

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- October 15, 1968

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

Present

Hiram S. Brown, Acting Chairman
Dr. William Hazard
Robert Kinnan
R. B. Smith
G. A. McNeil
Roger Hanks
Alan Taniguchi

Absent

Sam Dunnam
William Milstead

Also Present

Richard Lillie, Assistant Director of Planning
Walter Foxworth, Associate Planner
Bill Burnette, Associate Planner
Shirley Ralston, Administrative Secretary

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of October 7 and 8, 1968.

Present

*Dr. William Hazard
Hiram S. Brown
Robert B. Smith
G. A. McNeil
Roger Hanks

Also Present

**Richard Lillie, Asst. Director of Planning
Bill Burnette, Associate Planner

*Present only on October 7, 1968.

**Present only on October 8, 1968.

PUBLIC HEARINGS

C14-68-173 Mrs. Wilbur C. Treadwell: A to B
211-215 West Powell Lane
210-214 Lola Drive

STAFF REPORT: This application covers 21,780 square feet of land and if zoned as requested, would permit 22 one bedroom units on the site. The property was before the Commission for consideration of "BB" Residence zoning last month. At the Council hearing the applicant realized there was a mistake in the application and that the request should have been for "B" Residence, First Height and Area zoning. Since then the application has been corrected to request "B" Residence, First Height and

C14-68-173 Mrs. Wilbur C. Treadwell--contd.

Area zoning. "C" Commercial zoning, granted in 1966, is established on property owned by a freight company directly to the west of the subject property. To the north of West Powell Lane there is "GR" General Retail, granted in 1956. Adjoining the "GR" district to the north is "B" Residence which was granted earlier this year. Property south of West Lola Drive is zoned "B" Residence, First Height and Area and is developed with a series of duplexes. In 1966 there was a request for "C" Commercial zoning on property to the north of West Powell Lane which is pending because of right-of-way needs for West Powell Lane. At the meeting last month, the staff recommended that the requested "BB" Residence zoning be granted because of the existing zoning in the area, subject to the provision of 15 feet of right-of-way for West Powell Lane which presently has only 40 feet of right-of-way. At that time it was felt that West Lola Drive with 50 feet of right-of-way was adequate; however, it is now recommended that five feet of right-of-way be required from both sides of the street for future widening because of the proposed developments. There has been an offer of five feet from property to the south. The staff recommends that the requested zoning be granted as it conforms to the existing zoning and development in the area.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Don Jackson: 6002 Spancreek
John Peterson: P. O. Box 5003

FOR
FOR

SUMMARY OF TESTIMONY

No one appeared on behalf of this request and no one appeared in opposition.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West Powell Lane and West Lola Drive; however, they stated they would look with favor on the requested zoning, as a continuation of existing zoning and development, if the streets are made adequate.

At the Commission meeting the staff reported that when this application was originally heard, the applicant offered to dedicate 15 feet of right-of-way for the widening of West Powell Lane. The applicant has made this same offer and in addition he has also offered to dedicate 5 feet of right-of-way for the future widening of West Lola Drive.

C14-68-173 Mrs. Wilbur C. Treadwell--contd.

The Commission felt that in view of the applicants offer to dedicate the necessary right-of-way for the widening of the streets that this request should be granted. It was then

VOTED: To recommend that the request of Mrs. Wilbur C. Treadwell for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 211-215 West Powell Lane and 210-214 West Lola Drive be GRANTED.

C14-68-182 Nash Phillips and Clyde Copus, Jr.: Int. A, Int. 1st to GR & B
7259-7535 Cameron Road 1st (as amended)

C14-68-194 Austex Development Co., Ltd.: Int. A, Int. 1st to B, 1st
Rear of 7032-7068 U. S. Highway 290

STAFF REPORT: Case C14-68-182 and C14-68-194 are presented together as they are zoning change requests made by the same applicant for property in the Coronado Hills Subdivision. Case C14-68-182, containing approximately 21 acres, is located on the east side of Cameron Road and is a request for "GR" General Retail, First Height and Area zoning. The stated purpose of the request is for constructing a commercial and apartment complex. Case C14-68-194, containing approximately 17 acres is located at the east end of the subdivision and is a request for "B" Residence, First Height and Area zoning. The stated purpose is for apartment development.

There is an approved preliminary plan on a 120 acre area known as Coronado Hills which includes both tracts under consideration, and proposes single-family, apartment and commercial development. Apartment and commercial development is proposed along Cameron Road and apartment development is proposed along both sides of Creek side Drive and the extension of Coronado Hills Drive. The zoning as now requested is in conflict with the approved preliminary plan and with a short form subdivision which was recently submitted to the Planning Department requesting the resubdivision of two lots located at the southwest corner of the intersection of Coronado Hills Drive and Berkman Drive.

The zoning pattern in the area has been one of change. The 11 acre area to the south, along Reagan Hills Drive was rezoned "B" Residence, Second Height and Area earlier this year with a restrictive covenant limiting development to the same density allowed under "BB" Residence, Second Height and Area zoning. There is "LR" and "GR" zoning established at the intersection of Cameron Road and St. Johns Avenue. Last month there was a zoning request on property at the intersection of Creek Side Drive and Coronado Hills Drive, which is included in this same subdivision, at which time the Commission recommended that "BB" Residence, First Height and Area zoning be granted. The request is pending before the City Council. The proposed zoning change is in conflict with the approved preliminary plan for the area and the staff recommendation on Case C14-68-182 is that "LR" Local Retail zoning be granted for the two commercial sites located at the intersection of Cameron Road and Coronado Hills Drive, as illustrated on the preliminary plan, and that "BB" Residence, First Height and Area zoning

C14-68-182 Nash Phillips and Clyde Copus, Jr.--contd.
C14-68-194 Austex Development Co., Ltd.--contd.

be granted on the remaining portion of the tract with the exception of the two lots at the southwest corner of Coronado Hills and Berkman Drive which should remain "A" Residence. With regard to Case C14-68-194, a revised preliminary plan was submitted which proposed the entire site for apartment development. This plan was withdrawn at the request of the staff because the streets in the area had already been approved in the final plat for only 50 feet of right-of-way. There was concern that traffic generated by apartment development would have to use the minor residential streets. The approved preliminary plan on this tract proposes apartment development on the portion of the property fronting onto Coronado Drive south of the creek, approximately the south one-half of the tract, and single-family development on the remaining part of the tract. The staff feels that this is the appropriate development for this tract and recommends that the requested "BB" Residence, First Height and Area zoning be granted only on that portion of the site south of the creek. The creek does serve as a natural buffer between the apartment and single-family development.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Robert Sneed, attorney for the applicant
 Joe McGraw, representing applicant
 Larry Goodwin, representing applicant

SUMMARY OF TESTIMONY

Mr. Robert Sneed, representing the applicants, requested that application C14-68-182 be amended to delete the two lots at the southwest intersection of Coronado Hills and Berkman Drive so that the two lots would face onto Berkman Drive and back to the multi-family development. It is also requested that the application be amended so as to provide a 45 foot buffer of "B" Residence, First Height and Area zoning along the eastern boundary of the application between Glen Hills Drive and Coronado Hills Drive and the remaining portion under consideration be zoned "GR" General Retail, First Height and Area. There seems to be a misunderstanding between the Planning Department staff and the engineers as to whether or not the zoning or the preliminary plan should be submitted and approved first. Mr. Sneed explained that the purpose of the zoning is to develop the property for the purpose of serving the area. It should be pointed out that there is approximately 120 acres of land in this area which is the substance of one entire subdivision. This is the applicants biggest attempt at one time to zone a tract of land. The developers as well as other developers in

C14-68-182 Nash Phillips & Clyde Copus, Jr.--contd.
C14-68-194 Austex Development Co., Ltd.--contd.

the city have in the past been criticized by people saying that residential developments are put in but the commercial and apartment areas are held back until all the residential lots are sold and then they are the last to be developed. As a practical standpoint it is understood that no area can develop or exist such as this without single-family dwellings, multi-family dwellings and commercial development and they all take care of each other. The applicants are trying in advance, before any lot is sold, to have the zoning issues settled. In this way there can be maps available to future homeowners so that each purchaser will know exactly what is planned for a specific area. It is difficult to tell exactly where commercial areas might stop or start and where it might go into the shielding separation of multiple housing. For this reason, more area has been included in the tract fronting onto Cameron Road than will probably be needed. The applicants feel that there is a demand for this type of development as indicated by the fact that almost every rental unit in the city is filled. With regard to the streets, they will be widened from 50 to 60 feet which is the amount required for this type of development. The requested "GR" General Retail zoning will in no manner allow more apartment units on a square footage basis than "B" Residence, First Height and Area zoning. The concept of a planned community is to set aside a particular area for a particular use; however, since there is not a planned community provision in Austin it is felt that more flexibility is needed.

Mr. Joe McGraw, one of the planners for the applicants, stated that "GR" zoning is requested as it will give more flexibility for the proposed development. Mr. McGraw presented sketches of the proposed development for the area. Mr. Larry Goodwin, another planner for the applicants, stated that the two tracts under consideration are only two elements of a total development comprising more than 120 acres with the specific intent of developing the units as a whole rather than bringing in small areas for a series of considerations and applications. As was discussed, the internal portion of the subdivision has been proposed to be retained as "A" Residential toward the Buttermilk Creek area. Because of the impending improvements that are about to occur on Cameron Road and the development of the collector streets through the subdivision the area along Cameron Road is most appropriate for high density type housing and commercial development. The single-family area will carry through to the eastern boundary of the zoning application on property fronting onto Cameron Road with multi-family housing taking in most of the core area between Pebblebrook Drive, which is a 70 foot street and Coronado Hills Drive. Multi-family development will comprise a major portion of that area south of Coronado Hills Drive due to the terrain and because of the proposed apartment development along Creek Side Drive. Cameron Road will stimulate commercial enterprises. Consideration has been given to the location of the two commercial areas at the north side of Pebblebrook Drive and the other at the south portion south of Coronado Hills Drive where it adjoins Cameron Road. The reason for this is primarily for access in relation to the type of development anticipated.

C14-68-182 Nash Phillips & Clyde Copus, Jr.--contd.
C14-68-194 Austex Development Co., Ltd.--contd.

Consideration has been given to the traffic problems on Cameron Road and the proposed layout will help to control the access. The 45 foot strip of "B" Residence, First Height and Area zoning will allow parking for the development and will be a buffer to the rear of the residential area.

No one appeared in opposition to the requests.

COMMENTS AND ACTION BY THE COMMITTEE

C14-68-182 Nash Phillips & Clyde Copus, Jr.

The Committee accepted the request to amend the application to delete the two lots at the southwest corner of Berkman Drive and Coronado Hills Drive and to request that "B" Residence, First Height and Area zoning be granted on a 45 foot buffer strip along the eastern boundary of the site and "GR" General Retail on the balance of the area.

The Committee felt that the request as amended is acceptable and recommended that it be granted. They further recommended that the preliminary plan be amended to show the streets as 60 foot streets serving the area.

At the Commission meeting, Mr. Lillie advised the members that the staff is concerned with the fact that the zoning requested is for "GR" when only a portion of the site is to actually be used for commercial purposes. The major portion of the site is to be used for apartment development. Mr. Lillie explained that there have been five revisions of the preliminary plan within a year and the plan which has been approved by the Commission indicates that only the portion of the property fronting onto Cameron Road is to be used for commercial purposes and the balance is to be used for apartments. It is the concern of the staff that once the property is zoned "GR" the area could be resubdivided and then used for any use permitted under the "GR" classification. It would be preferable to have "GR" zoning only on that portion to be used for commercial purposes. As development occurs, if it is necessary for the developer to consider rezoning this would be acceptable. The staff feels that the consideration at this time is to zone the acreage as proposed in the preliminary plan.

