

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- April 30, 1968

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

Absent

Ed Bluestein

Also Present

Hoyle M. Osborne, Director of Planning  
L. Wayne Golden, Planning Coordinator  
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 the meetings of April 22 and 23, 1968.

Present

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

Also Present

\*Richard Lillie, Assistant Director  
\*\*E. N. Stevens, Chief, Plan Administration  
Bill Burnette, Associate Planner  
Shirely Ralston, Administrative Secretary

\*Present only on April 22, 1968.

\*\*Present only on April 23, 1968.

PUBLIC HEARINGS

C14-68-20      Felix Williams: A, 1st to B, 2nd  
4307-4309 Avenue H

STAFF REPORT: This site contains 9,475 square feet of land which is presently developed with two single-family structures. The purpose of the request is for apartment development. This application was before the Zoning Committee on two previous occasions; on both occasions, the applicant requested postponement due to illness. The area has a mixed zoning pattern. An application

Cl4-68-20      Felix Williams--contd.

for rezoning was made on property to the south in 1967. "B" Residence, Second Height and Area zoning was requested for the portion of the property fronting onto East 43rd Street and "C" Commercial, Second Height and Area zoning was requested on the portion of the tract fronting onto Duval Street. The request was granted in June, 1967. "B" Residence, First Height and Area zoning is established on property to the rear of the subject site, having frontage onto Duval Street and "B" Residence, Second Height and Area zoning is established on property to the south along Duval Street. "GR" General Retail and "B" Residence, First Height and Area zoning was established on property to the south, fronting onto Avenue H, in 1966. "LR" zoning is established on two parcels of land to the east along Duval. "C" Commercial zoning exists at the intersection of East 43rd Street and Duval. In 1960, there was a request on property adjoining the site to the south, for a roll-back in zoning from "C" Commercial, First Height and Area to "B" Residence, First Height and Area which was granted. The original "C" zoning was established for a post office, but the post office was not located on the site and the zoning was rolled back to "B". The site is now being used as a parking lot in conjunction with a grocery store.

The staff recommends against the Second Height and Area as requested as it permits a high density development in an area that is single-family in character and will probably redevelop gradually with apartments.

#### TESTIMONY

##### WRITTEN COMMENT

Code

AJ            Helen Nehra: 4213 Avenue G

FOR

##### PERSONS APPEARING AT HEARING

Code

A            Felix Williams (applicant)

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Felix Williams for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4307-4309 Avenue H be DENIED, but that "B" Residence, First Height and Area be GRANTED.

Mr. David B. Poythress appeared in behalf of the applicant and stated that it is anticipated that Tract 1 will be developed with single-family dwellings, duplexes, or townhouses. It is felt that these three uses would be consistent with the surrounding "A" residential property and would serve as a buffer zone between the single-family area and the proposed apartments. On the northeast corner preceeding down the easterly line of the property there is a heavily foliated drainage ditch which will serve as an adequate buffer for the backyards of the existing residents. The proposal at this time on Tract 2 is primarily townhouse type apartments although it is not known whether or

C14-68-60      Tejas, Inc.--contd.

not the plans proposed will fit the Ordinance definition for townhouses, but it is envisioned that there will be low density high rent value apartments on the tract. There is no firm commitment for selling the townhouses but it is possible that they will be sold sometime in the future. There is a request to amend the application on Tract 3 to "B" Residence, First Height and Area zoning on the portion of the property north of Tejas Drive and "C" Commercial on the south portion of the tract. The staff has indicated that they would like to have the southern portion zoned "GR" and under the circumstances the applicant would acquiesce on the "GR" recommendation. There has not been sufficient study to anticipate what the development on the tract may be, but it could possibly be a motel, small eating establishment or a drive-in food store. The remainder of the tract, north of Tejas Drive, is for slightly higher density with slightly lower rental value. The rear of Tract 3 is rather heavily foliated which could possibly be used for a park area. There will be sufficient off-street parking provided for the proposed development.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as amended, as it conforms to the approved subdivision on the property and establishes logical zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Tejas, Inc. for a change of zoning from "DL" Light Industrial, First Height and Area and Interim "A", Interim First Height and Area to "A" Residence, First Height and Area Tract 1, "BB" Residence, First Height and Area Tract 2 and "B" Residence, and "GR" General Retail, First Height and Area Tract 3 (as amended) for property located at Tract 1: 1403-1405 Pringle Circle and 1309 Brandt Drive, Tract 2: Rear of 1401-1505 Brandt Drive and Tract 3: 1909-1927 State Highway 71 be GRANTED.

C14-68-73      Dink Swearingen: A, 1st to B, 2nd  
                  3913-3915 Avenue C  
                  205-207 West 40th Street

STAFF REPORT: This application covers 12,000 square feet of land which is presently developed with a single-family dwelling. The stated purpose of the request is for apartment development. If the requested zoning is granted, sixteen units would be permitted on the site. This area has been before the Commission on several occasions. In 1967, "B" Residence, Second Height and Area zoning was established on property to the west, fronting onto West 40th Street and Avenue C, and also on property to the south, fronting onto West 39th Street. Since that time, there have been numerous requests for zoning changes in the area, the latest request being for a change of zoning from "A"

C14-68-73      Dink Swearingen--contd.

Residence, First Height and Area to "B" Residence, Second Height and Area on property to the south, fronting onto Avenue B, which was granted. West 40th Street and Avenue C have adequate right-of-way to serve the proposed density. The staff recommends that the requested zoning be granted as an extension of the recently established zoning pattern.

# TESTIMONY

## WRITTEN COMMENT

### Code

D	H. A. Merrick: 313 Capital National Bank	FOR
AG	Z. W. Salathe: 103 East 30th Street	AGAINST
W	Hyde Park Presbyterian Church: 3913 Avenue B	FOR
C	J. R. Smith: 3911 Avenue C	AGAINST

## PERSONS APPEARING AT HEARING

### Code

A      Dink Swearingen (applicant)

## SUMMARY OF TESTIMONY

Dink Swearingen stated that there is a conditional contract to purchase the subject property so that apartments can be built on the site. There are apartments existing across the street and the requested zoning is a logical extension.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of the recently established zoning pattern in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dink Swearingen for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3913-3915 Avenue C, & 205-207 West 40th Street be GRANTED.

C14-68-74      Jack Mason: A to B  
                  1501 Newning Street  
                  Rear of 1423-1425 Newning Street  
                  Rear of 1503-1505 Newning Street

STAFF REPORT: This application covers a parcel of land containing 38,480 square feet. The stated purpose of the request is for apartment development. This area is predominantly a single-family area developed with some duplexes and some non-conforming uses in the form of boarding houses. In 1966, a

C14-68-74 Jack Mason--contd.

request for "B" Residence, First Height and Area zoning was denied on property to the south. A year later, an application was filed for "B" Residence, First Height and Area zoning on the same property which was granted by the City Council. "B" Residence, First Height and Area zoning, granted in 1966, was established on property adjoining the site to the east, property to the north fronting onto Pecan Grove Street, and also on property at the northwest corner of Park Lane and Newning Avenue.

The subject property which faces onto Newning Avenue is divided into two lots with only 50 feet of frontage along the street. At the building line, there is only 46 feet and the structure will have to be constructed on the bulk of the property to the rear. It should be pointed out that before the property can be developed as proposed, there will have to be a short form subdivision combining the two lots into one site or a variance granted by the Board of Adjustment. In view of the recently established zoning pattern in the area, the staff recommends the request be granted.

## TESTIMONY

## WRITTEN COMMENT

## Code

K	Donald L. Hendrix: P.O. Box 294	FOR
P	Mrs. Mody Boatright: 1419 Newning Street	AGAINST
F	Edgar Montgomery: 1509 Newning Street	FOR
AM	S. E. Hinton: 400 East 1st Street	AGAINST
AN	Robert Hohls: 1502 Newning Street	AGAINST
D	Mrs. Volna Lee Daum: 510 East Broadway, Karnes, Texas	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Kirk Williamson (representing applicant)	
AL	J. P. Keller: 1304 Newning Street	FOR
AL	Mrs. J. P. Keller: 1304 Newning Street	FOR

## SUMMARY OF TESTIMONY

Mr. Kirk Williamson, representing the applicant, stated they would be happy to conform to the Planning Department's wishes on building back on the large area in the rear. The proposal is to build apartment units with a 50 foot strip being used only for an entrance way. With the precedent of the "B" zoning in the area it would indicate that the proposed development is the highest and best use for the land.

No one appeared in opposition to the request.

C14-68-74      Jack Mason--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of the existing development and recently established zoning pattern.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Jack Mason for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1501 Newning Street, the rear of 1423-1425 Newning Street and the rear of 1503-1505 Newning Street be GRANTED.

C14-68-75      Louis Joseph: A, 1st to B, 2nd  
                  914-916 East 51st Street

STAFF REPORT: This site contains 10,400 square feet of land which is presently developed with a single-family structure. The stated purpose of the application is for apartment development. If the requested zoning is granted, under the existing Ordinance, approximately fourteen units would be permitted on the site. The area is predominantly a single-family area with some rental development. To the west along Airport Boulevard is a pattern of commercial development with "C", "C-2" and "GR" zoning. Surrounding the subject property to the east and north is single-family development. A request for "O" Office, Second Height and Area zoning on property at the intersection of Depew Avenue and East 51st Street was granted last year. At the time, the staff recommended "O" Office, First Height and Area as it was felt that this would serve as a buffer between the commercial property along Airport Boulevard and the existing residential area to the east; however, the Council did grant "O" Office, Second Height and Area.

East 51st Street, a major arterial street with a present right-of-way of 50 feet, should be widened by ten feet on each side of the street, particularly if the requested zoning is granted. It should also be pointed out that the subject property is located in the middle of the block. The staff could see merit in the recommending of "B" Residence, First Height and Area but would prefer to see the request come in on a block basis rather than a piece-meal basis. It is felt that sometime in the future this area will be developed with apartments, but at the present time, the area is maintaining its residential characteristics and it is recommended that the request be denied.

TESTIMONY

WRITTEN COMMENT

Code		
X	Albert H. Klotz: 919 East 51st Street	AGAINST
Z	Mrs. Lorine Ross: 924 East 50th Street	AGAINST
BH	C. E. Moyer: 609 East 47th Street	AGAINST
AZ	M. M. Wells: 937 East 51st Street	AGAINST

C14-68-75      Louis Joseph--contd.

Y	Albert G. Hadelar: 921 East 51st Street	AGAINST
AY	E. L. Wallingford: 935 East 51st Street	AGAINST
BK	Ernest W. Courtney: 934 East 51st Street	AGAINST
J	Mr. & Mrs. G. R. Morrow: 905 East 52nd Street	AGAINST

## PERSONS APPEARING AT HEARING

Code

	Richard Baker (representing applicant)	
D	Mrs. David Trainer: 910 East 51st Street	AGAINST
BF	Mrs. Dennis D. Dement: 929 East 52nd Street	AGAINST
E	Thomas E. McCaslin: 908 East 51st Street	AGAINST
E	Lynn McCaslin: 908 East 51st Street	AGAINST
V	Mr. & Mrs. Walter T. Anderson: 915 East 51st	AGAINST
Y	Mr. & Mrs. Albert G. Hadelar: 921 East 51st	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, stated that the applicant entered into a contract for the sale of the site subject to a rezoning of the property from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for the purpose of constructing a multi-family apartment project. It should be pointed out to the Committee that in March, 1967, the first intrusion into this particular area, which was at that point a residential neighborhood, was made by the granting of an application for "O" Office, Second Height and Area, located at the corner of East 51st Street and Depew Avenue. As noted, East 51st Street is a 50 foot street with 40 feet of paving which is adequate to handle the traffic generated by an apartment project which would be consistent with the paving requirements on all of the streets serving apartment development. However, the additional right-of-way to bring the street to a standard 60 feet is acknowledged. The intrusion into this area that was started with "O" Office has changed the prime characteristic of this property from single-family development to multi-family use. A change of this particular property under consideration would be a further continuation of the change that was started in 1967. The development which is consistent on Airport Boulevard runs from "C" Commercial, First Height and Area to the tract zoned "O" Office, Second Height and Area, and there is included therein some "C-2" and "GR" zoning. Most of the property along Airport Boulevard has been so developed. A change to a more dense use on the site would provide apartment development sites located close to Airport Boulevard which is a major thoroughfare. It is felt that the proposed zoning would be consistent with the changing pattern which was started in 1967. The prime objection by the property owners in this area is the traffic. It is felt that the increase in traffic on these streets is one of the prime indicators that there is a need for a change in a particular area as the traffic gets heavier, the property in that particular area becomes less desirable for "A" Residential use and must go to a less restrictive use. This is a basic reason for considering a zoning change on the site. East 51st Street is a



C14-68-75      Louis Joseph--contd.

major arterial street and there is an alley way to the rear of the site which is available for use. Undoubtedly the proposed change would generate additional traffic but the subject property is located approximately one block off of one of the major arterial streets in Austin.

Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to this request and stated that the main objection is the traffic that would be generated by the proposed change in development. It is felt that the requested zoning of property in the middle of this block is an intrusion and will set a precedent for other changes in the near future.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into an established residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Louis Joseph for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 914-916 East 51st Street be DENIED.

C14-68-76      M. E. Johnson: A to C  
907 East 48½ Street

STAFF REPORT: This application covers 5,775 square feet of land. The stated purpose of the application is to extend the business existing on the property adjoining to the west. The lot in question is the second lot off of Airport Boulevard, fronting onto East 48½ Street. Across the street and to the east is single-family residential development. The nearest apartment zoning is on the east side of Harmon Avenue. The most recent zoning change approved in this area was a change to "BB" Residence, First Height and Area on the property to the east of Harmon Avenue in 1967. It is the staff's understanding that the reason for the request is to park rental trailers and trucks on the subject property. The staff's concern is with the use of East 48½ Street as access to and from Airport Boulevard to pick up and deliver the trailers because of the residential uses along the street. If the request is recommended by the Zoning Committee, the staff feels that five feet of right-of-way should be provided from the subject property westward to Airport Boulevard. The staff can foresee a change in the land use in the area from the low density and single-family use to the low density apartment use, and for that reason it is felt that the extra right-of-way is needed. The applicant should also be encouraged to orient his use to Airport Boulevard rather than East 48½ Street. It is also recommended that access to and from the subject property be from Airport Boulevard. The Ordinance does require "C" Commercial zoning for outside storage and that the lot be fenced with a solid fence. It is recommended

C14-68-76 M. E. Johnson--contd.

that this request be granted provided five feet of right-of-way is provided from the subject site and the property adjoining to the west fronting onto Airport Boulevard.

# TESTIMONY

## WRITTEN COMMENT

Code

AG Mrs. John T. Crawford: 908 East 48½ Street

AGAINST

## PERSONS APPEARING AT HEARING

Code

A M. E. Johnson (applicant)

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he would like to have the zoning changed on the subject property so that he can have more room for the U-Haul trailers and trucks which he has to remove from the street. The fence on the west side is a wall of the Airport Automotive Supply Shop and the fence on the south side was the wall of the garage. Mr. Johnson stated the house on property adjoining the site is a rent house which belongs to him. Everything possible will be done to comply with the City Ordinance. The right-of-way needed for the street will be considered.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate right-of-way; however, they stated they would look with favor on the requested zoning, at such time the street right-of-way is made adequate from the subject property westward to Airport Boulevard, and with the recommendation that ingress and egress to the subject site be from Airport Boulevard.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of M. E. Johnson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 907 East 48½ Street be DENIED.

