the adjoining property owner to join in this platting. In view of this, the staff recommends that this short form plat be approved and that the requested variance be granted. It was then

VOTED: To APPROVE the short form plat of BOWLING GREEN, Resub. 10-13, granting a variance on the signature of the adjoining owner.

C8s-67-188 Mark's Subdivision Number 2
West 39½ Street

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. A letter has been received from Mr. Henry Wetzal, Jr., requesting that this variance be granted inasmuch as the adjoining owner does not wish to join in the platting. In view of this, the staff recommends that this short form plat be approved and that the requested variance be granted. It was then

VOTED: To APPROVE the short form plat of MARK'S SUBDIVISION, Number 2, granting a variance on the signature of the adjoining owner.

C8s-67-184 Manor Road Addition
 State Highway 20 and Palo Pinto Drive

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. A letter has been received from W. Harvey Smith, representing the applicant, requesting that the variance be granted inasmuch as the adjoining owner does not wish to participate at this time. The staff recommends that this short form plat be approved and the requested variance be granted. It was then

VOTED: To APPROVE the short form plat of MANOR ROAD ADDITION, granting a variance on the signature of the adjoining owner.

C8s-67-189 Austin Northwest Estates, Section 1
 Shoal Creek and Foster Lane

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

VOTED: To APPROVE the short form plat of AUSTIN NORTHWEST ESTATES, Section 1.

C8s-67-160 Travis Heights, Resub. Lots 4-6
 Travis Heights Boulevard

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance but there is a variance involved in that Lot 4-A does not have 50 feet of width 50 feet behind the building line. This short form has been before the Subdivision Committee and the Planning Commission on two previous occasions at which time it was postponed as the applicant did not appear at the meetings. The applicant has revised the plat at this point and has now complied with all requirements of the Ordinance except for width of Lot 4-A. The lot in question is 40 feet wide 50 feet behind the building line and at the building line it is approximately 56 feet wide.

Mr. Jackson asked if there was any way that the plat could be revised so that more area could be put into the lot in question.

Mr. Foxworth explained that the other lots are 50 feet wide almost all of the way back which would make a further revision difficult. Even though the width is inadequate at one point, there is sufficient area for a building site although it will probably be smaller than the other lots in the area. Most of the lots in this area are 50 foot lots which is relatively small.

Mr. Stevens stated that the staff would like to have an opportunity to discuss the building plans with the applicant in order to see what is proposed for the lot.

C8s-67-160 Travis Heights, Resub. Lots 4-6--contd.

The surveyor indicated to the staff that the applicant intends to put a duplex on Lot 2-A. There is an existing single-family residence to the rear of the drainage easement and the plans are to put a single-family residence on Lot 4-A. A minimum of 5,750 square feet is required for a single-family dwelling.

The Commission discussed this request and were concerned as to whether or not there is sufficient area in Lot 4-A for a building site. They felt that this short form plat should be disapproved at this time pending submission of a site plan by the applicant. It was then

VOTED: To DISAPPROVE the short form plat of TRAVIS HEIGHTS, Resub. Lots 4-6, pending submission of a site plan by the applicant.

C8s-67-176 Beverly Hills, Section 1, Resub. Lots 9-10, Block B Westview

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 BEVERLY HILLS, Section 1, Resub. Lots 9-10, Block B, pending completion of departmental reports.

ADMINISTRATIVE APPROVAL

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

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

<u>C8s-64-87</u>	<u>Kies Addition, Resub.</u>
	Chesterfield Avenue and Denson Drive
<u>C8s-65-144</u>	<u>Alff Addition</u>
	Pedernales Street
<u>C8s-67-35</u>	<u>Mosby Addition</u>
	Chestnut Avenue and East 20th
<u>C8s-67-1⁹⁰31</u>	<u>Manor Hills, Section 11 Resub.</u>
	East 51st Street
<u>C8s-67-179</u>	<u>Holiday Heights, Resub.</u>
	Duval Street and Croslin Street
<u>C8s-67-183</u>	<u>Sherwood Oaks, Section 1, Resub.</u>
	East Oltorf and Eastside Drive
<u>C8s-67-187</u>	<u>Frank Sifeuntez Subdivision</u>
	Felix Avenue and Montopolis Avenue