Dr. Hazard asked if this recommendation is contrary to a previous recommendation by the Planning Department with regard to location of commercial uses along major arterial streets between intersections. He stated that this is similar to considerations in South Austin where there has been an attempt to control in new subdivisions the clustering of commercial facilities around arterial intersections rather than strip zoning along streets.

Mr. Lillie explained that the City Council has indicated that consideration should also be given to the location of commercial uses along major streets at locations other than intersections of major arterial streets. The

C14-68-182 Nash Phillips & Clyde Copus, Jr.--contd.

Commission will consider at the special meeting next week a subdivision-zoning policy where zoning and preliminary subdivision plans should be compatible. In this particular case, the "GR" zoning proposal on the entire tract is not compatible with the approved preliminary plan.

Dr. Hazard stated that there appears to be two major arguments with regard to the location of commercial facilities along major arterial streets. One seems to be that by allowing neighborhood commercial facilities it is possible for people to go to these places without using their car and secondly by restricting commercial development to arterials that it inhibits small business. Dr. Hazard stated that in his opinion both arguments are fallacious in that the traffic count shows that no matter how close a person is to a neighborhood store, if there is a car available, the person will more likely drive than walk. Secondly, the inhibiting of small business also seems to be a fallacious argument as small businesses that are involved in these neighborhood clusters are generally Seven-Eleven stores, service stations and laundry pick-ups, all of which are not locally owned businesses. He further stated that in his opinion strip zoning should not be allowed for the following reasons: 1) The traffic generating problem; 2) the individual owned business is probably better off or may have better potential in a cluster of other facilities around major arterial intersections; 3) for a balanced commercial district in which there are a variety of stores available, it would be better to cluster these together in that there is a greater offering for the people who wish to go there; 4) when ever strip zoning is allowed, it obviously lowers the value of single-family homes.

There is no question but what the type of development proposed lowers the value of the home and not just the land. Dr. Hazard said that he feels that the Planning Department has made the right step forward in suggesting that there be a clustering of commercial facilities around major intersections. If the requested zoning is granted, a precedent of strip zoning will be set along Cameron Road.

Mr. Hanks stated that this is a good example of what is occurring in the City. He stated that it would be desirable when a subdivider brings land in to the City that the homeowners that are going to be sold lots and homes in the area know what the land adjacent to them is going to be used for. In the past a lot of the subdividers have held out tracts such as this and eventually requested apartment or commercial zoning. In trying to protect future home buyers there is a need for areas to be designated so that the adjoining owners can be aware of future development. The question is should a subdivider who is not ready to develop a tract at the present time be required to file zoning or subdivision plans for that area in total when he may not be ready to develop for three to five years. In this particular case the development is to occur shortly and they probably could come in with a plan. There does need to be some way to protect the homeowners and the subdividers, possibly by an interim commercial zoning. Mr. Hanks stated that in his opinion the entire area should be "GR", "LR" or an interim commercial zoning.

C14-68-182 Nash Phillips and Clyde Copus, Jr.--contd.

Mr. Lillie stated that Interim "A" Residence is an interim zoning but there is not an interim commercial zoning. He explained that the policy of requiring zoning and preliminary plans to be compatible is desirable in that it requires a developer to do some planning before a plat is submitted. He stated that the approved preliminary plan has been revised five times within one year and now the zoning requested does not conform to the uses proposed by the developers in the approved plan.

After further discussion, a majority of the members concurred with the Committee recommendation that the requested zoning, as amended, should be granted. It was then

VOTED: To recommend that the request of Nash Phillips and Clyde Copus, Jr. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail and "B" Residence, First Height and Area (as amended) for property located at 7259-7535 Cameron Road be GRANTED.

AYE: Messrs. Brown, Taniguchi, Hanks, Kinnan, McNeil and Smith

NAY: Dr. Hazard

ABSENT: Messrs. Dunnam and Milstead

C14-68-194 Austex Development Co., Ltd. Int. A, Int. 1st to B, 1st--contd.

The Committee reviewed the information and concluded that this request should be denied because of the inadequate streets and as it is too intensive for the area. They stated they would look with favor on granting "BB" Residence, First Height and Area zoning only for that portion of the property south of the creek and fronting along Coronado Hills Drive, provided the streets are made adequate, and "A" Residence, First Height and Area for the balance of the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austex Development Co., Ltd. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "B" Residence, First Height and Area for property located at the rear of 7032-7068 U. S. Highway 290 be DENIED.

C14-68-196 Ethel R. Cocke: A to B
4019-4025 Banister Lane
1100-1120 Ben White Boulevard

STAFF REPORT: This application covers a large tract of undeveloped land containing approximately 2.76 acres. The stated purpose of the request is for apartment development. The subject property fronts onto Banister Lane and Ben White Boulevard; however, there is a problem involved in that access will be available only from Banister Lane and not Ben White Boulevard,

C14-68-196 Ethel R. Cocke--contd.

because of the topography of the tract. To the east of the site is the Great Northern Railroad track and adjoining the railroad track to the east is Ben White Boulevard Commercial Subdivision. To the west of Ben White Boulevard and south of Morgan Lane is "GR" zoning which was established in 1960. "BB" Residence zoning was granted on a large area to the north of Banister Lane earlier this year. This particular request involved a large subdivision which was designed for apartment development. The staff has no objection to the requested change but right-of-way is needed for Banister Lane which has a present right-of-way of 45 feet. The street should be widened to 60 feet which would require approximately 10 feet from the subject property. The staff recommends that the request be granted provided the street is made adequate.

TESTIMONY

WRITTEN COMMENT

Code

A	Forest S. Pearson: 305 West 6th	FOR
A	Ethel R. Cocke: P. O. Box 1987	FOR

PERSONS APPEARING AT HEARING

Code

A	F. E. McGhee: 7215 Cameron Road	FOR
	L. J. Turk: 705 Rocky River Road	FOR

SUMMARY OF TESTIMONY

Mr. Ed McGhee was present on behalf of this request and stated that apartments are planned for the site with a swimming pool and tennis court on the rear portion of the property which is unusable because of terrain. There is no problem with regard to the right-of-way.

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 Banister Lane; however, they stated they would look with favor on the requested zoning provided the street is made adequate, as the appropriate zoning and development for the area.

At the Commission meeting, Mr. Burnette advised the Commission that the staff reported at the Zoning hearing that 10 feet of right-of-way was needed for Banister Lane; however, since that hearing, it has been found that 15 feet of right-of-way is needed. A letter has been received from Mr. L. J. Turk who has a contract of sale on the site, offering to dedicate the necessary right-of-way for future widening.

C14-68-196 Ethel R. Cocke--contd.

In view of the offer of right-of-way, the Commission felt the request should be granted as the appropriate zoning and development for the area. It was then

VOTED: To recommend that the request of Ethel R. Cocke for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4019-4025 Banister Lane and 1100-1120 Ben White Boulevard be GRANTED.

C14-68-197 G. Brockett Irwin: A, 1st to B, 2nd
 4200-4204 Avenue A
 500-502 West 42nd Street

STAFF REPORT: This site contains three lots totaling 18,750 square feet of land. The stated purpose of the request is for apartment development. The requested zoning would permit 26 one bedroom apartment units to be developed on the site. The subject property is located within an area which has throughout the past year been converted into a "B" Residence, Second Height and Area district. "B" Residence, Second Height and Area zoning was granted on property to the north, south and east in 1967 and 1968. West 42nd and Avenue A both have 60 feet of right-of-way which is adequate for the proposed change. In view of this and because of the previous recommendations for "B" Residence zoning in this immediate area, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

K Annie E. Drake: 420 Avenue A
 V Earl E. Simms Est.: P. O. Box 1987

AGAINST
 FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to previous recommendations for "B" Residence, Second Height and Area in this area and is the appropriate zoning for the site.

C14-68-197 G. Brockett Irwin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of G. Brockett Irwin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4200-4204 Avenue A and 500-502 West 42nd Street be GRANTED.

C14-68-198 Robert L. Kanewske: A to B
400-402 West 35th Street

STAFF REPORT: This site contains 12,000 square feet of land which is presently developed with a single-family dwelling. The stated purpose of the request is for apartment development. The requested zoning would permit approximately 13 one bedroom units to be developed on the site. This area is presently developed with single-family, two-family dwellings and non-conforming uses in the form of more than one residential structure on a lot. "B" Residence zoning was granted in 1967 on property to the east, subject to the provision of five feet of right-of-way for West 35th Street, and apartment zoning has also been granted on property to the south along West 34th Street. There is "O" Office zoning established to the north along West 37th Street and "B" Residence, Second Height and Area zoning is established along Speedway to the east and to the north along West 38th Street. As a result of an area study in 1966, the Commission recommended that the area bounded to the north by West 38th Street, and to the east and west by Duval and Guadalupe Streets be zoned "B" Residence where the streets were adequate. The subject property is located within this area and the staff recommends that the request be granted subject to the provision of five feet of right-of-way for West 35th Street which the applicant has offered to dedicate. A request to vacate the street between the subject property and property to the east, also belonging to the applicants, was recently granted by the City Council.

TESTIMONY

WRITTEN COMMENT

Code

AX	Mrs. T. R. Cooke: 317 West 35th Street	FOR
AW	Eberhard Proskl: 401 West 35th	FOR
F	Paul J. Schmidt: 403 West 37th Street	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Sam Meyers: 1513 Pease Road	FOR
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SUMMARY OF TESTIMONY

Mr. Sam Meyers stated that in addition to the subject property they also own the property to the east which was recently rezoned "B" Residence, First Height and Area. This area is close to the University and the plans

C14-68-198 Robert L. Kanewske--contd.

are to build something that will be an asset to the neighborhood. Most of the people in the area are in favor of the change. The applicant submitted a letter to the Committee offering to dedicate the necessary right-of-way for the widening of West 35th 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 granted as the appropriate zoning and development for the area as established by a Planning Commission study in 1966.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert L. Kanewske for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 400-402 West 35th Street be GRANTED.

C14-68-199 Humble Oil & Refining Co.: GR, 6th to GR, 5th
2537-2611 Interregional Highway

STAFF REPORT: This site contains 1.41 acres of land which is developed with a service station. The stated purpose of the request is to raise an existing modular sign. The present zoning allows a height to 35 feet whereas proposed zoning would permit 60 feet in height. The site is located along the Interregional Highway and backs to a residential subdivision directly to the east. The unzoned property to the south is outside the City limits, and is part of an approved preliminary subdivision entitled Greenbriar. General Retail zoning was established on the east side of the Interregional Highway in 1959 and on the west side in 1960. The staff has no objection to the establishment of Fifth Height and Area zoning at this location. The proposed zoning would permit an adequate height and insure a 25 foot setback along the Interregional Highway.

TESTIMONY

WRITTEN COMMENT

Code

B Joe Gilbreath: P. O. Box 3291

FOR

PERSONS APPEARING AT HEARING

Code

? S. P. Homes (representing applicant)

Larry Shaw

AGAINST

C14-68-199 Humble Oil & Refining Co.--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. S. P. Holmes was at the hearing and stated that the zoning is requested so that the existing modular sign can be raised as the subject property is in a hole and the sign cannot be readily seen. The plans are to raise the existing sign approximately 15 to 20 feet.

