

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- September 17, 1968

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

Present

Samuel E. Dunnam, Chairman  
Robert Kinnan  
Alan Taniguchi  
Dr. William Hazard  
William Milstead  
Robert B. Smith  
G. A. McNeil  
Roger Hanks

Absent

Hiram S. Brown

Also Present

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

ZONING

The following changes were considered by the Zoning Committee at the meeting of September 10, 1968.

Present

Hiram S. Brown, Acting Chairman  
Robert B. Smith  
G. A. McNeil  
Alan Taniguchi  
Roger Hanks

Also Present

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

PUBLIC HEARINGS

C14-68-179      Howard Brunson: C, 3rd to C, 4th  
1000-1016 East Avenue  
701-721 East 11th Street  
1001-1015 Sabine Street  
700-720 East 10th Street

STAFF REPORT: The stated purpose of this application is for an office complex. The request covers 87,800 square feet of land. The area is predominantly zoned commercial and is developed with a number of different commercial uses.

C14-68-179      Howard Brunson--contd.

An application was made on this property several months ago, at which time the staff and the Commission recommended that "C" Commercial, Third Height and Area zoning be granted. Since that time, the applicant has found that Fourth Height and Area zoning is needed for the proposed project. The staff has no objection to Fourth Height and Area at this location; however, the site is located in the Brackenridge Urban Renewal Area which designates 90 feet as the maximum height in this block. The requested zoning would permit 200 feet; however, the Urban Renewal Plan is more restrictive and is the controlling factor. The staff feels that the requested zoning is appropriate for this area and recommends that the request be granted, and that the "B-2" District of the Urban Renewal Plan, be amended to permit a structure to a height of 200 feet.

#### TESTIMONY

##### WRITTEN COMMENT

Code

AA            American Legion Department of Texas: 1500 Congress    FOR

##### PERSONS APPEARING AT HEARING

Code

A            Howard Brunson    (applicant)  
              Howard R. Barr    (representing applicant)

#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that his architects recommended that a request be made for a change in zoning which would permit a building to a height of 200 feet in order to formulate the plans for the subject property.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the 90 foot height limitation imposed by the Urban Renewal Plan for the area; however, they felt that the request is appropriate and should be granted, subject to the Brackenridge Urban Renewal Plan being amended.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Howard Brunson for a change of zoning from "C" Commercial, Third Height and Area to "C" Commercial, Fourth Height and Area for property located at 1000-1016 East Avenue, 701-721 East 11th Street, 1001-1015 Sabine Street and 700-720 East 10th Street be GRANTED.

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C14-68-180      Robert L. Ogden: B, 2nd to O, 2nd  
601 Oakland Avenue  
1406 West 6th Street

STAFF REPORT: This application covers a small tract of land containing 4,550 square feet. The stated purpose of the request is for office development. The subject property and the lot adjoining to the east were at one time one parcel of land; however, the parcel was split in 1944 and is considered a legal lot. Because of the size of the lot, the staff questions how the property can be used under the existing or proposed zoning. There is also a question of right-of-way on Oakland Drive in that the street has a present right-of-way of 40 feet and should be widened to 60 feet in order to handle the business traffic. The staff recommends that 10 feet of right-of-way be required which would further reduce the size of the lot to only 3,800 feet. West 5th and West 6th Street will eventually be used as one way pairs. West 6th Street has an existing right-of-way of 70 feet. The staff does not oppose the zoning request but is concerned about the right-of-way for Oakland Avenue and utilization of the property because of the size.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

R	Jane Smoot: 1316 West 6th Street	AGAINST
BD	Mrs. Helena Hardcastle: 1501 West 6th Street	FOR
AT	Mrs. W. E. Harty: 1413 West 6th Street	FOR
Z	John F. Carter: 1412 West 6 $\frac{1}{2}$ th Street	FOR
W	Mrs. Erwin Joseph: 1410 West 6th Street	FOR

##### PERSONS APPEARING AT HEARING

###### Code

None

#### SUMMARY OF TESTIMONY

One nearby property owner appeared and asked about the height that would be allowed under the proposed zoning. The staff explained that height permitted would be 60 feet.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Oakland Avenue; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as the appropriate zoning for the area.

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C14-68-180      Robert L. Ogden--contd.

At the Commission meeting the staff reported that only five feet of right-of-way widening is recommended for Oakland Avenue, instead of the ten feet as stated at the Zoning hearing.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Robert L. Ogden for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 601 Oakland Avenue and 1406 West 6th Street be DENIED.

C14-68-181      Gemmer, Hoff and Wendler: Int. A, Int. 1st to B, 1st (Trs. 1 & 2)  
Tract 1: 1901-1943 Unnamed Street (County Road)      (as amended)  
Tract 2: 1822-1942 Unnamed Street (County Road)

STAFF REPORT: This application covers two tracts of undeveloped land totaling 15.53 acres. Tract 1 is a ten acre tract located on the east side of what was a County Road until very recent annexation and is presently unnamed. Tract 2 containing approximately five acres, is located on the west side of the unnamed street. The property was recently annexed to the City and upon annexation, assumed an Interim "A" Residence, Interim First Height and Area classification. The purpose of this hearing is to establish zoning on the tracts. The staff discussed this request with Mr. Wendler, one of the applicants, before the meeting at which time he indicated that apartment zoning would be agreeable on both tracts 1 and 2 rather than "GR" as requested on Tract 2; however, Mr. Wendler will have to amend his application if this is the intended use. The applicant has indicated that the proposed development will be 25 units per acre. The zoning as requested would permit 43 units per acre.

There is undeveloped "GR" property established to the north of Riverside Drive and "BB" zoning, granted in 1964, is established to the northeast, having frontage onto Riverside Drive. Property adjoining Tract 1 to the north is owned by the Austin Independent School District and is a planned future elementary school site. There is nothing scheduled at this time.

The staff presented an aerial photograph of the area showing the existing and proposed development and the street system. Mr. Stevens explained that the East Live Oak Street extension, located to the south will have 90 feet of right-of-way and will be extended easterly to tie in with the future extension of Pleasant Valley Road. Pleasant Valley Road is to extend southerly and will have 120 feet of right-of-way. Parker Lane has an existing 70 feet of right-of-way and Woodland Avenue, partly developed and partly planned for development is to extend from near the subject property westerly to the Interregional Highway. There is an existing single-family development to the west with some non-residential uses established along the Interregional highway. At the intersection of Live Oak and Interregional there are commercial facilities, and some undeveloped commercial property.

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C14-68-181      Gemmer, Hoff and Wendler--contd.

There are a number of questions involved with this request at this time. The extension of Woodland Avenue should be provided for in some manner; however, determination of the final location would depend on whether or not the school property is finally developed as an elementary school site. Originally, Woodland Avenue was to "T" into the expressway. If the school is developed on the adjoining tract there should be some consideration, worked out with the schools, to come through the subject property and continue on the south side of the school in order to give another point of access to that property and possibly then continue on to Pleasant Valley Road. It may be necessary to widen the existing unnamed street although it is now a 60 foot dedicated street which is undeveloped. The applicants realize that when the street is paved, they will have to pay their share of the cost. In addition to the property under consideration, the applicants own approximately 60 acres which adjoin the site. The staff feels that there are too many unanswered questions at the moment to recommend that the application be granted. In this instance, there is a strong need for some subdivision plans with layout of streets and arrangement of the property in such a manner as to provide for the proposed development. The applicants have a general idea as to what development would be designated but the plans are tentative. The staff feels that a recommendation of zoning should be held up until there is a street plan and layout that will accommodate the proposed use.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A            Ken Wendler    (applicant)

SUMMARY OF TESTIMONY

Mr. Wendler was present at the hearing and stated they did not anticipate getting involved in a subdivision on the remaining acreage they own in this area. The unnamed street was dedicated prior to purchase of the tract. He presented a map showing existing apartments in the area and apartment developments which are proposed. He explained that they agree fully and had anticipated that Woodland would tie in with the property at some time, and at some place and the property which is needed for the extension of this street will be dedicated. A subdivision to the south has been submitted but has not yet been developed. In that subdivision plat they anticipated Oltorf Street (Live Oak) coming through and had laid the land out for apartments, residential and commercial development. There is a large draw and a power main through this area which will require considerable study and planning to determine how many streets are needed and where the streets should be developed, and whether or not there should be cul-de-sac streets. It is

C14-68-181      Gemmer, Hoff and Wendler--contd.

It is realized that there are a number of problems in this area but it is felt that the development of 15 acres under consideration will not have any effect on the balance of the area. The property is served by an unnamed 60 foot street and Riverside Drive. If the present plans are developed, additional right-of-way for Oltorf Street (Live Oak) will be dedicated.

Mr. Wendler stated that they are not prepared at this time to submit a plan for the entire area as the majority of the area is still outside of the City limits. It is felt that eventually this entire area will go toward apartment development. It is agreed that only 26 units per acre should be developed, which is what is planned for the site.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and stated they are not necessarily opposed to apartments in this area; however, they felt that this request should be referred to the full Commission pending any additional information which can be provided concerning traffic, schools, land use, and street needs.

At the Commission meeting, the staff reported that this request as filed is for "B" Residence, First Height and Area zoning on Tract 1, which is the 10 acre tract located on the east side of the unnamed street, and "GR" General Retail, First Height and Area on Tract 2, which is the five acre tract located on the west side of the unnamed street. When the staff reviewed the application with the applicants, they indicated they would request amending the application to "B" Residence, First Height and Area on both tracts.