C14-68-77      Austin National Bank, Trustee, et al: A, 1st to LR, 1st (Trs. 1, 2, 3, & 6) & B, 2nd (Trs. 4 & 5)

Tract 1: 1600-1604 North Loop Blvd. & 5300-5310 Jim Hogg Avenue

Tract 2: 5301-5309 Jim Hogg Avenue, 1500-1510 North Loop Blvd. & 5300-5306 Joe Sayers Avenue

Tract 3: 1601-1605 North Loop Blvd. & 5222-5226 Jim Hogg Avenue

Tract 4: 5312-5322 Jim Hogg Avenue

Tract 5: 1507-1511 Houston Street, 5311-5411 Jim Hogg Avenue & 5308-5400 Joe Sayers Avenue

Tract 6: 5217-5223 Jim Hogg Avenue, 1501-1511 North Loop Boulevard & 5216-5222 Joe Sayers Avenue

STAFF REPORT: This application is made by the Austin National Bank, Trustee, and the American National Bank, Trustee, by E. H. Smartt. Their property is described as Tracts 1, 2, 3, 4 and 5. Property included in Tract 6 is individually owned. The most westerly two lots under consideration in Tract 6 are under the control of Mr. Smartt as the agent; however, the staff does not have the owners authority to proceed on the remaining lots as they were included as a result of an error in the application. The lots in Tract 6 would have to be withdrawn from consideration. The total area of all the tracts combined involves approximately 11 acres. The application is to establish a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area on Tract 1, 2, 3, and 6, and "B" Residence, Second Height and Area zoning is requested on Tracts 3 and 4. The stated purpose of the application is for apartment and local retail developments.

The property under consideration fronts onto North Loop Boulevard, Joe Sayers Avenue and Houston Street. Jim Hogg Avenue, which separates Tracts 1 and 4 from Tracts 2 and 5, is a dedicated but undeveloped street between North Loop Boulevard and Houston Street.

Last month, there was a request for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area on property fronting onto Houston Street which was postponed at the Planning Commission hearing pending the hearing of this request. There was concern expressed by the residents in the area as far as intruding into and damaging the existing residential area. The staff did report at the Planning Commission meeting that a zoning application was filed on the property now under consideration and the Commission postponed the request so that both of the zoning applications could be considered at the same time.

Surrounding area is predominantly a residential area developed with single-family and two-family dwellings with the exception of the Austin Savings and Loan at the intersection of Jeff Davis and North Loop Boulevard and the strip zoning of "C" Commercial along Burnet Road. There is a day nursery at the intersection of Joe Sayers and Houston Street. The subject property was identified in the Austin Transportation Study as the only undeveloped tract of land, other than some individually owned lots, within the area bounded by North Loop Boulevard, Woodrow Avenue, Burnet Road and Koenig Lane and that the anticipated additional development would be 100 units. The requested "B" Residence, Second Height and Area and "LR" Local Retail, First

C14-68-77      Austin National Bank Trustee, et al--contd.

Height and Area, if used for apartments would permit 463 apartment units under the present Ordinance, 581 units under the proposed Ordinance. The development permitted under the proposed change would multiply the number of projected units by more than four and also increase traffic. The anticipated growth of the area projects approximately 400 additional cars per day. With 463 units, the car count would increase to approximately 1,700 cars per day. The staff feels that the application should be reduced in density to follow the proposed Ordinance. It is recommended that "BB" Residence, Second Height and Area zoning, which is a density of one unit for every 1,500 square feet, be granted on Tracts 4 and 5. It is also recommended that "B" Residence, First Height and Area zoning be granted on Tract 2, fronting onto North Loop Boulevard and "LR" Local Retail, First Height and Area zoning on Tract 1, as requested and this boundary is subject to change to fit the particular plan to integrate within the project a logical boundary for commercial development. It is further recommended that "LR" zoning be granted on Tract 3 and "B" Residence zoning on Tract 6 subject to provision of required right-of-ways to bring North Loop Boulevard to planned standard which is 80 feet. North Loop Boulevard presently has 50 feet of right-of-way and 40 feet of paving. Joe Sayers Avenue should be widened to 60 feet of right-of-way and it is felt that inasmuch as the applicant is necessitating the widening, that the 10 feet should come from the applicant's property. The staff has also indicated before that plans were to bring Houston Street to 60 feet of width which would have required five feet from each side of the street; however, the street serves McCallum High School and an apartment complex as well as being a collector street between Lamar Boulevard and Burnet Road and it is felt in view of this proposal and its influence on adjacent property that it should be widened to 70 feet which would require 10 feet from the subject property. Jim Hogg Avenue should eventually be vacated and incorporated into the applicants property; however, one of the lots along this street is not owned by the applicant and it would be difficult for them to request vacation of the street without all of the abutting owners participating.

## TESTIMONY

## WRITTEN COMMENT

## Code

Y	Mrs Mary Blanche Ellis: P.O. Box 790, Kountze, Tex.	FOR
AR	Mrs. F. O. Reinke: 5208 Jim Hogg Avenue	FOR
AV	Mrs. Ruby C. Horton: 5501 Jim Hogg Avenue	FOR
H	Carrie B. Wood: 1509 North Loop Boulevard	FOR
DQ	Della Denson: 1605 Houston Street	FOR
AB	W. R. Bryson: 5214 Woodrow Avenue	AGAINST
M	Mr. & Mrs. Vernon Hohmann: 5213 Jim Hogg Avenue	AGAINST
XF	Felix E. Danz: 5215 Joe Sayers Avenue	AGAINST
BU	L. S. Landrum: 302 West Main, Round Rock, Texas	FOR
BT	C. K. Jamison: 1401 Northridge Drive	FOR
?	Landmark Construction Company: 6901 N. Lamar Blvd.	FOR
?	Teddy L. Henderson: 513 Scarbrough Building	FOR

C14-68-77      Austin National Bank, Trustee, et al--contd.

PERSONS APPEARING AT HEARING

Code

	E. H. Smartt (representing applicants)	
	Kirby W. Perry (representing applicants)	
	Tim Ryan (representing applicants)	
?	Aubrey M. Everhard: 921 East 52nd Street	AGAINST
?	John Shivers: 2703 Macken	FOR
?	Charlie McAden: 2503 Westover Road	FOR
?	Conway Taylor: 1805 West 35th Street	FOR

SUMMARY OF TESTIMONY

Mr. E. H. Smartt, representing the applicants, stated that one thing is certain and that is the property under the present zoning is not usable and a zoning change is in order. Mr. Smartt explained that when this property was first presented to him some six or eight months ago he talked to the Planning staff and found they had made a very close study of the property. They were familiar with the problem presented and the fact that some sort of zoning was in order. It is felt that the property under consideration is comparable to the Brown School property which is almost identically situated on the west side of Burnet Road. That property was before the Zoning Committee just recently with the same type of zoning request. It is felt that the applicants are in a better position traffic wise for the type of zoning that is requested than was the Brown School. In this particular instance, there are three streets serving the property to accommodate the traffic. If the Brown School is entitled to "B" Second Height and Area zoning and "LR" zoning along North Loop Boulevard, the applicant feels that the subject property should be accommodated with the same type of zoning. It does not always follow that increase in population follows the same proportion of increase in traffic. There is a traffic count available for this particular area for the period from 1964 to 1966 which indicates that the traffic has actually decreased at some points on North Loop Boulevard because of new traffic arteries. It has been anticipated that North Loop Boulevard will be widened. There is not a great deal of large development on North Loop Boulevard between Burnet Road and North Lamar. There is a creek bed on the property which is from 15 to 20 feet wide. The development of the property must take into consideration the area of the creek. The developers have a design which they feel will be the highest and best use for the sites. The subject property is part of North Loop Terrace which is a subdivision of the original Broad Acres. North Loop Terrace was originally restricted to residential purposes but the property owners in this subdivision have been contacted and agreed to waive or abandon those restrictions indicating that the whole area is no longer suitable or adequate as a single-family area. Considerable work has been done on the development of the area taking into account that there are three outlets or streets on which to flow traffic in and out and also taking into consideration Jim Hogg Avenue will eventually be closed.

C14-68-77      Austin National Bank, Trustee, et al--contd.

"B" Residence, Second Height and Area zoning for apartment development has been requested on a portion of the property and "LR" Local Retail zoning has been requested for the property along the north and south sides of North Loop Boulevard. All of the property owners are represented in this application with the exception of two of the owners of property in Tract 6. One of the property owners involved in Tract 6 could not be contacted and the other owners indicated that he was favorable to the application. It is felt that the area along both north and south of North Loop Boulevard should be "LR" and should be developed as a logical extension of the zoning that adjoins it to the west and as comparable property that was zoned on the other side of Burnet Road. The lots are deep enough so that the widening of North Loop Boulevard would not be a great disadvantage. Jim Hogg Avenue as it comes out off of North Loop Boulevard dead-ends. In order to use the street there would have to be considerable drainage structure over the creek. It is anticipated that all of the owners of property along Jim Hogg Avenue will join in the request to vacate the street. Because of the existing streets, there is more than adequate circulation around the property. Mr. Smartt stated that the widening of Joe Sayers Avenue would have to be discussed with his clients as the staff has requested right-of-way on all three streets.

Mr. Kirby Perry was present on behalf of this request and presented rough sketches of the area. He stated that many things depend on the action by the Committee. The sketches presented by Mr. Perry indicated the parking and traffic patterns as they are proposed at the present time. He stated that because of the desire to keep the land as open as possible, a maximum zoning height is needed so that parking can be placed under the buildings. There is an area off Joe Sayers Avenue that houses approximately 100 units which will feed off of Joe Sayers, and approximately 100 units that would feed from Houston Street. "LR" development and two additional apartment units will front onto North Loop Boulevard so that there are three main streets used for ingress and egress. Taking the creek into consideration, an effort has been made to maintain a green belt and develop an interior court between the apartments. The area will be landscaped and maintained. All the services to the "LR" area would come into Joe Sayers Avenue and the parking will completely surround the establishment. "LR" south of North Loop would be developed with offices in order to isolate the apartments and keep the traffic on the periphery of the site. In order to keep this confined to a small area and still maintain a reasonable number of units it would be to the owners advantage to go to at least 45 feet in height.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning is too intensive for the area and the right-of-way of the streets is inadequate to accommodate the proposed development. However, they stated they would look with favor on granting "BB" Residence, Second Height and Area on Tracts 4 and 5; "LR"

C14-68-77      Austin National Bank, Trustee, et al--contd.

Local Retail, First Height and Area on Tracts 1 and 3; "B" Residence, First Height and Area on Tract 2, provided the streets are made adequate, in order to establish a zoning pattern which would provide sufficient flexibility for building design and is proper as related to the adjacent area. The Committee felt that the request on Tract 6 should be denied.

At the Commission meeting, the staff reported that representatives of the applicants have worked with the staff on the proposed development and it is the staff's understanding that a general compromise has been worked out. The staff is agreeable and does recommend that "BB" Residence, First Height and Area zoning be granted on the north 150 feet of the tract fronting onto Houston Street, which is part of the original Tract 5 and that "B" Residence, First Height and Area zoning be granted on the balance of Tract 5, all of Tract 4, and the east one-half of Tract 2. It is also recommended that "LR" Local Retail, First Height and Area zoning be granted on Tracts 1 and 3, and the balance of Tract 2. Withdrawal of Tract 6 is recommended inasmuch as denial was based on an improper application. The staff recommends that the request as stipulated be granted with provision for right-of-way of 10 feet for Joe Sayers Avenue and Houston Street, and 15 feet for North Loop Boulevard. The City is willing to work with the applicants on providing a five foot easement on Joe Sayers Avenue rather than 10 feet of right-of-way.

Mr. Smartt was present at the hearing and stated that since the Zoning Hearing, the proposal has been discussed with the Planning Department staff in order to work out a compromise on this tract of land. It is realized that this is a rather difficult piece of property to develop. With regard to the right-of-way, the applicants are willing to give 15 feet for North Loop Boulevard and ten feet for Houston Street. There has also been discussion about five feet on Joe Sayers with a five foot easement which would be satisfactory. Two of the property owners involved in Tract 6 are included in this application and wish to proceed with the request. The other property owners are in favor of the request but do oppose the right-of-way.

Mr. Stevens stated that if the requested zoning is granted on Tract 6, right-of-way should be provided for Jim Hogg Avenue south of North Loop Boulevard.

Mr. Smartt stated that with regard to the Planning Department recommendation for splitting the property, he is not in a position to say whether or not this would be acceptable as it has not been fully discussed with the applicants. The applicants are willing to limit the density to one unit for every 1,000 square feet of area insofar as the apartment area is concerned. The applicants would still prefer to have "LR" zoning on all of Tracts 1 and 2 with provision for the right-of-way which is acceptable. An application for the vacation of Jim Hogg Avenue northward to Houston Street will be requested as soon as possible.

C14-68-77      Austin National Bank, Trustee, et al--contd.

Mr. Stevens stated that in view of the fact that the applicants are not in agreement with the revised proposal, it is recommended that the original recommendation of "BB" Residence, Second Height and Area zoning for Tracts 4 and 5; "LR" Local Retail, First Height and Area for Tracts 1 and 3; and "B" Residence, First Height and Area for Tract 2 be granted provided the streets are made adequate.

After further discussion, the Commission unanimously

VOTED: To recommend that the request of the Austin National Bank, Trustee, et al for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area (Tracts 1, 2, 3, and 6) and "B" Residence, Second Height and Area (Tracts 4 and 5) for property located at Tract 1: 1600-1604 North Loop Boulevard and 5300-5310 Jim Hogg Avenue, Tract 2: 5301-5309 Jim Hogg Avenue, 1500-1510 North Loop Boulevard and 5300-5306 Joe Sayers Avenue, Tract 3: 1601-1605 North Loop Boulevard and 5222-5226 Jim Hogg Avenue, Tract 4: 5312-5322 Jim Hogg Avenue, Tract 5: 1507-1511 Houston Street, 5311-5411 Jim Hogg Avenue and 5308-5400 Joe Sayers Avenue and Tract 6: 5217-5223 Jim Hogg Avenue, 1501-1511 North Loop Boulevard and 5216-5222 Joe Sayers Avenue be DENIED.

C14-68-78      Earl Jackson and Mrs. W. Bucy Morrow: A, 1st to B, 2nd  
4500-4504 Caswell Avenue  
714-716 East 45th Street

STAFF REPORT: The staff reported a request to withdraw this application.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee ACCEPTED the withdrawal of this application.

C14-68-79      L. H. Spradling: A, 1st to B, 2nd  
1027 East 45th Street  
4414-4416 Clarkson Avenue

STAFF REPORT: This application covers an irregular shaped tract of land consisting of 9,126 square feet. The stated purpose of the application is for apartment development. If zoned as requested, 12 units would be permitted on the site under the existing Ordinance. The area west and south is predominantly a single-family area. To the north and east there is apartment development which is zoned "B" Residence, Second Height and Area. "B" Residence, Second Height and Area zoning was granted on property to the north along Bennett Avenue in 1967 subject to a restrictive covenant which limited the development on the site to approximately one unit for every 1,000 square feet. "C" Commercial and "GR" General Retail development exists along Airport Boulevard. The subject site was before the Commission in 1966 for a change in zoning to "B" Residence, First Height and Area. The Zoning Committee and the Commission felt that any zoning change in this area should



C14-68-79      L. H. Spradling--contd.

be on an comprehensive basis or that all of the lots facing East 45th Street should be considered for a change at once instead of piece-meal. The staff feels that in the future this property will eventually go to apartment development but at the present time the request would be an intrusion into a residential area as demonstrated by the objection from nearby property owners. The staff recommends the request be denied.

## TESTIMONY

## WRITTEN COMMENT

## Code

J	Mrs. Herman Swening: 1026 Ellingson Lane	AGAINST
E	Conseulo H. Alvarado: 1017 East 45th Street	AGAINST
K	E. D. Wooten: 5905 Nasco Drive	AGAINST
Q	Mr. & Mrs. Ernest Bragg: 1014 Ellingson Lane	AGAINST
P	Mildred Weeks Hall: 1016 Ellingson Lane	AGAINST
N	Roger Hewitt: 1018 Ellingson Lane	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Richard Baker (representing applicant)	
B	Bobby J. Ormand: 1025 East 45th Street	AGAINST
C	W. C. Cagle: 1023 East 45th Street	AGAINST
D	Buford H. Kirk: 1021 East 45th Street	AGAINST
J	Mrs. Herman Swening: 1026 Ellingson Lane	AGAINST
X	Mrs. J. J. Warminski: 1031 Ellingson Lane	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker, representing the applicant, stated that this application has been before the Planning Commission prior to this time for a change of zoning to "B" Residence, First Height and Area. This application is being instituted by the applicant who has the contract of sale of this property subject to the requested zoning change. The property is being acquired by Mr. Billy Zidell of Zidell Properties who owns the property across the street which is zoned "B" Residence, Second Height and Area. There are a number of things to be considered in this application. The staff has indicated that this would be an intrusion into a well-defined residential area. It would be difficult to define the residential area at this point when immediately across the street there is property zoned "B" Residence, Second Height and Area and developed with a large apartment complex. Immediately across the street to the east of Clarkson Avenue, the site is fronting onto a railroad track. South within a distance of approximately one-half block there is a tract zoned "B" Residence, First Height and Area. This makes it some what difficult to say that this is continuing a residential classification and use.

