

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- May 28, 1968

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

Present

Barton D. Riley, Acting Chairman  
Ed Bluestein  
Robert B. Smith  
\*Samuel E. Dunnam  
Dr. William Hazard  
Hiram S. Brown

Absent

Edgar E. Jackson  
Mrs. Lynita Naughton

\*Arrived at 8:35 p.m.

Also Present

Hoyle M. Osborne, Director of Planning  
E. N. Stevens, Chief, Plan Administration  
Walter Foxworth, Associate Planner  
Bill Burnette, Associate Planner  
Glenn Cortez, Assistant City Attorney  
Shirley Ralston, Administrative Secretary

MINUTES

Minutes of the meetings of November 14, 1967 and December 12, 1967 were approved.

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of May 20 and 21, 1968.

Present

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

Also Present

E. N. Stevens, Chief, Plan Administration  
Bill Burnette, Associate Planner  
Shirley Ralston, Administrative Secretary

\*Present only on May 20, 1968.

## PUBLIC HEARINGS

C14-68-90      Sophie Wendlandt Estate: A to BB  
3011-3017 West 35th Street  
3303-3425 and 3302-3422 Maywood Avenue  
3008-3102 and 3009-3103 Warren Street  
3303-3417 Scenic Drive

STAFF REPORT: This application is for rezoning of four tracts of land covering an area of approximately six acres. The stated purpose of the request is for apartment development. There are approximately 30 individual and recorded lots within the four tracts of land under consideration. The streets are not developed through the property owned by the applicant but they are dedicated. The larger tract, on the east side of Maywood Avenue, contains 134,000 square feet; the tract north of Warren Street and west of Maywood Avenue contains 77,050 square feet; the two tracts to the south contain approximately 73,556 square feet. There is approximately one acre of land in the streets that are proposed to be vacated. This property was before the Planning Commission in 1966 at which time the Commission recommended denial. To the west of Scenic Drive and south of 35th Street is the Timberwood Subdivision which is a subdivision developed with very high quality single-family dwellings. In 1960 there was a request for "GR" and "C-1" zoning on property to the northwest which was withdrawn. In 1965 "C-1" zoning was granted on property to the north for a drive-in grocery. A request for "B" Residence, First and Third Height and Area zoning was denied in 1963 on property to the west. "C" Commercial zoning was established on a large tract of land to the north of West 35th Street. At one time, the owner of the "C" Commercial property adjacent to the north applied for a zoning change to roll the zoning back to "A" Residential. No action was taken on the request. This application adjoins two subdivisions which are under construction and are being developed with duplexes. Property adjoining the small tract under consideration to the south has been replatted to create 7,000 square foot lots and it is the staff's understanding that duplexes are under construction.

The subject property is heavily wooded and there is a creek which runs through it. The Director of Planning has reviewed this request with the applicant and feels that the property can best be utilized as one large parcel rather than as now platted into 30 separate lots. Under the existing zoning, the applicants could develop the site with 74 duplex units. The staff can support a low density type zoning on the property with the vacation of Maywood Avenue to eliminate an intersection with West 35th Street, subject to required street widening for West 35th Street and subject to the following conditions: 1. Development will be limited to 108 units. 2. Development will not exceed two stories in height. 3. No improvements on the east 20 feet of the site, except on the north end for driveways. 4. A fence to be provided on the east line where requested by the adjoining neighbors. 5. Additional right-of-way will be provided for Scenic or Pecos Drive. Scenic Drive is proposed to have 60 feet of right-of-way which will require widening from the subject site. West 35th Street is a major arterial street with proposed right-of-way of 90 feet. The applicant has discussed

C14-68-90 Sophie Wendlandt Estate--contd.

the conditions with the department and has agreed to them. The agreement is not based on the number of units that could be put on the property under the proposed zoning. With the limitations as suggested, and with the connection of Maywood Avenue to Pecos Street the staff feels that the property can thus be utilized, using driveways instead of streets, and it is recommended that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

Code		
B	Thomas C. Wommack: 702 Scarbrough Building	FOR
AH	Joe T. Pursell: 1414 Meadowbrook, Jackson, Miss.	AGAINST
AG	E. E. Beran: 1900 Vaughn Bldg., Dallas, Texas	AGAINST
AJ	Madison H. Mills: 3313 Bridle Path	AGAINST
?	Mr. & Mrs. Lester J. Reed: 3502 Balcones Drive	AGAINST
	One petition with 122 signatures	AGAINST

## PERSONS APPEARING AT HEARING

Code		
	Walter Wendlandt (representing applicant)	
AJ	Mr. & Mrs. Madison Mills: 3313 Bridle Path	AGAINST
N	Louis D. Kubeck: 2903 Jamesborough	AGAINST
AA	George Robinson, Jr.: 3400 Timberwood Circle	AGAINST
AA	Sue Robinson: 3400 Timberwood Circle	AGAINST
Y	Mr. & Mrs. John Tyler: 3410 Taylors Drive	AGAINST
M	Jeff Wise: 3300 Jamesborough	AGAINST
L	W. W. Kelton, Jr., M.D.: 3302 Jamesborough	AGAINST
W	W. Y. Ferrick: 3310 Pecos	AGAINST
?	Warren Freund: 3702 Meadowbrook	AGAINST
?	Mrs. Bud Sweazea: 3105 Scenic Drive	AGAINST
?	C. B. Smith, Sr.: 3005 Scenic Drive	AGAINST
?	Dr. Charles H. Warlick: 3411 Southhill Circle	AGAINST
?	W. R. Coleman: 600 West 28th Street	FOR
?	Fred P. Savage: 3939 Balcones Drive	FOR
?	Mrs. Fred P. Savage: 3939 Balcones Drive	FOR
?	Herman Schmidt: 2902 Pecos	AGAINST
?	C. T. Johnson: 3000 Willwood	AGAINST
?	Mr. & Mrs. Charles Wendlandt: 2900 Scenic Drive	FOR
?	W. W. Bledsoe: 3002 Willowood Circle	AGAINST
?	Mr. & Mrs. G. A. Welsch: 3405 Taylors Drive	AGAINST
?	Robert E. Anderson: 3409 Timberwood Circle	AGAINST
?	Mrs. Ernest W lker: 3402 Taylors Drive	AGAINST
?	Mr. & Mrs. Lester J. Reed: 3502 Balcones Drive	AGAINST
?	Mr. & Mrs. S. L. Bauman, Jr.: 3403 Southhill Circle	AGAINST
?	Mrs. Nat Goodfriend: 3711 Taylors Drive	AGAINST
?	Mr. & Mrs. W. D. Voiers: 3100 Scenic Drive	AGAINST
?	Mrs. Frank N. Edmonds: 3005 Wade	AGAINST
?	Mrs. R. G. Umstattd: 3000 Wade	AGAINST

C14-68-90 Sophie Wendlandt Estate--contd.

?	Mrs. Robert R. Hammond: 3707 Taylors Drive	AGAINST
?	Mrs. S. W. Glazener: 3007 Scenic Drive	AGAINST
?	Mrs. Burton Miles: 3001 Wade	AGAINST
?	Mrs. W. E. Matthes: 3300 Southhill Circle	AGAINST
?	M. E. Ruby, Jr.: 2903 Willowbridge	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Walter Wendlandt, representing the applicants, stated that this corner has had several hotly contested zoning applications and hearings. About two years ago, the applicant requested apartment zoning on the subject site. The Planning Commission saw fit to recommend denial of the request which was withdrawn, prior to the time it went to the City Council. Mr. Wendlandt stated at that time, he called people in the area and suggested to them that if all of the property owners in the area would agree to a deed restriction to provide for single-family dwellings, that this would also be agreeable on the subject site. There has been no action taken on this as yet. That is the way it stood until several months ago when there was duplex construction started on the property to the south. There are now 22 duplexes under construction and a number of additional units planned. The area between the duplex construction and the grocery store on the corner is pretty well established. It is going to be a high-rise, high-value rental area. There is just one basic issue at this time and that is whether or not there will be a well-planned, well-built and well-managed apartment complex or whether there will be a number of chopped-up duplex units in the area. It is not reasonable to expect single-family development to occur in this area as a result of the duplex construction now going on. The staff pointed out that 78 duplex units would be permitted on the property under consideration. "BB" Residence, First Height and Area zoning as requested will permit the development of 136 units, but when this area was studied, it was decided that a compromise would be proposed which would provide not more than 108 units, two-story construction, and no improvements within 20 feet of the east property line. With duplex construction, development could occur within five feet of the east line. The applicants are agreeable to providing a fence along the east line where the neighbors want one.

Mr. Wendlandt stated that he would like to speak on the effect of the adjoining property. The four lots on the southwest corner of West 35th Street which are in Mr. George McDonald's subdivision can be used for multi-family dwellings. The remaining portion of Mr. McDonald's subdivision is deed restricted to single-family dwellings. Approximately four units can be put on each of Mr. McDonald's four lots which is a higher density than what is being requested on the subject tract. It is felt that the proposal on the property would be more appropriate than duplex development.

C14-68-90 Sophie Wendlandt Estate--contd.

Mr. Bill Coleman, architect for the applicants, was present at the hearing and presented a general schematic layout and plot plan proposal showing the type of development proposed on the site. With the type of layout proposed, the applicant would be able to concentrate building onto a large more compact area, and leave more green area around the buildings. The buildings can be oriented to where there would still be a view. The plan as proposed presents an opportunity to save trees and to follow the existing terrain. One feature of the proposal is that there would not be any through traffic through this entire area. The area would be self contained and would allow the people from each of the buildings to get to the recreation areas without having to cross any streets or parking area. When duplexes were planned, the area was very chopped-up. It is felt that the proposed development is a more sensible and reasonable way to actually build this area. In answer to a question by Mr. Riley, Mr. Coleman stated that the plans are to bridge the existing creek. Maywood Avenue will bend and go back into this particular area and not be a dead-end street as it would be brought back to Pecos Street. This would be much better from a traffic standpoint.

Mr. Charles Wendlandt appeared at the hearing and stated that he lives in this immediate area. He advised the Committee that his family has the reputation of doing what is right in the City of Austin, and it is felt that the proposal will not be damaging to any of the nearby property owners.

**Arguments Presented AGAINST:**

A number of nearby property owners appeared in opposition to this request and presented a petition and the following information: Anyone who realizes economic or moral values would not anticipate the building of duplexes or apartments in a residential area of this nature. President Johnson is building a beautiful home in this area and needless to say there will be thousands of tourists driving along Scenic Drive who will get their impression of Austin from this particular area. There is a great deal of Scenic beauty in the area and it behooves the property owners to maintain the natural beauty that is existing. The lots in this section of Austin are expensive lots with prices ranging from \$10,000 per lot to \$50,000 per lot. The people in the area have obligated themselves for a tremendous amount of money and if the requested zoning is granted, the property values will be decreased. The entire area, particularly the portion that is undeveloped, has great potential and is one of the few remaining prime residential areas close to downtown Austin. The requested zoning would permit development that is too intensive for the existing street pattern. The streets are narrow streets that are already congested and the proposed development could only over burden the streets even more. If the change is granted, the precedent will be set and other development will follow and the value of the existing residential property will decrease. The issue is of public interest, and it is not in the public interest to grant the zoning change on property for the benefit of only the one particular owner when the surrounding property owners will suffer. The residential characteristics of the area are improving and the requested change

C14-68-90 Sophie Wendlandt Estate--contd.

would only hinder further residential development. The people in the area bought their property relying on the existing zoning in the area and if the request is granted, there would be no protection provided by the Zoning Ordinance.

One of the property owners appearing in opposition to the request stated that he owns a large tract of undeveloped land in this area and if the requested zoning is granted, he will request a zoning change on his site.

## 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 Sophie Wendlandt Estate for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3011-3017 West 35th Street, 3303-3425 and 3302-3422 Maywood Avenue, 3008-3102 and 3009-3103 Warren Street and 3303-3417 Scenic Drive be DENIED.

ABSTAINED: Mr. Riley

C14-68-97 Lee Arthur Wood: A to BB (as amended)  
1512-1514 Parker Lane

STAFF REPORT: This application covers two lots totaling 20,850 square feet of land which is presently undeveloped. The stated purpose of the application is for apartment development. The area to the west is predominantly high-quality single-family development. To the south, at the intersection of Taylor Gaine Street and Parker Lane there is a series of duplexes which could serve as a gradation in zoning between the property to the north and the property to the south. Further to the south there is another high-quality single-family area. To the east and north, along Riverside Drive which is a major street, there is a series of apartment districts. The area north of Woodland Avenue to Riverside Drive is zoned "BB" Residence and "LR" Local Retail which was established in 1963. The most recent zoning in the area was a request for "B" Residence, First Height and Area on property to the north of subject site, fronting onto Parker Lane, which was granted in 1968. The Commission recommended in favor of that request because of the location adjacent to existing "LR" and "C" Commercial zoning. In 1967, a large tract of land directly across the street from the site, between Parker Lane and Royal Crest was before the Commission for a change to "BB", "B" and "LR" which was granted. There is a special permit pending on the southern portion of the tract and the proposed development will be facing onto Royal Crest Drive and Parker Lane.

C14-68-97      Lee Arthur Wood--contd.

If zoned as requested, a maximum of 10 regular units or 13 apartment hotel units could be developed on the site. Under the proposed amendment to the Ordinance, 21 units would be permitted. If all of the lots between Taylor Gaines Street and the existing "B" District to the north were combined and developed as a site, a total of 60 to 70 units would be permitted under the proposed zoning. Under the proposed amendment to the Ordinance, approximately 150 to 160 units could be developed. Should each lot be rezoned and developed separately, 6 to 13 driveways could be entering onto Parker Lane which serves single-family, apartment and commercial development which could cause congestion on a heavily traveled collector street. Because of the number of units permitted under the proposed zoning, the staff feels the requests too dense for the area and recommends that "BB" Residence, First Height and Area zoning be granted as this will serve as a gradation between the existing apartment area and the single-family area.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

U	Annie L. Dye: 1707 Elmhurst Drive	AGAINST
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##### PERSONS APPEARING AT HEARING

###### Code

A	Lee Arthur Wood (applicant)	
	Phil Mockford (representing applicant)	
X	J. H. Potchernick: 1710 Elmhurst Drive	AGAINST
X	Mrs. J. H. Potchernick: 1710 Elmhurst Drive	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Phil Mockford, representing the applicant, stated that the subject property fronts onto Parker Lane which is a major thoroughfare and is directly across the street from apartment zoning. Most of the homes between Taylor Gaines Street and the existing "B" district to the north are owner occupied; however, there are several lots that are developed with more than one residential structure which are older structures. Mr. Mockford stated that in his opinion it is unrealistic to expect this property to improve itself on a single-family basis because of the size of Parker Lane and the fact that the property is facing existing apartment zoning. The terrain along the rear property lines of the lots facing onto Parker Lane forms a natural terrain division between this property and property facing onto Elmhurst East. There is a drop off that tapers down towards the "B" district to the north. The applicant would like to make a more current utilization of his property and remove the existing structure. He would be satisfied with the "BB" zoning as recommended by the staff since he wants to use the property for multi-family development. "BB" zoning would accommodate as many units as he would want to develop based on the parking that will be available.

C14-68-97      Lee Arthur Wood--contd.**Arguments Presented AGAINST:**

One nearby property owner appeared in opposition to the request and stated that he has lived in this area since 1961. Since that time duplexes have been constructed on the south side of Taylor Gaines Street east of Parker Lane. The construction of the duplexes caused a considerable decline in the value of at least one specific piece of property in this area, in that the residential homeowner had to sell his property at a loss. The duplexes that exist have caused a parking problem on Taylor Gaines Street as there are cars parked along both sides of the street, creating a traffic hazard as only one car at a time can pass. It is anticipated that the granting of the requested zoning will have adverse effect on the value of the property near the site, and it is requested that this application be denied.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded that this request should be denied as the requested zoning is too intensive for the area; however, the Committee recommended that "BB" Residence, First Height and Area zoning be granted as a gradation of zoning between the existing apartment area to the north and east and the single-family development to the south and west.

At the Commission meeting, the staff reported a letter from Mr. Phil Mockford, representing the applicant, requesting that this application be amended to "BB" Residence, First Height and Area. The Commission concurred with the Committee recommendation that "BB" Residence, First Height and Area zoning should be granted as a gradation of zoning between the existing apartment area to the north and east and the single-family development to the south and west. It was then unanimously

**VOTED:** To recommend that the request of Lee Arthur Wood 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 1512-1514 Parker Lane be GRANTED.

C14-68-98      J. Alton Bauerle: A & C, 1st to C, 1st (Tr.1) & B, 2nd (Tr.2)  
 Tract 1: 6301-6403 North Lamar Boulevard  
 Tract 2: Rear of 6301-6403 North Lamar Boulevard  
 617 Wilmes Drive  
 616-622 Hammack Drive

**STAFF REPORT:** This application has been divided into two tracts of land for zoning purposes. Tract 1, fronting onto Lamar Boulevard, is the smaller tract and contains 66,400 square feet. Tract 2, adjoining Tract 1 to the east, contains 136,120 square feet. The west 150 feet of Tract 1 is presently zoned "C" Commercial, First Height and Area and the request is to extend the existing zoning back 50 feet giving the tract at least 200 feet of commercial depth from Lamar Boulevard. "B" Residence, Second Height and Area is requested on Tract 2. The stated purpose of the application is for future development.



C14-68-98 J. Alton Bauerle--contd.

The property is presently served by Lamar Boulevard, which is classified as a major arterial street, and also Burns Street, and Hammack Drive both residential streets with only 50 feet of right-of-way and 30 feet of paving. A subdivision layout was recently approved on this property by the Subdivision Committee subject to a street extending northward to the north line of the property. The street as proposed would give access to the rear portion of the property adjoining to the north. The subdivision approval on this property was for apartment and commercial development. The subdivision plan has been discussed with the applicant and it is now the staff's understanding that he no longer proposes to continue with the plan. It is felt that without some subdivision plan for the purpose of furnishing streets necessary to serve the subject site as well as other deep property having frontage onto Lamar Boulevard, that the request should be denied. The staff feels "B" Residence, Second Height and Area zoning as requested on Tract 2 allows too dense development and would empty traffic onto Hammack Drive and Burns Street which are residential streets with single-family dwellings facing onto them. With the completion of the subdivision plan, the staff recommends that the "C" Commercial portion of the request be granted as a logical depth for commercial purposes and development along a major street. It is also recommended that "B" Residence, First Height and Area zoning be granted on Tract 2 in view of the possible change of the Zoning Ordinance which would permit the development of one unit for approximately every 1,000 square feet of area. Presently under the Ordinance, if both tracts are developed with apartments, the applicant could establish 312 apartment units if the requested zoning is granted. The staff feels that provisions should be made for the continuation of Burns Street north through the property. It is also felt that any access should be prohibited from the subject property onto Wilmes Drive which is a cul-de-sac street dead-ending into the east end of the site. Access onto this street would overburden the street with regards to apartment traffic entering and exiting. The subdivision which was approved on the site proposed a fence across the rear property line to prevent access. It is recommended that the requested "C" Commercial zoning be granted on Tract 1, and that "B" Residence, First Height and Area zoning be granted on Tract 2 instead of the proposed "B" Residence, Second Height and Area, subject to the completion of the subdivision now planned for the site.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

A	Al Bauerele (applicant)	
AW	Norma O. Fischer: 611 Hammack Drive	AGAINST
AX	Mr. & Mrs. A. E. Hollingshead: 609 Hammack Drive	AGAINST
AM	Mary K. Steinocher: 608 Hammack Drive	AGAINST
AZ	Herbert M. Brown: 605 Hammack Drive	AGAINST
?	Herman Waters, Jr.: 3106 McElroy	FOR

C14-68-98      J. Alton Bauerle--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

The applicant was present on behalf of this request and stated that he plans to put the subdivision in as it has been approved. "C" Commercial zoning which exists on the front 100 to 125 feet of the subject site limits the type of development that can occur and it is felt that if this zoning is extended to provide for 200 feet of commercial depth, with a street through the middle of it, more suitable development can occur and the traffic will be better as cars can turn around and go back out onto Lamar Boulevard. The plans on Tract 1 are for a drive-in grocery, laundromat and possibly a service station site with the intention of keeping the balance of the property for future development.