Mr. Stevens explained that a tract of land adjoining Tract 1 to the north is owned by the Austin Independent School District and has been designated as an elementary school site. This is one of the items that prompted concern by the Zoning Committee and the Planning Department with regard to rezoning on the south side of Riverside Drive as well as traffic concerning not only the area but also the school and for these reasons the request was referred to the full Commission.

A composite of an aerial photograph was presented showing the area bounded by I. H. 35 on the west, Pleasant Valley Road on the east, Town Lake on the north and Burleson Road on the south. The composite also related the existing land use in the area, expressway and arterial system to the subject property. Between the two tracts there is a county road which was recently annexed to the City; however, the County Engineer's office has said that they could find no immediate record of the acceptance of the road by the County. In any case, the road as shown on the map has 60 feet of right-of-way although it is undeveloped. The traffic and expressway system shows Riverside Drive to the north, Pleasant Valley Road to the east, existing to Riverside Drive and proposed to extend southerly, Interstate 35 to the west and Oltorf, a major arterial street, to the south existing to Parker Lane and proposed to extend through to Pleasant Valley Road. Woodland Avenue is a collector street extending across Parker Lane.

C14-68-181      Gemmer, Hoff and Wendler--contd.

On the north side of Riverside Drive to the lake there is apartment and commercial development. There is good quality single-family development in the area bounded by Interstate 35, Parker Lane, Riverside Drive and East Oltorf Street. On three sides of Parker Lane there is retail zoning which is undeveloped except for a service station which is presently located at Parker Lane and Riverside Drive. South of the retail zoning at Riverside Drive there is "BB" zoning, part of which is being developed at the present time. South thereof is a subdivision layout approved for residential development in the area along Woodland Avenue. There is a preliminary plan containing residential development on property extending to Oltorf Street (Live Oak) through which a north-south collector street is proposed. There is an existing single-family neighborhood south of the subject property.

The staff feels that as far as the pattern is concerned apartments are not necessarily objectionable on the south side of Riverside Drive if limited to a certain depth. Mr. Stevens presented an overlay of the map showing the subject property as related to the existing and planned single-family development and existing and planned multi-family development. He stated that it is felt that the property immediately along and to the south of Riverside Drive to the crest of the hill, could logically be developed with apartments. There could possibly be commercial or retail facilities at the intersection of the expressway and the extension to Pleasant Valley Road. The staff feels that the establishment of apartment zoning on the entire tract under consideration would in effect rezone the entire rectangle and be detrimental to the existing single-family area and the residential streets.

Mr. McNeil stated that he does not necessarily agree with the staff that rezoning of the subject site would rezone the entire triangle. For all practical purposes, the area at the end of Riverside Drive is a wilderness and in his opinion the requested zoning would not be harmful at all. He stated that he felt that it would be good for the area as it is undeveloped at the present time, and would have no effect on the residential development near Parker Lane.

Mr. Osborne explained that the key element to consider is what should be considered in determining what zoning should be on a particular site and in a particular area. This is a fairly unusual application as it is located in the middle of an undeveloped area with respect to the immediate surrounding area but substantially in what is identified as a neighborhood running within the boundaries of approximately 40% being developed in single-family homes. A limited amount of apartment development has occurred on the fringe of the area and there is large scale apartment zoning occurring to the north of Riverside Drive. The staff does not necessarily say that this property cannot be rezoned and managed from a high density standpoint; however, if it is rezoned, it is felt that the Commission has committed all of the land to the east of Parker Lane to Pleasant Valley Road to apartment development. Planning will have to be done on that basis otherwise there will be unsound planning. Further consideration is the relationship of a medium density area and it is felt that in this particular case the requested "B" Residence is too excessive.

C14-68-181      Gemmer, Hoff and Wendler--contd.

If development occurred in the area of 20 or 21 units per acre which would be permitted under "BB" Residence, this would be in a more manageable field for suburban development but it would still require some major planning commitments, particularly in this case where there is only one owner out of approximately six or eight owners planning development on only a small portion of land. If this is developed as proposed traffic will feed into Woodland Avenue over to Interstate Highway 35 and on westward. Woodland Avenue in this particular area is developed with single-family and duplex development. This means that apartment development even under the range of 20 to 21 units per acre will produce approximately four to five times as much traffic as single-family and two-family development. There are a number of problems to be considered such as the timing of the development of the extension of Oltorf and the scheduling of Riverside Drive and Pleasant Valley Road. These things are not in the Seven year Capital Improvements Program. Consideration should be given to the issue of the impact upon the initial developing single-family neighborhood and the low density development in the area. There will obviously be ramifications on all four sides of the subject property. To the south of Riverside Drive the area slopes and the subject property is the high point through the area. It is felt that this would be a good breaking point for zoning and development.

Mr. Osborne stated that in his opinion the granting of zoning on the subject property would involve a commitment in terms of utilities, traffic, schools and parks and would in effect set the zoning for the area.

Mr. McNeil and Mr. Kinnan were both of the opinion that denying this request would penalize the applicants because other property in the area is undeveloped.

Mr. Stevens explained that as a result of questions raised by the staff the applicants have submitted a plan for this area showing the uses and layout of the streets. This has been discussed with the applicants and based on the property going to apartment zoning, the plan submitted shows the immediate street considerations they are willing to make, realizing that the balance of the property would have to be planned at a later date.

The plan shows Woodland Avenue extending through the adjoining property and through Tract 2 in which they would dedicate one-half of the 60 foot right-of-way extending to Willow Brook Road which is the unnamed street between the two tracts under consideration. In addition, they are willing to dedicate right-of-way for one-half of a 60 foot right-of-way along the north property line which could extend to Pleasant Valley Road and serve the school site with the schools furnishing the other one-half of the 60 feet. They also propose to dedicate a 60 foot right-of-way bounding their south property line to provide for a second street to tie to Pleasant Valley Road. They also recognize that Willow Brook Road will extend onto Oltorf Street. Willow Brook Road is a 60 foot street and if the requested zoning is granted, should be widened to 70 feet.



C14-68-181      Gemmer, Hoff and Wendler--contd.

Mr. Wendler was present at the hearing and presented a map of the existing and proposed development in the area. He stated that there is apartment zoning and development existing to a great extent in this area, particularly to the north of Riverside Drive. He stated that there are approximately nine residences existing in the 200 acres shown on the map. A subdivision plan and zoning has recently been approved for commercial, apartment and single-family development on property to the west and south of Riverside Drive. A subdivision plan has recently been submitted that proposes only 55 residential lots. There are major thoroughfares to the north, south, east and west of the property that feed into the area. The desirability of not feeding major traffic through a residential area is recognized and it is felt that for the most part, the traffic will travel the major streets.

Mr. Wendler stated that they own approximately 87 acres in this area and there is a dedicated street separating the two tracts under consideration. He explained that they are also willing to dedicate one-half of the street extending to Pleasant Valley Road and a portion to Oltorf Street. This is not a predominantly single-family area as the largest portion is undeveloped. There are a number of apartment units to the north of Riverside Drive and this would be a logical extension of existing high-density development.

Mr. Wendler requested that the application on Tract 2 be amended to "B" Residence, First Height and Area rather than "GR" General Retail. He stated that it is realized that the zoning as requested would permit 43 units per acre but the plans on the property call for only 26 units per acre and there is no objection to confining the development to that extent. A special permit for the development will be requested. The idea of moving back off of a major thoroughfare and away from high-density commercial areas for apartment development is becoming more desirable. It is felt that with regard to the traffic system this area lends itself to the type of development proposed. It is agreeable to increase the unnamed street (Willow Brook) to 70 feet as this will be the only street feeding into the area for sometime. In the future when a plan is submitted for the entire area the development will be carefully studied before a commitment is made.

Mr. Osborne stated that the applicants cannot be responsible for dedicating streets through property they do not own. The existing street system should be a strong consideration for the requested zoning inasmuch as a great deal of area will be affected.

The Commission members discussed the requested zoning on the site, the expressway and arterial system and the existing and proposed development. They were concerned about the effect that a rezoning would have on the balance of the area and a majority of the members felt that a change at this time could set the zoning for the area. They discussed the request in relation to the Master Plan designation for the area and felt that before a recommendation on this request can be made that the change should be considered in conjunction with the Master Plan.

C14-68-181      Gemmer, Hoff and Wendler--contd.

Mr. Wendler stated that they would be agreeable to postponing this request so that it can be considered in conjunction with the Master Plan. He suggested that the area bounded by the river on the north, Burleson Road on the south, Parker Lane on the west and Pleasant Valley Road on the east be considered.

Mr. Isom Hale stated that if the zoning and Master Plan change is contemplated they would like to request withdrawal of a residential preliminary plan on property in this area as it would be incompatible to zoning of this type. He further stated that they are not opposing the requested change.

After further discussion, the Commission

VOTED:      To POSTPONE the zoning request of Gemmer, Hoff and Wendler for 30 days so that the application can be considered in conjunction with the Master Plan for the area bounded by the river on the north, Burleson Road on the south, Parker Lane on the east and Pleasant Valley Road on the west.