C14-68-79      L. H. Spradling--contd.

East 45th Street at this particular location is a busy street. There have been complaints before the Planning Commission and the City Council regarding the parking problems that exist on the property immediately across the street. There is no question that all of these problems exist. Mr. Zidell in an effort to resolve these problems went to the City Council in effort to acquire a lease on some property owned by the City along the railroad track to use as additional parking; however, this could not be worked out. He then attempted to acquire some of the property fronting onto 45th Street to utilize for parking and the zoning change was not granted. Subsequent to the time the last application was filed, a zoning change to "B" Residence, First Height and Area zoning has been granted on property a block to the south of the subject site. In January, 1968, "B" Residence, Second Height and Area zoning was granted on property to the north along Clarkson Avenue.

It has been suggested by the Planning Department's staff that at the time a change in this area is granted, it should be on a more comprehensive basis. It is very difficult for only one property owner or person to acquire property in the area for a comprehensive zoning change. If a comprehensive zoning change is to be instigated in this area it should have been done some time ago. Pending the time of an area study, this property could be well utilized for other purposes. To have a comprehensive change in an area requires a long time. It is submitted that the logical use of the property is for an apartment site as this is consistent with zoning in the area.

Mr. Zidell does not plan to develop the property with apartments at this time as he wishes to utilize the lot for parking to try to resolve some of the parking problems he has across the street.

Mr. Stevens explained that the staff did not have in mind that the department would initiate a large area study. When property to the south was zoned, an area study was started; however, because of the rapidly changing conditions along Red River Street which was included in the study, it was not completed. The study did indicate that the area between Red River and Clarkson, south of 45th Street as a residential area was sound. There are some 14 lots west of the applicants property having frontage onto 45th Street that share the same type problems created by the apartment development and the traffic situation. If the property is changed, the property owners that wish to remain will then have the added burden of one of the lots on the south side of the street adding to the particular problems. The people in this area south of West 45th Street have expressed a strong desire to maintain residential characteristics and when the lots on 45th Street are rezoned the staff feels that "B" Residence, First Height and Area zoning would be proper and that the fourteen lot owners should join in a common application.

Mr. Baker stated that with regard to the comments made by Mr. Stevens, this is an ideal way to handle zoning and if it were possible to get some 14 owners together in this situation or if it was possible to acquire all 14 lots at one time, this would be the way to change the zoning but this is very difficult to do. There is one man that desires to sell his property.

C14-68-79

L. H. Spradling--contd.

Admittedly by the Planning Department, it is well suited for "B" Residence, First Height and Area zoning. This is the way the property should be used yet because only one man wants to utilize his property the question of whether or not the request should be granted is raised. The subject property is fronting and not adjoining, apartment zoning and development. The piece-meal effort to change this area has started. The applicant should not have to wait for all of the 14 property owners to come in for a change. The property is adjacent to the railroad track, located on the corner, and takes alot of the traffic. This particular piece of property is subject to change at this point in time.

#### Arguments Presented AGAINST:

A number of property owners appeared in opposition to this request. They stated this is a well-maintained residential area and the homeowners do not feel that this is the time for a change, one of the main objections is the traffic that exists in the area and the proposed change on the subject site will allow the traffic situation to become more hazardous. People park along both sides of the street at the present time and the proposed change will only increase this problem. It is felt that the intrusion of more apartments in the area will be detrimental to many homeowners as this is a nice quiet residential area and should remain as it is.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as the requested zoning would be an intrusion into an already violated residential area and would not be an improvement to the neighborhood.

At the Commission meeting, Mr. Jackson and Mr. Brown were of the opinion that this is a changing area and that the requested zoning would not be an intrusion. A majority of the members concurred with the Committee recommendation and

VOTED: To recommend that the request of L. H. Spradling for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4414-4416 Clarkson Avenue and 1027 East 45th Street be DENIED.

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

C14-68-80      Raye V. Baker: A to B  
 1706-1708 Patton Lane

STAFF REPORT: This application covers an irregular shaped tract of land containing 32,548 square feet which is undeveloped. The zoning is requested to permit apartment development. The area to the south of Patton Lane is developed with single-family residential structures. The area to the east and northeast is predominantly undeveloped with several large tracts being developed with only one structure. "O" Office, Second Height and Area zoning has been granted on property adjoining the subject site to the west, pending right-of-way.

Patton Lane is a 50 foot minor residential street with 30 feet of paving. Berkman Drive is proposed as a 70 foot collector street with an interchange at U. S. Highway 290. The staff recommends in favor of the requested zoning but it should be pointed out at this time that there will be problems with respect to the five one acre tracts to the east of the site. The five large tracts are presently zoned "A" Residence but if rezoned to "BB", 100 units would be permitted and if zoned "B", 200 units would be permitted. The staff recommends that consideration be given to "BB", Residence, First Height and Area zoning on the remaining five lots fronting onto Patton Lane for the only way the traffic from these apartment uses will be able to get in and out of the area will be on Patton Lane. Ten feet of right-of-way for the future widening of Patton Lane is needed from the subject property. The reason the staff does not object to the requested zoning on the site is because the property adjoins "O" Office, Second Height and Area zoning and "B" Residence, First Height and Area zoning would be a gradation.

#### TESTIMONY

##### WRITTEN COMMENT

Code

T            HHR, Inc.: P. O. Box 4514

FOR

##### PERSONS APPEARING AT HEARING

Code

A            Raye V. Baker (applicant)

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that apartments are the most logical development of the site. Mr. Baker further stated that he would agree to ten feet of right-of-way which is needed for Patton Lane.

No one appeared in opposition to the request.

C14-68-80      Raye V. Baker--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 Patton Lane; however, they stated they would look with favor on the requested zoning as a logical gradation between the office district and residential development at such time Patton Lane is made adequate to meet the proposed traffic density.

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

In view of the offer by the applicant the Commission unanimously

VOTED:      To recommend that the request of Raye V. Baker for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1706-1708 Patton Lane be GRANTED.

C14-68-81      John and Agnes Thompson: A to B  
5606-5608 Roosevelt Avenue

STAFF REPORT: This application covers 28,700 square feet of land which is developed with a single-family structure. The stated purpose of the application is for apartment development. The requested zoning would permit 14 regular units or 19 apartment hotel units to be developed on the site. The surrounding area is developed with single-family homes with some two-family dwellings. Directly to the west along Woodrow Avenue there was a recent application for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area. The request was granted but the Ordinance is pending. "B" Residence, First Height and Area zoning was also established on property along Woodrow Avenue in 1967 at which time the Commission felt that it would be an intrusion into a residential area; however, the request was granted. "LR", "C", and "B" zoning exists to the north of the subject property. The "LR" district was established in 1966, and the "B" district in 1964. A bowling alley is presently established on the property to the north zoned "C". To the east of Grover Avenue is McCallum High School and a football stadium.

Roosevelt Avenue has 60 feet of right-of-way at the subject site and dead-ends to the north at the bowling alley property. The staff is in favor of the request and feels it is appropriate in line with the recently established apartment zoning, commercial development and the high school. There is a question about the way Roosevelt ends as it goes from a 60 foot street to a 50 foot street and then "T's" into Houston Street which has only 50 feet of right-of-way. Houston Street is a minor collector street that carries a great deal of traffic between Lamar Boulevard and Burnet Road. It is felt that any further zoning cases especially on Houston Street should be considered in line with right-of-way; however, this does not effect the subject property.

C14-68-81      John and Agnes Thompson--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

AC      Bailey &amp; Carpenter: 5612 Grover

FOR

## PERSONS APPEARING AT HEARING

Code

Richard E. Chalmers (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Richard E. Chalmers, representing the applicant, stated that he has the conditional contract from the owners to purchase the property for the purpose of erecting multi-family apartments. If the new Zoning Ordinance is passed there is no intention of utilizing it to the fullest extent. The new Ordinance would permit 30 or 31 units but there are only 22 or 25 units anticipated. There will be more parking than required by the City. The development will appeal to the working type people not students as this will put fewer cars in the area. The request is for "B" Residence zoning on property adjoining to the west has recently been granted by the City Council and it is felt that the request on the subject site is a logical extension. It is also felt that inasmuch as this is a dead-end street that there will not be very much traffic.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate street circulation pattern.

At the Commission meeting, Mr. Chalmers, representing the applicants, stated that at the Zoning Hearing the staff reported that a zoning request for "B" Residence, First Height and Area zoning was pending on property adjoining the site to the east; however, that request has been granted and the Ordinance has been passed. There is now "B" Residence, First Height and Area zoning existing on seven lots fronting onto Woodrow Avenue. It is felt that inasmuch as the surrounding zoning and development is equal to and higher than the zoning requested for the site, that the request should be granted.

Mr. Riley stated that the Committee was not opposed to the zoning; however, the denial was recommended because of an inadequate street pattern. Roosevelt Avenue, which dead-ends to the north without a cul-de-sac, has 60 feet of right-of-way in front of the site but then narrows towards the intersection with Houston Street. There was discussion about the extension of Theckla Terrace but unless the street pattern is changed, the request should not be granted.

C14-68-81      John and Agnes Thompson--contd.

Mr. Chalmers stated that the applicants dedicated 10 feet of right-of-way for the widening of the street which is all they can do.

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

VOTED:      To recommend that the request of John and Agnes Thompson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5606-5608 Roosevelt Avenue be DENIED.

(DISQUALIFIED: Mr. Jackson)

C14-68-82      Mrs. E. F. Barnes: A to O  
4214-4216 Red River Street

STAFF REPORT: This application covers 15,600 square feet of land. The stated purpose of the request is for a beauty salon. The subject property is located approximately one block north of Hancock Shopping Center. The most recent zoning change in this area was a request for "O" Office, First Height and Area zoning on property to the south along Park Boulevard which was granted. "O" Office zoning is established to the north at the intersection of East 44th and Red River Streets and also at the intersection of Ellingson Lane and Red River Street. "LR" zoning exists on property north of Ellingson Lane and "GR" zoning is established on property to the south-east which is developed with Hancock Shopping Center.

Red River Street has right-of-way which varies from 80 feet from the northwest corner of the shopping center to 50 feet north of the subject property. The proposed right-of-way is to be 70 feet which will require up to ten feet of right-of-way from the subject property.

#### TESTIMONY

#### WRITTEN COMMENT

##### Code

S      Mrs. Erna Seeliger: 809 East 44th Street  
N      A. E. Cocke: 4307 Caswell Avenue  
M      Mrs. Jeanne Miles: 4305 Caswell Avenue

FOR

FOR

#### PERSONS APPEARING AT HEARING

##### Code

AV      Don Grimes (representing applicant)  
?      Robert D. Jones: 1802 Northwood  
?      Wayne Laymon: 1817 East 40th Street

NO OPINION

FOR

C14-68-82      Mrs. E. F. Barnes--contd.

#### SUMMARY OF TESTIMONY

Mr. Don Grimes, representing the applicant, stated that he has a contract with Mrs. Paul Green, who operates Paul's Beauty Salon, to build a beauty salon on the site if the request is granted. It will be an architecturally designed building that will enhance the value of the surrounding property. Off-street parking is proposed on the site and the necessary footage that is needed for right-of-way will be granted.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Red River Street. However, they stated they would look with favor on the requested zoning as a logical extension of the existing zoning pattern at such time the street is made adequate.

At the Commission meeting, the staff reported a letter from Mr. Paul Green, the proposed purchaser of the site, offering to dedicate 10 feet of right-of-way for the widening of Red River Street upon acquisition of the property.

The Commission members felt that this offer could not be accepted in that Mr. Green is not the present owner of the site.

Mr. Don Grimes, representing the applicant, stated that the applicant is agreeable to dedicating ten feet of right-of-way and a letter to that effect will be submitted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Mrs. E. F. Barnes for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 4214-4216 Red River Street be DENIED.

C14-68-83      Beddow and Associates, Inc.: A to GR  
                  1901-1905 Anderson Lane  
                  7816-7818 Mullen Drive

STAFF REPORT: This application covers 15,600 square feet of land which is developed with a single-family structure. The stated purpose of the application is for a service station. The area south of the site is with single-family and some two-family residences. The area along Anderson Lane is presently developed with "GR" zoning and various retail uses such as offices, service stations, and a drive-in grocery. Further north there is "O" Office zoning which is developed with apartments. The staff has no objection to the requested zoning; however, 15 feet of right-of-way is needed for Anderson Lane.



C14-68-83

Beddow and Associates, Inc.--contd.

If the Commission feels that there will be any further high density development along Mullen Drive, five to ten feet will be needed for widening Mullen Drive to 60 feet instead of 50 feet of right-of-way. The staff has no objection to this request as Anderson Lane is a major arterial street which is designed and suited for commercial development.

#### TESTIMONY

##### WRITTEN COMMENT

Code

AF Carl Fuhrmann: Majestic Building, San Antonio  
W Nelson Puett: 5425 Burnet Road

FOR

FOR

##### PERSONS APPEARING AT HEARING

Code

A Mrs. A. B. Beddow (applicant)

#### SUMMARY OF TESTIMONY

Mrs. A. B. Beddow was present on behalf of this request and stated that she has a contract subject to zoning for a service station on the site, practically everything on Anderson Lane is commercial. The right-of-way which is needed for the street will be discussed with the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate right-of-way; however, they stated they would look with favor on the requested zoning provided the streets are made adequate as it conforms to the existing zoning pattern in the area.

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 Anderson Lane and Mullen Drive at such time the requested zoning is granted.

The Commission members were of the opinion that this offer could not be accepted as it is the prerogative of the City Council to accept or reject conditional offers of right-of-way. The concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Beddow and Associates, Inc. for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 1901-1905 Anderson Lane and 7816-7818 Mullen Drive be DENIED.

(ABSTAINED: Mr. Brown)

C14-68-84      Henry G. Krauss: LR to C  
                  516-518 East Oltorf Street  
                  2311-2315 Rebel Road

STAFF REPORT: This application covers a tract of land containing 20,500 square feet of land which is undeveloped. The stated purpose of the request is for a beauty college. At the last regular Planning Commission meeting, the subject of amending the Ordinance was introduced by the Planning Director to permit a beauty college or a related trade college within a "GR" or "LR" district. It was the opinion of the Commission at that time that they preferred not to amend the Ordinance and to require the "C" Commercial district for this type of use. The staff feels that the area on the north side of East Oltorf Street which is presently developed with "LR" Local Retail use is properly zoned. The existing "GR" zoning on the south side of East Oltorf Street is used for apartment use. Ten feet of right-of-way is needed for Oltorf Street to bring to a planned standard of 90 feet of right-of-way as proposed in the Austin Development Plan. The 80 feet was established prior to the adoption of the Urban Transportation Study which is based on the population for this area.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

J	Carl Fuhrmann: Majestic Building, San Antonio	FOR
B	Harley M. Wied: 2307 Revel Road	FOR

##### PERSONS APPEARING AT HEARING

###### Code

A	Mr. & Mrs. Henry G. Krauss (applicants)	
?	Frank Akers: 2204 Kembridge	FOR

#### SUMMARY OF TESTIMONY

Mr. Henry G. Krauss appeared at the hearing and stated that he heard there are plans for nice two story apartment building on property to the east. On the west side, across Rebel Road, is a dental clinic and on the north is his home. On the south side of Oltorf Street is a Baptist Church. The building to be considered on the site would be what a person would want to put on property next door to where he lives. Mr. Krauss said that he has waited 10 years and has turned down at least a dozen proposals on this site, but now feels that a beauty college would be comparable to the existing neighborhood. The college will probably be operating five days a week from 8:00 a.m. to 5:00 p.m. which will be appropriate for the residential area which is behind the site and across the street from apartments and a church. There is no objection to providing the necessary right-of-way for the widening of Oltorf Street and Rebel Road. There are 20 off-street parking spaces planned for the property.