Arguments Presented AGAINST:

One nearby property owner appeared at the hearing and stated that in his opinion the request should be denied as the Interregional Highway should be free from obnoxious signs.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate height and area district along the Interregional Highway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Humble Oil & Refining Co. for a change of zoning from "GR" General Retail, Sixth Height and Area to "GR" General Retail, Fifth Height and Area for property located at 2537-2611 Interregional Highway be GRANTED.

C14-68-200 Don Jackson: A to B
104-108 Lola Drive

STAFF REPORT: This application covers 10,815 square feet of land and if zoned as requested, would permit 11 one bedroom units on the site. There are two separate applications for "B" Residence, First Height and Area zoning on property to the west along West Lola Drive. "GR" General Retail and "B" Residence zoning is established on the north side of West Powell Lane. "B" zoning is also established on property to the south of Lola Drive, and is developed with a series of duplexes. West Lola Drive with a present right-of-way of 50 feet should be widened to 60 feet which would require five feet of additional right-of-way from each side of the street. There is an offer of right-of-way on the subject property. In view of this offer, the staff recommends that the requested zoning be granted as the continuation of the existing zoning and development along West Lola Drive.

TESTIMONY

WRITTEN COMMENT
Code

C Mrs. Wilbur C. Treadwell: 4105 Far West

FOR

C14-68-200 Don Jackson--contd.

PERSONS APPEARING AT HEARING

Code

Don Jackson (applicant)

SUMMARY OF TESTIMONY

Mr. Don Jackson was present on behalf of this request and stated that he has owned this property approximately three years. He advised the Committee that most of the construction in the area is duplex type construction as the access into the area is very convenient. It is anticipated that the proposed development will blend in with the existing character of the area and uplift the neighborhood. He further stated that there is no objection to providing the five feet of right-of-way needed for West Lola Drive.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and were cognizant of the applicant's offer to dedicate the necessary right-of-way for West Lola Drive. They felt that in view of this offer, the requested zoning should be granted as a continuation of the existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Don Jackson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 104-108 West Lola Drive be GRANTED.

C14-68-201 Fay Sawyer: 0 to GR
1505-1509 Fort View Road (Banister Lane)

STAFF REPORT: This application covers two lots totaling 27,000 square feet. The stated purpose of the request is for a service station and automobile washer. "GR" zoning is established to the north, across Fort View Road, at the intersection of Fort View Road and Clawson Avenue, and adjoining the site to the south along both sides of Ben White Boulevard. "C" Commercial, First Height and Area zoning was granted on property to the east in 1964. The staff has no objection to the requested change; however, there are right-of-way problems in that Fort View Road has a varying right-of-way, with approximately 30 feet in front of the site, and should be widened to 60 feet of right-of-way which would be needed to carry commercial traffic. This will require approximately 25 to 30 feet from the site for additional right-of-way because of the proposed alignment of the street.

C14-68-201 Fay Sawyer--contd.

TESTIMONY

WRITTEN COMMENT

Code

X

Fred W. Adams: Box 3316

FOR

PERSONS APPEARING AT HEARING

Code

Dorothy G. Croom (representing applicant)

FOR

SUMMARY OF TESTIMONY

Mrs. Dorothy Croom, representing the applicant, stated that in addition to the property under consideration, the applicant also owns the property adjoining to the south, fronting onto Ben White Boulevard which is presently zoned "GR" General Retail. The applicant intends to put in a service station and car wash which will extend back to the subject property. A portion of the site will be used for parking. Mr. Sawyer will work with the City on the right-of-way needs for Fort View Road.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported a letter from the applicant's attorney offering to dedicate the necessary right-of-way for the future widening of Fort View Road. In view of this, the Commission felt the request should be granted as a logical extension of existing zoning and development. It was then

VOTED: To recommend that the request of Fay Sawyer for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 1505-1509 Fort View Road (Banister Lane) be GRANTED.

C14-68-202 L. J. Rasco: A to GR
2400 Havenside Drive
1213-1217 Oltorf Street

STAFF REPORT: This site contains 8,040 square feet and is developed with a single-family structure. The stated purpose of the request is for piano sales and service. This area is part of the Southwood Subdivision, recorded in 1955, and developed predominantly with single-family dwellings. Directly west of the site is a dedicated street that is undeveloped on

C14-68-202 L. J. Rasco--contd.

the ground. To the west of the dedicated street is "C" Commercial, First Height and Area zoning which is developed with the telephone company's motor pool. Across Oltorf Street to the north is "C", "LR" and "B" zoning. The Meadowbrook Housing Project is established on a large tract of land to the north which is zoned "B". Havenside Drive, and Fieldcrest Drive are both 50 foot streets and if the change is granted, should be widened. Oltorf Street has a present right-of-way of 80 feet but is scheduled to be widened which would require five feet from the subject site.

A request for the same zoning was before the Planning Commission in 1965 at which time the staff recommended against the change as an intrusion into a well-defined and well-developed residential area. At that time the applicant was also cautioned to examine his deed restrictions as it was the staff's understanding that this is deed restricted against commercial use. The staff feels that this request should be denied as this is still a well-defined and well-developed residential area.

TESTIMONY

WRITTEN COMMENT

Code

T	Joe Machac: 1201 W. Oltorf	AGAINST
J	Mr. & Mrs. H. M. Slaughter: 1209 Southwood	AGAINST
X	Duane Tallant: 1208 Southwood	AGAINST
F	Dominic A. Yemma: 2402 Havenside	AGAINST
P	Oran A. Atchison: 1209 Oltorf	AGAINST
	Glen E. Lewis	AGAINST

PERSONS APPEARING AT HEARING

Code

	L. J. Rasco (applicant)	
W	Eddie Lee Arnold: 1206 Southwood Road	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant was present and stated that he is a piano teacher and would like to have the privilege of a shop in his home. He explained that he does not intend to put in a large store or a large business but he would like to have a shop in his garage and be allowed to have a sign in the yard. He stated that most of his business is away from his shop but he would like the privilege of operating in his home.

C14-68-202 L. J. Rasco--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request and stated that once the property is zoned "GR" it could be sold and then be developed with anything allowed under that classification. The people in the area have been there for a number of years and a rezoning on the site would set a precedent for the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a well-defined and well-developed residential area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of L. J. Rasco for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2400 Havenside Drive and 1213-1217 Oltorf Street be GRANTED.

C14-68-203 First Southern Presbyterian Church (as amended): B to O
705-707 West 9th Street
804-806 Rio Grande Street

STAFF REPORT: This application covers an "L" shaped tract of land containing approximately 15,380 square feet. The stated purpose of the request is for renting the property. There is mixed zoning in the area consisting of "O" Office directly to the east and north; "B" zoning along West 9th Street, West 8th Street and West Avenue, and "GR" zoning at the intersection of West 8th and Rio Grande Streets. "C" Commercial, Fourth Height and Area zoning was granted in 1967 on property located on San Antonio and West 9th Streets. The area is developed with a mixture of uses consisting of apartments, single-family homes and offices. "O" Office, Second Height and Area zoning was established on the property directly east of the subject site in 1967. The streets in the area are adequate with 80 feet of right-of-way and the staff recommends that the request be granted as it is consistent with the existing zoning and development pattern.

TESTIMONY

WRITTEN COMMENT

Code

G T. W. Murray: 809 West Avenue.

PERSONS APPEARING AT HEARING

Code

Frank Walker (representing applicant)

C14-68-203 First Southern Presbyterian Church--contd.

SUMMARY OF TESTIMONY

Mr. Frank Walker stated that the application is not correct in that the church is the First Southern Presbyterian Church. He stated that they would like to renovate the existing building and lease the property for office use rather than for residential use. There are offices developed in the area and the request is not unreasonable.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of First Southern Presbyterian Church (as amended) for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 705-707 West 9th Street and 804-806 Rio Grande Street be GRANTED.

C14-68-204 L. C. Page, Trustee, et al: B, 2nd to C, 4th
800-806 West 24th Street

STAFF REPORT: This application covers two large lots totaling 46,728 square feet. The stated purpose of the request is for high-rise facilities. There have been recent zoning changes in the area. "C" Commercial, Fourth Height and Area zoning was granted on a block to the south between West 23rd, West 22½, Pearl and Rio Grande Streets. At that time "C" Commercial, Third Height and Area zoning was granted on property directly across 24th Street from the subject site. The zoning was granted for a high-rise development. There is "C" Commercial, Fourth Height and Area zoning on property to the north on Rio Grande and West 25th Streets and to the east on Nueces Street, one block west of Guadalupe Street, which is developed with a 24 story apartment hotel. Most of the zoning in this area has occurred in answer to land use changes as a result of the University of Texas growth and development.

West 24th and West 25th Streets are proposed as a one-way pair in the Austin Transportation Plan which has been adopted by the City Council. West 24th Street with a present right-of-way of 60 feet is required to be widened to 70 feet which will require a minimum of five feet from the subject site. Rio Grande Street, with 60 feet of right-of-way, is a collector street from 29th Street south to Central Business District. The requested zoning would permit a height of 200 feet and there is no restriction on the number of units that could be developed on the site.

73/
~~728~~

C14-68-204 L. C. Page, Trustee, et al--contd.

The staff feels the high density development is appropriate in the University area and the flexibility which the "C" Commercial, Fourth Height and Area zoning will give the developer will be somewhat limited in that there will be off-street parking and setback requirements. It is recommended that the request be granted, subject to the provision of five feet of right-of-way for West 24th Street.

TESTIMONY

WRITTEN COMMENT

Code

G Stella Hofheinz: P. O. Box 1987
AA Mrs. Floyd Smith & Bettie Smith

FOR

FOR

PERSONS APPEARING AT HEARING

Code

Richard Baker (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicants, stated that the subject property will be developed consistently with all the other land which has been acquired by University Village in this area. University Village owns the tracts immediately across the street and will acquire the subject property if the zoning applicant is granted and it will be used in conjunction with the other developments they propose. In relation to the five feet of right-of-way, this will make a total of 20 feet of right-of-way they have dedicated on 24th Street and it is felt that it is economically unfeasible to require additional right-of-way with the price of the land in the University area. West 24th Street is up to 70 feet through a 10 foot dedication provided on the other side of the street. If the right-of-way could be avoided it would be appreciated.

Mr. Lillie advised Mr. Baker and the Committee that there has only been five feet of right-of-way dedicated on the south side of 24th Street. Mr. Baker stated that he thought ten feet had previously been dedicated.

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 West 24th Street; however, they stated they would look with favor on granting the requested zoning, provided the street is made adequate, as the appropriate zoning and development for the University area.

732
~~729~~

C14-68-204 L. C. Page, Trustee, et al--contd.

At the Commission meeting the staff reported that a question was raised at the Zoning hearing with regard to the amount of right-of-way required for West 24th Street when property to the south was rezoned. This has been checked and five feet of right-of-way was required. A letter has been received from Mr. Richard Baker, attorney for University Village who has contracted to purchase the subject property, offering to grant to the City a utility easement over and across the south five feet of the site or to dedicate five feet of right-of-way for the purpose of street widening, whichever the City required. Mr. Burnette advised the Commission that the dedication of five feet of right-of-way is preferable. The Commission agreed to the dedication.

In view of the offer of right-of-way, the Commission felt that the requested zoning should be granted as the appropriate zoning and development for the University area. It was then unanimously

VOTED: To recommend that the request of L. C. Page, Trustee, et al for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Fourth Height and Area for property located at 800-806 West 24th Street be GRANTED.