C14-68-183      W. A. Engstrom: A to B  
                     409-411 East 38th Street  
                     3706-3710 Duval Street

STAFF REPORT: This site contains two lots totaling 16,100 square feet. The stated purpose of the request is for apartment development. There are some duplexes and apartments scattered throughout the area. Property to the north is developed and maintained as a single-family area. In 1966, the Commission studied the area bounded by 38th Street on the north, Duval on the east, Guadalupe on the west and 30th and 31st Streets on the south, at which time they recommended that "B" Residence, First Height and Area zoning be established where the streets are adequate. The subject property is located at the northeast corner of that area and the staff has advised the applicant that in view of the prior study by the Commission that the staff would recommend in favor of the request provided the streets are made adequate. East 38th Street and Duval are both classified as major arterial streets in the Master Plan and should be widened. Duval with a present right-of-way of 60 feet is to be widened to 70 feet which will require five feet from the site and East 38th Street with an existing right-of-way of 60 feet is to be widened to 80 feet requiring ten feet of right-of-way from the site. Subject to the street provisions, the staff recommends that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

## Code

D      Mrs. Alma D. Campbell: 3504 Duval Street  
 Z      H. A. Porter: 3705 Liberty Street  
 B      Fred M. Banks: 3009 Dyer, Dallas, Texas

FOR  
 AGAINST  
 NO OPINION

C14-68-183      W. A. Engstrom--contd.

PERSONS APPEARING AT HEARING

Code

A	W. A. Engstrom (applicant)	
BG	Mr. & Mrs. John E. Anderson: 510 East 38th Street	FOR
BH	Mrs. Lola Rosene: 506 East 38th Street	FOR

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the zoning is a logical use because of the changing character of the neighborhood. It is true that most of the property in the area is developed with residences; however, in nearly every case additions have been made in order to make a duplex or apartment. Most of the property in the area is rental property. This neighborhood is gradually changing toward apartment development. The traffic has increased greatly which indicates that the area has ceased to be a single-family residential area. The land value is too high to be maintained for single-family dwellings. Mr. Engstrom stated that he has a short form (subdivision) on this property to change the lot lines which is ready to be filed with the Planning Department. He stated that five of the ten feet of right-of-way needed for West 38th Street is being purchased by the City, and he will dedicate five feet for the widening of East 38th Street and Duval Street.

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 East 38th Street and Duval Street; however, they stated they would look with favor on the requested zoning, provided the streets are made adequate, as it is in keeping with the recommendation of a previous Planning Commission study.

At the Commission meeting, the staff reported that a short form plat on this property has been recorded at which time right-of-way was dedicated. In view of this, the Commission felt that the requested zoning should be granted. It was then

VOTED: To recommend that the request of W. A. Engstrom for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 409-411 East 38th Street and 3706-3710 Duval Street be GRANTED.

C14-68-184      J. E. Youngquist: Int. A, Int. 1st and GR, 1st to GR, 1st  
2401-2413 Buell Avenue  
8238-8304 Burnet Road

STAFF REPORT: The subject property contains 41,811 square feet of land which is presently undeveloped. The stated purpose of the request is for a retail building. Property located to the west was before the Commission for consideration approximately two months ago at which time the Commission recommended that "C" Commercial, First Height and Area zoning be granted, subject to two feet of right-of-way being provided for Buell Avenue. The right-of-way has been dedicated and the request granted by the City Council, although the Ordinance is still pending. "C" Commercial zoning was recently established on property to the north. This area is developed with a number of commercial uses as well as apartments and some single-family and two-family homes. Burnet Road, classified as a major arterial street has 120 feet of right-of-way which is adequate. Buell Avenue, a commercial service street has a varying right-of-way of 50 to 58 feet, and an additional two to five feet will be needed from the subject site for future widening. The staff recommends that the request be granted, as it is in conformance with the general development in the area, provided the right-of-way of Buell Avenue is made adequate.

#### 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 denied because of the inadequate right-of-way of Buell Avenue; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as it conforms to the general development of the area.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate the necessary right-of-way for the future widening of Buell Avenue. In view of this offer, the Commission felt that the request should be granted as it conforms to the general development of the area. It was then

VOTED: To recommend that the request of J. E. Youngquist for a change of zoning from Interim "A" Residence, Interim First Height and Area and "GR" General Retail, First Height and Area to "GR" General Retail, First Height and Area for property located at 2401-2413 Buell Avenue and 8238-8304 Burnet Road be GRANTED.

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C14-68-185      Mark D. Burnett: A to GR (as amended)  
3614-3618 Bull Creek Road

STAFF REPORT: This application covers an irregular shaped tract of land containing 28,240 square feet. Property adjoining the subject site to the east also belongs to the applicant. "C" Commercial zoning is established on property adjoining the site to the east and south, part of which is developed with a grocery store, service station, and drive-in grocery store. "C" Commercial, Third Height and Area zoning was recently granted on property at the northeast corner of Jefferson Street and 38th Street, with certain provisions, one of which was right-of-way for both Jefferson and 38th Streets. "A" Residence zoning and development is established directly to the north and west of the property under consideration. Directly across the alley from the site is a tier of residential homes which front onto Lawton Avenue. The heaviest zoning established in the area recently, with the exception of the commercial zoning at the northeast intersection of Jefferson and 38th Streets, has been "LR" Local Retail. "LR" zoning is established to the southeast along Kerbey Lane also on property between Jefferson Street, Kerbey Lane and 38th Streets. "LR" zoning is also established to the south at the corner of Lawton Avenue and West 35th Street. "O" Office zoning is scattered throughout the area to the south.

Inasmuch as a portion of the property belonging to the applicant is already zoned "C" Commercial, the staff has no strong objection to the use district extending throughout the applicant's property; however it is felt that "C" Commercial zoning is too intensive to extend up Bull Creek Road next to and across the street from residential property. Most of the "C" zoning existing in the area was established when this was the only commercial classification provided for in the Zoning Ordinance. Bull Creek Road, a major arterial street with 60 feet of right-of-way is planned to be widened to 70 feet which will require five feet from the subject site. The staff recommends that "LR" zoning be established rather than "C" Commercial, provided the right-of-way for Bull Creek Road is made adequate.

#### TESTIMONY

#### WRITTEN COMMENT

##### Code

C	R. G. Mueller: 3511 Jefferson	AGAINST
R	R. G. Mueller, Jr.: 3511 Jefferson	AGAINST
AX	Christie Perlitz: 2400 Sweetbrush	AGAINST

#### PERSONS APPEARING AT HEARING

##### Code

	Robert Davis (representing applicant)	
C	R. G. Mueller: 3511 Jefferson	AGAINST
AW	Mrs. Abbie L. McClain: 3811 Pete's Path	AGAINST

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C14-68-185 Mark D. Burnett--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Davis, representing the applicant, stated that the applicant has a lease contract to lease this property subject to the requested zoning. It should be pointed out that property immediately to the south and adjoining the site is presently zoned "C" Commercial and it is felt that the extension of "C" onto the property under consideration would be logical. "C" Commercial Third Height and Area zoning is established to the northeast. The request for commercial zoning is logical in that there is "C" Commercial district adjoining the site, and to the northeast on Jefferson Street. Mr. Davis explained that he does not know what the present plans are for the site but the lease is a long term lease, and the lessors would like to use all of the applicants property as one site. He stated that he has not had an opportunity to discuss with the applicant the staff's recommendation of "LR" zoning, and does not know if this would be agreeable.

Arguments Presented AGAINST:

Mr. R. G. Mueller, a nearby property owner, appeared in opposition to the request and stated that "C" Commercial zoning, established on property to the south which is developed with a grocery store was zoned before "GR" and "LR" classifications were in the Zoning Ordinance. It is felt that "C" Commercial zoning would allow the subject property to be used for many purposes that would be undesirable and unattractive for the area. It is realized there is "C" Commercial zoning in the area; however, the development that has occurred would be allowed under an "LR" classification. The area to the north and west is developed with residential homes and the lots across the alley from the site, facing onto Lawton Avenue, have a restriction limiting their use to single-family dwellings. Mr. Mueller further stated that the alley behind the subject property is only 16 feet wide and should be increased to 20 feet if a change is granted, he explained that a five foot utility easement has recently been granted behind the grocery store to the property on the south. It is requested that "LR" zoning be granted rather than "C" Commercial as this would be an enhancement to the entire neighborhood.

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 and because of the inadequate right-of-way of Bull Creek Road; however, they stated they would look with favor on granting "LR" Local Retail zoning, provided the street is made adequate, as an appropriate zoning for the area.

The Committee further requested that the staff determine the use of the alley located behind the subject property.

C14-68-185 Mark D. Burnett--contd.

At the Commission meeting, the staff reported that Mr. Richard Baker, attorney for the applicant, has indicated that Mr. Burnett is willing to dedicate five feet of right-of-way from the site for future widening of Bull Creek Road. Concerning the alley to the rear, the applicant is willing to provide a four foot setback in the event the alley is used. He is also requesting that the application be amended to "GR" rather than "LR" as there is a use for the property that cannot be established under the "LR" district as recommended by the staff and the Zoning Committee. The staff felt that the original request for "C" Commercial would be too broad and would be detrimental to the existing housing across the alley. The staff has no objection to "GR" zoning as it does adjoin "C" Commercial.

Mr. Richard Baker, representing the applicant, stated that Mr. Burnett is willing to dedicate the additional five feet of right-of-way for Bull Creek Road from that portion of the property being considered. He is also willing to stipulate a four foot setback from the alley. It is requested that the application be amended to "GR" inasmuch as one of the uses by one of the long term lessees requires a "GR" classification. A letter to this effect will be filed accordingly.

The Commission accepted the request to amend the application to "GR" General Retail, First Height and Area and recognized that the applicant has offered to dedicate the necessary right-of-way for the future widening of Bull Creek Road. In view of this, the Commission felt that the request as amended should be granted as the appropriate zoning for property adjacent to existing "C" Commercial zoning. It was then

VOTED: To recommend that the request of Mark D. Burnett for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area (as amended) for property located at 3614-3618 Bull Creek Road be GRANTED.