No one appeared in opposition to the request.

C14-68-84 Henry G. Krauss--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be piece-meal zoning and inconsistent with the surrounding pattern.

A majority of the members concurred with the Committee recommendation, and

VOTED: To recommend that the request of Henry G. Krauss for a change of zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area for property located at 516-518 East Oltorf Street and 2311-2315 Rebel Road be DENIED.

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

NAY: Messrs. Smith and Brown

ABSENT: Mr. Bluestein

C14-68-86 Bob Horton: A to BB (as amended)  
4600-4602 Depew Avenue  
906-910 East 46th Street

STAFF REPORT: This site contains 10,400 square feet of land which is presently developed with a single-family structure. The purpose is for apartment development. If zoned as requested, five units would be permitted. The surrounding area is predominantly single-family with the exception of "B" zoning which is established on property at the intersection of Bennett Avenue and East 46th Street. "B" Residence, Second Height and Area zoning, with a restrictive covenant limiting development to one unit for every 1,000 square feet of area, was granted on property at the southeast corner of East 46th Street and Bennett Avenue in 1967. To the north, at the intersection of East 47th Street and Depew Avenue is "C" Commercial zoning and "BB" zoning which was granted in 1945 and 1967 respectively. The area is one that could be developed with apartment zoning; however, the staff feels that a lower density apartment development should occur, preferably "BB" Residence, First Height and Area. It is felt that this particular request would be piece-meal zoning, and if a change is granted it should include the surrounding neighborhood. If the request is granted, five feet of right-of-way will be needed for East 46th Street and Depew Avenue.

Several people in the area were not notified of the hearing because of an error in notification; however, Mr. Arthur Pihlgren, representing the applicant, has contacted the owners and they have submitted a letter waiving their right to 10 days notice. There have been numerous responses from people in the area who are opposed to the change. In view of the fact that this would be piece-meal zoning, the staff recommends that the request be denied.

C14-68-86      Bob Horton--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

AJ	F. M. Dubose: 1804 Travis Heights Blvd.	AGAINST
C	Mrs. Steve Baugh: 4607 Red River	AGAINST
B	Jacob Seidman: 9391 Haitiann Drive	AGAINST
L	Mary Beth Carter: 3202 Yellow Pine Terrace	FOR
G	Lucille Richter: 4620 Depew	FOR

## PERSONS APPEARING AT HEARING

## Code

Arthur Pihlgren (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, representing the applicant, stated that the subject property has been sold to a party that desires to move a five unit apartment house into the site from the University of Texas expansion area east of Red River Street. It is realized that the City of Austin and the State of Texas have acquired many miles of property in the recent years for expansion and it has become increasingly urgent to zone additional properties within close proximity to the University in order to provide housing for students. This site is within two and one-half blocks of property that is under consideration at this time for a zoning change to "B" Residence, First Height and Area. In this particular case, it is realized that the streets are only 50 feet wide and the applicant is willing to dedicate five feet of right-of-way on both streets for future widening. It should be pointed out that in this particular block there are two lots to the north already zoned "C" Commercial as well as property north of East 47th Street.

Mr. Pihlgren stated that it is his personal feeling, after watching Austin grow, that this particular area north of Hancock Shopping Center, between Red River and Airport Boulevard, is in a transitional stage and the only likely zoning for this property is apartment zoning. North of 45th Street and between Red River and Airport Boulevard the character of the homes are of lesser quality and condition than the homes located south of 45th Street. It is felt that the proposed development will be an improvement to the area.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-defined residential area which is served by streets that are designed to carry residential traffic.

C14-68-86 Bob Horton--contd.

At the Commission meeting, Mr. Pihlgren, representing the applicants, requested that this application be amended to "BB" Residence, First Height and Area. He stated that he is also authorized by the applicants to dedicate five feet of right-of-way from the subject property for the future widening of East 46th Street and Depew Avenue.

Mr. Riley stated that the offer of dedication does not change the overall street pattern. A majority of the Commission members voted to ACCEPT the request to amend the application to "BB" Residence, First Height and Area.

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

Mr. Brown stated that almost every month, the Commission considers a request for rezoning on property in this area which indicates that the area is changing.

Mrs. Naughton stated that in her opinion the street pattern is inadequate and the requested zoning would be an intrusion. A majority of the members agreed with Mrs. Naughton and

VOTED: To recommend that the request of Bob Horton for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 4600-4602 Depew Avenue and 906-910 East 46th Street be DENIED.

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

C14-68-87 Clifton L. Turner: C to C-2  
1304-1308 South Lamar Boulevard

STAFF REPORT: This application covers 8,760 square feet of land which is presently undeveloped. The stated purpose of the request is for a package store. The subject property is part of the recently recorded South Lamar Square Subdivision. The site is also part of a recent short form subdivision which was approved at the last regular Planning Commission Meeting, and involving Lots 17, 19, 20 and 21. This area is developed with a mixed zoning pattern consisting of "A", "B", "C" and "GR" districts. Commercial zoning and development is established on both sides of South Lamar Boulevard. To the west is "B" Residence, First and Second Height and Area zoning which is presently developed with apartments and some single-family homes. The staff does not object to the requested zoning inasmuch as the pattern has been set and this is a well-defined commercial area.

C14-68-87      Clifton L. Turner--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

E	Harold Hicks: P.O. Box 3324	FOR
D	Maufrais Brothers, Inc.: P.O. Box 2114	FOR
B	Nelson Puett: 5425 Burnet Road	FOR

## PERSONS APPEARING AT HEARING

## Code

A	Clifton L. Turner (applicant)
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## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he has a package store which is presently located approximately 450 feet north of the subject property. The present location is becoming inadequate for the existing facilities and the proposal is to build a new building on the subject site. It will be an attractive building containing approximately 3,000 square feet.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending further study of the subdivision.

At the Commission meeting, Mr. Stevens reported that the subject property was subdivided as part of the South Lamar Square subdivision for the stated purpose of apartments and commercial development. The proposal was to develop apartments on the rear of the subdivision with commercial being established on the front. The street entry into the subdivision was determined by the sight distance along South Lamar Boulevard.

Mr. Jackson stated that there is a washateria under construction on property adjoining the site and a shopping center to the north.

Mr. Riley stated that in the past, the Commission has always granted "C-2" zoning in a well-established commercial area and only for the particular area needing that zoned. This area is not developed at the present time and if apartments are developed it will not be a commercial area.

Mr. Turner was present at the hearing and stated that he has been in his present location which is Hill's Package store for a long time. The building is inadequate, the parking is insufficient and the roof of the building leaks. When the subject property was originally purchased it was thought that "C-2" already existed. The intentions are to build a 3,000 square foot building which will be attractive. There is no objection to amending the application to request "C-2" zoning only for the structure.

C14-68-87      Clifton L. Turner--contd.

Mr. Jackson stated that in his opinion South Lamar Boulevard is a commercial street and the subject property will actually front onto that street. The Commission members agreed that the requested zoning should be granted for the actual location of the building and asked Mr. Turner to furnish the Planning Department with field notes describing this location. It was then

VOTED: To recommend that the request of Clifton L. Turner for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 1304-1308 South Lamar Boulevard (as amended) be GRANTED.

C14-68-88      John Cantu, et al: A to O  
 3400-3406 West Avenue  
 800-810 West 34th Street  
 3401-3407 Owen Avenue

STAFF REPORT: This request covers a large area consisting of 62,000 square feet. The stated purpose of the application is for office development. To the north and northeast is single-family development. There have been numerous applications and granting of "O" Office zoning along West 34th Street. The property under consideration is the only frontage in this area along West 34th Street that is not zoned "O" Office or "C" Commercial. The staff does not object to the requested zoning because of the existing zoning and development; however, because of some slight topographical problems with respect to frontage on West 34th Street which could effect access to the property, it is felt that five feet of right-of-way is needed from the west side of the property for widening of Owen Avenue. It should be pointed out that this entire area falls within the proposed right-of-way of the Camp Mabry Expressway. No priority for the development of the expressway has been set. If the total area within the subject application is to be used as one site, there will have to be a request for the vacation of the alley in the middle of the block. It is the staff's understanding that a request for "O" Office zoning is being filed on the property adjoining to the north having frontage onto Owen Avenue. There are no right-of-way requirements for West 34th Street.

## TESTIMONY

## WRITTEN COMMENT

Code

AG      Mary Stone Harper: 3415 West Avenue  
 P      George A. Olson: 500 Elizabeth, San Antonio

FOR  
 AGAINST

## PERSONS APPEARING AT HEARING

Code

G      A. L. Moyer (representing applicant)  
 G      Howard S. Speir: 6804 Mira Loma Lane  
 BD      Alfred Spanton: 1002-A West 34th Street

FOR  
 FOR

C14-68-88      John Cantu, et al--contd.

## SUMMARY OF TESTIMONY

Mr. A. L. Moyer was present on behalf of this request and stated that he represents Mr. John Cantu who owns the property located at 3400 and 3402 West Avenue. The area west of West Avenue, east of Owen Avenue, and north of West 34th Street is zoned "A" Residence which is apparently a residue of previous zoning. The existing residential zoning is not very good zoning for this particular area in that it is surrounded by "O" Office and "C" Commercial zoning. The lot adjoining the site to the north, having frontage onto Owen Avenue would have been included in this application but there was not sufficient time. Two of the lots under consideration are undeveloped, two are owner occupied tracts, and the remaining lots are tenant occupied. Mr. Cantu presently has a pharmacy and he plans to develop the southeast corner as a prescription laboratory and not a drug store. There are many doctors' offices in this area and it appears that this is a logical use for the site. The various owners will comply with the five feet needed for Owen Avenue.

Mr. Howard Speir appeared at the hearing and stated that he represents his mother who owns the lot adjoining the subject site to the north, having frontage onto Owen Avenue. He stated that a zoning application has been filed on the property and there is no objection to the requested zoning on the subject property if it is granted on his property also. The area is predominantly developed with commercial and office uses.

Mr. Alfred Spanton, a nearby property owner, also appeared in favor of the request.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Owen Avenue; however, they stated they would look with favor on the requested zoning, as a logical extension of existing zoning at such time the street is made adequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of John Cantu, et al, for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3400-3406 West Avenue, 800-810 West 34th Street and 3401-3407 Owen Avenue be DENIED.



C14-68-91 Jack G. Fritts: LR to C-2  
4110-4114 Medical Parkway (Alice Avenue)  
1203 West 42nd Street

STAFF REPORT: This site contains 14,014 square feet of land which is presently undeveloped. The stated purpose of the request is for a restaurant and tavern. The area under consideration is a mixed area to some degree. To the west of the site there is a series of relatively new duplexes along both sides of Lewis Avenue. The remaining area is a mixture of single-family homes and duplexes. To the east of Medical Parkway along Marathon Boulevard there is "O" Office zoning which was recently recommended by the Planning Commission. The "O" Office zoning is established on two lots and the Commission has stated they would look with favor on other zoning of "O" Office or "LR" Local Retail districts for the property located along Medical Parkway. The most recent history in the area was a request for "C" Commercial, First Height and Area zoning on property at the intersection of Medical Parkway and West 41st Street at which time the Commission recommended that a "LR" district be established, as the most appropriate and proper zoning. The request was amended to "LR" and has been granted by the City Council. Five feet of right-of-way should be provided for Medical Parkway as it serves as a long commercial collector street. The staff recommends that the request be denied as it is inappropriate for the established area and out of character with the development along Lewis Avenue and Medical Parkway.

TESTIMONY

WRITTEN COMMENT

Code		
AR	J. P. Yates: 1515 Lavaca	FOR
AS	Charlie Stefka: 4207 Medical Parkway	FOR
AL	Paul Murchison: 204 East 38th Street	FOR
Y	Mr. & Mrs. T. R. Bethke: 1105-A West 52nd Street	FOR
AT	Lester T. Stewart: 4209 Medical Parkway	FOR
J	Florence Whitman: 1205-A West 42nd Street	AGAINST
AY	James W. Nations, Jr.: 407 West Crestland Drive	AGAINST
E	Michael A. Wash: 4906 Beverly Hills Drive	AGAINST
W	Bob Wilson: 4109 Medical Parkway	FOR
AB	H. B. Palmer: 5722 Highland Hills Drive	AGAINST
J	Bruce E. Julian: 1205-B West 42nd Street	AGAINST
	One petition with three signatures	

PERSONS APPEARING AT HEARING

Code		
	Harold L. Coit (representing applicant)	
?	O. A. Willhoite: 4204 Medical Parkway	AGAINST

C14-68-91 Jack G. Fritts--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Harold L. Coit was present on behalf of this request and stated that the applicant has a contract to sell the subject property subject to the zoning change, to Mr. and Mrs. Wayne Overton who plan to build a building for a tavern. It should be pointed out that "C" Commercial, First and Second Height and Area zoning is established on three corners at the intersection of Medical Parkway and East 42nd Street. Medical Parkway is in a transition state and with the exception of the duplexes on Lewis Avenue, most of the residential construction is quite old.

Mr. Coit presented an artist conception of what is planned on the site in the way of construction. He stated that the proposal is to build a structure with approximately 1,500 square feet of space in the lower floor with office space upstairs. There will be an 8 foot privacy fence running between the duplexes behind the property and the structure. The construction of the building will have 16 inch masonry walls with no windows to the west toward the residential area. Some people in the area thought this would be a restaurant; however, this is not the intention. Food will be served incidental to the sale of beer and only tap beer will be sold. There will not be live music or a juke box. Music will be furnished by Muzak or something similar. There will be a completely paved parking lot that will be below the level of the privacy fence.

The people who are to purchase the property operated the tavern on the corner of 12th Street and Lamar Boulevard from 1955 to 1966 and during that time there was never a complaint filed with the Liquor Control Board and there was never any trouble in the place. It is felt that the proposal is a logical request.

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request. They stated that the establishment of a tavern at this location would be contradictory to the existing and proposed development of the area. There is to be a large hospital in this area and many doctors offices. It is felt that the requested zoning would downgrade the area and be detrimental to the residential homeowners. The streets are not adequate to handle increased traffic. From an economic standpoint, the establishment of a tavern would hurt the property values in the area.

## 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 out of character with the existing development and the street right-of-way is inadequate for the proposed development.

John B. Selman (representing applicant)

C14-68-92 Joe H. Daywood--contd.

## SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that it has been his understanding in the past that piece-meal zoning has been considered as an intrusion into a well-established single-family area. In this particular case, it has been indicated by the staff that the large tract adjoining the site to the east could perhaps be developed with low-density apartments or duplexes. The lowest density is "BB" Residence zoning which is the zoning requested on the site. Even though this property is located in the middle of the block, there are at least 17 or 18 duplexes in this particular area. With 17 or 18 duplexes established in the area and with the possibility of low-density apartment development being established to the rear of the site, the most logical and best use for the subject property, which is 200 feet deep, is apartment development. It is deserving of some type of zoning and use higher than a single-family dwelling or a duplex.

Mr. Selman presented photographs of the area for the Committee's consideration and stated that the area is in a transition period and already starting to change. Down the street there is a large house where people are repairing cars. There are other houses in the area which have been moved in. There is "LR" Local Retail zoning to the south and every type of zoning somewhere in the immediate area. There must be at least 70 or 80 families residing in the area in duplexes or structures with apartment type atmosphere. It is felt that the large tract of land to the rear of the site which is owned by the City will be up for sale soon. Mr. Selman further stated that as a private citizen he feels that the best price for the City on this tract will be if the property is zoned something other than "A" Residential. The staff has indicated that the changing of this entire area should start on the perimeter. If a zoning change is granted, other property will follow as there are other property owners in this area that would like to have a change. It is felt that the highest and best use for the subject property in this particular location is for a change of zoning to "BB" Residence, First Height and 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 an intrusion into a well-established residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe H. Daywood for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 7101 Guadalupe Street be DENIED.