Mr. Bauerle further stated that as pointed out by the staff, it was agreed on the preliminary plan of the subdivision that a fence would be provided between the subject property and the "A" Residential property to the east. This will cut off all access to Wilmes Drive. The traffic will be onto Burns Street and Hammack Drive, which will eventually go through to Lamar Boulevard. This will give the traffic circulation that is needed. The staff's desire to limit the density of the land as much as possible is understood because of the problems which might be created; however, the price of land in this area and along one of the major streets in Austin which is Lamar Boulevard demands that the property be developed under the "B" Residence, Second Height and Area classification. The density is such that there is no thought of cramming as many units as possible on the site. Mr. Bauerle stated that in his opinion it takes approximately 900 square feet of area for an apartment unit because of the parking and access that is needed to get to a unit and he would be agreeable to stipulating that the number of units on the site would be limited to one for every 900 square feet on Tract 2.

Mr. Bauerle advised the Committee that Mr. Henry Lackey, owner of property adjoining the subject site to the north, had intended to appear at the hearing in favor of this request and also to join in but he is in the hospital at this time and unable to attend.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request because of the traffic situation that now exists in the area. They felt that the traffic problems should be solved before further development of this type is granted. There are a number of children in this area and consideration should be given to establishing a speed limit in the area, particularly if the request is granted.

C14-68-98 J. Alton Bauerle--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "C" Commercial, First Height and Area zoning should be granted on Tract 1 as a logical depth for commercial purposes and development along a major arterial. The Committee felt that "B" Residence, Second Height and Area zoning as requested on Tract 2 should be denied because of an inadequate street pattern; however, the Committee recommended that "B" Residence, First Height and Area zoning be granted, subject to compliance with and completion of the approved subdivision preliminary on the site, as the proper zoning for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of J. Alton Bauerle for a change of zoning from "A" Residence, and "C" Commercial, First Height and Area to "C" Commercial, First Height and Area (Tract 1) located at 6301-6403 North Lamar Boulevard be GRANTED and that "B" Residence, Second Height and Area as requested for Tract 2, located at the rear of 6301-6403 North Lamar Boulevard, 617 Wilmes Drive and 616-622 Hammack Drive be DENIED but that "B" Residence, First Height and Area be GRANTED.

- C14-68-99 Velma Keller: A to B  
1423 Newning Avenue
- C14-68-108 J. P. Keller: A to B  
1418-1422 Newning Avenue  
409-411 Park Lane

STAFF REPORT: The staff has combined, for the purpose of presentation, two separate zoning applications on two parcels of land located along Newning Avenue. Application C14-68-99 covers an area of 7,830 square feet located on the east side of Newning Avenue and application C14-68-108, covering an area of 25,780 square feet of land, is located at the southwest intersection of Park Lane and Newning Avenue. Both applications for a zoning change have been filed for the purpose of permitting apartment development.

The area is predominantly single-family and apartment development. Since 1966, there have been a number of zoning changes in the area. In 1966, there were four applications for "B" Residence, First and Second Height and Area; three of the requests were granted and one was denied. "B" Residence, First Height and Area zoning was granted on property to the south in 1967. The most recent zoning history in the area was a request for "B" Residence, First Height and Area zoning on property adjoining the rear of the subject site. The Commission recommended in favor of the request as a logical extension of the recently established apartment zoning in the area. The Council concurred with the Commission and granted the request although the Ordinance is still pending.

C14-68-99 Velma Keller--contd.C14-68-108 J. P. Keller--contd.

Newning Avenue and Park Lane both have 60 feet of right-of-way which is adequate for apartment development. The smaller parcel of land under consideration, located on the east side of Newning Avenue, will be used in conjunction with the property to the south which was recently rezoned. Approximately three additional units could be added to the existing 22 units permitted on that tract. It is the staff's understanding that the two tracts will be short formed together and the tract in question will be used for parking. If the requested zoning is granted, the larger tract under consideration, located on the west side of Newning Avenue, could be developed with 12 to 15 units under the existing Ordinance. Under the proposed amendment to the Ordinance, 25 units would be permitted. The staff has no objection to the requested zoning as it is in keeping with the recently established zoning pattern and recommends that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

Code

B	Mrs. M. C. Boatright: 1419 Newning Avenue,	AGAINST
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## PERSONS APPEARING AT HEARING

Code

	Kirk E. Williamson (representing applicant)	
?	Mr. & Mrs. E. B. Osborn: 2404 Stevens Cove	AGAINST
?	Leon Howard: 7113 Creighton Lane	AGAINST

## SUMMARY OF TESTIMONY

Mr. Kirk Williamson appeared at the hearing and stated that he represents both of the applicants involved in a request for a zoning change. He advised the Committee that the present plans are to use the property under consideration located on the east side of Newning Avenue for parking and also as an additional exit from the tract to the south which was recently rezoned and will soon be developed with apartments. The tract across the street will be held for future development in conjunction with the subject tract and the tract to the south. It is felt that the requested zoning is consistent with the existing zoning and use in the area.

No one spoke in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

C14-68-99 Velma Keller

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

C14-68-99 Velma Keller--contd.  
C14-68-108 J. P. Keller--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Velma Keller for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1423 Newning Avenue be GRANTED.

#### COMMENTS AND ACTION BY THE COMMITTEE

C14-68-108 J. P. Keller

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 J. P. Keller for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1418-1422 Newning Avenue and 409-411 Park Lane be GRANTED.

C14-68-100 Mary G. Speir: A to O  
3409 Owen Avenue

STAFF REPORT: This application covers 8,525 square feet of land which is presently undeveloped. The stated purpose of the request is for office development. Property adjoining the subject site to the south was before the Commission at the last regular meeting for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area, at which time the Commission recommended denial because of inadequate right-of-way of Owen Avenue; however, they stated they would look with favor on the request as a logical extension of existing zoning, provided the street was made adequate. The Council concurred with the Commission and granted the request subject to provisions of the right-of-way. During the period from 1957 to 1968, the changes in the area have been from "A" Residence, First Height and Area to "BB" Residence, and "O" Office. The staff feels that the request is in keeping with the existing development of the area and recommends the request be granted, subject to five feet of right-of-way being provided for the future widening of Owen Avenue.

#### TESTIMONY

##### WRITTEN COMMENT

Code

R

Mrs. Gus Winke: 907 West 37th Street

FOR

##### PERSONS APPEARING AT HEARING

Code

Howard S. Speir (representing applicant)

C14-68-100 Mary G. Speir--contd.

## SUMMARY OF TESTIMONY

Mr. Howard Speir was present and stated that he represents his mother who is the owner of the subject property. The zoning is requested as it is felt that it is good planning and is in keeping with the development of the area. He stated that they would be willing to cooperate with the City on the right-of-way needed for Owen Avenue.

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 provided the street is made adequate.

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 Owen Avenue. In view of this, the Commission felt the requested zoning should be granted as a logical extension of the existing zoning in this area. It was then unanimously

VOTED: To recommend that the request of Mary G. Speir for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3409 Owen Avenue be GRANTED.

C14-68-101 Mrs. H. K. Shelton: A, 1st to B, 1st (as amended)  
2000-2008 Wilson Street  
401-405 West Johanna Street

STAFF REPORT: This application covers approximately 33,000 square feet of land which is presently developed with three small structures. The stated purpose of the application is for apartment development. There is a mixed pattern in the area of both ownership and development. To the north and west is owner occupied and rental residential. The condition of the residences in this area range from poor to sound. In 1965, a request for "B" Residence, Second Height and Area zoning was granted on property to the east of Wilson Street, fronting onto Crockett Street. Apartments have been constructed on that site. The most recent zoning request in the area was for "O" Office, First Height and Area zoning on property at the southeast intersection of Wilson and Johanna Streets, for the purpose of establishing a boy's club; however, the request was amended to "B" Residence, First Height and Area. After the zoning request, the applicants requested a special permit on the site, both the special permit and the zoning application are pending five feet of right-of-way which is needed for the future widening of Johanna Street. "B" Residence, First Height and Area zoning was granted

C14-68-101      Mrs. H. K. Shelton--contd.

for a large tract of land to the south in 1967. In 1968, a special permit was requested for the Mary Lee School, a vocational boarding school, on property bounded by Hodges and Wilson Streets and Crockett and West Live Oak Streets. The staff recognizes the influence of past cases on this subject property which makes a recommendation difficult; however, this is predominantly a residential area that has been established for many years and maintained as such.

The proposed zoning would allow approximately 40 apartment hotel units to be developed on the site. With "B" Residence, First Height and Area under the new Ordinance, 30 units would be allowed whereas "B" Residence, First Height and Area under the existing Ordinance would permit only 20 units, and "BB" Residence, First Height and Area zoning would permit 15 units. The staff feels that the "B" Residence, Second Height and Area zoning would be too dense for this particular area and that "BB" Residence, First Height and Area zoning would be more appropriate and should be granted in view of the existing zoning to the east and south, and the residential development to the west and north. West Johanna Street, with 50 feet of right-of-way, should be widened to 60 feet which would require five feet from the subject property.

## TESTIMONY

## WRITTEN COMMENT

## Code

B	Mrs. Agnes E. Condon: 2006 Wilson Street	AGAINST
E	Evelyn H. Jarvis: 408 Crockett	AGAINST
AH	Marlton O. Metcalfe: 2604 Metcalfe Road	FOR

## PERSONS APPEARING AT HEARING

## Code

	Paul Jones (representing applicant)	
H	Mrs. Muriel January: 706 West Mary	FOR
?	Frank Kerbow: Perry-Brooks Building	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Paul Jones, representing the applicant, stated that there are three units presently developed on the site. He stated that he is familiar with the code enforcement project and knows that in order for an area to be eligible, it is required that the area be on the way down. Along West Johanna Street there are tracts of land which are much deeper than most single-family lots. There is existing "C" Commercial, Second Height and Area zoning to the west along South First Street and there is a church on property to the north of the subject site. "B" Residence, First Height and Area zoning exists on property across the street to the east and "B" Residence, Second Height and Area zoning was recently granted on property

C14-68-101      Mrs. H. K. Shelton--contd.

to the southeast, fronting onto Wilson Street and Crockett Street. This area is in a state of change. It is felt that the development which is proposed on the site will not harm the area, in fact, in this particular area the proposed development will increase the value of the land. The 40 units permitted on the site as mentioned by the staff was before the reduction for right-of-way. The applicant is willing to dedicate the right-of-way as requested.

**Arguments Presented AGAINST:**

Several nearby property owners appeared in opposition to the request. They stated that some of the lots in the area are fairly shallow and if five feet of right-of-way is required, a great deal of the property will be taken. There has not been any change in this area for 50 years. There are not many apartments in the area now as there are many single-family homes that are well-maintained. The proposed development will cause the tax value of this property to go up.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded that this request should be denied as it is too intensive for the area; however, they stated they would look with favor on granting "BB" Residence, First Height and Area zoning, provided the street is made adequate, as the appropriate zoning for the area.

At the Commission meeting, the staff reported a letter from the applicant, submitted and signed by Mr. Paul Jones, attorney for the applicant, requesting that this application be amended to "B" Residence, First Height and Area zoning and also offering to dedicate five feet of right-of-way for the widening of West Johanna Street.

The Commission accepted the amended application and asked the staff for a recommendation with regard to the amendment.

Mr. Stevens advised the Commission that the staff recognized that the existing "B" Residence, First Height and Area zoning in the area and the pending requests for "B" Residence zoning does influence the subject property. "BB" Residence, First Height and Area was recommended, because of the existing surrounding residential development. There is not as much objection to "B" Residence, First Height and Area zoning as the land can support that density. The site is across the street from "B" Residence, First and Second Height and Area zoning and there is "B" Residence, First Height and Area zoning use established to the south and "C" Commercial along South First Street. The "B" Residence, First Height and Area zoning pattern is established rather firmly in the area even though it is basically a single-family area. The staff's preference is "BB", but would not oppose "B" Residence, First Height and Area.



C14-68-101 Mrs. H. K. Shelton--contd.

The Commission members agreed that the requested zoning as amended, is too intensive for the area in view of the existing residential development and unanimously

VOTED: To recommend that the request of Mrs. H. K. Shelton for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 2000-2008 Wilson Street and 401-405 West Johanna Street be DENIED.

C14-68-102 Frank R. Rundell, et al: A & B, 1st to B, 2nd  
 4306-4312 Avenue A  
 501-503 West 44th Street

STAFF REPORT: This application consists of four lots totaling 50,625 square feet. The stated purpose of the request is for apartment development. The requested zoning would permit 33 regular units or 66 apartment hotel units to be developed on the site under the existing Ordinance. There have been recent zoning changes in the area. "B" Residence, Second Height and Area zoning was granted on property to the east, fronting onto Avenue B in 1968. "C" Commercial zoning was granted on property to the north of West 44th Street in 1967 but a request was made to roll the zoning back from "C" Commercial to "LR" Local Retail; however, "O" Office zoning was granted. The staff recommends in favor of the request because of the recent zoning changes in the area and because the streets are adequate for the proposed development.

## TESTIMONY

## WRITTEN COMMENT

Code

A Mrs. Vera Hobbs: 4310 Avenue A FOR

## PERSONS APPEARING AT HEARING

Code

L. C. Reese (representing applicant)

## SUMMARY OF TESTIMONY

Mr. L. C. Reese was present at the hearing and stated that he had nothing to add to the report by the staff.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with the existing development in the area.

C14-68-102 Frank R. Rundell, et al--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Frank R. Rundell, et al for a change of zoning from "A" Residence and "B" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4306-4312 Avenue A and 501-503 West 44th Street be GRANTED.

C14-68-103 Samuel H. Dodson: A to O  
7604 Bennett Avenue

STAFF REPORT: This site contains 8,200 square feet of land which is presently developed with a single-family dwelling. The stated purpose of the request is for a community center. It is the staff's understanding that the community center will be in conjunction with the University YMCA. The general area is part of St. Johns College addition which is an old subdivision that was recorded prior to 1950. There is mixed development in the area ranging from poor to sound housing. This area is a large residential area and it is the staff's opinion that the requested zoning would be an intrusion into the neighborhood and recommends that the request be denied. If the Commission sees fit to grant the request, five feet of right-of-way would be needed from the site in order to bring Bennett Avenue to a standard 60 foot street.

# TESTIMONY

## WRITTEN COMMENT

### Code

E	Clarence Huspeth: 7602 Bennett Drive	AGAINST
?	Maurice A. Lyons: 2200 Guadalupe	FOR

## PERSONS APPEARING AT HEARING

### Code

A	Samuel H. Dodson (applicant)	
	Junious Scott (representing applicant)	
?	Frank Wright	FOR

## SUMMARY OF TESTIMONY

The applicant was present at the hearing and stated that in his opinion a community center is needed in this area. He stated that he is willing for his property to be developed in the manner proposed and there will be sufficient parking provided in the rear.

Mr. Junious Scott appeared to represent the applicant and stated that he is president of St. Johns Community Welfare Association. He stated that this association appreciates the property which the applicant is giving them and the hope that the request will be granted as the community center is needed. At the present time there is a meeting once a month at the school

C14-68-103 Samuel H. Dodson--contd.

but when the school is out for summer, there will be no place to meet. This is a poor area and the people that come out to the center have no place to go for their business or any kind of information center. A branch of the YMCA will be working with this center and there will be someone there at all times. Mr. Scott explained that he receives a great deal of material from OEO which would help the low income people to find jobs, but this material can only be distributed at the monthly meetings unless there is a center available which would distributed the information at all times.

Mr. Frank Wright, executive of the University YMCA was present at the hearing and stated that the University YMCA has for 13 and one-half years been working with the St. Johns Community which is one of the most neglected areas in town. There are many things in this community that are greatly needed. It is unimaginable that any community could be so bereft of all services. There is no place available for any kind of activities. The Planned Parenthood would like to come into the area but there is no place with running water in the house to accomodate this office. There are no houses on the first five lots across from the site and the street dead-ends to the north so there should not be any parking problems created by the proposal. If the requested zoning is granted, it will give the people in the area an opportunity to operate their own activities and will be a great asset to the community. A letter has been submitted to the staff, filed by the applicant and approved by Mr. Scott, indicates that should this property at any time cease to be used for any purpose other than a community center the property will revert back to an "A" Residential classification. The applicant has performed a great service to the community.

Helen H. Carlile, a member of the board of directors of the Austin Student Community Experiment for Neighborhood Development was present at the hearing. She explained that they have been offered office space in the proposed community center. This group will help the unemployed people in the community to get better jobs.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the letter from the applicant stating that he would restrict the use of the property to a community center if the request is granted and if at any time this use is discontinued, the property would revert back to an "A" Residential classification. They felt that in view of this offer, the requested zoning should be granted because the use as proposed would be a benefit to the immediate neighborhood.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Samuel H. Dodson for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 7604 Bennet Avenue be GRANTED.

C14-68-104      Terrell Timmermann: A to B  
5515 Woodrow Avenue

STAFF REPORT: This application contains 15,135 square feet of land which is developed with a single-family structure. The stated purpose of the request is for apartment development; if granted as requested, seven regular apartment units would be permitted on the site. Property to the north, fronting onto Woodrow Avenue, was zoned "B" Residence, First Height and Area in 1967 which changed the character of the area from single-family to multi-family development. "B" Residence, First Height and Area zoning was recently granted on property abutting the north property line of the subject site. A request for "B" Residence, First Height and Area zoning was also recently granted on property to the north, fronting onto Roosevelt Avenue, although the Ordinance is still pending. Woodrow Avenue, with a present right-of-way of 65 feet, is classified as a major arterial street with a proposed right-of-way of 80 feet. This will require approximately 15 feet of right-of-way from the subject property in order to bring it to the proposed standard. The staff does not oppose the requested change because of the recently established zoning pattern; however, it is recommended that the request be denied because of the inadequate right-of-way of Woodrow Avenue.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Q            George Bevil: 5603 Roosevelt Street

FOR

##### PERSONS APPEARING AT HEARING

Code

Bob Bailey (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Bob Bailey, representing the applicant, stated that he owns property adjoining the subject site which was recently rezoned. He explained that on the property that he owns he had designed a 17 unit, one story complex with sufficient parking for the development. He stated that in his opinion he does not have enough property to accommodate the type of development he plans. He would like to have the subject property rezoned so that the development can be expanded without putting the maximum number of units on particular lot. Mr. Bailey stated that he has made a deal with the applicant and there will be plenty of parking. He further stated that he is agreeable to giving 15 feet of right-of-way for the future widening of Woodrow Avenue.

No one appeared in opposition to the request.

C14-68-104 Terrell Timmermann--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 Woodrow Avenue; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as a logical extension of recently established zoning district to the north.

At the Commission meeting, the staff reported a letter from the applicant and from Mr. Bob Bailey, representing the applicant, offering to dedicate 15 feet of right-of-way for the widening of Woodrow Avenue.

The Commission members agreed with the Committee that the requested zoning is a logical extension of recently established zoning to the north and felt that in view of the offer of right-of-way this request should be granted. It was then unanimously

VOTED: To recommend that the request of Terrell Timmermann for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5515 Woodrow Avenue be GRANTED.

AYE: Messrs. Riley, Brown, Hazard and Bluestein

NAY: Mr. Smith

ABSENT: Mrs. Naughton and Messrs. Jackson and Dunnam

C14-68-105 University Village: B, 2nd to C, 3rd  
501-505 West 23rd Street  
 2212-2216 San Antonio Street

STAFF REPORT: The subject property consists of two undeveloped lots containing 16,800 square feet. The stated purpose of the request is for apartment development. The requested zoning will allow unlimited number of apartment units which will be restricted only by a 90 foot height limitation and the parking requirements. The proposed amendment to the Ordinance in regards to "C" Commercial, Third Height and Area zoning would permit a maximum of 70 one bedroom units on the subject tract of land. The height will also be increased to 120 feet with the passage of the Ordinance revision as proposed by the staff and the Planning Commission. Zoning changes to "C" Commercial, Second, Third and Fourth Height and Area has been granted in the University area. The use and height and area changes in the University area generally have been to accommodate a particular proposal on a particular site. "C" Commercial, Third Height and Area zoning exists at the intersection of 21st Street and San Antonio Street. "C" Commercial, Fourth Height and Area zoning is established on San Antonio Street between 23rd and 24th Street and along Rio Grande Street immediately south of Seton Hospital. There is also considerable "B" Residence zoning in this area. The staff does not have a particularly strong objection to the request inasmuch as the property is located in the University area, provided they meet the Ordinance requirements. The

C14-68-105 University Village--contd.

streets in the area have 60 feet of right-of-way and there has been no particular thought of additional widening of the street as the location of the central expressway was originally proposed through the area between San Antonio and Nueces Streets. The location of the central expressway through the University area was omitted from the Transportation Plan as adopted by the City Council and there may be future consideration of street widening or traffic flow regarding the present street system. The staff will review the particular street requirements with the Director of Public Works and report back to the full Commission.