C14-68-205 Ernest Elam & Gerald Senter: Int. A, Int. 1st to LR, 1st (Tr. 1) &
Tract 1: 7300-7510 Cameron Road B, 1st (Tr. 2)
Tract 2: Rear of 7300-7510 Cameron Road

STAFF REPORT: This application covers two tracts of undeveloped land totaling 17 acres. The stated purpose of the request is for retail and apartment development. In addition to the subject property there are two additional zoning applications on property across Cameron Road which are under consideration at this time. The staff has recommended that "LR" zoning be granted on the front portion and "BB" on the remaining portion of that tract. The staff has no objection to the requested "LR" zoning on Tract 1 of this application. The attorney for the applicant has indicated that there is a planned use for Tract 1 but the use cannot be disclosed at this time. Tract 2 which is a request for "B" Residence zoning does present some problems. Immediately to the west and to the south is an "A" Residential district. The area to the south is predominantly developed with duplexes and to the west is single-family development. The subject property, as well as other property to the south, is part of Cameron Park, an approved preliminary subdivision.

The staff presented the approved preliminary plan of the area showing a residential layout and the proposed street system. The staff questions the validity of the layout should the zoning be changed. A revised plan should be submitted which would take care of street problems. Mr. Richard Baker, attorney for the applicant, has assured the staff that a satisfactory street system can be worked out on the site. Because of the access problems and the existing single-family and two-family development, the staff feels that

L

C14-68-205 Ernest Elam & Gerald Senter--contd.

"BB" Residence, Second Height and Area zoning is the proper zoning for Tract 2; however, in view of a time problem of readvertising for Second Height and Area, the staff would look with favor on "B" Residence, First Height and Area zoning provided the development is restricted to the same density permitted under "BB" Residence, Second Height and Area zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

	Richard Baker, representing applicants	
W	Jane Vincent: 2211 West North Loop	AGAINST
	Cordell L. Jeffrey: 7303 Grand Canyon	AGAINST
BK	Mr. & Mrs. Cecil W. Fisher: 1204 Fairbanks	AGAINST
BL	Sammy M. McKelvy: 5700 Gloucester	AGAINST
BN	W. M. Barton: Rt. 7, Box 643	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, stated that in relation to the streets if the zoning is granted the applicants will work with the Planning Department between now and the next regular Planning Commission meeting in an effort to try to work out a satisfactory street plan. There are some advantages of trying to extend the streets and some advantages of trying to dead-end the streets. If the streets are extended, this results in the possibility of whatever utilization is made of this property, through a multi-family development, of diverting traffic onto the residential streets which are not paved or if paved, in poor condition. The extension of Irving Lane may be a mistake with regard to people in the residential area because of the traffic that could be generated. The area from Grand Canyon Drive, which goes toward Reagan High School back to Cameron Road is developed with a mixture of development primarily duplexes. There is "B" Residence, First Height and Area zoning to the south of St. Johns Avenue. Along Cameron Road there is "GR" General Retail zoning basically for a depth of 250 feet from U. S. Highway 290. Immediately across the street and to the south is a tract which was zoned recently "B" Residence, Second Height and Area. Mr. Baker stated that he was aware of the fact that when the "B" Residence, Second Height and Area zoning was granted there were restrictions limiting the development but he thought the restrictions limiting the development were one unit for every 1,000 square feet which is usually what has been used in placing restrictive covenants on ground; however, he explained that the staff has advised him that the development is more restrictive.

C

C

C14-68-205 Ernest Elam & Gerald Senter--contd.

On the basis of the requested classification, a firm contract has been entered into for the sale of a portion of the rear part of the property thus the street system must be worked out. The proposal is to develop one unit for approximately every 950 square feet and then go up from that designation. The requested zoning and development will be compatible with the existing and proposed development.

Mr. Baker stated that in answer to some of the arguments against the request that the applicants do not intend to create or construct a low rental housing project. It is their intention to utilize this property for the development of multi-family type residences which are commonly known as garden apartments. The development is compatible as there is rental property in the form of duplexes developed along Fairbanks Drive. The "LR" zoning as requested on Tract 1 will be for compatible facilities in connection with the development for Tract 2. "LR" Local Retail zoning is the lowest density retail available and it would be consistent with the zoning in the area for service type projects.

Arguments Presented AGAINST:

A number of property owners appeared in opposition to this request. They stated that they purchased their duplex homes very recently and were assured there would be single-family or two-family development occurring in the area. It is felt that the requested zoning and development would devalue the existing property and will lower the class of people that are now attracted in the area. The proposed development is not conducive to this type of neighborhood. Easy access to all the shopping facilities is available so there is not need for more.

Mr. Smith asked about a buffer strip for the duplexes. Mr. Baker stated that the usual buffer between residential and apartment development is a tier of duplex lots. There is a fence existing across a portion of the site and there is no objection to providing a fence across the back.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they stated they would look with favor on the requested zoning provided there is adequate street circulation in a revised preliminary subdivision and that further consideration be given to a buffer zone to the south.

At the Commission meeting, Mr. Lillie stated that Mr. Richard Baker, attorney for the applicants, has discussed this proposal with the staff during the past week. The discussion centered around the fact that if apartment and local retail zoning is granted that there should not be any traffic circulation into or through the abutting neighborhoods. There was discussion about the vacation of Irving Lane, Blackson Avenue

C14-68-205 Ernest Elam and Gerald Senter--contd.

and Delmar Avenue. The developers were not willing to set aside acreage required for a tier of duplexes abutting the south property line. A letter has been submitted by the applicants, requesting that the City undertake vacation of the streets and that all egress and ingress, if the property is rezoned, be oriented toward Cameron Road. The owners further agree that they will construct along the west and south property lines a solid fence not less than five feet in height and that they will not place any improvements over one story in height within 25 feet of the west and south property lines. The question of the vacation of the streets will be discussed at the technical committee meeting of the staff with other City Departments and the property owners who abut these streets will have to make application for the vacation.

St. Johns Addition is located to the west and is oriented primarily to St. John's Avenue, Interstate 35 and U. S. Highway 183 more than toward Cameron Road as most of the streets on the eastern edge of the subdivision are not open on the ground. Blackson and Delmar Avenues are dedicated but not open on the ground from the subject property to one block west of Meador Avenue. Blackson Avenue does go through to Interstate 35 from Meador Avenue west. If Blackson Avenue is required to extend through to Cameron Road it would become a collector street through the area. The staff feels that the St. John's Addition should not have the burden of the traffic generated by this collector street as it is not this addition that is creating the traffic. The vacation of the streets would be a protection for the adjoining residential areas. The staff recommends in favor of the vacation of the streets if the request is granted so that the traffic which is generated by the proposal will be oriented primarily to Cameron Road which is a major arterial street.

Dr. Hazard stated that in his opinion the establishment of strip commercial zoning should be discouraged. He stated that it would be unjust to change this area when the people along Fairbanks Drive purchased their duplexes in good faith relying on the area being developed residentially. Another reason for not granting the request is the traffic that would be generated.

Mr. McNeil stated that he is not opposed to the application as long as the people in the adjoining subdivisions are protected. The main points of objection at the Committee hearing was the traffic and a buffer for protection. The applicants have agreed to have the streets vacated which removes the objection to the traffic and they have also agreed to erect a fence and to restrict their development to no more than one story structures within 25 feet of the property line. He stated that in his opinion, the applicants have agreed to do what was requested.

Mr. Smith stated that in his opinion the question is whether or not the applicants are providing a proper buffer for the protection of the property

C14-68-205 Ernest Elam and Gerald Senter--contd.

owners. He said that he feels that a buffer area of duplex development would be more appropriate. He feels that the adequacy of what the applicants have agreed to is insufficient to objections that were raised. After further discussion

A MOTION TO DENY THE REQUEST FAILED TO CARRY BY THE FOLLOWING VOTE:

AYE: Messrs. Hazard, Smith and Taniguchi
NAY: Messrs. McNeil, Hanks, Kinnan and Brown
ABSENT: Messrs. Dunnam and Milstead

Mr. McNeil and Mr. Kinnan both agreed that the restrictions as offered by the applicant should be recommended to the City Council. They felt that the proposed development is proper provided the restrictions are accepted.

Mr. Taniguchi stated that consideration should be given to Tract 1 as there is a definite difference between apartments abutting duplex development and duplexes abutting local retail development. He stated that consideration should also be given to whether or not the granting of "LR" zoning would set a precedent for strip zoning along Cameron Road. He asked that the City Council be made aware of the implications of developing local retail on property such as this. After further discussion, a majority of the members agreed that the requested zoning is appropriate zoning for the site; however, they felt that the restrictions as offered by the applicants, with regard to the vacation of the streets, fencing and the height of structures within 25 feet of the building line should be required. It was then

VOTED: To recommend that the request of Ernest Elam and Gerald Senter for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tr. 1) and "B" Residence, First Height and Area (Tr. 2) for property located at 7300-7510 Cameron Road (Tr. 1) and the rear of 7300-7510 Cameron Road (Tr. 2) be GRANTED.

It was further recommended to the City Council that the restrictions as offered by the applicants with regard to fencing, vacation of the streets and the height of structures within 25 feet of the building line, be accepted.

AYE: Messrs. Brown, Hanks, Kinnan and McNeil
NAY: Messrs. Taniguchi, Smith and Hazard
ABSENT: Messrs. Dunnam and Milstead

C14-68-206 William Stringer: A to BB
 3304 Northeast Drive
 6500-6502 Manor Road

STAFF REPORT: This site consists of 18,500 square feet of land which is presently undeveloped. The stated purpose of the request is for apartment development. The most recent zoning change in the area was a change to "GR" General Retail and "B" Residence, First Height and Area zoning on property to the east, along Manor Road, that was submitted in connection with a subdivision for general retail, apartment and single-family development. The area is predominantly zoned "A" Residence with the exception of the southeast corner of Manor Road and Northeast Drive which is zoned "LR" and developed with a service station. There is duplex development along Carol Ann Drive to the north. The crosstown expressway is proposed to the east, along Springdale Road. Springdale Road where it adjoins Manor Road is presently 80 feet wide but the proposal is to widen the street to 200 feet and there will be an interchange at this intersection. It has not been designed and the staff does not know what effect this interchange will have on the subject property. There is a short form subdivision filed on the site which would divide the property into two lots fronting onto Manor Road. The staff recommends that the requested zoning be granted.

TESTIMONY

WRITTEN COMMENT

Code

X Watt Schieffer

PERSONS APPEARING AT HEARING

Code

Richard Baker (representing applicant)

SUMMARY OF TESTIMONY

Mr. Richard Baker, representing the applicant, stated that Mr. Stringer has discussed this change with the adjoining property owners and they do not object. Most of the structures along Carol Ann Drive and Northeast Drive are duplexes.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the appropriate zoning for the site.

C14-68-206 William Stringer--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of William Stringer for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3304 Northeast Drive and 6500-6502 Manor Road be GRANTED.

C14-68-207 Odas Jung: A to GR
 3719-3819 South Second Street
 600-616 Fort View Road
 3814-3826 South First Street

STAFF REPORT: This application covers a large undeveloped tract of land containing approximately 8½ acres. The stated purpose of the request is for a bank or similar type use. To the south, along Ben White Boulevard there is "C-2" Commercial, "LR" Local Retail and "GR" General Retail zoning. To the west of South Second Street there is "BB" Residence, First Height and Area which was granted in 1967. Ben White Boulevard is classified as a major arterial street. Fort View Road or Banister Lane has 40 feet of right-of-way and should be widened approximately 40 feet which will require 20 feet from the subject property. South Second Street, with 40 feet of right-of-way should be widened to 60 feet which will require 10 feet from the subject property. The staff stated that eventually the entire area north of Banister Lane will likely be developed with low density apartment units as most of the land has large irregular shaped tracts. The staff recommends that the requested zoning be granted, provided the streets are made adequate, as appropriate zoning for the area.