C14-68-93      Kelly DeBusk: A to BB  
                  3822-3920 East 16th Street

STAFF REPORT: This application covers a large tract of land containing 5.15 acres. The proposed use is for apartment development. This area is predominantly "A" Residence and developed with single-family dwellings. There is no zoning history in this area. The area to the east of Victoria Drive and along Monticello Circle is part of a recent single-family subdivision. The area to the south is an older single-family area and contains some homes that are deteriorating. To the north and northwest is a similar type area although it is newer. A schematic plan is shown by the staff for the area from Carmel Drive to East 16th Street. The reason for the schematic is that there are several property owners in this area and there is a problem of inadequate utility service, inadequate circulation and drainage system through the area which might develop for these 4 or 5 property owners. The property under consideration is located on the extreme end of Luna and Cometa Streets. Leslie Avenue, coming in from the east, is open on the ground but not developed in front of the subject site.

The street system is inadequate to handle approximately 110 units which would be allowed on the site if zoned as requested. Traffic generated from the development would have to use Cometa, Luna and Perez Streets, and if they could get across East 16th Street, filter out of the area to Greenwood and Redwood Streets. There is a drainage problem in the area and it is estimated by the Department of Public Works that a 75 foot drainage easement will be required across the subject site.

The staff feels that the requested zoning as submitted is an intrusion into a well-established residential area with inadequate streets and recommends the request be denied.

#### TESTIMONY

##### WRITTEN COMMENT

Code

T            J. E. Harrison: P. O. Box 1987  
 L            Santiago Vauria: 1400 Luna

FOR  
 FOR

##### PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicants, stated that naturally it is understood that a project of this size would have to provide the right-of-way for the streets. The zoning is requested so that an application can be filed for an FHA 221-D3 project. Mr. Selman stated that his clients have an option to buy this land subject to zoning, and it must be zoned before an application for the FHA project can be filed. It must be remembered that even though the staff has studied this, that there is another authority that will study it even further and that is the Federal Housing Authority. They

C14-68-93      Kelly DeBusk--contd.

will go into every phase in order to protect everyone involved. The type of construction that is planned would be similar to low-cost housing projects which have recently been developed in Austin. This type of project is generally church sponsored or lodge supported which means they are financing the note and will look after the development. This type of project does a tremendous amount of good for the areas involved and for the people who are not in a position to know the ways of life that other people are accustomed to. This type of project enables people to have first class housing at rental prices they can afford. The contention is that if FHA will take this project, they will provide the money so that the project can be completed and the problems of access will be worked out. This is an unimproved area and the proposed development would be an asset.

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 an intrusion into a single-family district which is served by inadequate streets and located in an area that has an incomplete street system.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kelly DeBusk for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3822-3920 East 16th Street be DENIED.

(ABSTAINED: Mr. Brown)

C14-68-94      Kelly DeBusk: A to BB  
                  Tract 1: 4001-4127 East 12th Street  
                  1188-1198 Springdale Road  
                  Tract 2: 1211-1303 Cometa Street  
                  4105-4108 East 12th Street  
                  4120-4122 East 12th Street

STAFF REPORT: The staff has been informed at this time that an error in advertising has been made in that the tract on the north side of East 12th Street was a request for "BB" Residence zoning and the tract on the south was to be a request for "LR" Local Retail zoning. The applicant has agreed to proceed with the advertised notice on both tracts with the intention that he will reapply for "LR" zoning at a later date.

This application covers 9.25 acres of land which is presently undeveloped. The stated purpose of the request is for apartment development. The land use in this area is predominantly single-family with some vacant land to the west. To the north is a recent residential subdivision. To the east and south is Assumption cemetery, and a small shopping center is established on the northwest corner of Springdale Road and East 12th Street. There is

C14-68-94 Kelly DeBusk--contd.

a slight drainage problem in Tract 1 on the north, as the topography is fairly rugged. East 12th Street and Springdale Road is proposed as part of the major arterial street system with a proposed right-of-way of 90 feet. Both streets are inadequate at the present time. The staff feels that "BB" Residence, First Height and Area zoning is proper; however, it is felt that the four lots fronting onto Cometa Street should be left out of the application because Cometa Street, a minor residential street, is gravel with only 50 feet of right-of-way which is inadequate to handle the access problems that go along with apartment zoning. If the application is granted, ten feet of right-of-way is needed from two small portions of Tract 2 fronting onto East 12th Street, and 20 feet of right-of-way from Tract 1 for East 12th Street as well as 5 feet from the east side of Tract 1 fronting onto Springdale Road. There are some legal questions with respect to the existing right-of-way of both East 12th Street and Springdale Road as there are claims by the City and property owners as to where right-of-way actually occurs. The staff's recommendation of right-of-way is based on the center line of the street. It is recommended that "BB" Residence, First Height and Area zoning be granted for the property under consideration, with the exception of the four lots fronting onto Cometa Street included as part of Tract 2.

## TESTIMONY

## WRITTEN COMMENT

## Code

C	Mr. & Mrs. Henry G. Sanders: 5701 Exeter	FOR
AC	Standard Mortgage Company: P. O. Box 1987	FOR

## PERSONS APPEARING AT HEARING

## Code

	John B. Selman (Representing applicant)	
C	Mr. & Mrs. Henry G. Sanders: 4320 Bull Creek Road	FOR
	John L. Prado, Jr.	FOR

## SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that the right-of-way will be worked out. He stated that on the property fronting onto Cometa Street it is his understanding that the four lots were bought for an outlet and possibly to work out an overall plan. If the zoning is granted and if Cometa Street is used, it will have to be paved. The requested zoning cannot hurt too many people as there is a great deal of vacant land around the site. If the entire site is rezoned, it will be a logical zoning and the best use for that particular area. What is proposed is an FHA 221 housing project which will be a nice apartment project built under FHA plans and specifications. The requested zoning is for the lowest density permitted under the Ordinance.

C14-68-94 Kelly DeBusk--contd.

One nearby property owner appeared at the hearing and stated that he represents several property owners along Cometa Street. The people in the area are interested in what is planned on the site and would be opposed if the development would hurt the surrounding property. The property owners are primarily concerned with the type of development that is to occur and about the conditions of Cometa Street.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate right-of-way; however, they stated they would look with favor on the requested zoning provided the four lots fronting onto Cometa Street are eliminated and right-of-way on East 12th Street and Springdale is made adequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kelly DeBusk for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at Tract 1: 4001-4127 East 12th Street and 1188-1198 Springdale Road and Tract 2: 1211-1303 Cometa Street and 4105-4108 East 12th Street and 4120-4122 East 12th Street be DENIED.

C14-68-95 Don McElwreath: A to B

Tract 1: 2201-2203 South 5th Street

Tract 2: Rear of 2207-2307 South 5th Street

STAFF REPORT: This application covers two tracts of land. Tract 1, fronting onto South 5th Street, contains 18,900 square feet and is undeveloped. Tract 2 is an irregular shaped tract of land containing 46,440 square feet. The stated purpose of the request is for apartment development. The land use in the area to the east is almost entirely single-family. There are apartments established on property to the south along Oltorf Street. The area between the west boundary line of Tract 2 and South Fifth Street is zoned "LR" Local Retail, First Height and Area. The most recent zoning in the area was a request in 1965, for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area on property across South 5th Street to the east which was granted. "C" Commercial zoning was established on property to the north of Tract 2 for the Green Pastures Restaurant in 1963. There is concern by the staff as to what will happen to the rectangular shaped tract adjoining Tract 2 on the east as there is no access to the tract. There is also concern about South 4th Street. There has been discussion about requiring a cul-de-sac turnaround into Tract 2. Mr. Reuben Rountree, Director of Public Works, has stated that he will not require a cul-de-sac turnaround into Tract 2 at this time but the applicant has submitted a letter stating that he is willing to give the necessary land for the cul-de-sac when the Department of Public Works



C14-68-95 Don McElwreath--contd.

determines that it is needed. South 5th Street is a minor collector street with 50 feet of right-of-way. Five feet of additional widening is needed from the site. The staff has no objection to the requested zoning because of the existing zoning and development in the area and recommends the request be granted.

## TESTIMONY

## WRITTEN COMMENT

Code

AG Andy A. Barnes: 2109 South 5th Street

AGAINST

AJ Albert L. Reither: 917 West Live Oak

FOR

## PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

AJ Albert L. Reither: 917 West Live Oak

FOR

## SUMMARY OF TESTIMONY

Mr. John Selman was present on behalf of this request and stated that the applicant has given a letter offering to dedicate 5 feet of right-of-way for the widening of South Fifth Street. He has also submitted a letter on the cul-de-sac and since there is apartment development to the south and "LR" Local Retail zoning adjoining both tracts, it is felt that this is a logical use of the property.

One nearby property owner appeared and stated that he is in favor of the requested zoning as well as zoning changes on other property in the area. The subject property is vacant and does not bring the City any revenue. If development occurs, the revenue will be there.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Don McElwreath for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at Tract 1: 2201-2203 South 5th Street and Tract 2: the rear of 2207-2307 South 5th Street be GRANTED.

C14-68-96 Austex, Ltd.: BB, 1st to B, 2nd (Tr. 1) and GR, 1st (Tr. 2)

Tract 1: 5800-5806 Wellington Drive  
 2001-2007 Dexmoor Drive  
 5801-5805 Belmoor Drive  
 2000-2010 Cheshire Drive  
 Tract 2: 5808-5810 Wellington Drive  
 2000-2008 Dexmoor Drive  
 5810 Belmoor Drive

STAFF REPORT: This application covers two tracts of land totaling 169,510 square feet. The stated purpose of the request is for apartment development. If zoned as requested, Tract 1, containing approximately 111,000 square feet, would permit the development of 148 units whereas the existing zoning would permit 55 units. Both tracts under consideration were zoned "BB" Residence, First Height and Area in 1962. The property was subdivided into the present lot arrangement either with or before that zoning, at which time the staff recommended the subdivision and the zoning based on the arrangement of the lots backing up to residential lots on Northridge Drive and apartments backing to business property along Gaston Place Drive. Three of the lots along Dexmoor Drive have been developed. In 1955, a large tract of land to the west was zoned "B" Residence, First Height and Area. Part of that tract is developed with a church. The proposal is to deepen the existing "GR" zoning along Gaston Place and Wellington Drive with the "GR" property then having frontage onto three streets.

If the requested zoning is granted, street widening would be needed for Dexmoor Drive, including pavement widening to 40 feet and curb relocation, to serve commercial and apartment development. The applicant has offered to restrict Tract 1 to 90 units and to split the zoning on Tract 1 with "B" Residence, Second Height and Area zoning on the north half and "BB" Residence, Second Height and Area on the south half. The staff feels there would be the same concern for street widening for all abutting streets. It is felt that the zoning established is appropriate and would permit development of the property in relation to the adjoining property. From the south side of Cheshire Drive and the east side of Wellington Drive there are existing duplexes and it is felt that the existing zoning is proper for this type of development. Based on the street pattern, lot arrangement, and surrounding development, the staff recommends the request be denied.

#### TESTIMONY

#### WRITTEN COMMENT

Code

AE	James C. Boone: 610 Texas Nat'l Bank. Bldg., Houston, Texas	FOR
	O. C. Hardin: P. O. Box 4514	FOR

#### PERSONS APPEARING AT HEARING

Code

Robert Sneed (representing applicant)

C14-68-96 Austex, Ltd.--contd.

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicants, presented an exhibit showing the existing and proposed density requirements. He stated that the proposal is to develop Tract 1, which now contains 111,000 square feet of land, into an apartment house dwelling complex which would be designated as Wellington Square. There is a problem involved in this request because of the money market fluctuations at the present time and the deadline of the hearing by the City Council with regard to the proposed amendment to the Ordinance pertaining to density requirements. It is the representation of the applicants for which they are willing and ready to reduce it to writing, that the number of units would be limited to 90. That is to say that the present zoning would permit 55 units and the desire for a change would be to permit 90 units. It should be noted that if the Ordinance as now written is adopted, the applicant would then be able under "B" Residence, First Height and Area zoning to develop 100 units.

The applicants will, if the amendment is adopted, file an application to amend this request whereby it will be reduced from "B" Residence, Second Height and Area to "B" Residence, First Height and Area and still file a restrictive covenant limiting the number of proposed units to 90. The applicants propose not only to dedicate 10 feet of widening for Dexmoor Drive but also propose to set the curb back and do the paving. The plan which was originally developed by the proponents was to open a street through Tract 2 extending to Gaston Place Drive. This was objected to by Mr. Walter Klapproth, Traffic Engineer, on the basis that a dedicated public street should not be granted in this location because of the proximity to the corner. He said that this was perfectly natural and proper for a driveway access. On this basis, the subdivision plan was withdrawn. Basically, what is proposed for the subdivision is apartment development which is tied to Dexmoor Drive. The plan provides for 162 off-street parking spaces for the site and the development is in conformity with the generally accepted plans of an apartment dwelling complex. It is felt that all of the required elements are there and it is urged that if the Commission would consider the general area, that the type of density which would be desirable is actually present in the immediate area and there is not an overloading.

The street system is particularly impressive in that Gaston Place Drive is a 70 foot street leading back into the other artery in this particular area; Wellington Drive is a 60 foot street and Dexmoor Drive is being made into a 60 foot street. This tract of land is bordered by four streets. It should also be pointed out that there is by reason of the very nature and usage of the property on the ground that there is a separation and a screening of this particular property from the single-family dwelling units. The very proof of that is the fact that there is little or no opposition to this development in the area. It should also be pointed out so far as the "GR" is concerned that the best development of the property is in the area of having one contiguous zoning classification rather than dividing it since Dexmoor Drive, widened to 60 feet would be a better buffer. The tract

C14-68-96 Austex, Ltd.--contd.

across the street from the site is already zoned "GR" General Retail at the present time. Mr. Sneed stated that he realizes the very strong reluctance of the Planning Commission to deal with restrictive covenants but he would urge that this be considered at this time for the reason that an amendment to the Ordinance has been recommended by the Commission and is pending before the City Council.

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 too intensive for the area and because of the inadequate right-of-way; however, they stated they would look with favor on granting "BB" Residence, Second Height and Area zoning, provided the streets are made adequate, as the proper zoning for the site.

At the Commission meeting, Mr. Sneed stated that he did in writing, propose that the land would not only be given for the widening of Dexmoor Drive but that it would be paved. With regard to the request on Tract 1, a restrictive covenant was offered which would limit the number of units to be developed on the site to 90.

Mr. Stevens stated that it was the staff's understanding that Mr. Sneed's offer of right-of-way would be only if the "GR" General Retail, First Height and Area and "B" Residence, Second Height and Area zoning as requested was granted. If the offer of right-of-way applies in the event "BB" Residence, Second Height and Area zoning is granted, this would be acceptable.

Mr. Riley stated that he is familiar with this area and it is his opinion that "BB" zoning for the entire area is adequate and proper. The Committee was not in favor of granting "GR" zoning for Tract 2.

Mr. Sneed explained that the applicants were going to split Tract 1 and have "BB" on part of the site and "B" on the other part and by the averaging of the two tracts together, the development would be restricted to 90 units. This can be done as long as the development is under one roof. If the development is not under one roof, the averaging basis cannot be used and this is the problem and the conflict within the Ordinance as interpreted by the Building Inspector. Tract 2 is to be used in connection with the future development of the existing "GR" property to the north.

Mr. Osborne, Director of Planning, stated that in his opinion the development of 90 units on this site is too intensive in that the streets do not have sufficient right-of-way.

A majority of the Commission members felt that the requested zoning on Tract 1 should be granted, with the restrictive covenant as offered by Mr. Robert Sneed, attorney for the applicant, limiting the development to 90 units and

CP14-68-96 Austex, Ltd.--contd.

provided the streets are widened. After further discussion, a majority of the Commission

VOTED: To recommend that the request of Austex, Ltd. for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at Tract 1: 5800-5806 Wellington Drive, 2001-2007 Dexmoor Drive, 5801-5805 Belmoor Drive and 2000-2010 Cheshire Drive be GRANTED.