## TESTIMONY

## WRITTEN COMMENT

## Code

? Estate of Edith C. Alexander: 2631 Amherst, Houston FOR  
E Mrs. Marion Clarke Cook: 506 West 22nd Street FOR

## PERSONS APPEARING AT HEARING

## Code

? Richard Baker (representing applicant)  
W. M. Meriwether: 3002 W. Terrace Drive AGAINST

## SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated that they would like to concur with the position of the Planning Department and would like to assure the Committee that any development of this tract would be compatible with the uses needed in the University area. The applicants are certainly not asking for the broad "C" Commercial classification to avail themselves of the uses authorized under the Ordinance, only for the purpose of additional benefits that are obtained therefrom as a result of setback and coverage requirements so that adjustments can be made on any overall planning on this tract as well as any other land that will be acquired adjacent thereto to spread the development out and use some of these setback requirements in the interior.

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 and provides appropriate development for the University area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Village for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Third Height and Area for property located at 501-505 West 23rd Street and 2212-2216 San Antonio Street be GRANTED.

C14-68-106      University Village: B, 2nd to C, 4th  
700-714 West 22½ Street  
2213-2223 Pearl Street  
701-715 West 23rd Street  
2212-2222 Rio Grande Street

STAFF REPORT: This application covers an entire block containing 143,226 square feet of land, including the alleys in the block. The stated purpose of the request is for apartment development. There are some 14 parcels of land in the block under consideration. Property on the north side of West 23rd Street was zoned "C" Commercial, Third Height and Area in 1965. "LR" Local Retail, Third Height and Area zoning was established on property at the corner of Rio Grande and West 23rd Street in 1965. "C" Commercial zoning is established to the north at San Gabriel and West 24th Streets and also at West 24th Street and Rio Grande Streets; the balance of that block on that side is zoned "B" Residence, First and Second Height and Area.

It is the staff's understanding that the proposal is to use this particular property in conjunction with property located on the north between West 23rd and West 24th Streets. The staff, the Commission and the Council have generally zoned and recommended zoning to accommodate particular building proposals in this area. The staff feels that "C" Commercial Fourth Height and Area zoning would be appropriate in view of adjacent zoning but if "C" Commercial, Third Height and Area would suffice for the particular project then it would be preferred. It is the staff's understanding that the applicants are requesting "C" Commercial, Fourth Height and Area not only for the high density permitted but also for removal of the coverage restrictions waiver of setbacks from streets. The development would be controlled only by the 200 foot height limitation and the parking requirements.

"C" Commercial, Third Height and Area zoning under the proposed amendment to the Ordinance does put a limitation on one bedroom apartments to 240 square feet per unit and 300 square feet for a two bedroom unit. As previously stated, "C" Commercial, Fourth Height and Area zoning would be the only zone without any density limitation for apartments.

The subject property is along Rio Grande Street which has 60 feet of right-of-way, it is the only street the staff has question as to whether or not there will be any widening needed. The staff will review this with the Director of Public Works and report back to the full Commission. West 23rd Street has 75 feet of right-of-way and the other streets in the area have 60 feet of right-of-way.

TESTIMONY

WRITTEN COMMENT  
Code

P	Mrs. Marion Clarke Cook: 506 West 22nd Street	FOR
X	Fred C. Young: 3200 Guadalupe Street	FOR
A	Sol Smith: 2208 Rio Grande	FOR
AX	Mrs. Merle Daniel Bell: 2210-A Nueces	AGAINST

C14-68-106 University Village--contd.

BW	Bettie & Mrs. Floyd Smith, Box 181, Lohn, Texas	FOR
BX	R. L. Moore: 904 West 23rd Street	AGAINST
?	M. J. Gropse	AGAINST

## PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated that they had a meeting with the residents in this area last week and discussed this proposal with them at length and made themselves available to answer any questions they had.

Mr. Baker presented a tax plat showing existing zoning and development in the area and also property belonging to people who have been contacted and have either signed a petition in favor of the change or have advised them that they do not oppose the change and are in favor thereof. The tract of land located between 25th and 26th Streets and Rio Grande and Seton Avenue has been zoned "C" Commercial, Fourth Height and Area. "C" Commercial, Fourth Height and Area was also granted for a tract of land south of 24th Street on the east side of San Antonio where the O'Meara-Chandler Dormitory is located, which is one-half square block; both of the tracts were zoned for the construction of apartment type or dormitory type facilities.

The subject property will be developed in conjunction with the tract of land fronting onto 24th Street which has been owned by Hardin Brothers for a number of years and which has been before the Commission for discussion from time to time. This property was acquired by University Village which is a partnership of which the Hardins have a minor interest. The primary interest is owned by Texas Exes who are located throughout the state of Texas. It is a sizable organization and they have now obtained the financing to proceed with the construction of a high-rise apartment to be located between 23rd and 24th Streets. It was originally contemplated that off-street parking would be required and a parking garage facility of some character would be necessary. It was contemplated at that time that the parking facility would be constructed within the high-rise apartment. In other words, they would have gone down beneath the structure two stories for parking and then up approximately four floors for parking, and the balance being in the apartment and commercial development. Subsequent, and in the latest plans which are now being worked on, they have concluded that this is not a very satisfactory method to develop the property for two reasons: first, it would cut down the light and air space, and second they have concluded that it is just not advisable to put parking facilities in the same structure that you proposed to have for residential development. They have redesigned improvements to go between 23rd and 24th Streets which will be a three tower structure, the first floor will be utilized for retail shops to be compatible with the development of service shops for the project itself. The project will house



C14-68-106 University Village--contd.

171 apartments, approximately 630 beds, thus it is necessary to provide a parking facility to take care of the number of cars and the traffic that will result from the occupancy of this project. They have designed a parking garage that will be the first phase of construction to be developed on the square block in which the "C" Commercial, Fourth Height and Area classification has been requested. The parking garage will lie between the alley and the application will be filed to the City Council requesting that the alley be vacated. The lower floor will be constructed in such a manner that it could be utilized in the future for more retail and service shops to serve the immediate complex. The balance of the area will be developed in two phases.

While it is difficult to contemplate at this point exactly what will be constructed, their preliminary plans involve construction of a medium-rise facility for graduate students only. They would also like to construct a medium-rise apartment with some office space available for the faculty members who would live in them. It is anticipated that the total development of this tract will take approximately 10 years. Pending the development of this tract, they will do two things. All the structures now located on the northwest corner where the parking facilities will be removed, and the balance of the property will be cleaned up and the structures will be re-furnished with new furniture. They will landscape all the yards, trying to get the shrubbery trimmed and get the area back to where it is a suitable area to be within the university complex. It is felt that a project of this type will do a considerable amount of good for the University area.

Mr. Baker stated that one of the concerns by the staff was that the fact that "C" Commercial, Fourth Height and Area zoning has no density requirements. Under the "C" Commercial, Third Height and Area, 122 additional beds could be added to the existing development. There is no intent by rezoning to go to "no-density type development". The applicants realize the necessity for adequate parking to meet the needs of the people who are going to live in this project. They realize the need for light, air, green areas, and a mall. The "C" Commercial, Fourth Height and Area zoning classification is requested to avoid setback requirements only for the purpose of adjusting the buildings to get the area they need, and in on the interior to eliminate some of the coverage requirements. Third Height and Area zoning also allows a height of 90 feet, it is felt that any utilization of the property under Fourth Height and Area would be compatible with the uses in the area.

One nearby property owner appeared in favor of the request.

No one appeared in opposition to the request.

C14-68-106 University Village--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with the existing zoning and development in the University area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Village for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 700-714 West 22½ Street, 2213-2223 Pearl Street, 701-715 West 23rd Street and 2212-2222 Rio Grande Street be GRANTED.

C14-68-107 Carrington's University Hills: Int. A, Int. 1st to GR, 1st  
 Tract 1: 7101-7227 U.S. Highway 290  
 7008-7244 Northeast Drive  
 Tract 2: 7211-7243 Northeast Drive  
 7237-7319 U.S. Highway 290

STAFF REPORT: This application for rezoning has been filed on two tracts of land. Tract 1, which is the larger tract, contains 16.47 acres. Tract 2 contains 3.77 acres. The stated purpose of the application is for future commercial development. There is concern with the application on Tract 1 inasmuch as Mr. Richard Baker, attorney for the applicant, has found that annexation has not as yet been completed. Because of the annexation situation and the development problems especially the continuation of some stub streets through the property. There is also concern with the property development in terms of an existing buried telephone cable through the property and the drainage features through it. The staff recommends that this particular portion of the application should be postponed and that the applicant should work along the area of design of the tract of land to make it as compatible as possible with the high-quality and fairly new residential area which exists along Vanderbilt Lane. This is University Hills, Section 1 Subdivision which was recorded in 1959 and has developed since that time. There is "O" Office and "LR" Local Retail established on property at the intersection of Mira Loma Lane and U.S. Highway 290. The balance of the property, upon annexation will be zoned Interim "A" Residence until it is heard by the Commission and the Council to establish permanent zoning.

Tract 2 is in the process of being annexed and the applicant is requesting "GR" zoning on the tract. This will affect the property along Creighton Lane, which is developed with high-quality residential development, in that the property will back to commercial property. It is a preferable arrangement for single-family to back to apartments or commercial development. Approximately 90 feet of the subject property was acquired for widening of U.S. Highway 290 which reduced the depth of the site to 450 feet more or less along Northeast Drive and approximately 260 feet along the Walnut Creek.

C14-68-107 Carrington's University Hills--contd.

The staff feels that commercial frontage along the highway is justified; however, there should be some modification of the application on that portion that is adjacent to single-family residences. The staff recommendation is to establish the "GR" First Height and Area zoning on the property with the exception of the south 75 feet along Northeast Drive tapering back, because of the pie shape of the lot, 25 feet along the east property line which should be zoned "O" Office. This would require that the "O" Office portion be developed into office uses or develop the area with retail uses which would require a special permit at which time the Planning Commission could control the development, arrangement of fences, and parking areas.

## TESTIMONY

## WRITTEN COMMENT

## Code

H	Hugh L. Howard: 7113 Creighton Lane	AGAINST
Z	Ellis C. Hunter: 2402 Stevens Cove	AGAINST
CB	Jerome E. Russell: 2406 Akron Cove	AGAINST
R	Ervin Roeglin: 7009 Northeast Drive	AGAINST
AA	Ervin B. Osborn: 2404 Stevens Cove	AGAINST
V	M. K. Boulding: 7107 Northeast Drive	AGAINST
W	Bythel L. Ellis: 7106 Creighton Lane	AGAINST
S	George Edward Mengel: 7101 Northeast Drive	AGAINST
U	Mr. & Mrs. Elbert B. Johnson: 7105 Northeast Drive	AGAINST
T	Richard W. Engle: 7103 Northeast Drive	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Richard Baker (representing applicant)	
L	Ted J. Smith: 2308 Vanderbilt Circle	AGAINST
K	Bob Stone: 2307 Vanderbilt Circle	AGAINST
BA	Mrs. G. R. Wilson: 2303 Vanderbilt Circle	AGAINST
AZ	Mr. & Mrs. R. W. Perrine: 2301 Vanderbilt Circle	AGAINST
W	Bythel L. Ellis: 7106 Creighton Lane	AGAINST
W	Jan B. Ellis: 7106 Creighton Lane	AGAINST
BE	James R. McLaughlin: 2200 Vanderbilt Lane	AGAINST
S	Mr. & Mrs. George E. Mengel: 7101 Northeast Drive	AGAINST
V	Mr. & Mrs. Melvin K. Goulding: 7107 Northeast Dr.	AGAINST
BF	R. H. Stephenson: 2206 Vanderbilt Circle	AGAINST
BD	Mr. & Mrs. Daniel Bittner: 2202 Vanderbilt Circle	AGAINST
M	Robert Davidson: 2306 Vanderbilt Lane	AGAINST
J	Mr. & Mrs. J. W. Mugge: 7201 Northeast Drive	AGAINST
G	Forrest Troutman: 7111 Creighton Lane	AGAINST
BU	Charles W. Hoehne: 6907 Duquesne	AGAINST
BN	Jack B. Hahn: 2118 Vanderbilt Lane	AGAINST
BM	Phillip T. Pegues: 2120 Vanderbilt Lane	AGAINST
?	Allen T. Porter: 6704 Northeast Drive	AGAINST
?	C. R. Miertschin: 2204 Vanderbilt Lane	AGAINST

C14-68-107 Carrington's University Hills--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Richard Baker attorney for the applicants, explained to the committee that there was a mix-up with the Public Works Department. It appears that one of the sets of field notes, pertaining to Tract 1, was misplaced with the application for annexation that had been filed thus only the small tract of the two tracts was brought along as it should have been. Mr. Baker requested authorization to split this application as filed and postpone the request on Tract 1 until a further date and continue the hearing on Tract 2.

In the preliminary plan of this subdivision which was filed in 1959, it was noted by the owner, Pat Stanford, as a commercial tract. It is the feeling of Carrington's University Hills, that the logical development of this tract would be for the purposes of general retail. The matter of a buffer has been discussed with the staff and there is no objection to the buffer as proposed. Mr. Baker explained what they are trying to do, and they have agreed to a larger buffer until it was determined that 90 feet was needed for Highway 290. A depth of 260 feet from the highway is one of the requirements of the people the applicants are dealing with. It should be pointed out that the terrain on this particular tract is somewhat poor as it drops some 50 feet from Northeast Drive to the center line of Walnut Creek which is the eastern boundry of the subject site. It is felt by the applicants that the terrain difference would create a sufficient buffer to protect any adjacent property owner.

Mr. Baker advised the Committee that he has read through the letters received from the property owners in the area. He said they stated they were shown a map that showed that portions of this property would be subdivided. He said that he went to Bryant-Currington's office who has done all the engineering on this particular property since the day it was acquired. It was approximately 1960 when the second preliminary was done on this property and possibly the first one filed with the City of Austin. They did put in some lots which are generally in the area shown as Tract 1, which lies west of Northeast Drive. This was on a tract of ground that was not then owned by Pat Stanford and was acquired by him sometime subsequent to the filing of this plan. As to Tract 2 which is the tract under consideration, there never has been an indication that this would be subdivided as a residential subdivision, or as any other subdivision; in fact, it is felt that the terrain, and the size of the tract as it has been led from inception would indicate that it was the intent of the developers to use the tract for some type of commercial or general retail purposes. It is submitted that the tract as it exists on the ground is very similar to the tract which was zoned "GR" for the purpose of the erection of Reagan's Square. The difference between the two being that Reagan's Square did not provide any buffer as it adjoins houses on two sides as opposed to one side. It is further submitted that this is consistent with a number of other zoning patterns

C14-68-107 Carrington's University Hills--contd.

which have heretofore been adopted where the developers could lay these out from the subdivision in its original inception and continue it through for purposes of this use. It is requested that the zoning changes as proposed by the staff which is "GR" on the front portion and "O" Office buffer on the rear portion be granted.

Arguments Presented AGAINST:

Petitions in opposition to this request were presented to the Committee for review. A number of nearby property owners appeared in opposition to this request and the testimony is summarized as follows: One of the strong reasons for opposing this request is that the people in this area purchased their homes in this residential area, in good faith and in reliance upon the zoning in effect at that time. Carrington and his salesmen assured the majority of the owners in this area that this area would be for residences and nothing else. This was a selling and buying point involved. Each home in this area was built by individuals on the lot of their choice. The price range is from \$24,000 to \$31,000 and the development on the site would be an intrusion and would be detrimental to the fine homes that are already established. The requested zoning change would substantially alter the character of this area. The proposed intrusion of commercial facilities into this area is unreasonable, unwarranted and unnecessary. It is contrary to the basic interests of the people who reside in the area. This area is served by numerous shopping areas and there is not a need for this type of development to be established in this residential area. It is felt that the application was filed as speculative zoning and the applicant should submit a plan to the people in the area as they were told that this would remain "A" residential property. The streets in this area are overloaded and congested with traffic at the present time and the proposed development will only increase this problem.

Many of the people in the area moved here because of the easy accessibility to the schools; however, if the traffic continues to increase, it would be hazardous to the many children to continue walking to school.

Many of the property owners stated that they realize that the portion of the property fronting onto U.S. Highway 290 is not residential property; however, there is no reason why the area could not be developed with duplexes and this would be compatible with the surrounding area. It is felt that if the change is granted and a buffer is established, that the buffer area should remain as "A" residential because of the parking. If it is zoned "O" Office they will not be parking on the property and the people on Creighton Lane will be disturbed by the glare of lights. If the request is granted, it is felt that some sort of privacy fence should be provided.

C14-68-107 Carrington's University Hills--contd.

Arguments Presented in REBUTTAL:

Mr. Richard Baker stated that a majority of the people have said they were advised that this area would not be commercial. He is aware of the plat that hangs in Mr. Carrington's sales office and that he has stated a number of times it is basically the preliminary plan that has been filed with the City of Austin. He stated that he did not believe that Tract 2 has ever shown any residential lots set forth thereon. This was a planned development layed out by Bryant-Curington in connection with the Planning Department when the tract was originally acquired by Mr. Stanford. This area was set aside for a commercial tract and is not suitable for single-family or duplex development, for two reasons, one of which is that the property fronts onto U.S. Highway 290 and the second is that there is a terrain problem existing on the tract. Mr. Baker pointed out that Northeast Drive has 80 feet of right-of-way and is curbed and guttered only on one side at this time. The reason it was only curbed on one side is because this portion of the property has been annexed to the City and curbing is required. Northeast Drive is an arterial street, and as soon as annexation is completed it will be necessary for the balance of this street to be brought up to city standards which will require the installation of curbs and gutters. The property is located at the intersection of U.S. Highway 290 and an 80 foot collector street. It should be acknowledged that an 80 foot street is not normally a residential street but is a collector type street. There are problems involved but there are always problems in that someone has to back up to a use other than single-family residence. Mr. Baker stated that he would on behalf of Mr. Carrington submit that they would have no objection if the 75 foot buffer was on "B" Residence, First Height and Area as this is a residential classification, as opposed to a commercial classification. It was suggested that a pair of duplex lots could be developed on the property. This presents some serious problems and it is very impractical in this particular location because of the terrain and the fact that this tract is so small. It was submitted that a buffer zone of "A" Residence be left; however this would also present a problem as the area could not then be used and someone would have the responsibility of maintaining it. "B" Residence has been more consistently used for a buffer area. Some of the property owners have said that if the request is granted they would like to have a privacy fence. It is felt that there would be no objection to establishing this as this is a practice of the majority of the developers in that they do not want to prejudice the residential neighborhoods they have developed. It is submitted that the proposed development would not add a great deal of traffic to the traffic that is already in the area as the traffic that is using this area would possibly utilize the commercial facilities that are constructed. The property under consideration is subject to the development of a service station to a drive-in grocery store. It is felt that the proposed development is not unreasonable along the highway as this is not dense development and not an intrusion into a residential area but is consistent with a pattern that the Commission has established in previous cases.

C14-68-107 Carrington's University Hills--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee agreed to POSTPONE the request on Tract 1. They reviewed the information presented and concluded that the requested "GR" General Retail, First Height and Area zoning should be granted on the site, with the exception of a 75 foot buffer strip which should be zoned "B" Residence, First Height and Area, as this is the proper zoning and development for the area along U.S. Highway 290.