OTHER BUSINESS

C10-67-1(x) STREET VACATION

Wade Avenue located north of Warren Street

The staff reported that this request to vacate Wade Avenue north of Warren Street is made by all of the abutting property owners. This portion of Wade Avenue has never been developed for street purposes. The abutting owners are requesting the vacation. The following item should be checked by the Legal Department: in the Timberwood Subdivision there were small parcels of land on the west side of Wade Avenue, Lots 3-A, 4-A, 5-A, 6-A, 17-A and 17-B. There is a note on the plat that these lots are not to be used as separate building sites and in the event that Wade Avenue is vacated, these lots will become parts of Lots 3, 4, 5, 6 and 17. The question at this point is who gets title to what part of Wade Avenue. The various City departments have checked this request and there is a need for the retention of the sanitary sewer, storm sewer, electric and telephone company easements. The staff recommends in favor of the request subject to the retention of the necessary easements and subject to the Legal Department reviewing the request in terms of the plat restrictions and the complications that the vacation may cause to the adjoining land and owners. The Commission then

VOTED: To recommend that Wade Avenue located north of Warren Street be VACATED, subject to the retention of the necessary easements and the Legal Department reviewing the request in terms of the plat restrictions and the complications that the vacation may cause to the adjoining land and owners.

C10-67-1(y) STREET VACATION

Brazos Street between East 16th and East 17th Streets

The staff reported that this request is to vacate Brazos Street between East 16th and East 17th Streets and the alley located between Brazos Street and Congress Avenue. The request is made by the adjacent property owner. This request was before the Commission in 1965 at which time the Commission recommended the vacation at the time the State became the owner of all of the abutting property. The action at this time would be for the Commission to reaffirm the original recommendation subject to the retention of the necessary sanitary sewer, water and gas company easements. Since the original recommendation the telephone company has said that they have facilities in the alley and they would like to retain the easements until the State makes arrangements to have them removed. The Commission then

VOTED: To REAFFIRM the previous action to recommend that Brazos Street between East 16th and East 17th Streets and the alley located between Brazos Street and Congress Avenue be VACATED subject to the retention of the necessary easements and subject to the retention of the telephone company easements until such time as the State makes satisfactory arrangements to remove the easements.

C10-67-1(z) ALLEY VACATION

Wichita Street alley located between East 26th and East 27th Streets, and Wichita Street and Speedway

The staff reported that this request to vacate the Wichita Street alley, located between East 26th and East 27th Streets and Wichita and Speedway is made by all of the abutting property owners with the exception of the University. A letter has been received from Mr. Robert Duke in which he requests that this petition be taken to the City Council with the recommendation of the Commission so that as soon as Council approval is obtained, he may proceed to advise the University of Texas. The various City departments have reviewed the request and recommend the vacation subject to the retention of the necessary sanitary sewer, storm sewer, electric and telephone company easements. The Commission then

VOTED: To recommend the vacation of Wichita Street alley located between East 26th and East 27th Streets and Wichita Street and Speedway, be VACATED, subject to the retention of the necessary easements.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE 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>C8-67-64</u>	<u>Angus Valley, No. 7</u>
	West Cow Path
<u>C8-67-72</u>	<u>North Acres, Section 3</u>
	Middle Fiskville and Floradale Drive
<u>C8-67-74</u>	<u>Northwest Hills, Section 9</u>
	North Hills Drive and Hart Lane
<u>C8-67-86</u>	<u>Colony North, Section 3</u>
	North Hills, Drive and Balcones Trail (11-15-67)
<u>C8-67-17</u>	<u>Twin Oaks Industrial Subdivision</u>
	Ben White Boulevard
<u>C8-67-21</u>	<u>Ben White Commercial Subdivision</u>
	Ben White Boulevard (11-30-67)

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