It was also recommended that the restrictive covenant as offered by Mr. Sneed limiting the development to 90 units on Tract 1 be accepted.

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

A majority of the Commission members felt that the requested zoning on Tract 2 should be denied as it would be too intensive for the area and it was then

VOTED: To recommend that the request of Austex, Ltd. for a change of zoning from "BB" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at Tract 2: 5808-5810 Wellington Drive, 2000-2008 Dexmoor Drive and 5810 Belmoor Drive be DENIED.

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

#### SPECIAL PERMITS

CP14-68-7 Kenray Apartments: 33 unit apartment dwelling group  
2120-2202 Hancock Drive

STAFF REPORT: This application has been filed as required under Section 5-C and 6, 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 33 units, 67 off-street parking spaces, one swimming pool, and a laundry room. The subject property is located adjacent to the rear of many small businesses having frontage onto Burnet Road. The site is zoned "C" Commercial, which permits the proposed development. The site plan has been distributed to the various City departments and the comments are as follows:

Traffic Engineer	- OK
Fire Protection	- OK
Tax Assessor	- Taxes are due for the years 1965, 1966 and 1967.
Health	- Approved. Sanitary sewer line available.

CP14-68-7 Kenray Apartments--contd.

## Advance Planning

## Director of Public Works

Electric  
Office Engineer

## Building Inspector

Fire Prevention  
Storm Sewer

## Water and Sewer

- 1. Very little usable open space has been provided. 2. Where will garbage receptacles be kept and picked up?
- Driveway locations meet with our approval, however, will need request for and approval of driveways before construction begins on them.
- OK.
- Require request for commercial driveway.
- 1. No problems. 2. This approval does not include Building Code requirements.
- OK
- Low area at northeast property corner is not indicated on plan. Provision needs to be made on plan to provide drainage for this area.
- There is an existing 2½" water main 9 feet off the property line in Hancock Drive from approximately 60 feet west of the east property line. If a larger water service is required it will be at the developers expense. Sanitary sewer service is available by connecting to the existing 6 inch main which is located in the 10' sanitary sewer easement shown on the plat.

Mr. Stevens stated that there is open space by means of the required parking; however, it is felt that there should be some green area or activity area. The staff recommends approval of the request, noting the inadequate usable open space, inasmuch as the site plan has met the technical requirements of the Ordinance.

One reply has been received from a nearby property owner in opposition to the request as the proposal would be bringing apartment development in the middle of an area developed with businesses and this would cause trouble with parking. The site plan proposes a privacy fence for two of the adjoining lots. There is a different type of traffic and noise with apartments than commercial development. One could be detrimental to the other.

Mr. Riley stated that he is concerned with the proposal because of the lack of green area and the fact that there is so much asphalt used in the open space areas. The plan is not very satisfactory from an aesthetic point of view.

CP14-68-7 Kenray Apartments--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

G C. D. Shafer: 5700 Trailridge Drive

AGAINST

## PERSONS APPEARING AT HEARING

Code

A Richard Szukalla (applicant)

## SUMMARY OF TESTIMONY

Mr. Richard Szukalla, representing the applicant, stated that this request is simply for a variance so that the proposed buildings will not have to be tied together. If the permit is not granted and the City requires that the buildings be tied together, there will be a tunnel which would create no beauty or advantage to the property. There are two buildings proposed and under the present Ordinance two buildings cannot be separated without a special permit.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that there is a drainage problem on the site that needs to be worked out and the staff would also raise the question of a fence along the property line between the subject property and the commercial area along Burnet Road. Subject to compliance with departmental reports, the staff recommends approval.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To APPROVE the request of Kenray Apartments for a SPECIAL PERMIT for the erection of a 33 unit apartment dwelling group for property located at 2120-2202 Hancock 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.

CP14-68-8      Howell T. Walker: Tower for receiving VHF and HF television  
3002 Whiteway Drive

STAFF REPORT: This application has been filed as required under Section 10-A and according to the procedures as specified in paragraph 5 of the Zoning Ordinance of the City of Austin, Texas. The applicant is requesting a special permit for a tower installation stating that it will support an antenna for receiving VHF and HF television, transmitting and receiving amateur and military air radio service high frequency (HF) and very high frequency (VHF). The subject property is developed with a residence in a fairly new residential neighborhood which is zoned "A" Residence.

The site plan has been circulated to the various City Departments and comments are as follows:

Advance Planning

- 1. A tower of this height may detract from the residential atmosphere of the neighborhood. 2. In the event the tower should collapse, it may damage adjoining residences and power lines.

Traffic Engineer

- OK

Fire Protection

- OK

Tax Assessor

- Taxes are paid through 1967.

Director of Public Works

- Meets with our approval.

Health

- Approved. Sanitary sewer line available.

Storm Sewer

- Plan complies with requirements.

Electric

- OK

Office Engineer

- OK

Building Inspector

- OK

Fire Prevention

- OK

Water and Sewer

- Plat is satisfactory.

A tower of this height may detract from the neighborhood as far as atmosphere is concerned and in the case of a catastrophe that would cause a collapse of the tower it could damage the existing residence or adjoining residents.

TESTIMONY

WRITTEN COMMENT

Code

E      John Dean Gorham: 3004 Whiteway Drive

FOR

PERSONS APPEARING AT HEARING

Code

A      Howell T. Walker (applicant)



CP14-68-8      Howell T. Walker--contd.

## SUMMARY OF TESTIMONY

Colonel Howell T. Walker was present at the hearing and stated that he has not had a tower as tall as the one proposed on the subject site. The height, which is very critical, is requested for the VHF. Colonel Walker explained that the primary purpose of the tower is mainly for television; however, he has been active in the military services and is donating his time running a relay station. He further stated that he intends to perform this same service at home. The tower is a commercial version tower which will be guyed. The base of the tower will be primarily concrete and sand. The guy lines are standard seven inch quarter length steel and will prevent any unsteadiness of the tower. The tower is self-erecting and the base is made up of boiler plate material. The plans submitted were for a double guy line but the tower will probably be triple guyed.

Mr. Stevens advised the applicant that any favorable action by the Commission would have no effect on any deed restrictions that may exist on the subject property.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that the applicant has complied with all of the technical requirements of the Ordinance and recommended approval. The Commission then unanimously

VOTED: To APPROVE the request of Howell T. Walker for a SPECIAL PERMIT for the erection of a tower for receiving VHF and HF television for property located at 3002 Whiteway 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.

CP14-68-9      City of Austin: Radio Base Transmitter Station and Radio Maintenance  
2602-2610 Robinson Avenue      Shop

STAFF REPORT: This application has been filed as required under Section 10-A and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is a radio base transmitter station and radio maintenance shop with off-street parking spaces. This same type service is operated on property located on the opposite side of Robinson Avenue and the proposal is to relocate onto the subject site. The

CPL4-68-9 City of Austin--contd.

proposal is permitted if approved by the Commission, in any zoning district by special permit. The request has been circulated to the various departments and the comments are as follows:

Fire Protection	- OK
Advanced Planning	- The parking layout should be modified to: 1. 38' in width to provide adequate maneuvering room or 2. 45 degree parking which requires only 30' in width.
Tax Assessor	- Taxes are paid through 1967. To be exempt for 1968.
Health	- Approved. Sanitary sewer line available.
Director of Public Works	- Driveway locations meet with our approval, however will need request for and approval of driveways, before construction begins on them.
Storm Sewer	- Plan complies with requirements.
Electric	- OK
Office Engineer	- OK
Building Inspector	- OK. No problem.
Fire Prevention	- OK
Water and Sewer	- Water and sanitary sewer available and in place.
Traffic Engineer	- OK

There is a 35 foot distance between the north side of the building and the north property line. There is some confusion as to the amount of right-of-way and the location of right-of-way for Robinson Avenue. The staff recommends that this request be referred to the full Commission pending compliance with departmental reports.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

R. L. Hancock (representing applicant)

## SUMMARY OF TESTIMONY

Mr. R. L. Hancock appeared at the hearing and stated that there is a tower on the property along Robinson Avenue. The existing tower is a 90 foot wood pole with an antenna on the top. At this time there is no proposal to move the tower but if it is moved at a later date, a special permit will be requested. The City is operating a mobile radio maintenance shop which

CP14-68-9      City of Austin--contd.

maintains all of the mobile radios on the City vehicles on property along Robinson Avenue. The shop is inadequate and the proposal is to relocate so that it can be enlarged. The facilities and operations will remain the same but will be located in a new 40 by 80 foot building. There is no objection to conforming to the requirements of the Ordinance and the street right-of-way if necessary can be adjusted.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that Robinson Avenue has 50 feet of right-of-way and 30 feet of paving. It has been suggested that the site plan be amended with regards to the parking and they have agreed. It is recommended that the request be approved. The Commission then unanimously

VOTED: To APPROVE the request of the City of Austin for a SPECIAL PERMIT for the erection of a radio base transmitter station and radio maintenance shop for property located at 2602-2610 Robinson Avenue 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 CASES

Cl4-68-48      Truman H. Montandon: A to LR & BB (as amended)  
                  515-603 Montopolis Drive  
                  518 Thrasher Drive  
                  Rear of 514-516 Thrasher Drive  
                  Rear of 520-602 Thrasher Drive

STAFF REPORT: The staff reported that this request by Mr. Montandon for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area was before the Commission at the last regular meeting at which time it was suggested by the Commission that he ask for a postponement. The concern was that the Commission felt that apartment or commercial traffic should not enter Thrasher Lane and it was felt that the applicant should come in with a particular plan that would provide for the traffic outlet only onto Montopolis Drive. It was also suggested that the Commission would favor "LR" zoning along Montopolis Drive with "BB" zoning to the rear for apartments. Mr. Montandon did request a 30 day postponement.

C14-68-48      Truman H. Montandon--contd.

The applicant has worked out a plan to provide for a cul-de-sac extending from Montopolis Drive into the site serving four apartment sites to the rear of the "LR" proposal on Montopolis Drive, and entirely cutting off the neck to Thrasher Lane and leaving that portion as a separate piece of property. The staff feels that the plan by Mr. Montandon is in keeping with the suggestion by the Commission. When the property is subdivided, it would not necessarily be required to provide the cul-de-sac as the same access could be provided to the rear tract for one building site other than by a street.

Mr. Jackson asked if the plan is satisfactory to the staff. Mr. Stevens stated that either the plan with the street or the plan with a neck of land for a servicerway would be workable. In view of the fact that "LR" zoning on the front portion and "BB" on the rear portion of the site is under discussion, the staff would suggest that the proposed street area be zoned "BB" to Montopolis Drive which will require that the street be used for access and not developed commercially. It is the staff's understanding that this was the suggestion by the Commission that he proceed in this direction and then they would be more favorable towards granting "LR" zoning on a portion of the site. The applicant has submitted a letter offering to dedicate 13 feet of right-of-way for the widening of Montopolis Drive.

Mr. Riley stated that he is opposed to zoning any portion of the property "LR". There is commercial zoning in the area that has not developed, and the streets are inadequate for this type of development. To grant "LR" zoning would be piece-meal zoning.

Mr. Jackson stated that the applicant has attempted to plan the development on the property comprehensively and it complies with the Planning Commission's previous suggestion.

Mr. Montandon asked that the application be amended to request "LR" zoning on the front portion of the site and "BB" zoning on the rear, with the street area also being zoned "BB" and to request the withdrawal of the portion of the property fronting onto Thrasher Lane.

After further discussion, a majority of the Commission

VOTED:      To recommend that the request of Truman H. Montandon, for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail and "BB" Residence, First Height and Area (as amended) for the property located at 515-603 Montopolis Drive, rear of 514-516 Thrasher Drive and the rear of 520-602 Thrasher Drive be GRANTED.

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

C14-68-48 Truman H. Montandon--contd.

Mr. Dunnam stated that if it is in accordance with the rules he would like to change his vote on this application.

Mr. Osborne advised the Commission that in order for Mr. Dunnam to change his vote, the Commission would have to vote to reconsider this request. A majority of the members then

VOTED: To RECONSIDER the request of Truman H. Montandon.

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

NAY: Messrs. Jackson and Brown

ABSENT: Mr. Bluestein

Mr. Dunnam stated that he feels that regardless of what the applicant was told by the Commission at the last meeting, the pattern of development which is proposed is not good planning and not appropriate for the area. Mr. Smith stated that he is opposed to the "LR" portion of the request only.

Mr. Jackson stated that at the last Planning Commission, the members indicated that the development as now proposed would be the best development for this particular piece of property. He said that in his opinion it would be bad policy on the part of the Commission to deny the request.

Mr. Riley explained that he voted against the request because of the fact that the requested zoning would be entering into a residential area between two "LR" areas. After further discussion, a majority of the Commission

VOTED: To recommend that the request of Truman H. Montandon for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail and "BB" Residence, First Height and Area (as amended) for property located at 515-603 Montopolis Drive, rear of 514-516 Thrasher Drive and the rear of 520-602 Thrasher Drive be DENIED.

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

NAY: Messrs. Brown and Jackson

ABSENT: Mr. Bluestein

Mr. Brown stated that in view of the fact that Mr. Montandon left the meeting with the impression that his request had been granted, the staff should contact him and explain that the request was reconsidered.

POSTPONED CASE

C14-68 58 R. W. Smith: A to BB  
1600 Houston Street  
5500-5602 Jim Hogg Avenue

STAFF REPORT: The staff reported that this request was before the Commission last month at which time the attorney for the applicant requested postponement until the large tract of land to the south could be considered for a change.

C14-68-58      R. W. Smith--contd.

The Planning Department has recommended against the requested zoning on the site as the character of the area is residential and consistently developed with single-family dwellings and the property faces onto a 40 foot street. Jim Hogg Avenue, with an existing right-of-way of 40 feet, continues to the north into another residential area that is served with a 50 foot street. There were a number of nearby property owners who appeared at the original hearing in opposition to the requested change. If the change is granted, the staff feels that 10 feet of right-of-way should be provided for Jim Hogg Avenue and Houston Street

Mr. John Selman, representing the applicant, stated that there is a zoning application on property to the south which would bring the zoning directly across the street from the subject property. The same identical situation exists on the subject property as exists on the property to the south facing onto Joe Sayers Avenue. If the request on property to the south is granted by the City Council, there will be "BB" Second Height and Area zoning across the street and the applicant is only requesting "BB" Residence, First Height and Area. There are some single-family dwellings in this area but some are below standard and some are in violation of the Ordinance. The requested zoning is merely a logical extension of zoning that has been recommended on property to the south.

Mr. Selman stated that the area is developed with a number of duplexes and substandard houses. When the property to the south is zoned and "BB" Residence, Second Height and Area zoning is established across the street from residential property owners along Joe Sayers Avenue, the same situation will exist. The requested zoning is logical and the applicant is entitled to the type of zoning that will be established across the street. This property is approximately one and one-half blocks from Burnet Road which is a major arterial street.

Mr. Brown stated that in his opinion a more dense zoning should be granted in areas of this type as it is obvious that people are not going to come and build single-family houses.

Mrs. Naughton stated that she is familiar with this area and there is a concentration of low income people in the area and there are not many places in Austin left where low income people can maintain a home. There are a number of retired people who live on a limited income and if the requested zoning is granted, these people will be forced to move.

Mr. Selman stated that all of this area will not go to apartment development at the same time. It is felt that if the area is developed with apartments, the property owners will have more of an opportunity to sell their land at reasonable prices. The requested zoning will help the area.

C14-68-58 R. W. Smith--contd.

After further discussion,

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

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

It was then

VOTED: To recommend that the request of R. W. Smith for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1600 Houston Street and 5500-5602 Jim Hogg Avenue be DENIED.

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

#### ZONING REFERRAL

C14-68-4 J. K. Eichelberger: Int. A, Int. 1st to B, 1st (Trs. 1 & 2) (as Tract 1: 1214-1230 Peyton Gin Road amended) and BB, 1st (Tr. 3) 8901-8943 Japonica Drive  
 Tract 2: 1300-1408 Peyton Gin Road 8900-8914 Japonica Drive  
 Tract 3: 8916-8942 Japonica Drive

STAFF REPORT: The staff reported that this application was before the Commission previously at which time the recommendation was to deny the request to change a portion of the property to "LR" Local Retail and a portion of the property to "B" Residence, First Height and Area. Part of the objection to the request was based on the fact that the subdivision was designed to accommodate single-family and two-family development. The applicant, in agreement with the City Council, requested the application be referred to the Commission pending redesign of the subdivision.