The staff advised the Commission that the recommendation on the buffer strip was that it would not be parallel to the property line but would taper from 75 feet along Northeast Drive to approximately 25 feet at the east side of the creek. The applicant will be required to furnish field notes describing this area. The Commission members noted that the 75 foot buffer strip of "B" Residence, First Height and Area zoning would be tapered. They concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Carrington's University Hills for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at (Tract 2) 7211-7243 Northeast Drive and 7237-7319 U.S. Highway 290 be GRANTED with the exception of the south 75 feet along Northeast Drive which tapers to 25 feet at the eastern boundary line should be GRANTED "B" Residence, First Height and Area.

C14-68-109 Lee Louis Jones: C to C-2  
1000-1006 East 11th Street  
1151-1155 Curve Street

STAFF REPORT: This application covers 8,700 square feet of land located at the northeast corner of East 11th and Curve Streets for the purpose of maintaining a tavern. Residence zoning is established to the north and south. Immediately to the north is "B" Residence zoning on property which is developed with single-family, two-family dwellings and some non-conforming uses in the form of two or more residential structures on a lot. To the east, one lot removed from the subject site is "C-2" zoning which was granted in 1965. Further east, along both sides of East 11th Street "C-2" zoning is established and developed with taverns, bars, clubs, lounges, and various package stores. It has been the policy of the Commission in the past to grant "C-2" zoning in well-defined and well-developed commercial areas. In view of this, the staff has no objection to the request; however, there are right-of-way needs. East 11th Street with a present right-of-way of 60 feet, is to be widened to 80 feet which will require 10 feet from the subject site. Ten feet of right-of-way may also be needed from the subject site for Curve Street in that it is only 40 feet wide.

C14-68-109      Lee Louis Jones--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

None

## SUMMARY OF TESTIMONY

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

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lee Louis Jones for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 1000-1006 East 11th Street and 1151-1155 Curve Street be GRANTED.

<u>C14-68-110</u>	<u>E. Wupperman and B. Schenck: Int. A, Int. 1st to BB, 1st (as amended)</u> 8024-8130 Balcones Drive
<u>C14-68-112</u>	<u>J. V. Walden: Int. A, Int. 1st to BB, 1st (Trs. 1 &amp; 2) (as amended)</u> Tract 1: 8132-8160 Balcones Drive Tract 2: Rear of 8132-8160 Balcones Drive

STAFF REPORT: Case C14-68-110 and 112 are being presented together as they are zoning change requests for adjoining properties. Case 110 is a request for a change from Interim "A" Residence, Interim First Height and Area to "BB" Residence, Second Height and Area for approximately 14 acres of land for the stated purpose of the apartment development. Case 112 is adjoining to the north and involves approximately six acres, the front part of which, identified as Tract 1 is for "LR" and Tract 2 for "BB" Residence, Second Height and Area. The properties involved in both applications have approved preliminary subdivision plans for apartment developments. The Subdivision Committee in approving such subdivision plans took into consideration the existing and potential single-family development adjoining the property. They were concerned about the intermingling of apartment traffic with single-family traffic and felt that primary access to the apartment development should not be through any adjoining single-family subdivision and conditioned their approval on the following: (1) annexation and zoning; (2) the stub street dead-ending at the south line of the property involving Case 110



C14-68-110 E. Wupperman and B. Schenck--contd.  
C14-68-112 J. V. Walden--contd.

terminating with a cul-de-sac, and a lot arrangement which would prohibit the apartment traffic from using the cul-de-sac for access; (3) that there be no connecting street from either apartment subdivision to any of the adjoining properties to the west, except for the extension of Steck Avenue, for the purpose of minimizing vehicular traffic and any other influence apartments would have on future single-family subdivisions.

The adjoining subdivisions to the south are Balcones West, Sections 1 and 2; Section 1 of which contains 46 lots most of which are developed with high-quality single-family homes. Section 2 contains approximately 56 lots and is presently under construction. North of the subject properties along the west side of Balcones Drive to the existing residential subdivision of West-over Hills there is approximately 2,500 feet of undeveloped land. The zoning of the subject properties will establish precedents for the balance of the undeveloped land.

Balcones Drive between Spicewood Springs Road and U.S. 183 is now two-way and access from Balcones Drive as presently developed will present no particular access problem; however, Mo-Pac Boulevard as designed will have one-way frontage roads with no crossovers between Spicewood Springs Road and U.S. Highway 183, presenting a very difficult access problem to these properties following completion of the boulevard. The area east of Balcones Drive or Mo-Pac Boulevard as proposed is designated in the City Development Plan as industrial property.

The staff has recommended the approval of the preliminary subdivisions subject to conditions based on the property being across from industrially designated land, located along an expressway, and serving as a logical use and buffer between the expressway and adjoining single-family development. The staff recommends against the requests as made for "BB" Residence, and "LR" Local Retail, Second Height and Area but does recommend the lowest density provided in the Zoning Ordinance which is "BB" Residence, First Height and Area, for both applications, subject to the completion of the subdivisions.

TESTIMONY

WRITTEN COMMENT

Code		
Q	Homer D. Reed: 8004 Havenwood Drive	AGAINST
L	W. T. Mayfield: 3500 Denwood Drive	AGAINST
J	Waldo Gonzalez: 8003 Lawndale Drive	AGAINST
R	Dr. J. Stanley Wright: 8002 Havenwood Drive	AGAINST
G	Mr. & Mrs. George Jones: 8000 Northforest Drive	AGAINST
H	Alf Morris: 8001 Lawndale Drive	AGAINST
M	James D. Pickel: 3502 Denwood Drive	AGAINST
P	Mrs. Nelda Carter: 3508 Denwood Drive	AGAINST
V	Ellege W. Bennett: 8003 Northforest Drive	AGAINST

C14-68-110 E. Wupperman and B. Schenck--contd.C14-68-112 J. V. Walden--contd.

?	Murry L. Eggeling: 3602 Starline Drive	AGAINST
?	James H. Templeton: 8000 Havenwood Drive	AGAINST
?	Dr. & Mrs. Norman K. Wagner: 7906 Havenwood Drive	AGAINST
?	Maurice E. Graves: 8610 Honeysuckle Drive	AGAINST
?	Walter M. Fowler: 8700 Mountainwood Circle	AGAINST
?	Thomas W. Werner: 3503 Starline Drive	AGAINST
?	Orville Laird: 3501 Balcones Drive	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	E. W. Wupperman (applicant)	
A	B. R. Schenck (applicant)	
A	James Walden (representing applicant)	
R	Dr. & Mrs. J. Stanley Wright: 8002 Havenwood	AGAINST
Q	Mr. & Mrs. Homer Reed: 8004 Havenwood Drive	AGAINST
M	Mr. & Mrs. James D. Pickel: 3502 Denwood Drive	AGAINST
L	W. T. Mayfield, Jr.: 3500 Denwood Drive	AGAINST
N	Mr. & Mrs. Ray Goodson: 3504 Denwood Drive	AGAINST
D	Nelda Nelson Carter: 3508 Denwood Drive	AGAINST
?	Margaret C. Werner: 3503 Starline Drive	AGAINST
?	Harold E. Estes: 4025 Greenhill Place	AGAINST
?	Frank Rocco: 3600 Starline Drive	AGAINST
?	Mr. & Mrs. J. H. Templeton: 8000 Havenwood Drive	AGAINST
?	C. L. Reeves: 2700 Pegram Street	AGAINST
?	Mr. & Mrs. E. V. Parsons: 7904 Lawndale Drive	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Isom H. Hale, representing applicants in C14-68-110, was present at the hearing. He explained that he is the owner of Isom Hale and Associates, Engineers and Planners. He stated that many months have been devoted in studying this area from a regional standpoint with the Planning Department staff, the Commission, his firm and other firms representing people in this area. The area on which "BB" Residence, Second Height and Area zoning is requested, indicates that the need is there. The need is established because of the fact that the Master Plan calls for industrial across the road in an extremely large industrial area immediately adjacent to the property and also the fact that Mo-Pac Boulevard is a highway now, and not a city street, which has been designed to carry heavy traffic.

The land use problems connected with any areas are tied in with older and prior development which were, under the expediency of the times, developed for personal reasons, limited to one, two or three developers not the owners that live on the property. The owners that live in this area have a number of arguments about this area being established and developed. Mr. Hale stated that the owners he represents have been here many years before these people. They suffered the consequences of blasting for the streets and the

C14-68-110 E. Wupperman and B. Schenck--contd.  
C14-68-112 J. V. Walden--contd.

City growing out to them. This was expected through the years. There are some beautiful homes in the area and everything possible should be done to protect the values. Everyone is conscious of the well-planned development of this city but they should also be conscious of the needs of the city to serve the people. Major intersections such as Anderson Lane and Mo-Pac Boulevard are susceptible of land uses not for single-family development. This has been in the plan for the city for many years. The applicants have tried to follow the standard and acceptable procedure for land development. The property was outside the city limits and could have sat there until the city took some action to annex the area; however, the applicants submitted plans and went the standard route to give the city the opportunity to study and to have the public hearings necessary. This is a well-thought out and well-planned development. If the "LR" zoning as requested on the adjoining property is granted, the applicants will provide a buffer between the "LR" and the residential area. As shown on the plan presented, the traffic has been completely blocked-off so that there will not be the intermingling of traffic between this area and the single-family residential area. The applicants would go further and cut off the streets entirely and plan the development with complete access only to Balcones Drive; however, the application is filed in accordance with the preliminary plan submitted and approved. Mr. C. L. Reese proposes to develop apartments on this tract of land but if he does not care to pursue his development on this property, the property will still be developed in accordance with the preliminary plan which is approved. With regard to previous studies in this area, the general area indicates that there is a need for high density use in the area because of the large industrial developments that are in the immediate vicinity. Because of this industry, there are new people, young people, who are going to have to be housed. These people would like to move in a new area. The intent is not to build high density apartments but to build apartments on the two-story level that would be contiguous to the development of homes in the area.

Mr. C. L. Reeves was present at the hearing and stated that he has a contract of sale, contingent upon the requested zoning change, to purchase the property owned by Mr. E. Wupperman and B. Schenck. Under proposed plans, the nearest the apartment development would come to anyone's property line other than the subject property would be 60 feet. The parking is proposed on the perimeter of the development and will be completely self-contained.

Mr. Reeves explained that the plans for the property at the present time are strictly preliminary plans and not final. It is anticipated that with minor alterations of the entry streets, possibly moving it to the north and with the discretion of the Planning Commission, as the street comes along it could be turned a little further east or it could be a self-contained garden type one-way entrance or one-way exit type arrangement. Mr. Reeves stated that in order for the distance to be maintained between the property lines that it is desired, they would like to move the street to give more land on the back side. He explained that he has an apartment house designed which

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

much study has been given to. Through the analyses that have been made the type of units proposed are very desirable for people to live in, especially people with the average age group of 25 to 27 years. There are almost two distinctive age groups that occupy apartments.

Mr. Reeves presented photographs of an apartment complex in Dallas showing the type of architecture that he would like to follow. It is felt that the proposed development would be an asset to the area. Approximately one-fourth of the property would be developed in the first phase. The recreation area is planned with apartments surrounding it with some open green areas in between the apartments and around the perimeter. All of the parking has been put to the back of the apartments where a privacy fence is planned and will surround the entire area so that there will not be any glaring lights or any noise or backyard garbage can type operation. The plans are not to utilize the property to the maximum and a special permit will probably be required for the development. The units are well-designed and they are mostly two bedroom units with some one bedroom units.

Mr. James Walden, Jr., appeared on behalf of case C14-68-112 and stated that they have worked with the adjoining property in relation to the streets ever since the subdivision plans were being put together. They have also worked with the city and are willing to continue with the streets as set-up or make the project self-contained. It is requested that the application be amended to request "BB" Residence, First Height and Area zoning on both tracts under consideration in this application. He stated that he concurs with the information presented by Mr. Hale and Mr. Reeves.

#### Arguments Presented AGAINST:

Several petitions in opposition to the request were submitted to the Committee for review. A number of nearby property owners appeared and spoke in opposition to this request. Their arguments are best summarized and clearly stated by the following letter received from Mr. Homer D. Reed:

"Dear Mr. Dunnam:

The purpose of this letter is to solicit your support in opposing two request for zoning changes to permit the construction of apartments immediately adjacent to Balcones West Subdivision. Mrs. Reed and I own the property and reside at 8004 Havenwood Drive. Only one lot lies between our property and the proposed rezoning. The two cases to which I refer are numbers 68-110 (requested by E. Wupperman and B. Schenck) and 68-112 (requested by J. V. Walden).

C14-68-110 E. Wupperman and B. Schenck--contd.  
C14-68-112 J. V. Walden--contd.

Since I have spent my entire adult life in the fields of city management and planning, I check several key factors about the general area in which I propose to buy property. Prior to locating at 8004 Havenwood, I obtained a copy of the officially adopted Austin Master Plan and noted that the entire neighborhood bounded by Balcones Drive, Spice-wood Springs Road, Mesa Drive and Old Highway 183 was officially planned for low-density residential use. Other factors tended to verify the validity of the plan: the terrain of the area was such as to encourage the development of good quality homes, and three different subdivisions were expanding within the area in complete conformity with the plan. Denial of these requests will uphold the faith in the planning process which I demonstrated by buying in the area and which three subdividers have demonstrated by making major investments there.

I am aware that a logical case can be made for a transitional land use area between Mo-Pac Boulevard and the low-density residential area. It is my understanding that either duplexes or townhouses could be constructed in the area without a change of zoning. A buffer of this type should be satisfactory. There are precedents in Austin for this type of buffer, the nearest of which is along Great Northern Boulevard south of Foster Lane and parallel to the Mo-Pac Railroad. The result there is a very attractive pattern of development without detriment to the Allandale Area.

I can understand the desire of any property owner to obtain the maximum possible price when he sells his property. This, of course, is the motivation for these zoning request. However, the property owners in Balcones West subdivision share this same desire. If it should ever be necessary for us to sell, we would like to obtain the best possible price, and this will not be likely if the adjacent land is zoned for apartments. Unless a conflict with planning principles exists, zoning should uphold property values rather than detract from them. Speculation in land values for uses in violation of planning principles should not be permitted to enrich one property owner at the expense of adjacent property owners.

Properly used, the zoning ordinance can be a valuable instrument of the Planning Commission in helping the city to renew itself without costly and abrasive federal urban renewal. Apartments and other land uses

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

which can support higher land prices could be channeled by effective zoning into areas that may be future candidates for urban renewal. This would bring about renewal by private enterprise rather than through the use of tax funds. Most of the urban renewal that takes place in Austin at present is accomplished by private enterprise. As one illustration, much of the area to the north of the University, extending into the Hyde Park area, is now being renewed in this way as older homes are replaced with apartment development. If landowners on the outskirts of the city are permitted to have their land rezoned in any quantity, the renewal of the Hyde Park area, and many similar areas throughout the city, will cease as apartment developers take advantage of the less costly land. This of course, will lead to a need for greatly increased future expenditures of tax monies for urban renewal.

Traffic flow in the Balcones West area will become a matter of some considerable concern to the city and to the residents of the area if apartments are permitted. The present planning for Mo-Pac Boulevard follows the 1965 Transportation Plan and the 1961 Master Plan in anticipating low-density development of the area to the west of Balcones Drive and north of Spicewood Springs Road. Most of the traffic going into this area would exist from Mo-Pac Boulevard at Spicewood Springs Road. If apartments are permitted adjacent to Balcones West Subdivision, most of the traffic into the apartment area with origin or destination to the south will, of necessity, enter the apartment area through Balcones West Subdivision using Ceberry Drive, the site of the 1968 Parade of Homes. This will create an intolerable situation on a narrow residential street and will lead to pressure for the city to install an interchange on Mo-Pac Boulevard at Steck Avenue. The Highway Department advises that a full interchange cannot be built at this location since there is not enough distance between Anderson Lane and Steck Avenue for the necessary ramps. An overpass over Mo-Pac could be constructed, but current practice prohibits financial participation in any such project by the Highway Department. This would mean construction of a major overpass entirely with city funds. Since proper planning and zoning at this stage of development will eliminate the need for this overpass, I am hopeful that you will take this means of saving an unnecessary expenditure of our tax money.

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

I would be happy to discuss this with you at any time. I may be reached during office hours at GR 2-3127 or after office hours at HO 5-6039."

Very truly yours,

Homer D. Reed

Arguments Presented in REBUTTAL:

Mr. Hale and Mr. Reeves presented the following information in rebuttal: There has been considerable discussion about the fact that 21 units per acre would be permitted under the requested "BB" Residence, Second Height and Area zoning. Actually the zoning requested would permit more than this number. If the Committee sees fit, "BB" Residence, First Height and Area zoning would meet the requirements for what is proposed on the property and this would be acceptable. Reference has been made to the Master Plan. The Master Plan does not go into detail as to what development should occur in isolated areas; it is to be used as a guide. The Master Plan states plainly on the face of the land use map that it is between the jurisdiction of the Planning and Zoning Committee to study these things that come up. It also indicates that this area would be less dense than townhouses which would be more acceptable to some of the people in the area. There are no facts to confirm that values will be decreased if apartments are developed. There is a great deal of data prepared by the National Home Builders Association that indicates there are no facts to confirm that values decrease. On the other hand it confirms that values will hold in well-planned intermingled communities. All the property owners discussed the possibility of provided a crossover at Steck Avenue and have said it was engineeringly impossible to do it. There are other crossovers that are much closer in the City of Austin. Mr. Hale stated that he had spoken to the Planning Commission and other groups of a need for an overpass at Steck Avenue regardless of zoning. There is a high school at the south end of Steck Avenue which the children of these people will attend. Most of the people will agree, after the traffic begins, that a crossover at Steck Avenue is needed. The average life of a home owner in any community is not over ten years. With regard to the tax question, the cost to the tax payers which was brought up, with one exception in one city, and the complete research of the investigation team of the National Home Builders Association, apartment developments more than pay their own way. They provide their own recreational facilities, limit distances to travel per unit. The question was brought up about utilities. The utilities have been checked and there is no extra cost involved with regard to the proposed development. It would be better to develop the property in this area at this time in a well-planned community rather than letting the land sit vacant.

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

Mr. Stevens asked Mr. Hale if he intended to amend his application to "BB" Residence, First Height and Area. Mr. Hale stated that they submitted an application which they thought was a reasonable request in regard to the need. If it needs to be amended they would like for it to be amended to the 21 units per acre which would be "BB" Residence, First Height and Area.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be an intrusion of apartments into a residential area. The Committee also stated that they felt that any further zoning consideration in this area should be considered in relation to an overall Master Plan for the area rather than piece-meal zoning.

At the Commission meeting, the Director of Planning presented an area map of the area along Mo-Pac Boulevard bounded by Northland Drive on the south and U.S. Highway 183 on the north, showing the street pattern, existing residential development, existing commercial zoning and development, a proposed apartment and commercial development within this area. He also presented a report which set forth facts and figures regarding population of the area based on a combination of single-family, apartment and commercial development, and the resulting projected traffic based on such development.

The proposals for apartment development insofar as the staff is able to itemize, and some are just general ideas at the present time, indicate proposals for approximately 3,500 apartment units within the area as shown on the area map. There is a very substantial block of land behind this area consisting of approximately 30 to 50 acres which could possibly be developed in the same manner which would bring the number of apartment units to a level of approximately 4,500 units. The break-down of the figures of possible apartment development indicates that between Spicewood Springs Road and U.S. 183, approximately 1,250 units could be developed. Approximately 1,200 units could be developed on the balance of the area. There is approximately 150 acres of commercial development proposed in the area along Anderson Lane and south of Northland Drive. This does not include acreage which is partly developed. One of the questions that came up before the Zoning Committee was the issue of what would occur if consideration were given in terms of the number of apartments to go in within a certain depth situation. As a guideline, the staff has indicated a depth of 300 feet and a depth of 600 feet. In the area from Northland Drive to U.S. 183, with a 300 foot depth, approximately 1,581 units could be established. This is computed on net acreage less approximately 20% for streets, and with the general idea that there would be approximately 20 units per acre. Within the same general area, with 600 feet depth, approximately 2,500 units could be established. Within the total area between Mesa Drive, Sierra Mountain Climb and back to Bull Creek Road, there is approximately 1,200 acres. Of the 1,200 total acres, 172 acres is the area actually under discussion. The amount of acreage is not a substantial figure.