TESTIMONY

WRITTEN COMMENT

Code

AD Dorothy F. Knight: 512 Krebs Lane
 V J. N. Chambers: 3801 South First Street

AGAINST
 FOR

PERSONS APPEARING AT HEARING

Code

? Mrs. C. A. Caraway: 3808 South First Street
 A Joe Jung: 1500 Summit Street
 A L. C. Reese: 1519 Enfield Road

NO OPINION

SUMMARY OF TESTIMONY

Mr. Joe Jung was present on behalf of this request and stated that the zoning is requested for the purpose of allowing high type retail development on the site. The Travis State Bank or Main Bank has been chartered for this location and it is subject to purchase pending the requested zoning. The establishment of a bank will draw high quality type development. It is also hoped that a post office will be established on part of the site.

C14-68-207 Odas Jung--contd.

One nearby property owner appeared in interest of the request and asked about the proposed development, the existing and proposed zoning and the street system in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate rights-of-way for South Second Street and Fort View Road; however, they stated they would look with favor on the requested zoning, provided the streets are made adequate, as the appropriate zoning for the area.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate 20 feet of right-of-way for Fort View Road and 10 feet of right-of-way for South Second Street. In view of this, the Commission felt that the request should be granted as the appropriate zoning for the area. It was then unanimously

VOTED: To recommend that the request of Odas Jung for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 3719-3819 South Second Street, 600-616 Fort View Road and 3814-3826 South First Street be GRANTED.

C14-68-208 Dr. Simon J. Clark Estate: A to C
1016 East 53rd Street
Add'n Area: 1018 East 53rd Street
5300-5302 Interregional Highway

STAFF REPORT: The subject property contains approximately 7,000 square feet of land which is presently developed with a single-family dwelling. A small area containing approximately 3000 square feet adjoining to the east and owned by the City of Austin was included as additional area by the staff. The stated purpose of the request is for new and used car sales and service. Directly to the north of the site is "C" Commercial zoning developed with two service stations. On the east side of the Interregional Highway south of East 53rd Street is commercial zoning developed with offices, single-family homes and apartments. On the east side of Cameron Road there are retail shopping facilities. To the south of the site is "C" Commercial and "LR" Local Retail zoning. The staff has no objection to the change because of the existing zoning and development along the Interregional Highway. The area included as additional area as well as a good portion of the subject site may be required as additional right-of-way for the Interregional Highway. The right-of-way has been checked with the State Highway Department but the exact alignment has not been established at the present time.

C14-68-208 Dr. Simon J. Clark Estate--contd.

TESTIMONY

WRITTEN COMMENT

Code

M	Mr. & Mrs. W. B. Gregg: 1606 Red River	FOR
H	Conon D. & Freida B. Whiteside: P. O. Box 687 E. Norwich, LI, NY.	FOR
B	Watt Schieffer: 1011 E. 40th Street	FOR

PERSONS APPEARING AT HEARING

Code

Arthur Pihlgren (representing applicant)

SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, representing the estate of Dr. Simon J. Clark, stated that the requested zoning is an extension of the commercial zoning existing to the north and south along the Interregional Highway. He stated that his client who is purchasing this property is aware of the situation with regard to future widening of the Interregional Highway; however, this has been discussed with the State Highway Department and the indication is that the estimated time for this acquisition is tentatively scheduled for 1971. Mr. Pihlgren stated that his client is acquiring the property with the full knowledge that some time in the future a portion of the site will be required for right-of-way purposes.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dr. Simon J. Clark Estate for a change of zoning from "A" Residence, Fifth Height and Area to "C" Commercial, Fifth Height and Area for property located at 1016 East 53rd Street and the additional area located at 1018 East 53rd Street and 5300-5302 Interregional Highway be GRANTED.

C14-68-209 Robert M. Huey, et al: B, O, & C, 2nd to C, 3rd
907-911 Nueces Street
501-517 West 10th Street
906-914 San Antonio Street

STAFF REPORT: This application covers one-half block of land totaling 35,200 square feet. The stated purpose of the request is for an office building and parking garage. There is a mixed zoning pattern in the

C14-68-209 Robert M. Huey, et al--contd.

immediate area. Directly to the east, across San Antonio Street, is unzoned property used for Wooldridge City Park. To the north and south of the Park are the Travis County Court House and the Austin Public Library. "C" Commercial, Fourth Height and Area zoning is established on property between West 11th and West 10th Streets and between Rio Grande and Nueces Streets and is developed with an apartment complex. "C" Commercial, Fourth Height and Area zoning, for a high-rise development, was granted in 1967 on property to the south of West 9th Street. There is "B" Residence, Second Height and Area zoning existing to the west across Nueces Street and to the south along West 9th Street which is developed with offices, apartments, and single-family homes. "O" Office zoning is established to the north of West 11th Street and to the west along Rio Grande Street. The requested zoning is appropriate for the area as the street rights-of-way are at least 60 feet and some streets have 80 feet of right-of-way. The staff recommends that the request be granted. The proposed zoning would allow a structure to a height of 120 feet if zoned as requested.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	Robert M. Huey: 205 Capital Nat'l Bank Bldg.	FOR
A	Mrs. Marjorie Bacon Odom for	
	Robert F. Bacon: 507 W. 10th Street	FOR
Z	Silas J. Maxwell: 709 Harris Avenue	FOR

SUMMARY OF TESTIMONY

Mr. Robert M. Huey appeared at the hearing and stated that they hoped to build at least a five story office building facing the park. The middle lot will be used for a covered parking garage. The Third Height and Area district is requested as the five story building is extremely marginal and there may be a need to have seven stories. It is felt that the request is in keeping with the general area because of the existing zoning and development. There is "C" Commercial, Third and Fourth Height and Area in close proximity to the site. Although "C" Commercial, Third Height and Area would allow structures to be built to the property line, the plans are to setback 20 feet so that the development will fit in with the courthouse and park for aesthetic values.

Several nearby property owners appeared and stated they were in favor of the change. No one appeared in opposition to the request.

C14-68-209 Robert M. Huey, et al--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 Robert M. Huey, et al, for a change of zoning from "B" Residence, "O" Office and "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 907-911 Nueces Street, 501-517 West 10th Street and 906-914 San Antonio Street be GRANTED.

C14-68-210 John Peterson: A to B
207-209 West Powell Lane
206-210 Lola Drive

STAFF REPORT: This site contains 21,840 square feet of land. The stated purpose of the request is for apartment development. The subject site adjoins property to the east which is also being considered at this time for the same type zoning. There is also another request for "B" Residence, First Height and Area zoning for property on the west. "C" Commercial, First Height and Area was established in 1966 on property to the west for the Red Arrow Freight Company. "GR" General Retail zoning is established to the north and "B" Residence zoning adjoins the "GR". "B" Residence, First Height and Area zoning, is established on property south of West Lola Drive which is developed with a series of duplexes. The staff has no objection to the requested change because of the existing zoning and development in the area; however, West Powell Lane, with a present right-of-way of 45 feet is inadequate and should be widened. Fifteen feet will be required from the subject property. West Lola Drive should also be widened which will require five feet from each side of the street. The staff recommends in favor of the request provided the streets are made adequate.

TESTIMONY

WRITTEN COMMENT

Code

C Mrs. Wilbur C. Treadwell: 4105 Far West FOR

PERSONS APPEARING AT HEARING

Code

A John Peterson (applicant)
J Don J. Jackson: 6002 Spancreek FOR

743

C14-68-210 John Peterson--contd.

SUMMARY OF TESTIMONY

The applicant was present on behalf of this request and presented a letter to the Committee offering to dedicate the necessary right-of-way for West Powell Lane and West Lola Drive. He stated that the requested zoning is a continuation of the existing zoning and development which has been occurring in this area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and were cognizant of the applicant's offer of street right-of-way. They recommended that the requested zoning be granted as the streets are being made adequate and as a continuation of existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of John Peterson for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 207-209 West Powell Lane and 206-210 Lola Drive be GRANTED.

C14-68-211 John Peterson: A to B
5213 Joe Sayers Avenue

STAFF REPORT: The subject property, containing 11,340 square feet of land is presently developed with a two-family dwelling and located on a cul-de-sac street with 50 feet of right-of-way. The stated purpose of the request is for apartment development and the zoning requested would permit 11 one bedroom units to be developed. There have been numerous zoning changes in this immediate area during the past year. The most recent was the granting of "LR" First and "B" First and Second Height and Area zoning on property to the north and east. Directly north of the applicant's property there was a request before the Commission recently for a change in zoning to "B" Residence, First Height and Area which was granted. The granting of that request was subject to the provision of the necessary right-of-way for Joe Sayers Avenue and North Loop Boulevard. In 1967, "C" and "LR" zoning was granted on property to the south along North Street, Burnet Road and Jim Hogg Avenue, subject to right-of-way and vacation of Jim Hogg Avenue.

There is concern in the area of the subject property because of the new duplex development along both sides of Joe Sayers Avenue and the inadequate right-of-way. Because of this, the staff feels that the requested zoning should be denied. If the request is granted, five feet of right-of-way is needed for Joe Sayers Avenue to bring the street to a standard right-of-way of 60 feet.

C14-68-211 John Peterson--contd

TESTIMONY

WRITTEN COMMENT

Code

? Jim Eichelberger: 6901 North Lamar FOR

PERSONS APPEARING AT HEARING

Code

A John Peterson: P. O. Box 5003 FOR
 Don J. Jackson: 6002 Spancreek FOR

SUMMARY OF TESTIMONY

The applicant was present and submitted a letter to the staff offering to dedicate the necessary five feet of right-of-way for future widening of Joe Sayers Avenue. He stated that he purchased the subject property as well as other lots along this street several years ago and at that time felt that it was premature to develop with anything but duplexes. Duplexes have been developed along this street. The subject property is a 190 foot lot with a two bedroom duplex on the front portion. It is felt that this area is changing as a result of the recently established zoning and it is now time to develop the rear portion of the property. This is becoming an apartment area and the units which can be developed are needed.

Mr. Burnette advised the Committee that the applicant's offer of dedication of right-of-way is conditioned upon the granting of the zoning change.

Mr. Don Jackson, a nearby property owner, stated that he recently acquired the duplex across the street and he is in favor of the requested change as it will upgrade the neighborhood.

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 is too intensive for the area; however, they stated they would look with favor on granting "BB" Residence, First Height and Area zoning as the proper zoning for the site.

At the Commission meeting, the staff reported a letter from the applicant requesting that this application be amended to "BB" Residence, First Height and Area. The Commission accepted the request to amend the application to "BB" Residence, First Height and Area, and felt that this is the proper zoning for the site. It was then

VOTED: To recommend that the request of John Peterson for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 5213 Joe Sayers Avenue be GRANTED.