The applicant has redesigned the subdivision and removed lot frontages off of Talisman Trail, which is a street serving the proposed elementary school, and keep his traffic onto the streets coming into Peyton Gin Road. In accordance with the revised plan, the applicant is requesting that "B" Residence, First Height and Area zoning be established on Tracts 1 and 2 and "BB" Residence on Tract 3, which is recommended by the staff based on the revised plan.

Mr. Foxworth stated that this subdivision layout was approved in preliminary form subject to no driveways onto Talisman Trail from the lots along the street.

C14-68-4      J. K. Eichelberger--contd.

Mr. Stevens explained that the Subdivision Committee approved the revised plan at which time the staff pointed out that this was the same property up for zoning consideration. The purpose of the redesign was to overcome the objections to the zoning, which the Subdivision Committee was aware of when they approved it.

Mr. James K. Eichelberger stated that the property that appears to front onto Peyton Gin Road will actually be the back of a lot. The property will be opened onto Japonica Drive and the street that goes into the school. He stated that they are not anxious to throw any more traffic onto Peyton Gin Road and it will probably be approximately one and one-half years before anything is built. According to Public Works, they will have time to build a bridge and widen the street before the development is started. The main concern is to get the street that runs from Peyton Gin Road to the school open. The only thing that is questioned is the fact that Japonica Drive is only 70 feet wide. Mr. Eichelberger stated that they own all of the land and would not object to making the street wider. The type of development that will be on the property will be family type apartments.

The Commission members felt that the requested zoning as amended, should be granted as it conforms to the revised plan on the site. It was then

VOTED:      To recommend that the request of J. K. Eichelberger for a change of zoning from Interim "A", Interim First Height and Area to "B" Residence, First Height and Area (Tracts 1 and 2) (as amended) and "BB" Residence, First Height and Area (Tract 3) for property located at Tract 1: 1214-1230 Peyton Gin Road, 8901-8943 Japonica Drive, Tract 2: 1300-1408 Peyton Gin Road, 8900-8914 Japonica Drive and Tract 3: 8916-8942 Japonica Drive be GRANTED.

#### SUBDIVISIONS

R146      SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of April 15, 1968, 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 April 15, 1968, on the minutes of this meeting.



## PRELIMINARY PLANS

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

The staff reported that this is a preliminary plan on property located on top of the bluff just out of the gravel pit on Far West Boulevard. Far West Boulevard is to the south and the 60 foot street running north off of Far West Boulevard is a collector street which was approved by the Commission at the last regular meeting. There was a condition attached to the approval in that a stub street be required in the commercial tract running easterly off of the street indicated as Rockcliff Lane, into either the Barrow property or the Hart property. The last action by the Commission was that the stub street be located within the commercial area. The Commercial area extends approximately 625 feet north of Far West Boulevard.

This preliminary plan is brought before the Commission for review because of the fact that the subdividers would like to make a minor adjustment in the location of the stub street into the adjoining property. The proposal is that a 60 foot street be provided adjacent to or adjoining the north edge of existing commercial area. The request is to move the street approximately 60 feet so that it will adjoin the commercial area. The staff has discussed this with Mr. Bradfield. The developer has generally concurred that it will be acceptable to have a 60 foot stub street provided not less than 125 feet between center line to center line to the nearest connecting residential street. There has been no notification of the adjoining property owners of the request and the staff would like to give them an opportunity to voice any comment they may have at the next regular meeting of the Subdivision Committee. Approval of this plan would be subject to compliance with departmental requirements as the plan has not been distributed to the various City departments. Subject to these conditions, the staff recommends approval of the plan relocating the street just outside of the commercial area rather than inside. It is felt that the 125 feet is not desirable but it is acceptable. It is the staff's understanding that across the stub street to the north the developer has indicated a duplex and then single-family development. There is merit to this as it will keep all of the commercial in one tract and not be split up by the street. One other minor concern is that the proposed residential lots across the street from where the stub street will be located will be siding onto the street and there could be traffic coming out right at the side of that one particular lot. After further discussion, the Commission

VOTED:      To APPROVE the preliminary plan of HIGHLAND HILLS, NORTHWEST, Section 5, pending compliance with departmental requirements and notification by the staff to Mr. Barrow and Mr. Hart, adjoining property owners, with regard to the modification in the plan.

## 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:

<u>C8-67-66</u>	<u>Creekside (Coronado Hills)</u>
	U. S. Highway 290 and Cameron Road
<u>C8-67-76</u>	<u>Westover Hills, Section 4</u>
	Hyridge Drive and Bainesridge Drive
<u>C8-68-18</u>	<u>Cherry Creek, III</u>
	Whitestone Drive and Delwood
<u>C8-68-42</u>	<u>Northwest Estates, Section 2</u>
	Hycrest Drive and Wildridge Drive
<u>C8-68-34</u>	<u>Quail Creek, Section 2</u>
	Peyton Gin Road and Collingfield
<u>C8-68-35</u>	<u>Community of Fairview, Section 3</u>
	Ramble Lane and Greenheart Drive

C8-68-28      Oak Valley Park, Section 2  
Davis Lane and Oak Valley Drive

The staff recommended that this final plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing the final plat of OAK VALLEY PARK, Section 2, and DISAPPROVE pending completion of departmental reports.

C8-68-22      Allen Place  
North Hills Drive and Allen Drive

The staff recommended that this final plat be accepted for filing pending the required annexation and zoning prior to final approval. The Commission then

VOTED: To ACCEPT for filing the final plat of ALLEN PLACE, subject to the conditions as noted.

C8-67-94      Vintage Hill  
Bluestein Boulevard and Langston Drive

The staff recommended that this final plat be accepted for filing and disapproved pending additional easements, completion of departmental reports and annexation. The Commission then

VOTED: To ACCEPT for filing the final plat of VINTAGE HILL, pending the requirements as noted.

C8-68-41      River Oak Lake Estates, Section 4  
                 North Lamar and Chimney Rock Drive

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

VOTED:      To ACCEPT for filing the final plat of RIVER OAK LAKE ESTATES, Section 4, pending the required tax certificates.

SUBDIVISION PLATS - CONSIDERED

C8-68-4      North Meadows  
                 Applegate Drive and Newmont Road

The staff recommended that this final plat be disapproved pending the required fiscal arrangements. The Commission then

VOTED:      To DISAPPROVE the final plat of NORTH MEADOWS, pending the required fiscal arrangements.

C8-67-82      Southridge, Section 1  
                 Clawson Road and Southridge Drive

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

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

C8-67-71      Balcones Village, Section 2  
                 Balcones Club Drive and Fairway Hill

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

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

C8-68-14      Greenwood Hills, Section 5  
                 Suburban Drive

The staff recommended disapproval of this final plat pending fiscal arrangements, completion of departmental reports and a cul-de-sac required at the east end of Westmorland Drive or additional fiscal arrangements in lieu thereof. The Commission then

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

C8-67-83      North Park Estates, Section 2  
North Bend Drive north of U. S. 81

The staff recommended disapproval of this final plat pending additional easements, fiscal arrangements and volume and page of street dedication on plat. The Commission then

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

C8-65-33      Cavalier Park, Section 1  
Webberville Road and Loop 111

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

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

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

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

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

#### SHORT FORM PLATS - FILED

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

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

<u>C8s-68-64</u>	<u>Laneport</u>
	Anderson Lane and Purnell Drive
<u>C8s-68-67</u>	<u>Madden Addition</u>
	Wood Cliff Drive
<u>C8s-68-72</u>	<u>Day-Carpenter Subdivision</u>
	East Oltorf and East Side Drive

C8s-68-68      Balcones Village, Section 1-A  
                  Crestridge Drive

The staff reported that this subdivision is located by the Balcones Golf Club and there is a variance requested to exclude the balance of the tract. The staff recommends that the variance be granted and that the plat be accepted for filing only. The Commission then

VOTED:      To ACCEPT for filing the short form plat of BALCONES VILLAGE, Section 1-A, granting a variance to exclude the balance of the tract.

C8s-68-70      Manchaca Estates  
                  Cannonleague Drive

The staff reported that this short form plat requires a variance on the signature of the adjoining owner. A letter has been received from the applicant stating that the adjoining owners have been contacted and refuse to join in the platting. The staff recommends the variance be granted and that this short form plat be accepted for filing. The Commission then

VOTED:      To ACCEPT for filing the short form plat of MANCHACA ESTATES, granting a variance on the signature of the adjoining owners.

SHORT FORM PLATS - CONSIDERED

The staff reported that the following short form plats have complied with all departmental reports and all requirements of the Ordinance and recommended approval. The Commission then

VOTED:      To APPROVE the following short form plats:

<u>C8s-68-38</u>	<u>Wooten Village, Section 4, Resub.</u>
	<u>Redfield Lane and Peyton Gin Road</u>
<u>C8s-67-180</u>	<u>Cameron Park, Section 1, Resub.</u>
	<u>Cameron Road and Atkinson Road</u>
<u>C8s-68-56</u>	<u>Westover Hills, Section 3, Resub.</u>
	<u>Tallwood Drive and Balcones Drive</u>
<u>C8s-68-30</u>	<u>Byram Addition</u>
	<u>Anderson Lane and Northcrest</u>

C8s-68-20      E. L. Carruthers Subdivision, Section 2  
                  South Congress Avenue

The staff reported that this short form plat was discussed at the last Planning Commission meeting and on the recommendation of the staff, it was disapproved pending the possibility of the owner attempting to get the street running through the property vacated by Commissioner's Court action whereby he could then deed it to the owner of the property behind his site for access. Since that meeting, the staff has advised the applicant of the action and he informed the staff that the dedication of the

C8s-68-20      E. L. Carruthers Subdivision, Section 2--contd.

street, which has 50 feet of right-of-way, occurred from two pieces of property. Twenty-five was dedicated from the property adjoining to the north and 25 feet was dedicated from his property. In order to get the street vacated, a request would have to be made by the two original owners that dedicated the land. Mr. Carruthers has advised the staff that the owner of the tract of land to the north has passed away and the land is now among the heirs and it is his opinion that there is no possibility of getting them to join in the request for vacation of the street.

Mr. Carruthers was present and stated that he has two houses on his property on one meter which is inadequate. He plans to build another house on one of the lots involved and he does not want all three house on the same meter.

Mr. Foxworth stated that the staff would not ordinarily be in favor of this type of variance; however, there does not appear to be any other solution for the applicant inasmuch as there is no possibility of vacating the street. The variance required would be to exclude the balance of the tract. After further discussion, the Commission

VOTED:      To APPROVE the short form plat of E. L. CARRUTHERS SUBDIVISION, Section 2, granting a variance to exclude the balance of the tract.

C8s-68-63      Jack Galbreath Subdivision  
Drew Lane

The staff reported that this request involves a variance on the signature of the adjoining owner. A letter has been received stating that the adjoining owners do not wish to participate in the platting at this time. The staff recommends that the variance be granted and that this short form plat be approved. It was then

VOTED:      To APPROVE the short form plat of JACK GALBREATH SUBDIVISION, granting a variance on the signaure of the adjoining owner.

C8s-68-65      St. Joseph Addition  
Lamar Boulevard south of Justin Lane

The staff reported that this short form plat has complied with all requirements of the Ordinance but there is a variance involved to exclude the balance of the tract. The front portion is zoned "C-2" Commercial and the balance is zoned "LR" and "B". The subject lot is the southeast corner facing Lamar Boulevard. The Commission then

VOTED:      To APPROVE the short form plat of ST. JOSEPH ADDITION, granting a variance to exclude the balance of the tract.

C8s-68-69 Shoalmont Addition, Resub.  
Northland Drive

The staff reported that this short form plat has complied with all departmental requirements but involves a lot which requires a variance on the width at the building line in that it is only 30 feet wide although it does widen at the rear. The subject lot is a deep lot with more than ample area. The owner applied to the Board of Adjustment for a variance, which was granted, subject to the property being subdivided into two lots. The staff recommends the variance be granted and that the plat be approved subject to a building setback line on the plat across Lot 11-B at the rear of Lot 11-A so as to prevent any building being erected. The Commission then

VOTED: To APPROVE the short form plat of SHOALMONT ADDITION, Resub., granting a variance on the width of Lot 11-B at the building line, with the condition that the building setback line be across Lot 11-B at the rear of Lot 11-A.

C8s-68-71 Yates Addition  
Burnet Road and Cullen Avenue

The staff reported that this short form plat has complied with all departmental requirements but a variance is required on the signature of the adjoining owner. A letter has been received requesting that the variance be granted in that the adjoining owner does not wish to participate at this time. The staff recommends that the variance be granted and that this short form plat be approved. The Commission then

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

C8s-68-45 Gray and Becker Addition  
I. H. 35 and Live Oak Street

The staff recommended that this short form plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of GRAY AND BECKER ADDITION, pending completion of departmental reports.

C8s-68-52 Eastover Subdivision Resub.  
Gunter Street and Munson Street

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

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

C8s-68-44      Walnut Hills, Section 4, Resub.  
                   Emroy Lane and Walnut Hills Drive

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 WALNUT HILLS, Section 4, Resub., pending completion of departmental reports.

C8s-68-50      E. E. Dudley Subdivision  
                   Airport Boulevard and Glissman

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 E. E. DUDLEY SUBDIVISION, pending completion of departmental reports.

#### ADMINISTRATIVE APPROVAL

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

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

<u>C8s-68-62</u>	<u>Highland Hills, Section 4, Resub.</u>
	Spurlock Drive
<u>C8s-68-66</u>	<u>H.H.H.R. Resub. - Resub.</u>
	Hickman Avenue
<u>C8s-66-130</u>	<u>Ridgewood Village, Section 1, Resub.</u>
	Ridgewood Road and George B. Hatley
<u>C8s-68-61</u>	<u>Frances Winetroub Addition</u>
	Wilson Street
<u>C8s-68-24</u>	<u>Elmo Pearson Subdivision, Revised</u>
	McCarthy Road

#### OTHER BUSINESS

C2-68-1(c)      AUSTIN DEVELOPMENT PLAN AMENDMENT  
                   Area of 41.41 acres located south of Woodward Street  
                   midway between South Congress Avenue and Interstate 35

The Director of Planning reported that this is a request for a change in the Austin Development Plan from Manufacturing and Related Uses to Medium Density Residential for approximately 41½ acres of land located south of Woodward Street, approximately midway between South Congress Avenue and Interstate 35. The property under consideration is owned by Mr. Tom Penick and Mr. Harvey Penick. The proposed developers are Mr. L. A. Felder and Mr. Willard Connolly.



C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

The area between Ben White Boulevard, Woodward Street, Interstate 35 and South Congress is presently designed for Manufacturing and Related Uses except for approximately 20 acres in the northwest corner which was recently redesignated for Medium Density Residential. Most of the 20 acre area is presently developed with single-family homes and has been for many years. A hospital clinic is established on property adjoining the 20 acre site and there is a vacant tract of land which is proposed for apartments, fronting onto Woodward Street. The area along Interstate 35 is actually a part of the Assumption Cemetery and used for that purpose. The subject tract is included in an area designated industrial in the Austin Development Plan. Along Ben White Boulevard there are some industrial uses, including Armstrong Johnson Truck City, service station and immediately off of Ben White Boulevard there is the Richardson Paint Company, Richardson Hardware, Capital Printing Company and Woodward Manufacturing Company. Adjoining the subject property to the east, having frontage onto Woodward Street is the Southwest Analytical Chemical Company, a seven or eight acre tract which is 230 feet in width running back from Woodward Street approximately 1,500 feet. This tract was originally a part of the Penick Tract which was sold off in 1966 for the industrial use. St. Edwards University is established on property north of Woodward Street.