C14-68-110 E. Wupperman and B. Schenck--contd.  
C14-68-112 J. V. Walden--contd.

With apartments the figure is 20 units per acre which is an increase in the number of units if the land is converted or rezoned for apartment purposes into a density which is approximately four times what there would normally be in "A" Residential area.

The next issue under consideration is the traffic generation inasmuch as the question was raised as to what would happen in regard to traffic. The staff used for an example the area between Spicewood Springs Road and U.S. Highway 183. With single-family development extending through the approximately 540 acres which is encompassed within this area, this would probably produce somewhere between 1,700 and 1,800 dwelling units under a low density basis. In turn, these dwelling units would produce approximately 10,650 daily trips which is based on approximately six trips per unit. However, if 50 acres of this land were zoned for apartments, the daily trip total would jump to approximately 13,150 daily trips. The increase in traffic would be approximately 23.5%. The question then comes up as whether or not this amount of traffic can be handled with respect to the present traffic system and it is the staff's opinion that it cannot. There is a peculiar problem in this as there are a number of development proposals occurring and Mo-Pac Boulevard has not been started and it is likely that it will be some four to five years down the schedule before construction starts. The City, jointly with the County, is currently doing some improvement on Balcones Trail to attempt to handle the existing traffic that is there. With respect to Mo-Pac Boulevard it is generally conceded that the increased traffic can be handled. There are some problems in terms of present design because of the one-way frontage roads going south and a number of interchange within this area. With single-family development there will be some moderate problems at peak hours. It is felt that the projected 23.5% traffic increase will not be a major increase. Mr. Osborne stated that he feels that at the present time there is not a significant problem in relationship to Mo-Pac Boulevard. As previously pointed out, there is an internal traffic problem which does relate very closely to the intensity of development whether apartments or commercial. At the present time, there is not a collector street that feeds into the area. There has been some comment that if there is any apartment zoning in the area that possibly it should be entirely related only to the frontage road of MoPac and would have no connection to any extension to Steck Avenue or possibly some other collector street going to the west. Mr. Osborne stated that he would strongly recommend against this as it is unsound. The apartment development, if it is going to be there, has to be recognized as a neighbor. There will be people living in the development and there will be certain requirements one of which may be getting to the schools and other facilities. The internal circulation problem is going to have to be resolved and this is one of the problems which the Commission is faced with.

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

Mr. Osborne advised that Commission that in his opinion apartment development in this area can be managed and a design can be worked out; however, there should be very stringent development controls. There is an issue as to whether or not it is wise to proceed with the rezoning situation without a real firming up of an adequate street system to the area that is now being held by other owners in other circumstances who may or may not decide to develop over an extended period of time. This is a question of timing not what is a nice and desirable plan but what is an effective plan and what is actually going to work.

Mr. Riley asked if consideration had been given to natural barriers such as the bluff on West Boulevard. He said that in his opinion it makes sense to consider this type of zoning or some type of housing other than single-family under this bluff. The bluff does exist and it should be considered in good planning. Mr. Osborne explained that in the area that is actually under consideration for rezoning at this time there is not a bluff situation that is an effective means of forming a barrier. It is realized that there are unique problems in that area and it is suggested that something over and above the customary zoning provisions for control of development be considered. It is felt that development can be controlled but it would have to be done to the granting of controls by the property owners in effect, to the Commission. Mr. Osborne stated that if the Commission feels that there is a reasonable possibility of being able to maintain ultimately an adequate collector street system in this area back to Spicewood Springs Road his recommendation would be to grant the requested zoning subject to the property owner's granting in effect the special permit reviewed by the Planning Commission on any development occurring.

Mr. Riley stated that unless the development is extremely well-planned and extremely well-done the Commission could be starting something that could be a real problem in the future. Mo-Pac Boulevard needs some sort of gradation between the expressway and the residential homes.

Mr. Dunnam stated that this is a very difficult problem in that there are a number of developers on different time tables and there is very rapid residential development in a very large and vigorous commercial area. Mr. Osborne has given the Commission an example covering approximately 335 acres of land. This is nothing more than an example of how traffic might increase in a given small area. There is not yet an overall view of this entire area. It is growing very fast and without any apparent coordination. He said that in his opinion the Commission should have a special meeting with the staff, various land owners and possibly a representative of the Highway Department and some calculation and see if a regional plan development can be reached so that the Commission would at least know that in the balance of the zoning granted, the road will not be overloaded and the proposed development will not extend into the established area. This would give the Commission a basis for future subdivision and zoning in the area.

C14-68-110 E. Wupperman and B. Schenck--contd.  
C14-68-112 J. V. Walden--contd.

Mr. David Barrow was present at the hearing and stated that there are some parties in this area that have purchased large tracts of land on which they owe large sums of money and are paying high interest rates. They purchased this land based on the usual practices they have seen in the City with reference to zoning these areas. Certainly along the Mo-Pac Boulevard would be the proper place for apartments. The idea of studying it and setting out a general plan if it can be accomplished right away and not in the distant future. The Master Plan while it says that this is generally low density does recognize that there will be apartments in the area.

Mr. Dick Matz stated that a plan for approximately 300 acres was recently submitted to the Planning Department which was planned by a professional land planner after a comprehensive study of the whole area.

Mr. C. L. Reeves stated that he is willing to do whatever is required in the way of control over the particular piece of property they have north of Spicewood Springs Road; however, it would be almost impossible to get all of the land owners, developers and residents involved in this area to work out a firm agreement on how the area should be developed. It is submitted that the idea of a study for the area with everyone involved is not a workable solution.

Mr. Richard Baker stated that consideration of this area started in either September or October, 1967, at which time the first subdivision preliminary plat was filed. Changes were made in the plat to satisfy the Department and they were approved unanimously by the Commission. It has been seven or eight months since this matter has been under consideration. This presents some serious problems to the developers. It is realized that there are traffic problems in this area but it should be pointed out that a considerable amount of time has been spent on this issue and it has been at least five months since the full Commission unanimously approved the subdivision plat subject to zoning.

Mr. Riley stated that the problem involved is that some protection is needed for the present homeowners in the area. This is high priced land and there is merit to the application if the development is properly done.

Mr. Reeves explained that he submitted to the Planning Department a plan for the proposed development. He stated that he would be willing to abide by this plan and to restrict the property to whatever egress and ingress is acceptable to the Commission and to cooperate on any controls that the Commission may feel is necessary for the property. Mr. Isom Hale, representing the property owners in case C14-68-110 said that the property owners confirmed the statements made by Mr. Reeves with regard to the development of the property.

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

Mr. Homer Reed appeared in opposition to the request and stated that he does not believe that any type of recognized city plan would accept the number of people proposed in this one small area without access to a school or other facilities. The information given by Mr. Osborne points out that there is a major traffic problem even with single-family residences in the area because of the considerable distance between interchanges on the future planned Mo-Pac Boulevard. Regardless of what type of planning is done, these people will have to have access to a school and other neighborhood facilities and they will have to come through Balcones West Subdivision to get to their apartments by the most direct and shortest route.

The report by Mr. Osborne indicates that in this area a total of 3,456 apartment units could be established. It was further stated that if additional land surrounding this was added, the total would be brought up to 4,500 apartment units. Mr. Reed referred to a publication which the City paid considerable money for, prepared by Morton Hoffman and Company, consultants to the City of Austin Planning Department and the Community Development Program. This company made a housing market analysis which they submitted to the City in 1967. Mr. Reed compared the figures in the report by Mr. Hoffman to the figures as prepared by the Planning Department and indicated that if development occurs as proposed by the Planning Department at this time, approximately two-thirds of the projected apartment units for the entire city would be in this one particular area. It is submitted that it is inappropriate to consider this fraction of apartment development in this one particular area.

Mr. Jim Templeton was also present and stated that he has contacted every residential property owner in this area and they are opposed to apartment development. It is felt that they would compromise if apartments could be contained to within 300 feet of Balcones Drive. The depth of the property under consideration is an excessive depth and intrudes into the residential area. Mr. Wayne Burns stated that if the requested zoning is granted they would not start building 4,500 apartment units. The area would probably develop with approximately 100 apartment units per year. The demand will take care of itself on the economic standpoint.

Mr. Burns stated that he feels Mo-Pac Boulevard when developed will easily handle the traffic that is projected in this area; however, the construction of Mo-Pac is five to ten years away and it seems to be a matter of which development comes first. He further stated that in his opinion the area in Mo-Pac Boulevard would ultimately be developed with industrial, apartment and related uses.

Mr. Brown stated that the Commission has been aware of the fact that a problem exists in this area; however, it should be admitted that there has been a great deal of evidence presented and it would be almost impossible to present a total area information. The Commission has considered considerable information and it should be realized that there should

C14-68-110 E. Wupperman and B. Schenck--contd.

C14-68-112 J. V. Walden--contd.

be apartment housing development along Mo-Pac Boulevard. He said that he felt that the Commission should go along with the staff suggestion that apartment zoning should be accepted within an area of 600 feet along the Mo-Pac Boulevard right-of-way.

Mr. Smith stated that there is a question of where the residential area ends and where it should end. The Commission is involved in a consideration of a large expansive plan and must consider the ones that own the land and the economics involved. This does not mean that the residential area adjacent to this property should not be considered as well. If the owners are not allowed to develop the land the way they wish the land may remain undeveloped for years. The traffic must be considered but the indications are that Mo-Pac will eventually be able to handle the traffic.

Mr. Dunnam stated that there are several things to be considered at this time. There is no overall plan that is any way clear for this area and there is no workable road plan. He stated that he does not see any way that the traffic will work in and out of the area. The service road ingress-egress, as pointed out, is not workable. There is no clear or very accurate traffic data available. In effect, the Commission is considering a change in the Master Plan that, for whatever reason and regardless of who is to blame, has not been considered carefully enough. Furthermore, there is no assurance that the City will ever catch up in this area. This is not planning in any sense, and the Commission should not make a decision such as this at this time.

Dr. Hazard stated that he is not necessarily opposed to apartments in this area but he is not sure that they are needed and he is not sure that this is a logical place for this kind of development. He stated that in his opinion there should be further study before a zoning change is granted.

Mr. Riley stated he is not in favor of extending apartments too far back from Mo-Pac Boulevard as this would be an intrusion into the existing residential area. He said that in his opinion Mo-Pac Boulevard when it is developed will facilitate the proposed development and it would probably be a good buffer between the existing residential area and the expressway; however, it has not been developed. Some of the members agreed that further study should be made before a decision is made in this area, and after further discussion

A MOTION TO DENY APPLICATION C14-68-110 FAILED TO CARRY BY THE FOLLOWING TIE VOTE:

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

C14-68-110      E. Wupperman and B. Schenck--contd.  
C14-68-112      J. V. Walden--contd.

After further discussion,

A MOTION TO DENY APPLICATION C14-68-112 FAILED TO CARRY BY THE FOLLOWING TIE VOTE:

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

C14-68-111      Jacinto Sanchez: A to C  
                  106-108 San Saba Street  
                  2515 East 2nd Street

STAFF REPORT: This application covers a 6,958 square foot lot which is developed with a single-family residence. The stated purpose of the application is for storage and repair of trucks. The subject site is adjoining a "C" Commercial area along East First Street which is developed with a mixture of commercial, single-family and two-family units. To the north is "B", "C", "D", and "E" zoning districts. Even though there is a mixture of zoning districts in the area, the staff feels that there is a problem involved in establishing the requested zoning on the site because the area is developed predominantly with single-family and two-family dwellings. In many instances, there is more than one residential structure on a lot.

East 2nd Street, with a present right-of-way of 60 feet, is planned ultimately to be used as part of a one way pair with 1st Street and will ultimately be 70 feet wide. This would require right-of-way from the subject site. It is felt that the request would be an intrusion use-wise and not zoning-wise, and it is recommended that it be denied.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

J	R. S. Hoffman: 4100 Manchaca Road	FOR
AT	Johnnie C. Pearson: 2601 East 2nd Street	AGAINST
BJ	Eulalia Vega: 2505 East 1st Street	FOR
AD	Charles K. Hage: 400 East 35th Street	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

M	Tommy Pachalos: 2508 East 1st Street	FOR
Q	Vernon Birdwell: 2502 East 1st Street	NO OPINION

#### SUMMARY OF TESTIMONY

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

C14-68-111 Jacinto Sanchez--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied as an intrusion into a single-family residential area served by streets which are inadequate for commercial development.

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

VOTED: To recommend that the request of Jacinto Sanchez for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 106-108 San Saba Street and 2515 East 2nd Street be DENIED.

AYE: Messrs. Riley, Hazard, Bluestein, Dunnam and Smith

NAY: Mr. Brown

ABSENT: Mrs. Naughton and Mr. Jackson

C14-68-113 Charles M. Goodnight: Int. A, Int. 1st & GR, 5th to GR, 1st  
 2300-2362 Burleson Road  
 2301-2435 Parker Lane  
 2400-2436 Metcalfe Road

STAFF REPORT: This request covers a large tract of land containing approximately 11 acres. The stated purpose of the application is for a community center or retail facilities. Directly to the west of the site is a new residential area which is developed with high-quality, single-family homes. To the south are two-family residences. At the intersection of Rockridge Terrace there is a series of duplexes which serve as a gradation between the "GR" development to the north along East Live Oak and the single-family development to the south. North of Parker Lane there is a mixed zoning pattern consisting of "O" and "LR" as well as "GR" development; however, most of the tracts are large tracts which are presently undeveloped. The "GR" district at the intersection of East Live Oak and Parker Lane is presently developed with a seven-eleven store and apartments. Across the street to the north in the area zoned "O" Office there is no development. There is a service station existing in the area which is zoned "LR".

There has been a subdivision filed on the subject property entitled Greenbriar East; however, it did not conform to the recommendations of the city and was withdrawn at the Subdivision Committee meeting. This preliminary plan proposed to extend Biggs Drive northward onto Burleson Road. The recommendation of the staff was to terminate Biggs Drive with a cul-de-sac or curve it westward to Parker Lane.

The staff feels that the requested "GR" zoning is not appropriate zoning for the entire tract. It is felt that the northern portion could be zoned "GR" as this would be in keeping with the pattern at the intersection of East Live Oak, Burleson Road and Parker Lane. The southern portion should be developed with either single-family or two-family development. This could be accomplished by curving Biggs Drive to the west, meeting Parker Lane or terminating it with the cul-de-sac with residential lots around it.

Cl4-68-113 Charles Goodnight--contd.

East Live Oak will continue eastward as a 90 foot arterial street which will require some right-of-way from the subject property. Burleson Road is also proposed to be widened from the present 60 feet of right-of-way to 70 feet which will require five feet from the subject site.

## TESTIMONY

## WRITTEN COMMENT

## Code

L	Robert S. Fleming: 2408 Parker Lane	AGAINST
R	Ralph L. Cochran: 2500 Parker Lane	AGAINST
J	Mrs. Irene Hoffman: 2404 Parker Lane	AGAINST
H	Mr. & Mrs. Cyrus W. Palmore: 2402 Parker Lane	AGAINST
Y	Mr. & Mrs. Robert J. Franzetti: 2507 Parker Lane	AGAINST
G	Joe Gilbreth & Co., Inc.: P.O. Box 3291	FOR
	One petition with 46 signatures	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Phil Mockford (representing applicant)	
H	Mr. & Mrs. Cyrus W. Palmore: 2402 Parker Lane	AGAINST
J	Mrs Irene E. Hoffman: 2404 Parker Lane	AGAINST
R	Ralph L. Cochran: 2500 Parker Lane	AGAINST
N	Frank R. Flores: 2402 Braxton Cove	AGAINST
Q	Richard L. Harlow: 2406 Braxton Cove	AGAINST
P	Mr. & Mrs. R. G. Frick: 1113 West Oltorf	AGAINST
L	Robert S. Fleming: 2408 Parker Lane	AGAINST
E	Timothy L. Brown: 1713 Rockbridge Terrace	AGAINST
D	James L. Deal: 1711 Rockbridge Terrace	AGAINST
F	Clarence W. Johnson: 1715 Rockbridge Terrace	AGAINST
Y	Mr. & Mrs. Robert J. Franzetti: 2507 Parker Lane	AGAINST
T	Mrs. Jack R. Pitcher: 2411 Glen Springs Way	AGAINST
Z	Mr. & Mrs. McVay T. Williams, Jr.: 2503 Biggs Drive	AGAINST
?	Joe Scott, Sr.: 2506 Metcalfe Road	AGAINST
?	Mr. & Mrs. Vernon Jeffs: 2501 Biggs Drive	AGAINST
?	Mr. & Mrs. Rudolph T. Nielsen: 2500 Glen Springs Way	AGAINST
?	Mr. & Mrs. John M. Dufilho, Jr.: 2409 Glen Springs	AGAINST
?	Mrs. Irene Birdwell: 2401 Glen Springs Way	AGAINST
?	Mrs. D. R. Sherry: 2404 Glen Springs Way	AGAINST
?	Joseph T. Linhares: 2511 Glen Springs Way	AGAINST
?	Miles Allen Ray: 2506 Candlewood Court	AGAINST
?	Frank W. Smith: 1717 Rockbridge Terrace	AGAINST
?	Hiliary A. Hewett: 2501 Glen Springs Way	AGAINST
?	Nancy M. Linhares: 2511 Glen Springs Way	AGAINST
?	Perry Goodman, Jr.: 1706 Alleghany Drive	AGAINST
?	James C. Hay: 1708 Alleghany Drive	AGAINST
?	Douglas Sherry: 2404 Glen Springs Way	AGAINST
?	Clovis F. Williams: 2503 Glen Springs Way	AGAINST
?	David Jaso: 2407 Glen Springs Way	AGAINST
?	Mrs. M. E. Wise: 2405 Glen Springs Way	AGAINST



C14-68-113 Charles Goodnight--contd.

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Phil Mockford was present at the hearing and stated that he will attempt to speak for a group that is interested in purchasing the property subject to zoning. The preliminary subdivision plan which has been sketched in on the staff report by the Planning Department has nothing to do with the application for rezoning inasmuch as there is no interest in developing the property in this type subdivision. The plans are for community shopping center type development. Mr. Mockford presented a preliminary sketch of what is proposed on the site and advised the Committee that there is approximately 10 acres of land in the subject tract. The area is more or less unique as a commercial site in that there is very little property available in this neighborhood for commercial development. On the other side of the expressway the bulk of the area is Travis Heights Subdivision which is deemed restricted against commercial uses. The corner tracts of the expressway have more or less developed as service station sites and the other tracts that are zoned "GR" are small and have developed much like the one across from the subject property which is a neighborhood type operation. It is felt that this tract is particularly desirable for general retail development and that it is in effect bounded on three sides by streets which is the situation that is not normally found. Parker Lane is now a 70 foot major thoroughfare which forms an ideal buffer between this development and the residences to the west. In addition, it is planned to extend to East Live Oak. With regard to the extension of East Live Oak, it will be a 90-foot street which makes it a major east-west artery and it will touch on north boundary of this property. Mr. Mockford stated that they are agreeable to working with the city on the right-of-way that will be needed for East Live Oak Street as well as the five feet needed for Burleson Road. It is felt that because of the fact that there is a 70 foot street on the west and a 90 foot street on the north, it would be impractical to develop the property for any purpose other than what is requested. The applicants would expect to screen the single family and two family development which exist south of the subject site. The desire would be to do it in Biggs Drive or at most, come in right next to the southern boundary line of the property and turn out to Parker Lane. Depending on what is requested, the applicants would be willing to engage in any sort of screening through fence or buffer zone in order to protect the neighborhood which is immediately adjacent to the south. Suggestion by the staff to extend Biggs Drive into the property and then cut it on out to Parker Lane would destroy whatever value this property has for commercial site other than a 7-11 or service station. That suggestion is completely impractical and it will not help anyone. The zoning on the extreme north of the property is already "GR" General Retail, Fifth Height and Area. This property has been zoned since 1963. It is felt that the request is nothing more than a logical extension of the "GR" zoning on to an ideal site for commercial development.