C14-68-212 Louis B. Marks, Trustee: A to LR
 6839-7003 U. S. Highway 290

STAFF REPORT: This application consists of 7.96 acres of land which is undeveloped. The stated purpose of the request is for local retail and apartment development. There is mixed zoning in the area consisting of "A" immediately to the east and south and "O", "C" and "LR" to the west along Berkman Drive. To the south, at the corner of Berkman Drive and Patton Lane is a pending request for "O" Office, Second Height and Area zoning. Adjoining the pending case is "B" Residence, First Height and Area zoning which was granted in 1968. It is the staff's understanding that next month there will be a request for "BB" or "B" zoning on 4 lots on the north side of Patton Lane as well as the three lots adjoining the subject property to the east. A request for "BB" zoning on property to the east, along Mira Loma Lane, was before the Commission for consideration earlier this year at which time the Commission recommended denial because the proposed use was too intensive for the street pattern in the area and would be detrimental to the existing residential area east of Mira Loma Lane. The Commission did state they would look with favor on the request if the property was subdivided so that adequate traffic circulation could be provided.

It should be pointed out that there is a need for a street plan in this area. The applicant is offering a 50 foot right-of-way, located at the east edge of the subject property which will terminate in a cul-de-sac. In addition, when the adjoining property owner to the east requests a change, the staff will ask for 10 feet of right-of-way to be added to the 50 feet on the subject property. A letter has been received from Jeanne Shearer, a partner of Louis Marks, Trustee, in which they agree to dedicate a 50 foot street, terminating in a cul-de-sac. In addition, the letter says that at such time as a subdivision is entered into by the applicant and the other properties, an agreement would be worked out with the particular property owners to continue the street from U. S. Highway 290 to Patton Lane. Should the subdivision not be entered into because of one problem or another, the applicant would purchase the necessary easements through the area for sewer and water services. Inasmuch as this does meet the street needs for this area, the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

N	Charles O. Burke, Jr.: 1908 Patton Lane, Apt. 2	FOR
T	Ruby H. Tarter: 6739 U. S. Hwy. 290	OBJECT
AA	Howard S. Speir: 6804 Mira Loma Lane	FOR
P	Mr. & Mrs. C. O. Burke: 1140½ Gunter St.	FOR
D	P. S. Howerton: 102 17th St. North, Texas City	OBJECT

PERSONS APPEARING AT HEARING

Code

G	Joe H. Burke: 1906 Patton Lane	FOR
G	Kathryn L. Burke: 1906 Patton Lane	FOR
AA	Howard S. Speir: 6804 Mira Loma Lane	FOR

C14-68-212 Louis B. Marks, Trustee--contd

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that he offered 40 feet of right-of-way but the staff would not agree and 50 feet was then offered. The problem in this area originated years ago when Mr. Patton sold off certain tracts and homesites through the entire area, without benefit of a subdivision, and gave a 40 foot easement but left no dedicated street into the subject site. There are many problems created by subdividing of this type. This has been a problem in the area which has been known to the City Attorney and members of the Planning Department for many years.

Mr. Selman explained that when Mr. Willard Connally consulted his firm about this request he was advised that in dealing with the tract there would have to be consideration of the 40 foot easement as it has been the right for ingress and egress in this particular area.

Mr. Selman presented a letter to the Committee from Jeanne Shearer, agreeing to the following:

1. Dedicate a 50 foot street and pay for the cost of paving 40 feet for a distance of 492.8 on the east property line of the subject property. In addition, agree that said street will be a cul-de-sac (60 foot radius) with an opening at the end in order that the street can be continued on to Patton Lane if the right-of-way is either acquired or provided.
2. Agree to cooperate and join on a subdivision plat with other property owners involving adjacent property if said plat is filed.
3. Further agree that in the event the subdivision plan with adjacent property owners is not filed nor approved if filed, then they agree to provide the necessary easements for all utilities to the City of Austin for the subject property.

Mr. Selman advised the Committee that Mr. Rhea Merritt representing Mr. Stockes, has option on a number of parcels in this area that are adjacent to the subject tract. In the event that all of the options are exercised, there is a possibility of an overall subdivision plat on this entire tract as it would bring the street through to Patton Lane.

Mr. Rhea Merritt was present at the hearing and stated that he will file a zoning application for the lots adjoining the site to the south. He explained that a zoning application will also be filed on property adjoining to the west and they will work with the owners of the subject tract in order to develop a street through to Patton Lane.

No one appeared in opposition to the request.

C14-68-212 Louis B. Marks, Trustee--contd

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and were cognizant of the applicant's offer of 50 feet of right-of-way along the east edge of the site, in order to bring a street in from Highway 290. They felt that in view of this the requested zoning should be granted as proper zoning for the area.

At the Commission meeting, the staff reported that the applicant offered 50 feet of right-of-way along the eastern boundary line of the site in order to bring a street down from U. S. Highway 290. He was also going to work with adjoining property owners on a subdivision that would continue the street to Patton Lane.

Mr. Selman stated that they agreed to join in a subdivision if one is filed in that area but they did not agree to instigate it.

The Commission concurred with the Committee recommendation, and un-animously

VOTED: To recommend that the request of Louis B. Marks for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 6839-7003 U. S. Highway 290 be GRANTED.

C14-68-213 Westgate Square, Inc.: A to B
5811-5903 Manor Road

STAFF REPORT: This request covers a large tract of undeveloped land containing approximately 2 acres. The stated purpose of the request is for apartment development. There have been recent zoning changes in the area. A request for "GR" General Retail zoning was made on property to the north earlier this year at which time the Commission recommended denial but recommended that "B" zoning be established on the east side of Manor Road. The request was amended by the applicant and then granted. Directly south of the site there is "B" Residence, First Height and Area zoning which was also granted this year. A request for "B" Residence zoning on property to the south, having frontage along Rogge Lane, was recently before the Commission at which time it was recommended that the request be denied because of the relationship to Rogge Lane and the inadequate right-of-way. The request was withdrawn by the applicant. There is "GR" and "O" Office zoning south of Rogge Lane west of Manor Road. "C" and "LR" zoning is also established to the west of Manor Road. There is a residential subdivision existing to the east along Gloucester Lane. Property adjoining the site to the south is under the same ownership and will be involved in a preliminary subdivision at which time a

C14-68-213 Westgate Square, Inc.--contd

street will either be brought in from Edgedale Drive, carried through Lot H, which has been provided for this purpose, on up to Manor Road with a cul-de-sac extending into the larger portion, or a loop street will come in from the south through the site.

TESTIMONY

WRITTEN COMMENT

Code

W Togie Baylor: 5908 Manor Road

FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicants, stated that Westgate Square, Inc. bought this property for two reasons. First was because of the fact that Sweeney Lane needs to tie in with Edgedale Drive and second the plan submitted to the Planning Department which proposed a street brought through the area to the south with a cul-de-sac they did not like. A street could be brought through the site to tie in with Edgedale Drive and a cul-de-sac could be extended into the property adjoining to the south. There is a buffer zone provided for the adjoining residential property. It is felt that the requested zoning is a logical continuation of existing zoning and development in this area.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that he owns the lot adjoining Lot H in the abutting Subdivision that is proposed for the extension of the street. He stated that he objects to the extension of Edgedale Drive through the area as the traffic congestion will be increased thereby creating a hazard.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Westgate Square, Inc. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5811-5903 Manor Road be GRANTED.

C14-68-214 Omega Investment Co.: A to BB (as amended)
71020 Guadalupe Street

STAFF REPORT: This site contains 13,500 square feet and if zoned as requested would permit 14 one bedroom units to be developed on the site. The subject property was before the Commission one year ago for rezoning at which time the Commission recommended denial as an intrusion into a well established residential area. The request was subsequently withdrawn. When the request was previously considered there was no "B" zoning near the property, but there was "B" zoning established to the south at the corner of Swanee Drive and Guadalupe Streets which was granted in 1966. Since the original application "BB" Residence zoning has been granted on property to the east of Guadalupe Street. The staff feels that the requested zoning is too intensive for the area. The attorney for the applicant has submitted a letter requesting that the application be amended to "BB" Residence, First Height and Area. In view of the recently established "BB" zoning to the east, the staff recommends that the request be granted. The large undeveloped and unzoned tract of land to the east is owned by the City and it is the staff's understanding that it will be before the Commission for the purpose of establishing proper zoning.

TESTIMONY

WRITTEN COMMENT

Code

AF Willie Roff, Jr.: 5212 Guadalupe

AGAINST

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that one of the reasons "BB" was granted on property to the east is because of the large undeveloped tract owned by the City that was planned for a septic disposal plant. This area is located right off of Airport Boulevard and there is business and commercial establishments existing in the area. It is felt that the zoning is proper as the area is changing.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "BB" Residence, First Height and Area. They reviewed the information presented and concluded that the request as amended should be granted as the proper zoning for the area.

C14-68-214 Omega Investment Co.--contd

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Omega Investment Co. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 7102 Guadalupe Street be GRANTED.

C14-68-216 Mrs. Greenwood S. Wooten: A to B
1110-1112 West 22nd Street

STAFF REPORT: This site contains 15,260 square feet of land and is presently developed with five structures. The stated purpose of the request is for apartment development and if zoned as requested would permit approximately 15 to 17 one-bedroom units. The subject property is located approximately one-half mile west of the University. Property to the east is zoned "B" Residence, First Height and Area. To the south along Cliff Street there is one lot zoned "B" Residence, and one parcel of land zoned "B" Residence. "O" Office is established to the west along Lamar Boulevard. Property to the north of West 22½ Street was before the Commission in 1967 for consideration of "B" Residence, Second Height and Area zoning. The request was denied, subsequently there was an area study initiated on the area from West 24th Street south to West 19th Street and from Leon Street west to Lamar Boulevard. During this time the Council and the Commission recommended that all zoning be left as it is. This particular request was denied. The subject property which is located one block south of that request has a different character in that there is "B" Residence zoning adjoining to the east and the subject property is developed with five structures. West 22nd Street with a present right-of-way of 60 feet is adequate.

The staff recommends that the request be granted because of adjoining "B" Residence zoning to the east and the need for University housing in this area.

TESTIMONY

WRITTEN COMMENT

Code

T	C. C. Nolan: 1110 West 22½ St.	FOR
U	Ida Mae Campbell: 1114 West 22½ St	AGAINST
F	Mrs. M. D. Council: 1107 West 22½ St	AGAINST
AJ	A. Wilson Nolle: 1910 David St.	AGAINST
AQ	Mrs. O. B. Douglas: 1101 West 22nd St.	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Miles E. Hutchens: 311 East 11th	FOR
AC	Mr. & Mrs. O. H. Radkey: 1305 West 22nd St.	FOR
C	Charles & Stuart S. Nemir: 1115 West 22½ St.	FOR
?	Arthur Norman: 1208 West 22nd St.	FOR

751
~~748~~

C14-68-216 Mrs. Greenwood S. Wooten--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Miles E. Hutchens was present on behalf of this request and stated that there are no specific plans for the subject property at the present time. The applicant has decided to place her property on the market for sale and it is felt that the highest and best use of the site would be under the "B" First Height and Area classification. There is "B" zoning adjoining to the east and the request is a logical extension.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request for the following reasons:

1. There is a need for residential type areas near the University of Texas for permanent faculty members.
2. This is a quiet neighborhood which would be changed if apartments are allowed.
3. The street system is entirely inadequate as there are no through streets.
4. The requested zoning would set a precedent.
5. Most of the people in this area bought their homes many years ago and they do not wish to live in an apartment area.
6. Proposed development would create a very critical parking problem as cars would be parked on both sides of the streets.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be denied because of the increased density and the traffic congestion that would be created by the proposal.

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

VOTED: To recommend that the request of Mrs. Greenwood S. Wooten for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1110-1112 West 22nd Street be DENIED.