ABSTAINED: Mr. Hanks

C14-68-186 Alex Dochen, et al: A, 1st and C, 2nd to C-2, 2nd  
5400-5420 Burnet Road  
2100-2108 Lawnmont Avenue

STAFF REPORT: This application covers 43,500 square feet of land. The stated purpose of the request is for a night club. Burnet Road is a major arterial street which is developed with a mixture of commercial uses. The area to the west along Montview Street, Shoalmont Drive and Lawnmont Drive is developed predominantly with single-family homes. "C" Commercial, Second Height and Area zoning was granted on property to the north of the site in 1963. "B" Residence, Second Height and Area zoning was granted on property south of Lawnmont Drive in 1968. The staff has no objection to the purpose of the requested zoning but it is felt that "C-2" zoning should be limited to the specific building site rather than the entire site. Burnet Road, with a present right-of-way of 60 feet is designated in the Austin

C14-68-186 Alex Dochen, et al--contd.

Transportation Plan as a 90 foot arterial street which will require 15 feet of right-of-way from the site. Lawnmont Avenue with a present right-of-way of 50 feet should be widened to 60 feet which will require five feet from the site. The staff feels that the depth of "C" Commercial zoning which is requested would give the commercial development on Burnet Road the necessary depth needed for development. It is felt that the property under consideration should be replatted into one building site rather than leaving it as separate parcels of land.

## TESTIMONY

## WRITTEN COMMENT

## Code

G	Darial M. Sauls: 2114 Lawnmont	FOR
C	Fred P. Savage: P.O. Box 404	FOR
D	Emma W. Savage: P.O. Box 404	FOR

## PERSONS APPEARING AT HEARING

## Code

?	Emmett S. Glosson: 5409 Montview	FOR
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## SUMMARY OF TESTIMONY

No one appeared to represent the applicant.

Mr. Emmett S. Glosson appeared at the hearing and stated that he owns property to the north which abuts the small peninsula of the property under consideration. He stated that his property is for investment purposes and he has been approached several times for possible uses. He wanted some indication by the Committee and Commission that his property could also be zoned for Commercial purposes if the requested zoning is granted on the site.

The staff explained that there would be no objection to extending "C" Commercial back another 100 feet from Burnet Road as this would still provide for 175 foot buffer between the commercial development and residential development along Montview Road; however, there should be a condition that all of the commercial property be served by Burnet Road rather than the residential streets.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as they felt that the sale of alcohol should be limited to the area occupied by the proposed building and should not be extended throughout the subject tract. They recommended that "C-2" Commercial, Second Height and Area zoning be granted for the proposed building site, with the condition that the property be replatted into one site for building purposes, and that the balance of the property in the application not



C14-68-186 Alex Dochen, et al--contd.

now zoned "C" Commercial be changed to "C" Commercial, Second Height and Area. Recognizing that Burnet Road is designated as an arterial street in the Austin Transportation Plan and that the property is presently zoned commercial, the Committee recommended that the City Council determine the feasibility of acquiring right-of-way needed as proposed by the Expressway and Major Arterial Plan.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Alex Dochen, et al for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 5400-5420 Burnet Road and 2100-2108 Lawnmont Avenue be DENIED.

C14-68-187 Carl V. Shooter: C to A  
 1915 Garden Street  
 64-68½ Lynn Street  
 2000 Garden Street  
 71-73 Lynn Street

STAFF REPORT: This application covers two lots totaling 13,460 square feet, located at the northeast and southwest intersection of Garden Street and Lynn Street. The applicant is requesting a change in zoning so his taxes will be lowered. The intersection of Garden and Lynn Streets has been zoned "C" Commercial for a number of years but has not been used under that classification. The staff is in favor of rolling the zoning back to "A" Residence; however, if the two corner lots are rezoned to "A" the two lots adjoining each of the lots under consideration, which are interior lots will be left in the "C" Commercial classification. It is felt that the entire intersection should be changed rather than just the two lots in question. If the additional commercial lots at this intersection are not included, the staff would be opposed to the change.

## TESTIMONY

## WRITTEN COMMENT

Code

Z Bruce T. Downing: 1904 Garden Street  
 AU Elmer Ross: 72 Anthony

FOR  
 FOR

## PERSONS APPEARING AT HEARING

Code

A Carl V. Shooter (applicant)  
 AF John A. Mercado: 1625 East 11th Street

FOR

C14-68-187      Carl V. Shooter--contd.

## SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that he owns the two lots adjoining each of the lots under consideration and it was his understanding that a zoning application had been filed on all of them. The taxes on his property have been raised to \$800.00 just because they are classified as commercial lots. The lots are not used commercially and it is felt that a rollback in zoning should be granted as this would lower the taxes.

One nearby property owner appeared at the hearing and stated that he owns one of the commercial lots at the intersection of Garden Street and Lynn Street. He stated if the taxes are raised because his property is zoned commercially, he would like to have his property rolled back to residential.

The staff suggested to the applicant that he contact all of the property owners at this intersection so that a joint application can be filed for a change in zoning. If all of the property was included, the staff would not be opposed to the change.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it would be inconsistent with the adjoining zoning; however, they stated they would look with favor on rolling the zoning back to "A" Residence, if all of the commercial lots at the intersection of Garden and Lynn Streets were changed, and recommended that the City Council consider initiating this action.

At the Commission meeting, the staff reported that the stated purpose of this application was for lower taxes. The Committee requested the staff to check with the Tax Department in order to determine whether or not the taxes on this site are affected by the zoning. This has been discussed with Mr. Jack Klitgaard, of the Tax Department who advises that the applicants property and surrounding property was reappraised this year and the value raised from \$18.00 to \$20.00 a front foot; however, this was not caused by the commercial zoning inasmuch as the property is not being used for commercial purposes. The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Carl V. Shooter for a change of zoning from "C" Commercial, First Height and Area to "A" Residence, First Height and Area for property located at 1915 Garden Street, 64-68½ Lynn Street, 2000 Garden Street and 71-73 Lynn Street be DENIED.

C14-68-188      James Eichelberger: C, 2nd to C, 4th  
                          313-323 East 12th Street  
                          1112-1122 Trinity Street

STAFF REPORT: This application covers 22,080 square feet of land which is presently undeveloped. The stated purpose of the request is for an office building. The subject property is located near the downtown district of Austin and is included in the Brackenridge Urban Renewal Plan which permits maximum height of 90 feet. The general area is developed office and commercial with many state buildings which are unzoned and many which have a height of 200 feet. The staff feels that the zoning as requested which would permit a height of 200 feet is appropriate for this area and recommends that the request be granted subject to an amendment to the Urban Renewal Plan to permit a height of 200 feet on the site.

Right-of-way for East 12th and Trinity Streets is not needed as East 12th Street has 120 feet of right-of-way and Trinity Street has 80 feet of right-of-way.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

L	R. W. Byram: 302 East 12th Street	FOR
AM	Harry E. Montandon: 2412 N. Interregional	FOR
J	Mamie Broderick: 1208 Trinity Street	FOR

##### PERSONS APPEARING AT HEARING

###### Code

A	James Eichelberger (applicant)
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#### SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and stated that the property is not actually in the Brackenridge Urban Renewal Area itself, but it is in the conservation area. Mr. Eichelberger explained that they have owned the property for a number of years and are working on an idea for an office building which is different from a normal office building. It is anticipated that the development will be computer services office building which is needed for this area of the country. The proposed development will be an asset to the City.

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 proper zoning and development for the area, subject to the Brackenridge Urban Renewal Plan being amended.

C14-68-188 James Eichelberger--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of James Eichelberger for a change of zoning from "C" Commercial, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 313-323 East 12th Street and 1112-1122 Trinity Street be GRANTED.

C14-68-189 Mace B. Thurman: C to C-2  
3704-3708 Guadalupe Street

STAFF REPORT: This site contains 11,424 square feet of land. It is the staff's understanding that there is a tavern on the property at the present time, which is a non-conforming use, and the applicant wishes to change the zoning in order to make the use conform to the Ordinance. Guadalupe Street is zoned "C" Commercial and developed with a mixture of commercial uses. "C-2" zoning is established to the south of property at the corner of Maiden Lane and Guadalupe Street. To the west is single-family and two-family development. "O" Office zoning was granted in 1967 on property to the west along King Street and West 38th Street. A special permit was granted on that property in 1968 for an apartment complex. On the east side of Guadalupe Street and east of the commercial district there is a mixture of single-family and apartment districts. The staff has no objection to the requested zoning as it does conform to the development along Guadalupe Street. The Central Expressway will probably take a large portion of the applicant's property at such time it is developed through the area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

C Trafton and Son: P.O. Box 4278  
AC Forest S. Pearson: P.O. Box 1987

FOR  
FOR

##### PERSONS APPEARING AT HEARING

Code

Leon Annis (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Leon Annis was present on behalf of this request and stated that he recently leased the subject property for a tavern which has been licensed for 20 years for the sale of beer at this location. For the last five years the sale of beer has been secondary to the sale of food and it is requested that the zoning be changed so the property can be used in conformance with the "C-2" zoning.

No one appeared in opposition to the request.

C14-68-189      Mace B. Thurman--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Mace B. Thurman for a change of zoning from "C" Commercial, Second Height and Area to "C-2" Commercial, Second Height and Area for property located at 3704-3708 Guadalupe Street be GRANTED.