C14-68-113 Charles Goodnight--contd.

Mr. Isom Hale appeared at the hearing and stated that they have a preliminary plan on 50 acres immediately to the east of the subject property which has been approved and which they have kept approved for several years. He stated that in his efforts in the city as a planner and a person serving the public he always recommends if he can to provide a study of an area sufficiently in advance of development so that all the people will know what type of development may take place. There has been concern about the development of the subject property going to a single family use. Interstate Highway 35 is not the best place for a community shopping center. The first major off street adjacent to I.H. 35 is generally the accepted place for community center. He explained that in their plan a triangular area is designated for commercial use and it has been on record with the city for a long time. It was recognized that this was not enough as there is a need for a shopping center in this area. On the south side of the street are two churches which prevent that corner from being developed Local Retail as a service to the community. It is felt that the subject site is a logical place for the proposed use.

**Arguments Presented AGAINST:**

A number of nearby property owners appeared in opposition to this request and presented several petitions. They presented the following information: it is felt that a shopping center or any type of commercial development deep into this area would greatly impair the residential quality of the neighborhood. It will impair the area by an increase in the "stop and go" traffic of a commercial nature which would be hazardous to the children that play in the neighborhood. The streets cannot handle commercial traffic. It is further felt that the value of the existing residential homes would be impaired by the proposed development. It is felt that there is not a sufficient need for this type of development as there are numerous shopping areas within close proximity to the area. It is felt that there will be a loss of privacy by the type of development that is proposed and would be an intrusion.

**COMMENTS AND ACTION BY THE COMMITTEE**

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

At the Commission meeting, the staff reported a letter from Mr. Phil Mockford, representing the applicant, requesting that this application be amended to eliminate by withdrawal from the application a tier of lots extending from the south line of the intersection of Parker Lane and Rock-bridge Terrace south along the west line of the tract to its southern boundary and across the rear of the tract to within 178 feet of Metcalfe Road; the tract out of the southeast corner fronting 150 feet on Metcalfe Road with a depth of 178 feet is proposed for "O" Office zoning rather than "GR" and the remainder of the application remaining intact as a request

C14-68-113 Charles Goodnight--contd.

for "GR." A second letter has also been received from Mr. Mockford offering to dedicate up to 5 feet of right-of-way along Burleson Road and up to 15 feet of right-of-way along the south line of East Live Oak Street for street widening purposes.

The staff has no objection to the amendment with regard to the termination of the stub street that dead-ends into the property. The cul-de-sac arrangement on the site for Biggs Drive with lots fronting onto the cul-de-sac is acceptable. The staff does feel, however, that the residential lots proposed to the west along Parker Lane does not reach far enough to the north to provide an adequate buffer between the proposed development and the residential area to the west of Parker Lane. The staff feels that the existing "GR" zoning line, as established on property to the west of Parker Lane should be continued on the subject property for a tier of lots and that the lots to the south of this line should be left as Residential "A". If the amendment is accepted as presented, the staff feels that the Commission should recommend to the City Council that a privacy fence be required.

Mr. Mockford stated that the extension they propose is more important than just 100 feet of property. At the Zoning Hearing, it was stated that the plans were to put a "T-shaped" shopping center in this location. It is felt that this type of plan can still be accomplished with the amendment as proposed. It is felt that to take the staff's recommendation would ruin the tract of land for any "GR" purpose. A portion of the area is already zoned "GR" General Retail, Fifth Height and Area and this is only a logical extension. The buildings are not proposed to actually face onto Parker Lane but the exposure is needed in the direction of the traffic.

The Commission members felt that the amendment as proposed by the applicant should not be accepted inasmuch as it does not resolve the problem of an intrusion into a residential area. After further discussion, the Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Charles M. Goodnight for a change of zoning from Interim "A" Residence, Interim First Height and Area and "GR" General Retail, Fifth Height and Area to "GR" General Retail, First Height and Area for property located at 2300-2362 Burleson Road, 2301-2435 Parker Lane and 2400-2436 Metcalfe Road be DENIED.

C14-68-114      Maude W. Fore: A, 1st to B, 2nd  
4109-4111 Avenue A

STAFF REPORT: This application covers two lots totalling 12,000 sq. ft. The stated purpose of the request is for apartment development. The requested zoning would permit a maximum development of 8 regular units or 16 apartment-hotel units on the site. This is an area which has recently undergone several changes, most of which were in 1967, and most of the changes being either to the north between West 43rd and West 44th Street or to the south between west 40th and West 38th Street. The immediate surrounding area is shown as single family and two family development; however, it is recommended that the request be granted as it is in keeping with the recently established zoning changes in the area.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

H	R. E. McDonald: Route 1, Leander, Texas	NO OPINION
AK	Earl E. Simms: P. O. Box 1987	FOR
AS	S. W. McKinley: 6104 Wynona	FOR
E	Frank D. Anderson: 4109 Avenue A	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

J	W. C. Moffett: 6122 Rickey Drive	FOR
K	H. F. Slataper: 8407 Georgian Drive	FOR
?	Ken Pringle: 6901 Mesa	FOR

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

No one appeared to represent the applicant.

Two nearby property owners appeared at the hearing and stated that they are in favor of the request as they feel that any type of development would be an improvement over what is now existing on the site. It is felt that a zoning change on the site will make other property in this area more valuable.

##### Arguments Presented AGAINST:

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 the requested zoning is in keeping with the general development of the area.

C14-68-114      Maude W. Fore--contd.

The Commission concurred with the Committee recommendation and unanimously

VOTED:      To recommend that the request of Maude W. Fore for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4109-4111 Avenue A be GRANTED.

C14-68-115      James Alvey and Lee Green: A, 1st to B, 2nd  
107-109 West 39th Street

STAFF REPORT: This application consists of two lots covering an area of 25,500 feet. The stated purpose of the request is for apartment development. In 1967, there were eight zoning changes in this immediate area to "B" Second Height and Area. The staff feels that with the development that has occurred and the zoning established, that this request should be granted.

TESTIMONY

WRITTEN COMMENT

Code

AN	Lorene R. Cook: 207 West 39th Street	FOR
AA	George E. Smith: 1805 West 37th Street	FOR
AE	Mrs. Ora Nixon: 3800 Speedway	FOR
AL	D. G. Hodges: 203 West 39th Street	FOR

PERSONS APPEARING AT HEARING

Code

	H. H. Rothell, Jr. (representing applicant)	
?	Ken Pringle: 6901 Mesa	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. H. H. Rothell, representing the applicants, stated that the requested zoning is in keeping with the surrounding area and it is requested that the zoning be granted.

Arguments Presented AGAINST:

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with the recently established zoning pattern and consistent with the surrounding development.

C14-68-115 James Alvey and Lee Green--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James Alvey and Lee Green for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 107-109 West 39th Street be GRANTED.

C14-68-116 Austin Land Investments, Inc: A to BB  
1100-4004 Banister Lane

STAFF REPORT: This application, covering approximately 35 acres, involves a portion of the south ridge subdivision which is in preliminary form and approved for the purpose of apartment development. The balance of the subdivision, located to the north and west, is to be used for single-family and two-family use. The subject property is served by Banister Lane and Clawson Road, both of which need additional right-of-way which will be taken care of in connection with the subdivision. There is a long collector street connecting these two streets and going through the area under consideration. Subject to the restrictions which have been discussed and agreed to with the developers, the staff recommends the zoning be granted as it conforms to the approved preliminary subdivision.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

Hunter Schieffer (representing applicants)  
? Willard Connolly: 812 Brazos

FOR

## SUMMARY OF TESTIMONY

Mr. Hunter Schieffer, representing the applicants, stated that there is approximately 93 acres in this area that is bounded by Clawson Road on the west and Banister Lane and the railroad tract on the east. The property is just to the north of Ben White Boulevard and the Southwood Shopping Center. The area has a very scenic view of downtown Austin. It is a very wooded area and the type of development that is planned is a low-density type multi-family use. It is hoped that it will be well coordinated and well-planned to fit the particular type terrain and be pleasing to the eye. In proposing this type of use, the Planning Department was consulted at which time they made certain recommendations for widening the streets, redesigning the streets for this particular use, and also providing buffer zones for the adjacent properties and recommended that the revised subdivision plan be submitted. The owners followed these recommendations in all details and

C14-68-116 Austin Land Investments, Inc.--contd.

submitted the revised plan which was approved without opposition on April 15. It is felt that this type of development is proper in this area based on the location and the accessibility. It is also felt that the adjoining properties will benefit from increased property values from a good development of this kind.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it is in keeping with the highest and best use for the land and is in compliance with the preliminary subdivision plan on the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austin Land Investments, Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1100-4004 Banister Lane be GRANTED.

C14-68-117 C. L. Reeves: Int. A, Int. 1st to BB, 1st (Tr.1) & LR, 1st (Tr.2)  
 Tract 1: 7016-7616 Balcones Trail  
 Tract 2: Rear of 7322-7516 Balcones Trail

STAFF REPORT: This application involves two tracts of undeveloped land. The stated purpose of the request is for future development. The west right-of-way line for Mo-Pac Boulevard is proposed through Tract 1 reducing substantially the area of the tracts. Tract 2 is a five acre tract which is proposed by the preliminary plan of the Shadow Park subdivision for local retail development. The balance of the property is for "BB" Residence, First Height and Area zoning which is the lowest apartment density in the Ordinance. The subdivision was recommended by the staff and approved the Subdivision Committee. The zoning does conform to the subdivision as approved and it is recommended that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

## Code

T	Laura Snow: 3308 Skylark Drive	AGAINST
F	John B. & LaVerne Hejl: 3308 Greenlawn Parkway	AGAINST
AN	James A. Luscombe, Sr.: 3304 Silverleaf Drive	AGAINST
D	Mrs. John L. Reeves: 1509 Guadalupe Street	FOR

C14-68-117      C. L. Reeves--contd.

## PERSONS APPEARING AT HEARING

Code

	C. L. Reeves (applicant)	
	Paul Jones (representing applicant)	
AD	W. T. Mayfield, Jr.: 3500 Denwood Drive	AGAINST
?	Mr. & Mrs. James D. Pickel: 3502 Denwood Drive	AGAINST
?	J. H. Templeton: 8000 Havenwood Drive	AGAINST
?	Mr. & Mrs. Ray Goodson: 3504 Denwood Drive	AGAINST

## SUMMARY OF TESTIMONY

Mr. Paul Jones, attorney for the applicant, stated that in his opinion this request is vastly different from the two previous cases considered by the Committee to the north along Balcones Drive in that this is going into an area between Spicewood Springs Road and the gravel pit in which there is no existing single-family development. The proposed development will basically be starting out the area so that the future development can conform and take its natural course from this action. This is not an intrusion into an area with existing residences. One thing that should be noted is that the staff mentioned that the area between the Shadow Park Subdivision and the existing right-of-way on Mo-Pac Boulevard is included in this application. The purpose as suggested by Mr. Osborne, Director of Planning, is to allow the developers to put a drive across the area to get to the commercial development. This could not be done if the proposed right-of-way was zoned "A" Residence. This area has to be rezoned. From the right-of-way to the subdivision is approximately 450 feet. There is a considerable distance off the presently existing Balcones Trail to this proposal. Looking at the entire area, it is a self-contained unit. The densities requested are reasonable and it is felt that the zoning should be granted.

Mr. Dunnam asked Mr. Reeves about his opinion of curb breaks along Mo-Pac Boulevard. Mr. Reeves stated that they are in complete agreement with the staff that the development front onto the proposed 70 foot street within the subdivision rather than the expressway. This will only entail one curb break, which means the property is going to be approximately 75 feet above the present Balcones Trail which makes curb breaks unfeasible.

No one spoke in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

Some of the members felt that the conditions along Balcones Trail south of Spicewood Springs Road regarding access to the property and relationships of uses were different than those north of Spicewood Springs Road; however, a majority of the members felt that with the information they now have indicates that access to the properties is difficult and that the depth of the property under the proposal intrudes into an area that is potentially single-family in nature, and felt the request should be denied.



C14-68-117      C. L. Reeves--contd.

Mr. David Barrow was present at the Commission Meeting and stated that he owns the land that adjoins the subject property on the south and he did not receive a notice of the Zoning hearing. In previous hearings and discussions before the Subdivision Committee, there was discussion about the proposed road through the area that was designed and intended as a two-way road, to go from Far West Boulevard to Spicewood Springs Road. One objection to this was that it was served by a one-way service road on the Boulevard. Mr. Barrow explained that because there was some disagreement about the option he had to purchase some of the land he did not agree to the proposed street plan; however, this disagreement has been removed and it is now agreed that the road will be as proposed so that access can be provided to this area by Far West Boulevard on a two-way road which is quite important. Mr. Barrow stated that inasmuch as he owns the property or has an acknowledged option on the property between the subject property and Far West Boulevard and he also owns the property from Far West Boulevard approximately 300 feet north, that they intend to submit to the Planning Commission an application for apartment zoning on their property, with the exception of the area along Far West Boulevard. There is approximately 200 feet on Far West Boulevard in the bottom of the gravel pit with a 40 foot bluff on the north side that they feel should be commercial property. There is no question that apartment zoning is needed in this general area as the proper place for this type of development is close to the Boulevard. Statistics show that people living in apartments now is greater than it was 10 years ago and this will continue to increase because of the taxes and difficulty in keeping up single-family homes. Another reason apartment development is proper in the area close to the boulevard is because of the traffic situation. When people in dense development have to travel a great distance to get to a collector street it aggravates the traffic problems.

Mr. Barrow stated that in his opinion the Commission should also give consideration to zoning the irregular land in this area for apartments, townhouses or condominiums, scattered in a low density basis and lower than 20 units per acre. The reason is that the apartments can be spaced in various locations because of the irregular shape of the land. If done properly and spaced properly, apartments is exactly the sort of development that should occur in the area.

Mr. John Reeves appeared at the hearing and stated that he is from Dallas and is the secretary-treasurer of the Rock Resources, Inc. who own the land that wraps around the subject property and they did not receive notice of the Zoning hearing. He explained that the "L" shaped parcel of land adjoining the site was recently sold to Mr. Barrow. Mr. Reeves stated that in his opinion single-family development does not represent the highest and best use of the land in this area. He explained that his wife's parents own the land immediately adjacent to the west and they have no intention of developing their land now or in the foreseeable future. This land sits above a 40 foot bluff and it would seem to be undesirable for single-family development. He further stated that in his opinion a gradation of development such as apartments, townhouses or duplexes, and then residential development would be the most appropriate for the area.

C14-68-117      C. L. Reeves--contd.

Mr. Osborne stated that the staff had to work within a set of criteria on this matter, not in terms of a specific plan other than that which came essentially from the subdividers which in turn the staff recommended substantial modifications which were accepted by the subdividers. With regard to this request there is a workable road plan; however, the ability to develop the road plan is definitely subject to question. There is assurance from Mr. Barrow that the street system south of the subject site will be put in, but ultimately this street will have to be continued northward to Spicewood Springs Road and this will involve other property owners. The issue at the present time is the type of development that will be occurring along the frontage road of Mo-Pac Boulevard and whether the development will be commercial, apartment, or possibly single-family. Everyone seems to agree that it will not be single-family and it would seem that apartment development would be the most appropriate. The final issue is to what depth should the development occur. Mr. Osborne stated that his recommendation is that there will be very little apartment development beyond the Shadow Park Subdivision line to the west.

Mr. Riley and Mr. Dunnam both agreed that this would in effect be a change in the Master Plan and they both felt the problems in this area should be reviewed to see if a pattern can be worked out.

Mr. Dunnam stated that he agrees with Mr. Barrow as to the mixed zoning use pattern and the road system in this area is superior to the area north of Spicewood Springs Road. He explained that his objection to the request is that there is not an overall plan in any sense for this area in terms of zoning patterns. The Commission has not given enough careful consideration to a new zoning plan for this area. He stated that he is not opposed to the uses but he would not be willing to go along with piece-meal zone of approach on an area which is just on the point of being opened up.

Mr. C. L. Reeves stated that he would not object to working with anyone on this area, but at this point they have done everything possible to work out a plan that is agreeable to everyone. All of the adjoining property owners are in agreement.

Mr. Paul Jones, attorney for the applicant, stated that this entire area is undeveloped and the Commission will set a precedent by what is done now. There is nothing else around the property except property owners who are in favor of the proposed development. The granting of the request will start a new use for a development which all property owners in the area are in favor of as they have indicated that there is no intention of developing their land for single-family use.

Mr. Chuck Stahl stated that he has been working on a Master Plan for the Northwest Hills area for Mr. Barrow for five years. The area between Spicewood Springs Road and Northland Drive is different than the previous area considered in that the major land owner in this area has approximately 2,500 acres under ownership or option, out of the approximate 3,500 acres

CL4-68-117 C. L. Reeves--contd.

in the planning area. This area is a planned community not a subdivision. This is an entire city capable of holding 50,000 people if the demand holds. Within the area there are commercial centers planned. There is an elementary school, and a junior high school in the area and there is a collector system being built in the area so that every 1,200 feet there will be a street that goes somewhere, most of which will go to Mo-Pac Boulevard. This means that the people living in the area will have their own street system of getting to the facilities that are being provided for them. The proposed plans are for shopping centers, office complexes, apartment, and possibly townhouse development. Because of the street system that is planned, the people in the area will be able to reach the various facilities without using Mo-Pac Boulevard. It is felt that the development which is planned in this area is the highest and best use for the land.

Mr. Dunnam stated that the Commission represents the entire public. Inside the land controlled by Mr. Barrow there has been very thoughtful and excellent planning which is highly favorable. The Commission does need to see a more devinite area plan for not only this immediate area but the entire area along Mo-Pac Boulevard as this development may become very critical in the years to come. After further discussion, the Commission members agreed that this request should be granted as it is in keeping with the approved subdivision plan, the developers master plan for the area and as appropriate use of the property.

It was then unanimously

VOTED: To recommend that the request of C. L. Reeves for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tract 1) and "LR" Local Retail, First Height and Area (Tract 2) for property located at (Tract 1) 7016-7616 Balcones Trail and (Tract 2) the rear of 7322-7516 Balcones Trail be GRANTED.

#### SPECIAL PERMIT

CP14-68-10 The Saxony Apartments: 105 unit apartment dwelling group  
 1617-1701 Parker Lane  
 1616-1642 Royal Crest Drive

STAFF REPORT: This application has been filed as required under Section 4-A 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 105 units, 260 off-street parking spaces, recreation room and area, one swimming pool, storage and laundry. The subject property, containing approximately 4.8 acres of land is zoned

CP14-68-10      The Saxony Apartments--contd.

"BB" Residence, First Height and Area. There are some departmental reports lacking at this point, but the comments available are as follows:

Fire Prevention  
Water and Sewer

Fire Protection

Advanced Planning  
Building Inspector

Health

Traffic Engineer  
Electric

Director of Public Works

Tax Assessor  
Office Engineer

Storm Sewer

- O.K.
- Sanitary Sewer Service available in Royal Crest Drive.  
Fire Hydrants required in both the north and south driveway areas at approximately the mid point. Water mains extending from Parker Lane to Royal Crest Drive to serve these mains will be required. These mains will have to be six inch in diameter. Fire Hydrants are also required on Royal Crest Drive at the north and at the south property lines.
- Recommend three (3) hydrants - marked in red on the plat.
- Acceptable
- Project seems to be okay.  
Due to the fact that the elevation on the south lot line ranges from 4 feet to 8 feet in difference a fence may not be necessary at this location. If this difference in the elevation does not exist at the final inspection it will be necessary for a 4 foot fence to be installed along the south lot line to separate the parking from the residential lots. This approval does not include building code requirements.
- Approved: Subject to Sanitary Sewer Line being available.
- O.K.
- Additional easements required at later date by separate instrument. (Underground)
- Driveways as shown meet with our approval. However, will need request for and approval of the driveways before construction begins on them.
- O.K. Taxes are paid through 1967.
- Require request for commercial driveways
- Storm sewer facilities required. Easement shown doesn't conform to location shown on final plats, or construction plans.

CP14-68-10      The Saxony Apartments--contd.

Reg. Mtg. 5-28-68 61

CP14-68-10      The Saxony Apartments--contd.