The proposal is for Medium Density Residential development on 41.41 acres, less some five to ten acres, that would remain under the industrial classification. The suggested plan or schematic plan submitted by Mr. Connolly, took an area of some 200 feet in depth plus street right-of-way, along the eastern section of the site, thereby offering a separation between the proposed apartment development and Southwest Analytical Chemical Company and any subsequent development that may occur in the lower section of the property to the south. In general along the south end, the staff is suggesting that with respect to any subdivision plans that there would be some separation or setback provision. There is a power line easement to the south which extends through the southern tip of the subject property; however, there could be, unless there is some fairly careful detailed planning for development, in some instances, industry and apartments would be very close together and could abut against each other. The problem in this section from the staff's point of view is that this is in effect an integral industrial area, with Ben White Boulevard being the core of the area with industries on both sides, extending from Industrial Boulevard to the south to Woodward Street. Some of the industrial uses have been established for a long period of time and some of the uses are fairly new. This tract of land is very suitable for industrial development from the standpoint of topography, the ability to serve it with sewer, water and other facilities. It is also suitable for apartment development. The only particular problem with respect to residential use, which would to some extent be applicable to apartment development, is the situation of school service, particularly elementary schools. The children would have to go to Dawson Elementary School which is located between South First Street and Congress Avenue. It is not a great distance away but it would be inconvenient, and would be the only serious limitation from the standpoint of being able to serve it for residential purposes.

C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

The issue in the final analysis is that the tract is suitable for either use but at the same time there are some industrial commitments and industrial uses within the immediate vicinity. One question that could be raised is if there is a suitable way for intermixing or having a relatively close proximity between apartments or multi-family and in turn the industrial activities. The staff feels that there are ways to have the intermixing but as to whether or not this can be accomplished in this location is one of the problems the Commission is faced with. The staff recommendation is that the designation be changed subject to the following conditions:

1. There should be at least 200 feet of depth provided for industrial development on the east side of the 41.41 acre tract.
2. Prior to development of or subdivision of the tract of land, there should be provision made for the development of a street connection to the south, continuing on to Ben White Boulevard.

The arrangements of developing this street are quite complicated. One suggestion by the staff to the owners of the subject property is possible joint development between the Southwest Analytical Chemical Company and the proposed apartment developers; however, at the present time there appears to be little possibility of an agreement in the near future. It is felt that it is encumbent, because of the fact that this has been in the plan since 1961 as an industrial area and commitments have been made, that any intrusion, and in this particular case the apartments are considered as an intrusion, of a residential use into an industrial area be made with the problems being resolved by the residential developers. If industrial was established in a residential area, it should be the responsibility of the industry to provide reasonable protection of the adjacent residential. In this case, it is felt that the residential development should provide for the reasonable protection of the adjacent industry. If this 200 foot strip of land were left in there, this could include a full 70 feet of right-of-way out of the Felder-Connolly property or the Penick Tract for the street. There might not be any involvement of dedication on the part of Mr. Hale or the Southwest Analytical Chemical Company. The developer might have to bear the entire cost and right-of-way dedication for the street, but this would still leave approximately 30 acres for the apartment and commercial development. This would also provide reasonable protection for the industrial development and in turn reasonable separation for good quality apartment development.

The Chairman, Mr. Jackson, asked if the developers could provide a street through to Ben White Boulevard. Mr. Osborne explained that there is a partial dedication of Payload Pass through this area and it is intended that ultimately the street be connected over to Alpine Road. There could be a connection from this street to the east or northeast to Woodward Street without serious difficulty. A street could be extended directly southward from Woodward Street to Ben White Boulevard.

C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. Dunnam asked what function the street would serve. He stated that if there is going to be an isolated apartment development, perhaps it would be better to have it on an interior circle. Mr. Osborne explained that the street would have no connection to the apartment area. The apartment area would be on a circle street. The intention is that the 200 feet would remain as industrial with the street at the end.

Mr. Dunnam asked questions about the type of industry that would be established on the 200 foot strip and about a buffer or gradation. He said that in his opinion the apartments should not be backing to industrial and the street should not be at this location. Mr. Osborne explained that there is no limitation set on the type of industry that could be established as the staff is not prepared to make a very strong suggestion on whether or not there should be any special conditions involved. The 200 feet of industrial property would serve as a buffer.

Mr. Osborne stated that part of the need for a buffer comes from the fact that this is a chemical company, established in a very handsomely designed building, which is a very good operation. The matter of the technology of the chemical industry or other industries that might locate in there puts a limitation on the balance of the property which it is the staff's understanding that Mr. Hale has purchased for the development of his chemical company and his intention is ultimately to have other industries located in there. If the intrusion is allowed without a buffer, Mr. Hale would bear the greatest burden of this particular change as he would be required to offer protection for the residential development.

Dr. Hazard stated that in his opinion the issue is whether or not this area should be developed as industrial. This seems to be a growing industrial area and evidence indicates that there is new industry coming in.

Mr. C. H. Hale stated that when he purchased his eight acres, he thought the rest of the area was to be developed with industries in that the area was designated for that purpose and had been for a long time. He stated that he spend two or three years looking all over Austin for a place he thought would be suitable and would have the required utilities in which some of the industrial areas do not have. This location was selected because of the fact that it is not a long way from town and because the area is ideally situated for industrial development.

Mr. Osborne stated that an apartment market in this area can be substantiated for several different reasons, one of which is what is occurring in this area and the particular growth of the community with respect to the employment in the area. The issue which both private development and planning has attempted to recognize is that there can be satisfactory intermixing of uses within an area if it is carefully worked out.

C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. John Selman, representing Tom and Harvey Penick, L. A. Felder and the Connolly Company, was present on behalf of this request. He advised the Commission that the Penick's have owned this property since 1930 and Mr. Felder and Mr. Connolly have a contract on the property subject to the Master Plan rollback and the zoning. If the request for a rollback in the Master Plan is granted, the developers would like to have part of the front portion of the tract zoned "LR" Local Retail for service type center that will serve St. Edward's University and that particular area. The property owners and developers are in agreement with the eastern 200 feet of the site being left as industrial as a buffer for the Southwest Analytical Chemical Company. The balance of the property they want to subdivide into fourplex lots which would require "BB" Residence zoning. The developers feel that fourplex type zoning and development in this area would be beneficial, not only to the Internal Revenue Service employees but to the people involved with St. Edward's University. Because of the near proximity to the center of Austin, there would be a good market for the proposed development. Mr. Selman stated that he has not checked the number of children living in fourplex development although it is his opinion that the number would be relatively low and the school situation would not be a major problem. It is also felt that the change as requested would serve as a buffer area between the industrial and commercial on Ben White Boulevard and the chemical company and future development on the remaining portion of the area from Woodward Street to Ben White Boulevard.

The owners of this property have held it for over 35 years and they have had only two sales, one of which was in 1962 or 1963 and the other in 1966 to the Southwest Analytical Chemical Company. The Master Plan, as pointed out by the staff, was changed in February of this year on property immediately to the west of this location for Mr. Brush's request in which the Director of Planning reported that questions were raised by the staff and the Commission of possible redesignation of other land on the south side of Woodward Street, east of this immediate area, particularly the Penick property. This area was deferred by the Commission until plans were more concretely developed. At that time, the Director also pointed out a dividing line between the residential and industrial and said that there is a demand for the residential classification.

Mr. Selman stated that he has discussed this request with Brother Raymond of St. Edward's University who is in favor of changing the area to residential. This area is very limited with regard to apartment dwellings adjacent to the main college and campus. St. Edward's University's present enrollment is approximately 900 students; in 1975, the projected enrollment is 1,600 and by 1980, the projected enrollment is 2,000. There are approximately 75 faculty members now of which 40 are lay personnel and not brothers. The faculty will double within the same time as the enrollment increases. It is felt that in view of the projected enrollment at St. Edwards University in this area will be another major University in Austin. When this area is considered with the type of increase in enrollment projected, and particularly since Mary Hill Girl's college has been established, there is a great possibility that there will be more married students at St. Edward's. It is felt

C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

that the fourplex type development proposed will actually serve and be a benefit to the college. St. Edward's University has no plans in any of their planned development for any type of married student housing so the requested change would be a logical extension for their phase of growth.

The 41½ acres under consideration is not the best type of industrial land as there is no railroad trackage through this land or across it and it is not on a main thoroughfare. The site is adjacent to a hospital and across the street from a University. There is a high power gas line and a creek which also runs through the site. In considering the overall area, the proposed change will not be detrimental because of the fact that there is actually only approximately 22 or 23 acres which is presently developed with industrial uses. There is also approximately 22 or 23 acres which is presently being used for commercial uses under regular commercial zoning. If the Penick Tract is deleted from the industrial classification, there will still remain approximately 80 acres available for industrial development in the area extending from Woodward Street south to Onion Creek.

It should be pointed out that the new industries coming into Austin have not gone into areas with an existing industrial classification but have established in areas and then requested a change in the Master Plan to an Industrial classification. It is felt that the requested change is a logical extension of the recently established change in the area to Medium Density Residential. The proposed development can be worked out and will be a benefit and asset to the City.

Mr. Odas Jung appeared at the hearing and stated that he owns property south of the subject site and has a planned industrial development started. It is felt that the industrial area should be protected from the encroachment of residential uses. He said that in his opinion consideration should be given to a street connection in the area extending to Ben White Boulevard. If the change is granted, a buffer should be established between the existing and proposed industrial development and the proposed residential development.

Mr. Hale stated that he would like to point out that there are a number of industries that find railroad frontage is not necessary or even desirable. He said that he would like to request that he not be left in a position of being spot zoned industrial when the entire area has previously been in this classification.

Mr. Dunnam stated that in his opinion the difficulty is that industries that have come into Austin have not gone into designated industrial areas. They have come in and tended to create their own areas for substantial expansion. Most have gone where land is fairly cheap and acquired large tracts of land. The Commission has made two changes for industrial purposes in the last year and there is some validity to the point, disregarding size, that industries tend to locate where similar type smaller industries can join their development.

C2-68-1(c) AUSTIN DEVELOPMENT PLAN AMENDMENT--contd.

Mr. Riley stated that in his opinion this is an industrial area and it is not attractive for residences. There is industry established and the requested change would be an intrusion into this area. Another fact to be considered is that there are no schools or churches in the vicinity. A majority of the Commission members agreed with Mr. Riley and after further discussion

VOTED: To recommend that the request for a change in the land use designation from Manufacturing and Related Uses to Medium Density Residential for 41.41 acres located south of Woodward Street midway between South Congress Avenue and Interstate 35 be DENIED.

AYE: Mrs. Naughton and Messrs. Hazard, Riley and Smith

NAY: Messrs. Jackson, Brown and Dunnam

ABSENT: Mr. Bluestein and Wroe

C5-68-2 MODEL CITIES PROGRAM

The Director of Planning recommended that the Commission offer to the City Manager assistance and participation in the development of the Model Cities Plan in the event a grant is approved. A draft of a letter to the City Manager was presented for consideration which stated that the Planning Commission compliments the City Council and the Administration for their preparation and submission of an application for a planning grant for the Demonstration Cities/Model Neighborhood Program. The letter also extended to the City Manager and his staff the offer of assistance in developing plans for the proposed Model Neighborhood.

The Commission members agreed that the draft as presented by Mr. Osborne is appropriate and should be forwarded to the City Manager from the Planning Commission.

R140 PLANNING COMMISSION - General

Mr. Osborne stated that the quarterly report for this period shows an increase in activities, primarily in those areas of cases and matters being considered by the Commission, of between 15 and 30 percent, depending on the particular item, over the last quarter. This is approximately a 40 to 50 percent increase over the same quarter last year, i.e. 1967. Copies of the quarterly report will be mailed to Commission members showing both statistical activities and other activities on the part of the Planning Department as well as the Commission and the Regional Planning Commission.

R143 PLANNING COMMISSION - Meetings

Mr. Osborne advised the Commission that at the request of the Parks and Recreation Board, he has met with them on one occasion and with the staff on several occasions, to review the issue of zoning along the Town Lake area. After meeting with the Parks and Recreation Board and further

R143

PLANNING COMMISSION - Meetings--contd.

discussing this with the staff, it is suggested that the Planning Commission have a special meeting and invite the Parks and Recreation Board to discuss this particular zoning issue. Mr. Osborne stated that in his opinion this is a basic policy issue that has now moved beyond discussion at the staff level and the next step would be for the Planning Commission and Parks and Recreation Board to try to resolve the problems involved.

The Commission members agreed that the proper procedure would be to meet with the Parks and Recreation Board to discuss the zoning problems along Town Lake and requested that the staff set a meeting for this purpose and advise the members.

C10-68-1(f) ALLEY VACATION

Wilson Street alley north of Oltorf Street

The staff reported a letter from Mr. Phil Mockford, representing Mr. Carl T. Widen and Muro, Inc., requesting the vacation of the Wilson Street alley north of Oltorf Street. There is a question as to whether or not the alley is already vacated. The applicants are requesting the vacation and at the same time they propose to dedicate a small section extending from the alley out to Wilson Street. The various City departments have no objection to the request; however, the Planning Department recommends that the existing and proposed alley to the south of the request be increased to 20 feet. The Commission then

VOTED: To recommend that the Wilson Street alley north to Oltorf Street be VACATED, with the condition that the existing and proposed alley to the south of the request be increased to 20 feet.

C10-68-1(g) ALLEY VACATION

Alley between San Antonio and Guadalupe Streets  
and West 7th and 8th Streets

This request to vacate the alley between San Antonio and Guadalupe Streets and West 7th and 8th Streets is made by all of the abutting property owners. All of the City departments have recommended in favor of the change, subject to the retention of the necessary easements, with the exception of the Planning Department. The Planning Department recommends against the request for the following reasons:

1. Parking area for the YMCA is served from the alley.
2. One way street pattern on San Antonio and West 7th Streets limits access.
3. The alley is open.

Mr. Jackson stated that the YMCA is moving and part of their structures are out in the alley.

C10-68-1(g) ALLEY VACATION--contd.

Mr. Dunnam stated that he will abstain on this request as he is Chairman of the YMCA Building Committee. He advised the Commission that the YMCA has entered into a contract to sell the Bremond Home to the Texas Classroom Teachers Association. They have two buildings now and they are buying the one next door. Mr. Fred Adams in effect gave this property to the YMCA with the provision that the property could be sold only if the buyer would restore the home. The Texas Classroom Teachers Association has restored the other two homes and it is his wish that the YMCA sell to that Association. They intend to eliminate the angle parking and substantially improve the area. They also intend to enlarge the area to the north and make a private parking court for their employees.

Mr. Riley asked why the alley would have to be vacated if parking will be in the interior of the site. Mr. Dunnam explained that the plans are to use the property in a unified way. After further discussion, a majority of the Commission

VOTED: To recommend that the alley between San Antonio and Guadalupe Streets and West 7th and 8th Streets be VACATED, subject to the retention of the necessary sanitary sewer, water, storm sewer, electric and telephone company easements.

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

NAY: Mr. Riley

ABSENT: Mr. Bluestein

ABSTAINED: Mr. Dunnam

C10-68-1(h) ALLEY VACATION

Alley between New York and Pennsylvania Avenues West of Leona Street

The staff reported that this request to vacate the alley between New York and Pennsylvania Avenues west of Leona Street is made for the Urban Renewal Agency. The request conforms to the Urban Renewal Plan for the Kealing project and the vacation is recommended subject to the retention of the necessary sanitary sewer, electric and telephone company easements. The Commission then

VOTED: To recommend that the alley between New York and Pennsylvania Avenues west of Leona Street be VACATED, subject to the retention of the necessary easements.



## REPORTS

## SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that a majority of the Commission had been polled by telephone on February 16, 1968, and a majority of the Commission had

VOTED: To APPROVE the following final plats:

<u>C8-67-29</u>	<u>Fairmont Park, Section 2</u>
	Fairmont Circle and Villageway
<u>C8-68-16</u>	<u>Northwest Terrace, Section 2</u>
	Stillwood Lane and Rockwood Lane
<u>C8-68-27</u>	<u>Palomino Park, Section 5</u>
	Brodine Lane and Dobbin Circle

ADJOURNMENT: The meeting was adjourned at 11:35 P.M.

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Hoyle M. Osborne  
Executive Secretary