C14-68-191      Cherrylawn Corporation: A to B  
6115-6117 Walnut Hills Drive

STAFF REPORT: This application covers a small area containing 3,060 square feet. The stated purpose of the request is for providing a driveway. A special permit for a 36 unit apartment dwelling group was approved on "B" Residence, First Height and Area property adjoining the site to the west and having frontage onto Manor Road. Apartment complex is under construction at the present time. When the property adjoining to the east was before the Commission for consideration, the subject property as well as the lot adjoining to the south, at the intersection of Walnut Hills Drive and Cherrylawn Circle was also under consideration for a change in zoning. At that time, the Commission recommended that low density apartment zoning be granted but it was recommended multi-family zoning not extend to Walnut Hills Drive. At the same meeting there was consideration of property across from the site to the west. There was considerable testimony from the residential property owners protesting this change. The Commission recommended that the multi-family zoning be denied on that site as an intrusion into a residential area and the applicant withdrew the request.

The applicants are proposing to use the subject site as a driveway from the adjoining apartment complex out onto Walnut Hills Drive. There are no parking spaces or driveways onto Cherrylawn Circle. There are other driveways on Manor Road. The staff feels that there is a question as to whether or not the Commission previously was opposed to extending only multi-family development to Walnut Hills Drive or whether or not they were also opposed to driveways and traffic from apartments this close to a residential area. In terms of serving the apartment complex, this would give another entry and exit and be of benefit. The staff feels there is enough area left in the corner lot adjoining the site for a duplex but this would need to be checked. The staff has no objection to the request but does not want to recommend contrary to a prior recommendation by the Commission.

680  
~~677~~

C14-68-191      Cherrylawn Corporation--contd.

TESTIMONY

WRITTEN COMMENT

Code

J            Thomas M. Keel: 6005 Walnut Hills Drive

FOR

Y            Don Epperson: 3007 Cedarlawn Circle

AGAINST

PERSONS APPEARING AT HEARING

Code

John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicants, stated that the tract at the intersection of Manor Road and Walnut Hills Drive is zoned "LR" and the commercial structure existing on the site was zoned "C-1" so that beer could be sold to go. The property was previously occupied by a Seven-Eleven Store which has been closed. Part of the parking lot for the Seven-Eleven Store is being used for the townhouse development on the adjoining tract which is under construction. The requested zoning on the subject site will help the traffic load around the apartment complex. The corner lot will probably be used for a recreation area at some time in the future.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to determination by the Planning Department that the remaining part of the property is large enough to meet the Ordinance requirements for a corner lot to support a two-family dwelling.

At the Commission meeting, the staff reported that the corner portion of the applicant's property not included in this application does not have enough square footage to support a two-family dwelling.

Mr. John Selman requested that this application be amended to reduce the width of the property under consideration from 30 feet to 20 feet.

The Commission accepted the request to reduce the area under consideration. They felt that in view of this, the requested zoning should be granted as a logical extension of existing zoning. It was then

VOTED:      To recommend that the request of Cherrylawn Corporation for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6115-6117 Walnut Hills Drive be GRANTED.

681  
~~678~~

C14-68-192      Frank T. Sefcik: A to B  
2973-3011 East 51st Street

STAFF REPORT: This application covers a large undeveloped tract of land containing 11.2 acres. The stated purpose of the request is for apartment development. "B" Residence, First Height and Area zoning as recently amended in the Ordinance would permit a two bedroom apartment for every 1,100 square feet and a one-bedroom unit for every 950 square feet. "BB" Residence zoning was established on property adjoining the site to the east in 1967, but is undeveloped at this time. There is fourplex development established along Blue Spruce Circle and duplexes at the intersection of Blue Spruce Circle and East 51st Street. Property to the north of Blue Spruce Circle, fronting onto East 51st Street was zoned "GR" General Retail in 1959 but is presently undeveloped. To the north of the subject property across East 51st Street there is a new residential subdivision entitled Marymount. The houses in that subdivision back to East 51st Street. On the corner of Pecan Springs Road and East 51st Street there is a church.

East 51st Street, is designated as a major arterial street in the Austin Transportation Plan and needs to be extended to Springdale Road. Right-of-way for the street was acquired from the applicant when he subdivided the property in 1959 to plat out of his acreage one lot. The property is developed with two houses. The staff presented a residential layout of the property which was submitted when the one lot was subdivided in 1959 showing lot arrangement and a street scheme. East 51st Street is paved to a point immediately east of the site. From this point to Pecan Springs Road is a gravel roadway.

The staff feels that the southern portion of the property should not be zoned at this time. Blueberry Trail stubs into the southern portion of the applicant's property and provision should be made for the street to continue through and toward Pecan Springs Road. If there is any change it should be only for that segment of the land that relates to and is served by East 51st Street. Consideration was given in terms of using the creek area and bridge as the dividing line between the apartment zoning and residential district, but if the subject site is rezoned, the precedent would be set for the large undeveloped tracts adjacent to the east. If the Committee or Commission sees merit in the change, it is felt that the rezoning should be confined to a reasonable depth south of East 51st Street. The rear portion of the property could be developed with duplexes or single-family residences. The first recommendation by the staff is that there be no change in zoning at this time; the second recommendation would be to zone the front portion of the property "BB" Residence, and along with the requirement that there be a street entering into the property and that the rear portion of the property be left as "A" Residence.

#### TESTIMONY

#### WRITTEN COMMENT

Code

B

T. J. Terbay: 3005 Pecan Springs Road

FOR

682

~~679~~C14-68-192      Frank T. Sefcik--contd.

## PERSONS APPEARING AT HEARING

## Code

C      John B. Selman (representing applicant)  
Edward Rosen: 3015 East 51st Street

NO OPINION

## SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that northeast Austin is becoming a large residential area and the subject property is one of the few inside tracts that can be developed for apartment purposes. He stated that he can understand the staff recommendation on the portion of the property abutting the residential development. It is felt that the area along East 51st Street is in an apartment district where there are between 80 and 90 apartment units already established. With regard to a street into the property, the development will demand that a street be developed but it will not necessarily have to be developed in the location as shown by the staff. There has been a tremendous influx of people in the area and the streets will have to be developed. There is a great demand for rental units in this area of Austin and it is felt that with the creek serving as a natural buffer the request is a logical extension of the present zoning and development. It is agreed that the portion south of the drainage area should remain "A" Residence.

One nearby property owner appeared and stated that he has no objection to the development of the subject property; however, there is not a need for any large apartments in the area as there is overflow parking of cars existing at the present time from apartments which are already developed.

## 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 recommended that "BB" Residence, First Height and Area zoning be granted on the north 400 feet of the site, having frontage onto East 51st Street, and instructed the staff to bring a more comprehensive map of a larger area for consideration by the Planning Commission.

At the Commission meeting, the staff reported a letter from Mr. John Selman amending the request to delete from the application the area south of the drainage easement.

Mr. Selman stated that he did not request an amendment to "BB" Residence, First Height and Area as recommended by the staff and the Committee because of the fact that to the west of the site, along Manor Road there is a large apartment development which will contain approximately 200 units.



C14-68-192 Frank T. Sefcik--contd.

Mr. Stevens presented a composite of an aerial photograph of the area showing the street system and the existing development. He explained that East 51st Street has been designated as a major east-west arterial street and the section between Manor Road and Marymount Drive is paved and curbed. Between Marymount and Springdale Road the right-of-way and paving is lacking to bring the street to planned standards. Springdale Road to the east is designated as an expressway in the Austin Transportation Plan. Pecan Springs Road to the east has 40 to 50 feet of right-of-way.

To the north of East 51st Street is a large single-family area. Pecan Springs School is located to the east at the intersection of Pecan Springs Road and East 51st Street. A church is established on property to the west of Pecan Springs Road. Commercial zoning is established at the intersection of Old Manor Road, New Manor Road and East 51st Street, part of which is undeveloped. Property on Manor Road south of East 51st Street is zoned commercial but developed with a large apartment complex. East thereof is "BB" zoning on property which is developed with fourplexes and duplexes. "BB" zoning was established on a small triangle adjoining the site to the west in 1967. A residential subdivision adjoins a portion of the subject property to the west. Morris Williams Golf Course is located to the south along Manor Road and the Airport is established to the west of Manor Road in close proximity to the subject property. Between the creek and Springdale Road there is approximately 43 acres of land which can be developed either in a single-family or multi-family manner. The zoning of the applicants eleven acre tract may well establish a pattern for the remaining 33 acres for multi-family development. At the present time there is a drainage area or creek through the area which has been the dividing line between low density and high density development. The map as presented is an attempt to show that there is residential neighborhoods existing to the north and south of East 51st Street, one of which is still being developed immediately across from the site.

Mr. Selman stated that in his opinion the request is logical and he feels that the entire area should be zoned. He stated that it is more suitable to rezone the entire site under consideration rather than splitting the zoning for 400 feet of the site because of the odd shaped parcel that would be left because of the drainage easement.

Mr. Hanks stated that the airport runway is in this area and this is not a logical place for single-family development to occur.

Dr. Hazard stated that Tracor has been working on a rather large contract on community reaction to aircraft noise in seven cities, and eventually there will be some sort of federal controlled zoning around airports. There is no doubt that if the traffic increases, land within three miles of the airport will be an inadequate area for single-family development. This is one of the recommendations that came from the first two years of the study.

684

C14-68-192 Frank T. Sefcik--contd.

Mr. Selman stated that all of the subdivisions which are presently developing are occurring in the last small areas which are the least expensive. This is not long term investments. The noise from the airport is so loud that the area is not suitable for single-family development and the request is logical.