Office Engineer

- Require a request for separate commercial driveways made to the Department of Public Works.

The only problem in regards to the departmental comments is from the Storm Sewer Division. The staff feels that the easement should conform to the final plan and the construction plans. The staff recommends approval of this request, subject to completion and compliance with departmental reports.

TESTIMONY

## WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A J. H. Williams: 6200 North Central Expressway, FOR  
Dallas, Texas

## SUMMARY OF TESTIMONY

Mr. J. H. Williams was present at the hearing and stated that the storm sewer easement will have to be moved approximately 7 or 8 feet, but this will be complied with. Basically the apartment project as proposed meets all requirements of the Ordinance.

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 approved pending completion and compliance with departmental reports.

At the Commission meeting, the staff reported that the following departmental comments have been received in addition to the comments presented to the Zoning Committee:

Fire Department  
Water Department

- O.K.
  - Sanitary Sewer Service available in Royal Crest Drive.
- Fire hydrants required in both the north and south driveway at approximately the midpoint. Water mains extending from Parker Lane to Royal Crest Drive to serve these mains will be required. These mains will have to be six inch diameter. Fire hydrants are also required on Royal Crest Drive at the north and at the south property lines.

CP14-68-10      The Saxony Apartments--contd.

The staff recommends that this special permit be approved pending the items as noted, and requested permission to give administrative approval when the requirements have been met.

The Commission then

VOTED:      To APPROVE the request of The Saxony Apartments for a Special Permit for the erection of a 105 unit apartment dwelling group for property located at 1617-1701 Parker Lane and 1616-1642 Royal Crest Drive be APPROVED, subject to compliance with departmental reports, and authorized the staff to give administrative approval when the requirements have been met.

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.

CP14-68-11      Wonsley Drive Apartments: 114 unit apartment dwelling group  
509-701 Wonsley Drive

STAFF REPORT: This application has been filed as required under Section 5 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 114 units, 204 off-street parking spaces, swimming pool, laundry facilities, and mechanical equipment building. The subject property contains 172,430 square feet of land which was rezoned to "B" Residence, First Height and Area last year. All departmental reports have not been received and the staff recommends that this request be approved pending completion and compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

CPI4-68-11 Wonsley Drive Apartments--contd.

At the Commission meeting, the staff reported that the following departmental comments have been received:

Fire Prevention  
Fire Chief

- O.K.
- This is to advise that the Fire Department will need three (3) additional fire hydrants for the Wonsley Street Apartments. These hydrants were located on a plat this date for Mr. Jack Goodman.
- A sanitary sewer extension from a main in Interstate Highway #35 to the southeast corner of the tract will be required for sewer service. Four fire hydrants are required for adequate fire protection. Hydrants are required on the north, east, south, and west sides. A six inch water main connecting to the existing water main in Wonsley Drive circling the proposed apartments in the driveway and parking area will be required to serve the three of these hydrants. Fire demand water meters will be required at both connections to the existing main in Wonsley Drive.
- APPROVED: Subject to Sanitary Sewer Line Being Available.
- Layout all right. No building code approval.

Water and Sewer

Health

Building Inspector

Advance Planning

Storm Sewer

Fire Protection

Traffic Engineer  
Electric

Director of Public Works

- Acceptable - plat plan needs some clarification in areas of stairs and walkways.
- A drainage problem may arise if careful consideration is not given to the disposal of water along the South property line. For flow to one point, a pipe could be laid Easterly to Interstate 35.
- Recommended hydrants marked in red on plat.
- O.K.
- Additional easements required at later date on separate instrument.
- Driveway locations as shown meet with our approval. Will need request for and approval of them before construction begins on the driveway. Driveway radii should be 10.

CPI4-68-11      Wonsley Drive Apartments--contd.

Office Engineer

- Require request for commercial drive-way made to the Department of Public Works.

Tax Assessor

- O.K.

Mr. Jack Goodman was present and stated that they are in agreement with the requirements by the various departments.

The commission then

VOTED: To APPROVE the request of Wonsley Drive Apartments for a Special Permit for the erection of a 114 unit apartment dwelling group for property located at 509-701 Wonsley 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.

CPI4-68-12      Tallwood Corporation: 50 unit apartment dwelling group  
8802½-8814 Tallwood Drive

STAFF REPORT: This application has been filed as required under Section 5-A 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 50 units, 96 off-street parking spaces, one swimming pool, recreation facilities, laundry, and storage facilities. The subject property contains 116,344 square feet of land which is presently zoned "O" Office, and "C" Commercial, First Height and Area. The property under consideration has recently been replatted out of a large commercial tract. All departmental reports have not been received and the staff recommends approval pending completion and compliance with departmental reports.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

E. A. Graham (representing applicant)

## SUMMARY OF TESTIMONY

Mr. E. A. Graham was present on behalf of this request and stated that he has filed the full plans for this project with the Building Inspector. A letter has also been received from Mr. Morgan, Drainage Department, approving the drainage plans.



CPI4-68-12 Tallwood Corporation--contd.

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 approved pending completion and compliance with departmental reports.

At the Commission meeting, the staff reported that the following departmental reports have been received:

- |                          |  |
|--------------------------|--|
| Fire Prevention          | - O.K.   |
| Water and Sewer          | - Water and Sanitary Sewer available in Tallwood Drive   |
| Health                   | - APPROVED: Subject to Sanitary Sewer Line Being Available   |
| Building Inspector       | - Project okay.<br>This approval does not include building code requirements.  |
| Advance Planning         | - Acceptable   |
| Fire Protection          | - Prior approval already submitted, has adequate hydrants.   |
| Traffic Engineer         | - O.K.   |
| Electric                 | - O.K.   |
| Storm Sewer              | - O.K.   |
| Director of Public Works | - Driveway locations meet with our approval. Will need request for approval of driveways before construction begins on them. |
| Tax Assessor             | - O.K.   |
| Office Engineer          | - Require request for commercial driveways.  |

The applicants have complied with all of the requirements and the staff recommends approval.

The Commission then

VOTED: To APPROVE the request of Tallwood Corporation for a Special Permit for the erection of a 50 unit apartment dwelling group for property located at 8802½-8814 Tallwood 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.

CP14-68-13      Mary Lee School: Revise and enlarge the existing structure and facilities  
                  401-411 Crockett Street  
                  2100-2108 Wilson Street  
                  400-410 West Live Oak Street  
                  2101-2107 Hodges Street

STAFF REPORT: This application has been filed as required under Section 4, and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. This is a request to revise and add to an existing structure to increase the facilities, which were originally permitted by a previous special permit. The expansion is to include a dormitory wing for six girls and an activity room. The special permit which was previously approved on the site was for a dormitory housing 28 girls, training center, parking area, laundry room, administration area, and outdoor recreation area. With the revision, there will be housing for a total of 34 girls. The departmental comments which have been received are as follows:

Fire Prevention  
 Water and Sewer

Fire Protection  
 Advance Planning

Building Inspector

Health

Traffic Engineer  
 Electric  
 Storm Sewer  
 Director of Public Works

Tax Assessor

Office Engineer

- O.K.
- Water and Sanitary Sewer are available in adjoining streets.
- Adequate hydrants are available.
- Live Oak Street does not have adequate R.O.W. A 60' R.O.W. is recommended and the proposed alignment will require 9' from the subject property. The plot plan does not show driveway locations.
- The eleven (11) off-street parking spaces need to be paved.  
 If concrete aprons are provided the location approval must be submitted to Public Works.  
 This does not include building code requirements.
- APPROVED: Sanitary Sewer Line Available.
- O.K.
- O.K.
- O.K.
- Need to widen West Live Oak St. 9' on subject tract. Also need driveway plan.
- This property tax exempt at the present time.
- Require request for commercial driveways made to the Department of Public Works.

CP14-68-13 Mary Lee School--contd.

Mr. Stevens explained that in the previous special permit, nine feet of widening was needed for Live Oak Street. At that time, only a setback was required; however, since this is a request to expand existing facilities, it is felt that right-of-way for Live Oak Street should be a requirement.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code A

Mrs. Charlene Crump (representing applicant)

## SUMMARY OF TESTIMONY

Mrs. Charlene Crump was present on behalf of this request and stated that the only change they propose to make will enhance the property. She stated that they have recently received a considerable grant for rehabilitation purposes in which they are allowed \$25,000 to improve the existing facilities. Mrs. Crump stated that it was her understanding that 9 feet of right-of-way was dedicated for West Live Oak when the previous special permit was granted, as well as 5 feet of right-of-way for Crockett Street. She stated that there is no objection to dedicating right-of-way if it has not been done.

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 approved pending completion and compliance with departmental reports.

At the Commission meeting, the staff reported that the right-of-way for Live Oak Street has been checked with the Public Works Department and it has been determined that 9 feet is needed for future widening of the street. It is also recommended that 5 feet of right-of-way be required for Crockett Street. The staff recommends approval of the request subject to compliance with departmental reports.

The Commission then

VOTED: To APPROVE the request of Mary Lee School for a Special Permit to revise the existing structure for property located at 401-411 Crockett Street, 2100-2108 Wilson Street, 400-410 West Live Oak Street and 2101-2107 Hodges Street be APPROVED subject to compliance with departmental reports, and authorized the Chariman to sign the necessary resolution upon completion.

The Chariman 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.

CP14-68-14      Grant Villa Apartments, Phase 1: 60 unit apartment dwelling group  
3700-3714 Goodwin Avenue  
1133-1133 15/32 Airport Boulevard

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed in the first phase of development is a 60 unit apartment dwelling group consisting of 8 one-bedroom units, 24 two bedroom units, 22 three bedroom units, 6 four bedroom units, and a laundry, storage, and mechanical building.

All departmental reports have not been received but the comments available are as follows:

Fire Prevention  
 Water and Sewer  
 Fire Protection

Storm Sewer

Advance Planning  
 Building Inspector

Health

Traffic Engineer  
 Electric  
 Director of Public Works

Tax Assessor  
 Office Engineer

- O.K.
- 6" loop line to fire hydrants
- Recommended hydrants marked in red on plat. (4) hydrants
- 25' drainage easement should be shown on plat. Double 36" pipe will be needed in easement from ditch line in Airport Blvd. to North Property Line of property, pipe required under driveway entrance on Airport Blvd. Add on 18" inlet drain pipe to the Northwest covering the property.
- Acceptable
- The Layout is okay. No building code approval.
- APPROVED: Sanitary Sewer Line Available.
- O.K.
- O.K.
- Driveway locations as shown meet with our approval. However, will need request for and approval of them before construction begins on the driveways.
- Taxes are due for the year of 1967.
- Require request for commercial driveways.

The staff has no objection to the request in that it does conform to the requirements as set forth in the Ordinance. It is recommended that the special permit be approved pending completion and compliance with departmental reports.

CP14-68-14 Grant Villa Apartments, Phase 1--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

L W. H. Bullard

FOR

## PERSONS APPEARING AT HEARING

Code

A Robert Darden (applicant)

? Mrs. Arthur Scott

AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Robert Darden was present on behalf of this request and stated they will comply with the departmental requirements.

## Arguments Presented AGAINST:

Mrs. Arthur Scott, adjoining property owner was present at the hearing and stated that she is not opposed to the building of apartments but there is concern about the drainage in the area. She stated that the subject property is located adjacent to a warehouse she owns and she previously gave consent to other apartments which have been built. That development was supposed to help solve the drainage problem in the area. She explained that there has been a wall constructed, and the land has been built up so that all of the water now drains into a ditch on her property which has caused considerable damage. This has been discussed with the various City departments but there is nothing that they can do. Mrs. Scott said that she would be willing to tie in to the drainage pipe that will be required on the subject site in order to solve this problem.

## COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff explained that Mrs. Scott, adjoining property owner, was present at the Zoning hearing and expressed concern about the drainage that is being created on her property. Water collects behind Mrs. Scott's warehouse and she would like to connect with the drainage pipe that will be extended into the subject site. The staff recommends approval of the request subject to compliance with departmental reports, drainage easement required to permit drainage of adjoining property, and requests permission to give administrative approval upon completion.

CP14-68-14 Grant Villa Apartments, Phase 1--contd.

The Commission then

VOTED: To APPROVE the request of Grant Villa Apartments, Phase 1 for a Special Permit for the erection of a 60 unit apartment dwelling group for property located at 3700-3714 Goodwin Avenue and 1133-1133 15/32 Airport Boulevard be APPROVED subject to compliance with departmental reports, drainage easement for adjoining property, and authorized the staff to give administrative approval upon completion of the requirements.

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.

CP14-68-15 Grant Villa Apartments, Phase 2: 30 unit apartment dwelling group  
1509-1619 East 12th Street  
1192½-1198 Leona Street

STAFF REPORT: This application is made by Grant Villa Apartments, Phase 2 for a special permit for an apartment dwelling group to be located in the Kealing Urban Renewal area. After notices advertising the request were sent out, the staff received a response from Mr. Leon Lurie, Director of Urban Renewal, stating that the Urban Renewal Agency still has title to the property and the application for a special permit is not correct. In view of this, the staff recommends that the request be denied, pending a proper application.

## TESTIMONY

## WRITTEN COMMENT

Petition (48 signatures)

AGAINST

## PERSONS APPEARING AT HEARING

Code

?	George S. Slining	AGAINST
BD	Clarence Caldwell	AGAINST
BJ	Mrs. Maude Overton	AGAINST
J	Mrs. U. S. Smith	AGAINST
AZ	Mrs. Christine Ford	AGAINST
?	E. J. Tanner	AGAINST
F	Mrs. Izella Van Dyke	AGAINST
?	Mrs. Cedell King	AGAINST
?	Mrs. Algerene M. Craig	AGAINST
?	Mrs. Janie P. Harrison	AGAINST
?	W. L. Morris	AGAINST
?	Mr. Leon Cashaw	AGAINST
AZ	Aron Ford	AGAINST
?	Mrs. Dorothy C. Cashaw	AGAINST
AX	Lewis B. Carter	AGAINST
?	Mrs. Mary C. Kimbles	AGAINST

CP14-68-15 Grant Villa Apartments, Phase 2--contd.

#### SUMMARY OF TESTIMONY

Robert Darden was present on behalf of this request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the staff report that this is an improper application and recommended that the request be denied, pending a proper application.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To DENY the request of Grant Villa Apartments, Phase 2 for a Special Permit for the erection of a 30 unit apartment dwelling group for property located at 1509-1619 East 12th Street and 1192½-1198 Leona Street.

#### SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of May 13, 1968, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The staff reported that one appeal has been filed from the decision of the Subdivision Committee and that the following subdivisions were referred to the Commission without action:

C8-68-37 Battle Bend Springs  
C8-68-38 Rustling Oaks

It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of May 13, 1968, on the minutes of this meeting.

#### PRELIMINARY PLANS

C8-68-29 M.S.Z. Addition  
Montclair and La Casa

The staff reported this preliminary plan proposed the construction of 72 duplex units on 36 lots. The plan was approved at the last Subdivision Committee meeting subject to departmental requirements. It is presented for review of the Planning Commission on the request for appeal from single-family property owners in the area. They object to the proposed use of duplexes on the subdivision, which is located west of Rae Dell Avenue.

C8-68-29 M.S.Z. Addition--contd.

The Commission consented to grant the request of the property owners present to voice their objections to the subdivision plan. They advised the property owners present that the duplexes were permitted in an "A" Residential District under the Zoning Ordinance.

Mrs. Harriet Owens of 2506 Rae Dell commented that the nine and one-half acre proposed subdivision was surrounded by single-family dwellings ranging from \$30,000 upwards. She felt the use of duplexes consisted of poor planning and would result in blighting the area. She appealed to the Commission on the basis of aesthetics for the area. She noted the original subdivision plan was submitted for single-family units and none of the property owners objected. She felt the revised plan of 72 units would create a vast traffic problem and would seriously devalue the single-family residences in the area.

Mr. John Sunder of 2602 Rae Dell stated the nine and one-half acres of duplexes would meet only the minimum requirements of the City. He requested the Commission look at the area and review the drainage problem. The surrounding area has drainage problems at present. The drainage is inadequate at the time of heavy rainfall and the problem will be increased with the proposal of rental units. He suggested the Commission review the streets in the area to determine whether the streets are wide enough for the subdivision. He recommended traffic surveys be made in the area. He noted there are only two access streets - La Casa will be extended and circle at Montclair; Arpdale will cross a narrow neck but not enter the subdivision. The streets will only be 30 feet wide and in his opinion serious traffic problems will be created with the addition of the proposed units.

Mr. Riley advised Mr. Sunder that the drainage problem was a matter for the Public Works Department to handle. This department has the matter under advisement and the drainage is not a matter for the Planning Commission to determine. He noted the staff reported the planned streets would be adequate.

Mr. Jim Solt of 2406 Rae Dell appealed to the Commission on the basis of the traffic problems and consideration of hazard to children in the area. Mrs. Jo Ann Drake commented on the safety factor for children and the lack of sidewalks. Mr. Jim White noted there were existing deed restrictions for surrounding single-family residences prohibiting duplexes. He emphasized an important factor of the traffic hazard would be the steep street grades of La Casa and Arpdale.

Mr. Glen Cortez, Assistant City Attorney, counseled the Commission on requirements under the law. The Zoning Ordinance permits duplexes in "A" Residential districts. The subdivision met the technical requirements of the Subdivision Ordinance. Other factors and consideration of general welfare would be at the discretion of the Commission.

The Planning Director felt the issue was one of general public welfare and what is appropriate in the development of a well planned community. The Commission's action should be based on what is appropriate in relation to the Master Plan and the intent of the Subdivision Ordinance. He noted the Subdivision Ordinance



C8-68-29      M.S.Z. Addition--contd.

calls attention to examination of deed restrictions or conditions with respect to subdivision planning. He advised that these are not firm answers but areas in which the Commission must decide whether the plan is in the interest of the general welfare of the public and the intent of the Subdivision Ordinance for good planning.

The Commission reviewed the problems presented in developing the subdivision with duplexes. They discussed the alternative plan for development with single-family residences. It was therefore

VOTED:      To APPROVE the preliminary plan of M.S.Z. ADDITION providing it be restricted to single-family residences, and subject to all departmental requirements.

Mr. Richard Baker, an attorney, was granted permission to raise objections to the vote of the Commission. Mr. Zidell, the subdivision owner, is a client of Mr. Baker's on general subdivision and zoning matters, although he had not retained Mr. Baker's services for this specific case. Mr. Baker stated he appeared as a lawyer concerned with the principal of law involved. He was concerned with the fact that the subdivision complied with the Subdivision Ordinance and the Zoning Ordinance and he felt the Commission should not go beyond the statutes and laws which authorized specific procedures for subdivision.

Mr. Bluestein stated the Commission was aware of the Ordinance requirements but pointed out that the property value and public welfare of the surrounding property owners was the determinant in their vote restricting the subdivision to single-family dwellings. Mr. Riley stated he was concerned for duplexes in the midst of single-family residences. The duplex impact has become a serious problem in the City. The property values of the surrounding property owners will be affected. Dr. Hazard was concerned with the principal of good planning involved in carrying out the intent of the Master Plan.

Mr. Baker repeated his concern for the legal aspects and concluded the only recourse for the subdivider would be through the courts if they wished to follow their plan through. This would be an expense he was not sure the developer wished to take. He felt it would not be a precedent for the Commission to change their vote.

Later in the meeting Mr. Cortez reviewed for the Commission its power to restrict the developer to single-family uses. He read Section 4, Article 974A in the Statute and Section 2314 of the Subdivision Ordinance. Mr. Cortez advised the Commission that the case at hand met the technical requirements and he felt it was the duty of the Planning Commission to approve the plat. The only justification for requiring the developer to restrict his lots to single-family uses is the provision of the Master Plan. The Master Plan is a general guideline and not too specific. It is therefore arguable that the specific ordinances supercede the general provision of the Master Plan.

C8-68-29      M.S.Z. Addition--contd.

On the advice of Council, the Commission discussed recinding their vote. It appeared they acted in the interest of good planning but outside of their jurisdictional powers according to the Subdivision Ordinance. They felt that another hearing should be held and the surrounding property owners again be notified. They discussed a motion to recind their previous action and to approve the preliminary plan with out the restriction of single-family dwellings, which failed to carry on a vote, which left their previous action in effect.