AYE: Messrs. Hazard, Smith, Brown, Taniguchi and McNeil

NAY: Mr. Hanks

ABSENT: Messrs. Dunnam and Milstead

ABSTAINED: Mr. Kinnan

152

~~749~~

C14-68-217 Dr. Walter Meyer: O to GR
 405-409 West 30th Street
 2925-2931 Fruth Street

STAFF REPORT: This application covers 11,264 square feet of land which is developed with a single-family structure. The stated purpose of the request is for a German type restaurant. The subject property is within the University area, located south of Aldridge Park. The surrounding area is developed with "B", "O" and "C" zoning districts. There is a fire station located to the east. West 30th and West 29th Streets are classified as major arterials in the Austin Transportation plan. West 30th Street, with a present right-of-way of 60 feet is adequate, and right-of-way is not needed from the site; however, because of the future alignment of the street, right-of-way may be required at a later date from the southeast corner of the subject property. Fruth Street, with a present right-of-way of 50 feet needs to be widened which will require five feet from the site. The staff has no objection to the requested change, provided Fruth Street is made adequate, because of the existing zoning and development in the area.

TESTIMONY

WRITTEN COMMENT

Code

J	Mr. & Mrs. Charles W. Swiener: 106 Laurel Lane	AGAINST
H	Mrs. Rose N. Cook: 3006 Hemphill Park	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Dr. Walter Meyer (applicant)	
AG	Noeline S. Harris: 2803 W. Fresco	AGAINST
AG	John R. Harris: 2803 Fresco	AGAINST
	J. A. Fox	AGAINST
	Mrs. Clarence Stampf	AGAINST
	Mrs. Steve Gardner	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

The applicant appeared at the hearing and presented a map indicating the existing zoning and development in the area. He stated that the structure on the subject property sits in the bushes and his plans are to beautify the place by developing a typical German environment. Dr. Meyer explained that in regard to the traffic he has worked with his architect on a detailed plan to control the entrances and exits to the site. The plans are to do nothing but improve the property. The requested change is in conformance with the existing zoning and development. Five feet of right-of-way will be dedicated for the street widening.

C14-68-217 Dr. Walter Meyer--contd.

Mr. W. Emerson, architect, presented a preliminary sketch and proposal showing how the property will be developed by taking the existing structure and remodeling it into a German type restaurant. It is felt that there is adequate parking on the site for the size of the restaurant. It will be a real advantage to have a German type restaurant in the City. The proposal will attract not only the University students but the citizens of Austin as well. The plans are for an entrance from West 30th Street and exit onto Fruth Street.

Arguments Presented AGAINST:

Several nearby property owners appeared at the hearing in opposition to the requested zoning for the following reasons:

1. This is a nice quiet residential area and the proposed development would be detrimental.
2. The streets are too narrow for the traffic that would be generated.
3. The change would be a nuisance because of the loud noise and music which would be created by the proposed use.
4. There is not enough room on the subject property for the development which is proposed and the off-street parking that would be required.
5. There are restaurants in close proximity to the area and another one is not needed.
6. If the zoning is granted and the restaurant is not established, almost any type of commercial establishment would be permitted.
7. The proposal would create a health hazard.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Dr. Walter Meyer for a change of zoning from "O" Office, Second Height and Area to "GR" General Retail, Second Height and Area for property located at 405-409 West 30th Street and 2925-2931 Fruth Street be GRANTED.

C14-68-218 Mrs. O. A. Sides: A, 1st to B, 2nd
306-308 West 38th Street

STAFF REPORT: This site contains 11,189 square feet and if zoned as requested would permit the development of 15 one bedroom units on the site. Recent zoning changes in the area bounded by West 38th Street, West 45th Street, Guadalupe and Speedway, has established "B" Residence, Second

754

C14-68-218 Mrs. O. A. Sides--contd.

Second Height and Area zoning as the proper development for the area. The subject property is located within this area and fronts onto West 38th Street. There have been numerous requests for "B" Residence, Second Height and Area zoning in this area which have been granted. It should be pointed out that 15 feet of right-of-way is needed from the subject site for the widening of West 38th Street in order to meet the major arterial classification which has been established for the street. In view of the recent changes in the area, the staff recommends that the request be granted provided the street is made adequate.

TESTIMONY

WRITTEN COMMENT

Code

AH Mary J. & Bertha Casey: 305 West 38th Street AGAINST

PERSONS APPEARING AT HEARING

Code

William A. Stringer, representing applicant

SUMMARY OF TESTIMONY

Mr. William A. Stringer, representing the applicant, offered to dedicate 15 feet of right-of-way for the future widening of West 38th 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 West 38th Street; however, they stated that they would look with favor on the requested zoning, provided the street is made adequate, as a logical extension of existing zoning.

At the Commission meeting the staff reported a letter from the applicant offering to dedicate the necessary 15 feet of right-of-way for West 38th Street. In view of this, the Commission felt that the request should be granted as a logical extension of existing zoning. It was then

VOTED: To recommend that the request of Mrs. O. A. Sides for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 306-308 West 38th Street be GRANTED.

<u>C14-68-219</u>	<u>Austex Development Co., Ltd.: Int. A, Int. 1st to GR, 1st</u> 1429-1451 and 1434-1476 Fairfield Drive 1519-1607 Peyton Gin Road 8523-8537 and 8625-8653 U. S. Highway 183
<u>C14-68-220</u>	<u>Austex Development Co., Ltd.: Int. A, Int. 1st to GR, 1st</u> 1717-1837 Peyton Gin Road 8717-8747 U. S. Highway 183

STAFF REPORT: The Committee combined for the purposes of presentation, two separate zoning applications, made by the same applicants, on three parcels of land located along U. S. Highway 183. Case C14-68-219 is divided into two tracts of land and covers a total of 20.38 acres. The stated purpose of the request is for apartment and commercial complex. Tract 1 fronts onto Peyton Gin Road, U. S. 183 and Fairfield Drive. Tract 2 is a small tract and is located at the southeast intersection of U. S. 183 and Fairfield Drive. Case C14-68-220 covers approximately 1.98 acres of land which is located at the southeast intersection of U. S. Highway 183 and Peyton Gin Road. The zoning is requested for apartment and commercial development. The area directly across U. S. Highway 183 is developed with "GR", "O" and Interim "A" Residence districts. The most recent zoning history in this area is on property to the west at the intersection of Ohlen Road and U. S. Highway 183. "GR" and "B" zoning is established and the property is in the process of being developed with an apartment complex under a special permit. "GR" and "O" Office was established on property at the northwest intersection of Ohlen Road and U. S. Highway 183 in 1964 and is still undeveloped. The subject properties have recently been annexed into the City and are part of the Wooten Village preliminary subdivision. The preliminary plan for the subdivision was approved by the Planning Commission at which time Ohlen Road extended from U. S. Highway 183 to Peyton Gin Road and Fairfield Drive extended eastward and parallel to Peyton Gin Road. The area in between, which is part of the application being considered at this time was for single-family development and has been developed to Remington Lane. Commercial development was proposed for a 200 foot depth along U. S. Highway 183. The staff recommends that the requested zoning be granted on Case C14-68-220, subject to the provision of 20 feet of right-of-way for Peyton Gin Road. "GR" is recommended on Case C14-68-219, for a depth of 200 feet only, fronting onto U. S. Highway 183 on Tract 1, and for all of Tract 2. It is further recommended that the remaining area in Case 219 be retained as "A" Residence which could be developed with duplexes. This recommendation is based on the approved preliminary plan and on new single-family residential development existing to the east. Because of several property transactions within the area of the preliminary plan, it is also recommended that a revised preliminary plan be submitted to the Commission showing Ohlen Road with 80 feet of right-of-way from U. S. 183 to Peyton Gin Road and anticipated land use. Ohlen Road is a very important collector street as it allows people on the west side of U. S. Highway 183 access to Peyton Gin Road and to Lanier High School.

C14-68-219 Austex Development Co., Ltd.--contd
 C14-68-220 Austex Development Co., Ltd.--contd

TESTIMONY

WRITTEN COMMENT

Code

AG Annabel M. Thomas et al: 1905 Hill Oak

FOR

PERSONS APPEARING AT HEARING

Code

Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, representing the applicant stated that in his opinion it is unlikely that an 80 foot collector street will be required to Peyton Gin Road. At one time it was contemplated that Ohlen Road would be a thoroughfare that would eventually extend to the north of Peyton Gin Road; however, the Planning Department and the Planning Commission saw fit to abandon this plan. Mr. Sneed stated that the applicants are willing and a letter will be submitted, to put in Ohlen Road through the subject site and to dedicate whatever right-of-way is required for Peyton Gin Road for widening. There is "GR" with an "O" Office established directly across from the site. Mr. Sneed requested that the zoning application on Case C14-68-219 be amended to request "B" Residence, First Height and Area zoning for a 90 foot buffer located along the east of Tract 1. Field notes will be submitted prior to the Planning Commission meeting. The development proposed on the site is the same type of development which has been occurring in Austin which is a large apartment complex with a service type area. It is felt that the requested change is in keeping with the existing and proposed development for the area. He said that he cannot agree with the staff's recommendation of limiting the commercial to 200 feet in depth fronting along the highway. Mr. Nelson Puett sold off several tracts abutting the subject property without a subdivision or zoning change.

Mr. Lillie advised the Committee that the basic concern by the staff is not whether there is "GR" or "B" zoning but that there is an approved preliminary plan on the area which will give notice to future home buyers of the developers land use proposals.

Mr. Sneed stated that there will be no objection to filing a plan because the existing plan on the property was approved in 1958. There will have to be a site plan approved on the site before development occurs.

No one appeared in opposition to the request.

C14-68-219 Austex Development Co., Ltd.--contd
C14-68-220 Austex Development Co., Ltd.--contd

COMMENTS AND ACTION BY THE COMMITTEE

C14-68-219 Austex Development Co., Ltd.

The Committee reviewed the information and concluded that this request should be denied. They stated that they would look with favor on granting "GR" General Retail, First Height and Area zoning for the site, with the exception of a 90 foot buffer area along the eastern boundary of the site which should be zoned "O" Office, First Height and Area, and subject to the submission of a revised preliminary plan providing adequate right-of-way for land uses proposed under zoning, and adequate right-of-way for Peyton Gin Road.

At the Commission meeting, the staff reported that Mr. Robert Sneed, attorney for the applicants has requested that the 90 foot buffer strip be zoned "B" Residence, First Height and Area. Mr. Sneed has also submitted a letter offering to dedicate the necessary land for the purpose of widening Peyton Gin Road. The right-of-way needed for Peyton Gin Road varies from 10 to 23 feet. The applicants have also submitted a revised preliminary plan, at the request of the zoning Committee, showing the extension of Ohlen Road through the site. The Commission members were cognizant of the submission of the revised preliminary plan showing the extension of Ohlen Road through the site and the offer of the necessary right-of-way for the widening of Peyton Gin Road. They felt that in view of this, the zoning as requested should be granted. It was then unanimously

VOTED: To recommend that the request of Austex Development Co., Ltd. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, and "B" Residence, First Height and Area (as amended) for property located at 1429-1451 and 1434-1476 Fairfield Drive, 1519-1607 Peyton Gin Road and 8523-8537 and 8625-8653 U. S. Highway 183 be GRANTED.

C14-68-220 Austex Development Co., Ltd.

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

At the Commission meeting, the staff reported a letter from Mr. Robert Sneed, attorney for the applicants, offering to dedicate the necessary right-of-way for the future widening of Peyton Gin Road.

C14-68-220 Austex Development Co., Ltd.--contd

The Commission then unanimously

VOTED: To recommend that the request of Austex Development Co., Ltd. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 1717-1837 Peyton Gin Road and 8717-8747 U. S. Highway 183 be GRANTED.