The Commission accepted the request to delete from the application the area south of the drainage easement. They felt that the requested "B" Residence, First Height and Area zoning should be denied as it is too intensive for the area; however, they recommended that "BB" Residence, First Height and Area zoning be granted as a logical extension of existing zoning. It was then

VOTED: To recommend that the request of Frank T. Sefcik for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2973-3011 East 51st Street be DENIED but that "BB" Residence, First Height and Area zoning be GRANTED.

ABSTAINED: Mr. Dunnam

C14-68-193 J. H. Hudson: C-2, 2nd and A, 1st to B, 2nd  
512-612 South First Street

STAFF REPORT: This site consists of approximately 1.83 acres of land which is presently undeveloped. The stated purpose of the request is for apartment development. The area along South First Street and Barton Springs Road is zoned "C", "C-2" and "D" and is developed with a mixture of commercial uses. The applicant made this zoning request in light of an earlier special permit before the Commission approximately three months ago. At that time, there was an application for a special permit for the erection of an apartment dwelling group on the site. It was found that the rear 67 feet of the property was zoned "A" Residence and the applicant withdrew the request in order to file for a zoning change. The staff feels that apartment zoning is appropriate for the area. "B" Residence, First Height and Area was granted on a large tract of land to the south in 1952, and in 1967, a special permit for an apartment dwelling group was granted. South First Street, a major arterial street with a present right-of-way of 60 feet should be widened to 80 feet which will require additional right-of-way from the site. The staff does not know at this time how much right-of-way is needed from the site. It is recommended that the requested zoning be granted, subject to provision of the necessary right-of-way for South First Street, as the appropriate zoning for the area.

#### TESTIMONY

#### WRITTEN COMMENT

Code

None

C14-68-193 J. H. Hudson--contd.

PERSONS APPEARING AT HEARING  
Code

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of South First Street; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as the appropriate zoning for the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of J. H. Hudson for a change of zoning from "C-2" Commercial, Second Height and Area and "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 512-612 South First Street be DENIED.

C14-68-195 William C. Kennedy, et al: Int. A, Int. 1st to BB, 1st  
Tract 1: Rear of 7608-7640 Balcones Drive  
Tract 2: Rear of 7018-7024 Balcones Drive

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

The Committee ACCEPTED the withdrawal of this application.

#### SPECIAL PERMITS

CP14-68-25 Emile Jamail: 210 unit apartment dwelling group  
1204-1300 East 38½ Street

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 is an apartment dwelling group containing 210 units, 357 off-street parking spaces, 5 swimming pools, and laundry and storage facilities. The subject property is zoned "C" Commercial, First Height and Area and is located adjacent to the Delwood Shopping Center. To the north of the property is a motel and restaurant and to the south, across East 38½ Street is a single-family residential area. Maplewood Elementary School is located to the east of the railroad track.

CP14-68-25      Emile Jamail--contd.

The request has been circulated to the various City departments and comments are as follows:

- |                          |   |
|--------------------------|---|
| Electric                 | - Electric easement to be gotten at a later date.   |
| Storm Sewer              | - Plan complies with requirements.  |
| Building Inspector       | - 1. Property needs resubdividing. I think this is being done, otherwise, plot plan complies. 2. No building code approval.   |
| Tax Assessor             | - Taxes are paid through 1967.  |
| Office Engineer          | - Inadequate information--1. What street does property front? 2. How many driveways are going to be requested? 3. Where are the proposed driveways located with respect to the property? Request additional information.  |
| Fire Prevention          | - The following fire hydrants should be provided: NW corner of Building "J", NW corner of Building "H", At the small parking area West of Building "E", NW corner of Building "A", NW corner of Building "B" and the South end of parking area across from Building "D".  |
| Fire Protection          | - Recommended fire hydrants are shown in red.   |
| Health                   | - Approved: Subject to sanitary sewer available.  |
| Director of Public Works | - Plat incomplete--need more information regarding driveways before decision can be made.   |
| Advanced Planning        | - 1. Right-of-way of 15 feet is needed along East 38½ Street. 2. A 5 foot sidewalk and utility easement is also needed in addition to the 15 feet of right-of-way. 3. Dimensions are needed to confirm driveway widths as scaled demensions fall short of standard requirements for the parking layout indicated. 4. Entrance drives to the two sites must be more clearly defined. |
| Traffic Engineer         | - There appears to be an error in the right-of-way easement and building line along 38½ Street. In addition there is no drive shown in this plan.   |

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CP14-68-25 Emile Jamail--contd.

Water & Sewer

- Five fire hydrants will be required to provide adequate fire protection. A looped six-inch water main is required to serve these hydrants and a fire demand water meter will be required at both connections to the existing city main. The existing sanitary sewer main crossing the tract will require relocation.

Mr. Stevens stated that the adequacy of two of the parking areas are in question. The staff recommends approval of the special permit subject to compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

BL	Aubrey C. Black: 2128 Republic National Bank Tower, Dallas, Texas	AGAINST
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PERSONS APPEARING AT HEARING

Code

A	Robert Davis: (representing applicant)	
N	Genevieve Keeworth: 1300 Kirkwood	AGAINST
X	South Pacific Company: Post Office Box 219, Houston, Texas	NO OPINION
BQ	Kenneth V. Haekinson: 3714 Werner Avenue	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Davis, representing the applicant, stated that he was aware that there was one parking area in question but he was not aware that problems were involved with two. He explained that one of the parking areas as shown was not wide enough but this has been discussed with the applicant and an amended drawing is submitted showing the dimensions as being 60 feet. He stated that the parking was shown to be 9 x 18 and they need to be 9 x 20 which is being taken care of. There is enough extra parking provided so that the existing required spaces can be widened, although it would be preferable to have the extra parking. This is an odd shaped piece of land and the applicant has tried to work out an arrangement that will make the best use of the property and still provide access to East 38 $\frac{1}{2}$  Street. It is felt that this is a good plan, and if there are any problems they can be worked out with the Planning Department. This is a good area for this type of development because of the proximity to the shopping center and the accessibility to the area.

CP14-68-25      Emile Jamail--contd.**Arguments Presented AGAINST:**

Several nearby property owners appeared at the hearing and stated that they are concerned about the entrances into the parking area as there is only one entrance and exit into the site. East 38½ Street is a congested street with many school children traveling to and from the school which is located to the east of the railroad track. There is no objection to the apartments but it is felt that consideration should be given to having more ingress and egress into the property and about more adequate parking.

A representative from the Southern Pacific Railroad was present and stated that if the request is granted, they would like a stipulation that the drainage from the development not be emptied on the railroad right-of-way.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded that this request should be granted, subject to compliance with departmental reports, and further consideration by the applicant and the Planning Department staff on additional access into the site.

At the Commission meeting, the staff reported that Mr. Richard Baker, Attorney for the applicant has informed the staff that the applicant has an access easement of 25 feet through property to the west identified as a shopping center and also a 25 foot access easement through property to the north identified as motel and restaurant. This gives the applicant a 50 foot easement from the railroad right-of-way to the east through the subject property to the Interregional frontage road. The one entrance and exit into the site from East 38½ Street as shown by the original plan was the main concern by the Zoning Committee, the staff and nearby property owners. With regard to the departmental comments, Mr. Baker has indicated that they will comply and a revised site plan will be submitted. In view of this, the staff recommends that this special permit be approved and that the staff be given authorization to give administrative approval when the conditions have been met.

The Commission then

**VOTED:**      To APPROVE the request of Emile Jamail for a special permit for the erection of a 210 unit apartment dwelling group for property located at 1204-1300 East 38½ Street, subject to compliance with departmental reports and authorized the staff to give administrative approval when the conditions have been met, authorizing 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.

SUBDIVISIONS

R146                      SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of September 3, 1968, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. The Commission then

VOTED:      To ACCEPT the attached report and to spread the action of the Subdivision Committee of September 3, 1968, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

C8-68-71              Casey Estates, Section 1  
                            James Casey Street

The staff reported that this is the first appearance of this plat before the Commission but all requirements have been met and it is recommended that it be accepted for filing and approved.

The Commission then

VOTED:      To ACCEPT for filing the final plat of CASEY ESTATES, Section 1, and APPROVE.

C8-68-96              Balcones Village, Section 3, Phase C  
                            Balcones Club Drive

The staff reported that all departmental reports have not been received and recommended that this final plat be accepted for filing and disapproved pending completion of departmental reports. The Commission then

VOTED:      To ACCEPT for filing the final plat of BALCONES VILLAGE, Section 3, Phase C, and DISAPPROVE pending completion of departmental reports.

SUBDIVISION PLATS - CONSIDERED

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

VOTED:      To APPROVE the following final plats:

- C8-67-52              Oakridge, Section 2  
                            Tedford Street
- C8-64-65              Garza Place, Section 1  
                            Camino Largo
- C8-68-78              Apache Shores  
                            Ranch Road 620

C8-68-69      Chevy Chase Center  
U. S. 183 & Interregional Highway 35

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

VOTED:      To DISAPPROVE the final plat of CHEVY CHASE CENTER, pending the required fiscal arrangements.

C8-67-78      Balcones Terrace  
Balcones Drive and Westchester

The staff reported that this final plat involves a request for a variance to exclude the building setback line from the cul-de-sac on Lots 18 and 19. This is to allow the owner of the property to apply to the Board of Adjustment for a variance on setback and not be in violation of a plat restriction by having a setback line on the plat. The staff has no objection to this and recommends the variance be granted and that the plat be disapproved pending completion of departmental reports and the required fiscal arrangements. The Commission then

VOTED:      To DISAPPROVE the final plat of BALCONES TERRACE, pending the items as indicated and granting a variance to exclude the building setback line from the cul-de-sac on Lots 18 and 19.