C8-68-37      Battle Bend Springs  
Suburban Drive and Battle Bend

The staff reported this preliminary plan was referred by the Subdivision Committee for further consideration. The subdivision adjoins Williamson Creek and the City plans to acquire land adjacent to Williamson Creek for a park or hike and bike trail. The Parks and Recreation Department is to meet with the developer to determine what could be worked out with respect to a park development. At the present time there are no funds available for acquiring the property by the City. The Parks and Recreation Department does not want to delay the development of the subdivision and hopes to work out a plan for park development of the back end of the lots adjoining the Creek before final approval.

Mr. Beverly Sheffield, Director of the Parks and Recreation Department, affirmed the staff report. He stated they were investigating the acquisition of the property and will work with the developers toward development of the back lots for a park area.

The staff recommended the preliminary plan be approved with a stipulation that the developer and Parks and Recreation Department reach an agreement before final approval and subject to compliance with all departmental requirements.

The Commission therefore

VOTED: To APPROVE the preliminary plan of BATTLE BEND SPRINGS subject to compliance with all departmental requirements and an agreement on development of a park area on lots adjoining Williamson Creek, between the developer and Parks and Recreation Department.

C8-61-33      Emerald Forest  
Vinson Drive

The staff reported a request to reapprove a portion of the original plan of this subdivision which was approved in 1961. It recommended reapproval of this portion of the plan. Consideration for the balance of the subdivision is to be presented later at the Subdivision Committee meeting on June 10, 1968.

The Commission therefore

VOTED: To REAPPROVE the portion of the original plan of Emerald Forest which was approved in 1961.

C8-68-38      Rustling Oaks  
Spicewood Springs Road

The staff reported this preliminary plan had been referred to the Commission from the last subdivision Committee meeting. Since that time, the subdivider has requested permission to withdraw the plan. The Commission therefore

VOTED:      To WITHDRAW the preliminary plan of RUSTLING OAKS.

C8-68-39      Manor Estates  
Manor Road and Manor Circle

The staff reported this preliminary plan was approved with condition at the last meeting of the Subdivision Committee. The condition of approval was subject to the location of Manor Road and Manor Circle being moved as far north as possible. The engineers for the developer have worked with the staff to move the street to a more acceptable location. The staff recommended approval of the plan as revised, subject to compliance with all departmental reports.

The Commission therefore

VOTED:      To APPROVE the revised preliminary plan of MANOR ESTATES.

#### 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>C8-61-33</u>	<u>Emerald Forest, Section 1</u>
	Vinson Drive
<u>C8-67-67</u>	<u>Johnson Terrace, Section 2</u>
	Lotus Lane and Arthur Stiles
<u>C8-68-30</u>	<u>Quail Creek West, Section 1</u>
	Peyton Gin Road
<u>C8-68-42</u>	<u>River Oak Lake Estates, Section 4, Revised</u>
	North Lamar & Chimney Road
<u>C8-68-44</u>	<u>Buckingham Place, Section 3</u>
	Pevensey Drive & King Edward
<u>C8-68-45</u>	<u>Buckingham Place, Section 4</u>
	King George & King Edward
<u>C8-68-53</u>	<u>N. W. Hills Mesa Oaks, Phase 5-A</u>
	West Rim Drive and Burney
<u>C8-68-55</u>	<u>Allandale Estates, Section 4</u>
	Moss Rock & Shoal Creek Boulevard
<u>C8-68-56</u>	<u>Coronado Hills, Section 1</u>
	Coronado Hills Drive and Barcelona
<u>C8-68-57</u>	<u>River Oak Lake Estates, Section 5</u>
	Blue Water and Cedar Bend
<u>C8-68-60</u>	<u>N. W. Hills Mesa Oaks, Phase 4-B</u>
	Greystone Drive and Rockcliff
<u>C8-68-61</u>	<u>Community of Fairview, Section 4</u>
	Thistlewood and Heartwood

44-446

C8-67-69      Highland Hills N.W., Section 5  
Running Rope & Lamplight

The staff reported that at the last Planning Commission meeting the preliminary plan of Highland Hills, N.W. Section 5 was approved subject to redistribution and compliance with departmental requirements. The plan has not been distributed as it has not been submitted to the staff as approved. The final plat is in conformance with the departmental plan as approved but the various City departments have not received that plan. The staff recommends that this final plat be accepted for filing subject to redistribution of the approved preliminary plan and compliance with departmental reports. It was then

VOTED:      To ACCEPT for filing the final plat of HIGHLAND HILLS N.W., Section 5, subject to redistribution of the approved preliminary plan and compliance with departmental reports.

C8-67-85      Northwest Hills, Section 11, Phase 2  
Northhills Drive and Balcones Drive

The staff reported that all departmental reports have not been received and recommended that this final plat be accepted for filing only pending compliance with departmental reports and the preliminary plan. The Commission then

VOTED:      To ACCEPT for filing the final plat of NORTHWEST HILLS, Section 11, Phase 2, pending the items as noted.

C8-68-13      Tejas Plaza  
Brandt Drive and Tejas Drive

The staff reported that all departmental reports have not been received and recommended that this final plat be accepted for filing on the condition that the subdivision and zoning boundaries match and compliance with departmental reports. The Commission then

VOTED:      To ACCEPT for filing the final plat of TEJAS PLAZA pending the requirements as noted.

C8-68-29      M.S.Z. Addition  
La Casa & Montclair

The staff reported that all departmental reports have not been received and recommended that this final plat be accepted for filing pending compliance with the preliminary plan and with a restriction on the face of the plat that the development will be limited to single-family dwellings. The Commission then

VOTED:      To ACCEPT for filing the final plat of M.S.Z. ADDITION, pending compliance with the preliminary approval and with a restriction on the face of the plat limiting development to single-family dwellings.

C8-68-39      Manor Estates  
Manor Road north of Rogge Lane

The staff recommended that this final plat be accepted for filing pending compliance with departmental reports. The Commission then

VOTED:      To ACCEPT for filing the final plat of MANOR ESTATES, subject to compliance with departmental reports.

447 115

C8-68-40      Greenleaf Estates  
Dittmar Road and Wynne Lane

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing pending compliance with departmental reports. The Commission then

VOTED:      To ACCEPT for filing the final plat of GREENLEAF ESTATES, pending compliance with departmental reports.

C8-68-54      Allandale Estates, Section 3  
Shoal Creek Boulevard and U. S. Highway 183

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing pending the required annexation and the necessary zoning for the proposed use. The Commission then

VOTED:      To ACCEPT for filing the final plat of ALLANDALE ESTATES, Section 3, pending the items as noted.

C8-68-68      Allandale North, Section 7  
Pompton Drive

The staff reported that departmental reports have not been received and recommended that this final plat be accepted for filing with the note that final approval must be simultaneous with the approval of Allandale North, Section 6, as each section is providing for one-half of the streets. The Commission then

VOTED:      To ACCEPT for filing the final plat of ALLANDALE NORTH, Section 7, pending the requirement as stated above.

C8-68-59      Allandale North, Section 6  
Pompton Drive

The staff reported that departmental reports have not been received and recommended that this final plat be accepted for filing with the note that final approval must be simultaneous with the approval of Allandale North, Section 7 as each section is providing for one-half of the streets. The Commission then

VOTED:      To ACCEPT for filing the final plat of ALLANDALE NORTH, Section 6, pending the requirement as noted above.

SUBDIVISION PLATS - CONSIDERED

C8-67-66      Creekside  
U. S. Highway 290 and Creekside Drive

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

VOTED:      To DISAPPROVE the final plat of CREEKSIDE, pending the items as noted.

C8-67-76      Westover Hills, Section 4  
Hyridge Dr. and Bainesridge

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

VOTED:      To DISAPPROVE the final plat of WESTOVER HILLS, Section 4, pending the requirements as indicated.

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

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

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

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

The staff recommended disapproval of this final plat pending the required additional easements, fiscal arrangements, annexation, compliance with departmental reports and additional fiscal requirements in lieu of cul-de-sac. The Commission then

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

C8-67-68      Westover Hills Club Estates  
Westover Club Drive

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

VOTED:      To DISAPPROVE the final plat of WESTOVER HILLS CLUB ESTATES, pending the items as indicated.

C8-68-18      Cherry Creek III  
Whitestone Drive and Idlewood

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

VOTED:      To DISAPPROVE the final plat of CHERRY CREEK III, pending the requirements as indicated.

C8-68-22      Allen Place  
Northhills Drive and Allen Drive

The staff recommended disapproval of this final plat pending the required additional easements, fiscal arrangements, annexation, compliance with departmental reports and the necessary zoning for the uses proposed.

Mr. David Barrow was present at the hearing and stated that in his opinion, the approval of the subdivision should not be held up subject to the zoning. If the requested zoning is not granted, the subdivision will be developed for single-family purposes.

Mr. Foxworth stated that it was the staff's understanding that the uses proposed were quadraplexes. If this is the specific intent the plan cannot be approved without annexation and zoning as the subdivision would be inconsistent with the zoning; however, in view of Mr. Barrow's statement that the subdivision will be developed with single-family development if the requested zoning is not granted, the staff recommends that the condition of zoning be removed. The Commission then

VOTED:      To DISAPPROVE the final plat of ALLEN PLACE, pending the required additional easements, fiscal arrangements, annexation and compliance with departmental reports.

C8-68-34      Quail Creek, Section 2  
Peyton Gin Road and Collingfield

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

VOTED:      To DISAPPROVE the final plat of QUAIL CREEK, Section 2, pending the items as indicated.

C8-68-35      Community of Fairview, Section 3  
Ramble Lane and Greenheart

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

VOTED:      To DISAPPROVE the final plat of COMMUNITY OF FAIRVIEW, Section 3, pending the requirements as noted.

C8-68-43      Northwest Estates, Section 2  
Hycrest Drive and Wildridge

The staff recommended disapproval of this final plat pending the required fiscal arrangements, annexation and compliance with departmental reports and approval of section 1. The Commission then

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

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SHORT FORM PLATS - FILED

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

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

C8s-68-82	<u>King's Subdivision Resub.</u>
	Pecan Springs Road
C8s-68-87	<u>Hancock Park Annex</u>
	Red River and Duncan Lane
C8s-68-88	<u>Simpson-Yates Addition</u>
	Buell Avenue East of Stillwood

<u>C8s-68-83</u>	<u>7-Eleven Subdivision</u>
	Manor Road

The staff reported that several reports have not been received and recommended that this short form plat be accepted for filing and disapproved pending the required easements, fiscal arrangements, and compliance with departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of 7-ELEVEN SUBDIVISION, pending the items as indicated.

<u>C8s-68-84</u>	<u>Flournoy's Eastern Hills, Section 4</u>
	Webberville Road

The staff reported that this short form plat involves a variance to exclude the balance of the tract from which it came. The balance of the tract is covered by a previous preliminary which covers the extension of the streets. The staff recommends that this short form plat be accepted for filing and that the variance be granted. The Commission then

VOTED: To ACCEPT for filing the short form plat of FLOURNOY'S EASTERN HILLS, Section 4, GRANTING a variance to exclude the balance of the tract.

<u>C8s-68-85</u>	<u>Discovery Properties, Ltd. Sub.</u>
	Balcones Drive and Northland Drive

The staff reported that this is a short form subdivision proposal located at the southeast corner of the intersection of Balcones Drive and Northland Drive. It involves the property located between Balcones Drive and the I.G.N. Railroad right-of-way to the east which will be affected by the alignment and right-of-way for Mo-Pac Boulevard. The subdivision as submitted proposes 5 lots. The corner lot has been subdivided out as the Mutual Addition. The subdivision itself proposes lots 2, 3, 4 & 5. Lot 3 is presently developed with a grocery store and lots 2 & 4 are undeveloped but there are plans for building and development on lot 2. Lot 5 consists of 30 feet fronting onto Balcones Drive which is identified as a 30 foot private access, public utility and drainage easement. Along



C8s-68-85      Discovery Properties, Ltd. Sub.--contd.

the east line of Lot 2 extending southerly from Northland Drive there is a 27 foot strip which is part of Lot 3, which belongs to the supermarket. This is also identified as a 27 foot private access easement. It is the staff's understanding that Lot 5, which is the 30 foot access easement, and the 27 foot easement are intended for access to Lots 3 & 4. This is not specified by the plat and it is felt that it should be or that some note of clarification should be given to the plat as to what it is intended to serve. At this point, there are several departmental reports that have not been received and the staff recommends that this plat be accepted for filing subject to the clarification pertaining to the access easements and subject to completion and compliance with departmental requirements. If all requirements are met and the note can be worked out pertaining to the access easements, it is requested that the staff be given authorization to give the plat administrative approval. The Commission then

VOTED:      To ACCEPT for filing the short form plat of DISCOVERY PROPERTIES, LTD. Subdivision pending completion and compliance with departmental reports and subject to the clarification of the conditions of access, authorizing the staff to give administrative approval when all requirements have been met.

C8s-68-86      Hen-Lo Subdivision  
F.M. 1325 & Howard Lane

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

VOTED:      To REJECT for filing the short form plat of HEN-LO SUBDIVISION, pending return of the tracing.

SUBDIVISION PLATS - CONSIDERED

C8s-68-81      Texas Butane Dealers Association  
I.H. 35

The staff recommended that this short form plat be postponed until the Subdivision Committee meeting in that it involves the extension of Oertli Lane to the Highway. There are several problems involved that will probably be effected by this extension and the staff would like an opportunity to meet with Public Works to determine what the requirements will be and the effect on the various property owners. The Commission then

VOTED:      To REFER the short form plat of TEXAS BUTANE DEALERS ASSOCIATION to the Subdivision Committee meeting.

C8s-68-70      Manchaca Estates Resub.  
Cannonleague Drive

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

VOTED:      To DISAPPROVE the short form plat of MANCHACA ESTATES RESUB. pending compliance with departmental reports.

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

VOTED:      To APPROVE the following short form plats:

C8s-67-185   H. M. Bohn Addition  
                  Ben White Boulevard and South Congress  
C8s-68-35   Oscar Ceder Subdivision - Resub.  
                  Manor Road and Daffan Lane  
C8s-68-67   Madden Addition  
                  Wood Cliff Drive  
C8s-68-89   Neighbors Addition, Resub.  
                  Airport Boulevard and Manor Road  
C8s-68-64   Laneport  
                  Anderson Lane and Purnell  
C8s-68-50   Eugene Dudley Subdivision  
                  Glissman Road

#### ADMINISTRATIVE APPROVAL

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

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

C8s-68-59   Nancy Knop Borders Subdivision  
                  West 6th West of West Lynn  
C8s-68-73   Doris R. Knop Subdivision  
                  Leon Street and West 23rd  
C8s-68-74   Frontier Village, Section 3, Resub.  
                  Frontier Trail & Western Trail  
C8s-68-80   Lake Shore Colony Resub. Lot 18  
                  Town Lake Circle & Elmont

#### OTHER BUSINESS

C10-68-1(i)   STREET VACATION  
                  Gaffney Street south of West 38th Street  
                  to 38th Street alley

The staff reported that this request to vacate Gaffney Street south of West 38th Street to 38th Street alley is made by all of the abutting property owners. The

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C10-68-1(i) STREET VACATION--contd.

various departments have checked the request and recommend the vacation subject to the retention of the necessary electric department easements and possibly telephone company easements which may involve the relocation of lines at the owner's expense.

The Planning Department recommends in favor of the closing but recommends that the closing be done in connection with a rededication of Gaffney Street. Mr. Roger Hanks, one of the property owners involved, has agreed with the Department of Public Works on the rededication of the street.

Mr. Hanks asked if the street would have to be paved to set standards when the street is rededicated. He said that it is their intention to keep Gaffney open temporarily until it can be closed entirely.

Mr. Stevens explained that Public Works would require a standard street paving with curb and gutter. After further discussion, the Commission unanimously

VOTED: To recommend that Gaffney Street south of West 38th Street to 38th Street alley be VACATED, subject to retention of the necessary easements as indicated, and with the condition that the vacation be simultaneous with the rededication of Gaffney Street.

C10-68-1(j) STREET VACATION

Jim Hogg Avenue between North Loop Boulevard and Houston Street

The staff reported that this request to vacate Jim Hogg Avenue between North Loop Boulevard and Houston Street is made by all of the abutting property owners.

The request has circulated to the various departments who recommend in favor of the closing subject to the retention of the necessary sanitary sewer, gas company, storm sewer and telephone company easements. The Planning Department recommends in favor subject to retaining 15 feet for right-of-way widening of North Loop Boulevard and 10 feet for Houston Street. The Commission then

VOTED: To recommend that Jim Hogg Avenue between North Loop Boulevard and Houston Street be VACATED subject to the retention of the easements outlined and retention of 15 feet for right-of-way widening for North Loop Boulevard and 10 feet for Houston Street.

C10-68-1(k) STREET VACATION

Maywood Avenue from approximately 115 feet north of Maywood Circle to West 35th Street and Warren Street east of Pecos Street

The staff reported that this request to vacate Maywood Avenue from approximately 115 feet north of Maywood Circle to West 35th Street and Warren Street east of Pecos Street is in connection with a zoning request on the abutting properties. The request has circulated the various City departments who recommend in favor of the closing subject to the retention of the necessary sanitary sewer and storm sewer easements. The Planning Department recommends approval only if the requested zoning is approved and Maywood Avenue south of Warren Street is extended to Pecos Street and additional right-of-way is provided for Pecos Street. After further discussion, the Commission

VOTED: To recommend that Maywood Avenue to the southern boundary of Warren Street and all of Warren Street east of Maywood Avenue be VACATED, subject to the retention of the necessary easements and additional right-of-way for Pecos Street.

C10-68-1(1) ALLEY VACATION

West Sixth Street alley between Henderson and Wood Streets

The staff reported that this request to vacate the West Sixth Street alley between Henderson and Wood Streets is made by Mr. Roy Butler who is the abutting property owner. The request has circulated to the various departments who recommend in favor of the closing subject to the retention of the necessary sanitary sewer, water department, storm sewer, telephone company and electric department easements. The Planning Department recommends against the closing as Wood Street is a dead-end street with inadequate turnaround space and the alley has been open and in use.

Mr. Dunnam stated that this is an alley which is being used as a street, and consideration should be given to that point.

Mr. Cortez, Assistant City Attorney, explained that an alley is in effect a narrow street and is subject to all of the uses essentially of a street, such as right-of-way, traffic purposes, ingress and egress.

The Commission members felt that since the applicant owns all of the abutting property that this request should be granted. It was then

VOTED: To recommend that the West Sixth Street alley between Henderson and Wood Streets 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 May 7, 1968, and that a majority of the Commission had

VOTED: To APPROVE the following final plats:

<u>C8-65-33</u>	<u>Cavalier Park, Sec. 1</u>
	F.M. 969 and Regency Drive
<u>C8-67-57</u>	<u>N. W. Hills Mesa Oaks, Ph. 5</u>
	Rustling Rd. and Burney Drive
<u>C8-67-71</u>	<u>Balcones Village, Sec. 2</u>
	Balcones Club Drive
<u>C8-67-83</u>	<u>North Park Estates, Sec. 2</u>
	North Bend Drive west of U.S. 81
<u>C8-67-90</u>	<u>Northwest Hills Mesa Oaks, Ph. 4-A Lst. Rsb.</u>
	Mesa Drive
<u>C8-67-94</u>	<u>Vintage Hills</u>
	Langston Drive and Ed Bluestein Blvd.
<u>C8-68-4</u>	<u>North Meadows</u>
	N. Lamar Blvd. and Sagebrush Drive
<u>C8-67-16</u>	<u>Flournoy's Sweetbriar, Sec. 3</u>
	Bramble Drive and Glenhollow Drive
<u>C8-68-24</u>	<u>Woodland Memorial Estates (cemetery)</u>
	U.S. 290 West
<u>C8-68-28</u>	<u>Oak Valley Park, Sec. 2</u>
	Davis Lane and Oak Ledge Drive

ADJOURNMENT: The meeting was adjourned at 1:00 a.m.

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Hoyle M. Osborne  
Executive Secretary