C8-68-21      Point West of Westover Hills, Section 3  
Currywood Drive

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

VOTED:      To DISAPPROVE the final plat of POINT WEST OF WESTOVER HILLS, Section 3, pending completion of departmental reports.

C8-68-25      Balcones Village, Section 3, Phase A  
Balcones Club Drive

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

The Commission then

VOTED:      To DISAPPROVE the final plat of BALCONES VILLAGE, Section 3, Phase A, pending the items as indicated.

C8-68-33      Southern Oaks, Section 7  
Jones Road and West Gate Boulevard

The staff recommends disapproval of this final plat pending the required fiscal arrangements, completion of departmental reports and Council action on zoning.



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688

C8-68-33 Southern Oaks, Section 7--contd.

The uses as proposed do not conform to the zoning and the zoning must be changed by the Council before the plat can be approved. The Commission then

VOTED: To DISAPPROVE the final plat of SOUTHERN OAKS, Section 7, pending the items as indicated.

C8-68-51 Willow Springs, Section 1  
Woodward Street and Willowrun Drive

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

VOTED: To DISAPPROVE the final plat of WILLOW SPRINGS, Section 1, pending the items as indicated.

C8-68-88 Balcones Village, Section 3, Phase B  
Balcones Club Drive

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

VOTED: To DISAPPROVE the final plat of BALCONES VILLAGE, Section 3, Phase B pending the items as noted.

C8-68-81 Lakeway, Section 10  
Porpoise North of Lakeway

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

VOTED: To DISAPPROVE the final plat of LAKEWAY, Section 10, pending completion of departmental reports.

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

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

VOTED: To DISAPPROVE the final plat of HIGHLAND HILLS NORTHWEST, Section 5, pending the additional easements and completion of departmental reports.

C8-65-33 Cavalier Park - Revised  
F. M. 969 and Regency

The staff recommended disapproval of this final plat pending completion of departmental reports.

C8-65-33 Cavalier Park - Revised--contd.

/ The Commission then

VOTED: To DISAPPROVE the final plat of CAVALIER PARK - REVISED, pending completion of departmental reports.

C8-68-48 Country Club Gardens, Section 1  
Montopolis and Marigold Terrace

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

VOTED: To DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 1, pending the items as indicated.

C8-68-90 Memorial Park Cemetery  
Hancock Drive

The staff recommended disapproval of this final plat pending completion with departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of MEMORIAL PARK CEMETERY, pending completion of departmental reports.

SHORT FORM PLATS - FILED

C8s-68-157 Chernosky Subdivision Number 8 - Resubdivision  
Ledesma Street and Nichols

The staff reported that all departmental reports have not been received and recommended that this short form plat be accepted for filing with a note that additional right-of-way is required for Ledesma Street. The Commission then

VOTED: To ACCEPT for filing the short form plat of CHERNOSKY SUBDIVISION NUMBER 8 - Resubdivision, with the note that additional right-of-way is required for Ledesma Street.

SHORT FORM PLATS - CONSIDERED

The staff recommended that the following short form plats be disapproved, pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the following short form plats, pending completion of departmental reports:

C8s-68-135 Faith Addition

Riverside Drive and Ben White Boulevard

C8s-68-140 Research Boulevard Commercial Area - Resubdivision

U. S. 183 and Ohlen Road

C8s-68-141 Valley View Acres, Section 1

State Highway 71

## SHORT FORM PLATS - CONSIDERED -- contd.

C8s-68-145 Netherton-Patrick Resubdivision  
Mountain Trail  
C8s-68-153 Crockett Commercial Area  
Stassney Lane and Manchaca Road

C8s-68-154 Roberts Subdivision  
Rabb Road and Arthur Lane

The staff reported that this short form plat involves a variance on the signature of the adjoining owner. There is a letter in the file stating that they have attempted to get the adjoining owner to join in but he refuses. In view of this, the staff recommends that the variance be granted and that this short form plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the short form plat of ROBERTS SUBDIVISION, pending completion of departmental reports, granting a variance from requiring the signature of the adjoining owner.

C8s-68-155 Puszman Subdivision  
Humming Bird Lane

The staff reported that this is a one lot short form subdivision attempt involving a smaller tract facing onto Humming Bird Lane, out of a larger tract of land. The smaller tract is approximately 75 x 122 feet deep. There is a variance involved on the signature of the adjoining owners. A letter has been received from Mr. Ed Zimmerman, representing the applicant, stating that all of the owners have been asked to participate but they refuse to join in. Normally the staff would recommend that a variance be granted when an effort has been made to get the adjoining owners to join; however, there is a problem involved in this case in that the large tract which is lot 6 was originally owned by Mr. Puszman and the front tracts consisting of two 75 x 100 foot lots were sold off individually, leaving the back portion without frontage. It so happens at the present time that Lots 3 and 4 and the rear portion of lot 6 is owned by Mr. Stanislaw Puszman. The following letter has been received from Mr. Puszman:

"This is to inform you that I am the owner of lots 3 and 4, and a portion of lot 6, Pleasant Hill Addition adjoining the proposed lot 1, Puszman Subdivision on Humming Bird Lane. As owner of this property, and seller of the two (2) 75 foot lots out of lot 6, I do hereby acknowledge that the portions of lot 6 remaining are not legal lots and the City cannot give utility service until the requirements of the Subdivision Ordinance can be complied with.

I also recognize that the other 75 foot lot facing Humming Bird Lane is not a legal lot and will require additional square footage to comply with the Subdivision Ordinance. I hereby state that I will provide an additional 22 feet to a future purchaser of said 75 foot lot at the time of purchase, or at such time as I plat or resubdivide my property.

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C8s-68-155      Puszman Subdivision--contd.

I recognize the need for future platting of this property in order to get utility service, but I have no plans for the immediate future and do not wish to participate in the Puszman Subdivision at this time."

The problem in approving this particular lot is that the other 75 x 100 foot lot is substandard. There is no sanitary sewer available to this property and the requirements of the Subdivision Ordinance and the Health Department for a septic tank lot is 9,000 square feet. By the letter Mr. Puschman has indicated that he will sell to a future owner of the 75 foot lot an additional 22 feet to meet the 9,000 square feet as required by the Subdivision Ordinance. This is what has been done on the lot in question. There is a house existing on the subject property with an existing septic tank in operation which the Health Department has approved. The requirements of the departments have been complied with except for fiscal arrangements for water and gas. It is the staff's understanding that the nearest water and gas is in Stassney Lane and would have to be extended to be available to the subject property. The owner of the northern most 75 x 100 foot lot could not get service from the City under the present conditions. If he acquired the additional 22 feet from Mr. Puschman and they would join in a future subdivision, it would then be acceptable.

After further discussion, a majority of the Commission

VOTED:      To DISAPPROVE the short form plat of PUSZMAN SUBDIVISION, pending the required fiscal arrangements for water and gas, granting a variance on the signature of the adjoining owner.

AYE:          Messrs. Taniguchi, Hanks, Kinnan, Hazard, Milstead, Smith and McNeil

NAY:          Mr. Dunnam

ABSENT:      Mr. Brown

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

VOTED:      To APPROVE the following short form plats:

C8s-68-88      Simpson-Yates Addition  
                 Buell Avenue

C8s-68-156      P. F. Orr Subdivision, Resubdivision Lot 1  
                 South 1st Street

## ADMINISTRATIVE APPROVAL

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

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

<u>C8s-68-129</u>	<u>Engstrom Subdivision</u>
	East 38th Street and Duval Street
<u>C8s-67-99</u>	<u>Fiskville School Addition, Resubdivision</u>
	Beaver Street

## OTHER BUSINESS

R141      RULES AND PROCEDURES

Consideration of policy on subdivision plans involving zoning changes

The Director of Planning stated that the City Council has asked the Commission to take a look at the issue of zoning in relation to subdividing and to see if a more coordinated system can be found where there is full notification of nearby owners and the proper zoning procedures when the subdivision activities occur.

Mr. Osborne presented the following report:

"The Planning Commission has been faced with problems involving land use and zoning issues that are closely related to subdivision matters considered by the Commission. With increasing emphasis on apartment and commercial development in new subdivisions, the established procedures of the Commission (requiring alternate single-family development plans for proposed apartment or commercial areas) have not been satisfactory. The approval of a subdivision preliminary plan, even with the alternate plan condition, has resulted in the subdivision of the low density residential areas with initial omission of the proposed apartment or commercial areas, construction and sale of homes and then submission of zoning change applications based on the subdivider's street, lot and tract pattern set out in the preliminary plan. Differences in State laws concerning subdivisions and zoning, particularly where the land is initially outside the city limits and not subject to zoning consideration, prevent the Commission (and the City Council) from effectively considering the land use and zoning elements in the subdivision planning stages. Although nearby home owners and other property owners receive notice of the subdivision (and no notice is required by either statute or local ordinance) the zoning issues must be considered under an entirely separate hearing procedure after annexation of the land to the city. The purposes of the suggested policy are to more closely relate subdividing and zoning and to reasonably assure notice to nearby property owners of land use and zoning issues."

R141 RULES AND PROCEDURES--contd.

Mr. Osborne explained that the following draft is a suggestion by the staff for consideration and study:

The Planning Commission of the City of Austin hereby established the following policy with regard to action on subdivisions involving possible changes in zoning and the resulting development of uses that are more intensive than one or two-family dwellings and the customary public and semi-public facilities found in residential neighborhoods:

In order to assure thorough consideration of land use and zoning alterations and adequate notice and hearing to homeowners, the Planning Commission will not approve preliminary subdivision plans or final plats where a portion or all of a proposed subdivision is for multi-family residential, commercial, industrial or other similar types of uses and where there is a reasonable expectation by the Commission that said land will be annexed to the city within the next several years, thus becoming subject to the zoning regulations of the city, and where there is a reasonable possibility of conflicting land use and zoning elements within the area or neighborhood.

The Commission shall consider exceptions to this general policy where the proposed use conforms to the Master Plan and where there is substantial evidence that multi-family, commercial or industrial uses or zoning categories are established or are being established in the area and where it is indicated that there will be no detrimental effects on existing or proposed low density residential areas or where annexation is not anticipated.

In cases involving a large subdivision plan containing low density residential sections plus areas for multi-family and/or commercial development, the Commission may consider approval of the low density residential sections provided: (1) there is no implied approval or acceptance of the multi-family or commercial areas; (2) there is no reasonable likelihood of the low density residential area being affected by the form, nature of activities or traffic in the proposed intensive development areas; and (3) the low density residential section is beyond the customary zoning notification distances.

Mr. Isom Hale, engineer was present at the hearing and stated that they try to study all of their projects very carefully and in doing so they have followed the rules and regulations of the City and there has been no objection to the past procedures. Mr. Hale stated that he does not necessarily object to the suggestion by the staff as he has not had an opportunity to study it.

The Commission members discussed the additional time element involved to applicants with regard to meeting dates and the time required for annexation. They also discussed the designation of land use before annexation and in

R141      RULES AND PROCEDURES--contd.

relation to the Master Plan. They felt that further study and consideration should be given to this matter and agreed to hold a special meeting on September 24, 1968.

C9-68-3      TOWN LAKE DEVELOPMENT  
Report on Town Lake Planning and Zoning

The Director of Planning reported that approximately one week ago there was a meeting with the Parks and Recreation Board, Mr. Travis LaRue of the City Council, Mr. Dunnam, representing the Planning Commission, and a number of property owners within the Town Lake area. The basic Town Lake Plan which has been adopted was reviewed with the property owners and there was discussion in general terms on the effect of zoning along the Town Lake area. The Planning Commission had previously met with the Parks and Recreation Board approximately 4 or 5 months ago to consider some of the zoning issues.

Mr. Osborne presented a map showing the existing zoning and development along the Town Lake area and the publicly and privately owned land. He explained that there is "C," "C-2" and "D" zoning type categories along the Town Lake area which raises some issues as to the particular regulation and character of the private development. A peculiarity was noted to the property owners with respect to the zoning in that the "D" is a very permissive use district but the height and area limitations are fairly severe, almost all of which is First Height and Area. To a certain extent there was discussion about the possibility of more restrictive uses and more open Height and Area and there seemed to be a considerable amount of interest on the part of the property owners as to what might be worked out. This is basically predicated on the idea that the City and public are making a major investment in the Town Lake Area and in so doing the expectation and hope is that the private development will be complimented and complimentary and that there would be good quality development occurring.

Mr. Dunnam stated that the Parks and Recreation Board has a strong desire to eliminate industrial zoning along the Town Lake Area. It was pointed out by the City that if the federal grants are approved the investment would be almost \$1,500,000. It is certainly in the interest of the City and the public to have good development along the Lake as it would be an asset. Mr. Dunnam stated that he suggested to some of the property owners that in virtue of the public interest in the Lake that they would be beneficiaries of this and the industrial zoning might be restricted which would pave the way for some retail or high rise development. If this stage is reached, the Commission should take a look at special permits as Town Lake is unique and the Planning Commission would probably want the right to look at what is occurring.

C10-68-1(t)      STREET VACATION  
Middleburg Cove north of Geneva Drive

The staff reported that this request to vacate Middleburg Cove north of Geneva Drive on a temporary basis is made by Mr. W. T. Williams, Jr., representing

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

Walter Carrington who is the owner of all of the lots abutting this street. This is a fairly new section of the City which is presently being developed. The letter requesting this vacation is as follows:

"We respectfully request the vacation of a street or cul-de-sac called Middlebury Cove, in University Hills, Section 4, Phase 2, on a temporary basis.

We own all of the lots on Middlebury Cove. We are building model homes on 4 of these lots, and intend to build another at the entrance to the cove facing Geneva Street. We wish to vacate the street temporarily so we can cover the pavement with topsoil and plant grass and shrubs over the area. We have in mind fencing the whole area including the street and the lots which abut it. Our purpose is to create a large lawn and garden area between the model homes. We hope to make of it quite a show place, which we will operate as a sales 'showroom' for several years.

At some future date, we will discontinue this operation and sell the homes. At that time we will remove the fencing, vegetation, and topsoil, restore the pavement, and rededicate the street."

The request has been circulated to the various departments who recommend in favor of the request, subject to the retention of the necessary gas company easements. The Planning Department recommends in favor subject to the conditions as stated in the letter. The Commission then

VOTED: To recommend that Middleburg Cove north of Geneva Drive be VACATED, subject to the retention of the necessary easements and with the conditions as stated in the letter.

C10-68-1(u) STREET VACATION

Evans Avenue from H. & T.C. Railroad to East 56th Street

The staff reported that this vacation request is made by the abutting property owners. All of the departments have reviewed the request and recommend in favor with the exception of the Planning Department. The Planning Department recommends that a cul-de-sac be provided at the end of East 56th Street. The street dead-ends into the railroad and as far as the staff knows there are no plans to extend the street across. It is felt that there should be some consideration of providing a cul-de-sac terminating East 56th Street and providing some turnaround facilities. This has not been discussed with the applicants but it would incur cost if it is required and some dedication of land.



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

A motion to recommend the vacation of Evans Avenue from H. & T.C. Railroad to East 56th Street without providing a cul-de-sac failed to carry by the following vote:

AYE: Messrs. Hanks and Milstead

NAY: Messrs. Dunnam, Kinnan, Taniguchi, Hazard, Smith and McNeil

ABSENT: Mr. Brown

It was then unanimously

VOTED: To recommend that Evans Avenue from H. & T. C. Railroad to East 56th Street be VACATED, subject to a turnaround being provided to terminate East 56th Street in a cul-de-sac and subject to the retention of the necessary Gas Company easements.

C10-68-1(v) ALLEY VACATION

Alley located between Guadalupe Street and Whitis Avenue north of West 26th Street

The staff reported that this request to vacate the alley located between Guadalupe Street and Whitis Avenue north of West 26th Street is made by the University of Texas. All of the departments have reviewed the request and recommended in favor subject to the retention of the necessary electric department easements. The Planning Department recommends that 5 feet be retained for future widening of West 26th Street. It is also recommended that the vacation be withheld pending request for vacation from the property owner north of the subject alley.

Mr. Osborne reported that this request has been reviewed with Mr. Reuben Rountree, Director of Public Works and it is his suggestion that the vacation be approved provided there is written approval of the request by the property owners to the north. This is the normal procedure of the Commission.

The Commission then

VOTED: To recommend that the alley located between Guadalupe Street and Whitis Avenue north of West 26th Street be VACATED, subject to the retention of the necessary easements and 5 feet of right-of-way for the future widening of West 26th Street and with the condition that there be written approval of the request by the property owners to the north.

C10-68-1(w) ALLEY VACATION

Alley located between Guadalupe Street and Home Lane north of West 35th Street

The staff reported that this request to vacate the alley located between Guadalupe Street and Home Lane north of West 35th is made by Mr. Robert L. Kanewske

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

who is the abutting property owner. The alley adjoins property which was recently zoned for apartment development. Immediately to the east there has been dedication of right-of-way for the widening of West 37th Street. The various City Departments have reviewed the request and recommend in favor subject to the retention of the necessary electric Department easements. It was then

VOTED: To recommend that the alley located between Guadalupe Street and Home Lane north of West 35th Street be VACATED subject to the retention of the necessary Electric Department easements.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported that a majority of the Commission had been polled by telephone on September 3, 1968, and a majority of the Commission had

VOTED: To APPROVE the following final plats:

C8-61-33	<u>Emerald Forest, Section 1</u>
	Vinson Drive south of Orland Boulevard
C8-67-56	<u>Reagan Heights</u>
	Berkman Drive and Reagan Hill Drive
C8-68-19	<u>The Highlands of University Hills</u>
	Northeast Drive and Auburn
C8-68-22	<u>Allen Place</u>
	North Hills Drive and Allen Drive
C8-68-23	<u>Lamar Place</u>
	Lamar Boulevard and Lamar Plaza
C8-68-49	<u>Scenic Brook West, Section 1</u>
	Highway 71 north of U. S. 290
C8-68-61	<u>Community of Fairview, Section 4</u>
	Thistlewood Drive and Heartwood Drive
C8-68-66	<u>Oak Ridge, Section 3</u>
	North Lamar Boulevard and Oakbrook Drive
C8-68-77	<u>Coronado Hills Drive Street Dedication</u>
	Coronado Hills Drive and Cameron Road
C8-68-80	<u>Lakeway Townhouse Section</u>
	Seawind east of Lakeway

September 13, 1968

C8-68-55	<u>Allandale Estates, Section 4</u>
	Shoal Creek Boulevard and Mossrock Drive

ADJOURNMENT: The meeting was adjourned at 12:05 a.m.

\_\_\_\_\_  
Hoyle M. Osborne  
Executive Secretary