C14-68-221 The Lutheran Church: B to O
3301-3305 Kim Lane

STAFF REPORT: This application covers 28,950 square feet of land. The stated purpose of the request is for office development. The subject property is located in the extreme southwest corner of the Concordia College Campus, which is zoned "B", and is owned by the Lutheran Synod Church and will be used for office development. St. Davids Hospital is established to the south of East 32nd Street, and there are apartments and doctor's office in the immediate area. "O" Office zoning adjoins the subject site to the south and there is "C", "O" and "BB" zoning to the west along Red River Street. The staff has no objection to the requested change although there is concern about the right-of-way being adequate. The area is predominantly zoned "B" and is already developed to some extent with apartments. It is felt that because of the use of the office by the Church that the traffic generated will be less than normal office use.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Mr. Sam Perry, representing the applicants, stated that in 1954 the Lutheran Church built a structure on the lot which has been used as an office building. Mr. Perry stated that there has been a misunderstanding with the Planning Department in that the Church offices have been moved and will not be operating from that building. The plans are to rent the structure as an office building. It is felt that the use will be substantially consistent and will not be a greater burden on the property as the type of use will still be the same. There is substantial natural shielding around the building site. It should be pointed out that the structure has actually been used as an office for 12 to 15 years and it still adjoins "O" Office zoning fronting onto East 32nd Street. The structure is located on part of the College Athletic field and

C14-68-221 The Lutheran Church--contd

the applicants proposed to have an entrance off of 32nd Street into the site. There is space in the rear for off-street parking.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting the staff reported that a proposal for access to the site from 32nd Street has been submitted, as requested by the Committee. The proposal indicates a 30 foot easement for ingress and egress to the site. The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of The Lutheran Church for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 3301-3305 Kim Lane be GRANTED.

C14-68-222 Edna J. Duffy: A, 1st to GR, 5th
1610-1638 Interregional Highway
1300-1310 Woodland Avenue

STAFF REPORT:

This application covers a large undeveloped tract of land containing approximately 2.4 acres. The stated purpose of the request is for general retail or apartment development. An error was made in notifying the effected property owners as the request was advertised as being located on Woodlawn Avenue; however, a corrected notice has been mailed to the effected property owners as required by law. There is in the immediate area some very fine homes located along Woodland Avenue, Mission Ridge and Betty Drive; however, along the Interregional there is a very high-density zoning established on both sides being either "B", "O", or "GR" First Height and Area. The particular areas are developed with offices, service stations, or apartments. This request in itself has some problems which are unique only to this property. First is the sudden drop off from the Interregional Highway to the creek. There is approximately a 25 to 40 foot drop from the west line of the Interregional to the creek. The land then rises another 25 to 40 feet. Another problem is the sight distance. The staff has checked the subject property and there appears to be an entrance into the back portion which could be used without much problem. This would leave approximately 300 feet at the top of the crest to the intersection. It is felt that the corner is appropriate for "GR" use. Even though the property begins to dip at the property line, the site could be developed with apartments.

C14-68-222 Edna J. Duffy--contd

The staff recommends that "GR" General Retail, Fifth Height and Area zoning be granted on the east side of the creek which would be in line with previous uses along the Interregional Highway and that portion of the property to the west of the creek be zoned "B" Residence, First Height and Area. Woodland Avenue, with 80 feet of right-of-way is adequate to serve the proposed use.

TESTIMONY

WRITTEN COMMENT

Code

	R. W. Daily: 1702 Sylvan Drive	AGAINST
	Homer T. Deal: 1607 Sylvan Drive	AGAINST
K	Texas Funeral Directors & Embalmers Assn.,	
	Ltd.: Perry-Brooks Bldg.	FOR
J	T. C. Steiner: P. O. Box 216	FOR
	Olney B. Rylander, Sr.: 1711 Sylvan Drive	AGAINST
	J. E. Power: 1713 Sylvan Drive	AGAINST
	E. M. Buckholts: 1707 Sylvan Drive	AGAINST
	Harry P. Burleigh: 1700 Sylvan Drive	AGAINST
D	Charles E. Ferguson: 1512 Betty Jo Drive	AGAINST
N	Mrs. C. C. Prince: 1605 Sylvan Drive	AGAINST
	Wilton Jennings: 1708 Sylvan Drive	AGAINST

PERSONS APPEARING AT HEARING

Code

U	Mrs. R. E. Gouty: Lavaca, Arkansas	FOR
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SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Raymond Campi appeared at the hearing and stated that in his opinion the requested zoning is suitable for the tract because of the location and size of the property. It would be impractical to divide the zoning on one tract of land with a location of this kind. The property is under contract and the proposed buyers have no intention of establishing retail uses on the back of the site. Two separate zoning classifications on the one tract would complicate the sale of the site and be a hindrance. The requested change would not be detrimental to nearby property as there are no residents within 400 feet of the site.

Mr. Jim Frederick was also present and stated that they have studied the possibility of putting a pipe in the creek and leveling it off. The creek is fairly straight and is not as shown on the staff report. Consideration is being given to covering the creek area with fill.

C14-68-222 Edna J. Duffy--contd.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that he purchased his property 10 years ago because he thought it would be a nice place for a family. He stated that he does not necessarily object to commercial development but he is opposed to the establishment of apartments. The only development in the area at the present time is residential and if apartments are developed, it would not be safe for the children in the area because of the increased traffic.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be referred to the full Commission pending a field inspection of the site.

At the Commission meeting, the staff reported that at the Zoning hearing there was discussion about the proposed development on the site and the access into the property from I. H. 35 and Woodland Avenue. The staff has no objection to the requested "GR" zoning along the Interregional Highway but it is felt that on the portion of the property to the west of the creek should be zoned "B" Residence, First Height and Area, which would allow for the apartment development as proposed.

Mr. Kinnan stated that in his opinion the area should be developed more intensively because the Interregional Highway and Woodland Avenue can carry high density traffic. The members agreed that this request should be granted as it is the most logical location for "GR" zoning. It was then unanimously

VOTED: To recommend that the request of Edna J. Duffy for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 1610-1638 Interregional Highway and 1300-1310 Woodland Avenue be GRANTED.

SUBDIVISIONS

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of September 30, 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 no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of September 30, 1968, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

C8-67-32 Wedgewood, Section 1 - Revised
 U. S. Highway 290 and Texas Highway 71

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

VOTED: To ACCEPT for filing the final plat of WEDGEWOOD, Section 1 - Revised.

C8-68-86 Perkins Valley, Section 4
 Bluff Springs Road

The staff recommended that this final plat be accepted for filing and approved, as all requirements have been complied with. The Commission then

VOTED: To ACCEPT for filing and APPROVE the final plat of PERKINS VALLEY, Section 4.

C8-68-83 Lakeway, Section 14
 Lohman's Crossing Road

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

VOTED: To ACCEPT for filing the final plat of LAKEWAY, Section 14, and DISAPPROVE pending completion of departmental reports.

C8-68-85 Capitol View Estates
 Bluff Springs Road

The staff reported that this is the first appearance of this final plat before the Commission and there are no departmental reports. There is a problem involved in that a variance is required from the scale of the plat. The property in question is a tract of land in excess of 100 acres and the Ordinance requires that a plat be submitted to a scale of one inch to one hundred feet. The reason for this is because of the difficulty in handling the plat because of the size if required to meet the Ordinance requirements. The staff recommends that the variance be granted and that this final plat be accepted for filing. The Commission then

VOTED: To ACCEPT for filing the final plat of CAPITOL VIEW ESTATES, granting a variance on the scale of the plat.

SUBDIVISION PLATS - CONSIDERED

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

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

VOTED: To APPROVE the final plat of HIGHLAND HILLS NORTHWEST, Section 5.

C8-67-87 Balcones Summit - Revised
Ceberry Drive and Knollside

The staff recommended disapproval of this final plat subject to all lots being 50 feet wide at the building line and completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of BALCONES SUMMIT - Revised, pending the requirements as indicated.

C8-67-78 Balcones Terrace
Balcones Drive and Westchester

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 TERRACE pending the items as indicated.

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

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 POINT WEST OF WESTOVER HILLS, Section 3, pending the items as indicated.

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. It was then

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

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C8-68-88 Balcones Village, Section 3, Phase B
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 B, pending the items as indicated.

C8-68-96 Balcones Village, Section 3, Phase C
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 C, pending the items as indicated.

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

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

VOTED: To DISAPPROVE the final plat of COUNTRY CLUB GARDENS, Section 1, pending completion of departmental reports.

SHORT FORM PLATS - CONSIDERED

C8s-64-151 Banister Acres, Section 2, Resub.
Jinx Avenue

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

VOTED: To APPROVE the short form plat of BANISTER ACRES, Section 2, Resub.

C8s-68-157 Chernosky Subdivision, No. 8 Resub.
 Ledesma Street and Nichols

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

VOTED: To DISAPPROVE the short form plat of CHERNOSKY SUBDIVISION, No. 8, Resub., pending completion of departmental reports.

C8s-68-167 Sam R. Wood Subdivision
 Burnet Road

The staff reported that this is a two lot short form located on Burnet Road just south of Oran Street. This is the first appearance of the plat before the Commission and there are no departmental reports. There is a problem involved in this request as a variance is required from the Master Plan requirements on the right-of-way of Burnet Road. Burnet Road is a secondary thoroughfare in the Austin Transportation Plan and calls for 90 feet of right-of-way. Sufficient right-of-way is needed from the subject property to bring the street to 70 feet to comply with the thoroughfare policy of the City. The owners have objected to the dedication of the right-of-way. The right-of-way needed from the site varies from 9 feet at the widest point to zero feet. The applicant has been requested to comply with the Master Plan and the policy of the City regarding right-of-way.

Mr. Hardy Hollers, representing the applicant, stated that Mr. Wood is trying to cut off Lot 2 from the one acre tract of land and the City says that under the regulations he is required to dedicate right-of-way for Burnet Road. To require a person to give away land for a public use is in violation of Article 1, Section 17 of the Constitution.

The applicant has a tenant on his property whose lease is about to expire and he is requiring additional space immediately or he will find a new location. The applicant could apply for a building permit without a subdivision and there is no way that the City could require him to dedicate any right-of-way. Mr. Wood intends to convey Lot 2 to his son who would build and finance a building for the present tenant. It is felt that the short form subdivision should be approved without requiring right-of-way. There was no such requirement made of the people across the street or down Burnet Road and it is not right to ask the applicant for his land in order to get a subdivision approval. Another point of consideration is the fact that there is an outstanding lien on the property and it is not known if the lien holder would be willing to agree to the right-of-way. To require the right-of-way would be a confiscation of the applicant's property. If the City needs the right-of-way, they should buy it.

Mr. Foxworth advised the Commission that there have been other short forms on both sides of Burnet Road where the same requirement was made and enforced on the right-of-way in order to get subdivisions approved.

Mr. Wood was present and stated that he does not want to go into debt to build a building because of his age. A portion of the land in question is vacant and a nice building could be constructed that would increase the taxes for the City.

C8s-68-167 Sam R. Wood Subdivision--contd.

Mr. Hanks stated that the applicant is merely splitting up his property and not actually creating a different density on that particular street, therefore, he is just requesting a short form for his convenience.

Mr. Foxworth explained that Mr. Woods can build on his property without submitting a subdivision; however, he wishes to convey Lot 2 to his son and this is then required by law to be approved as a subdivision. The Subdivision Ordinance says that the subdivision must conform to the Master Plan and the Master Plan calls for 90 feet of right-of-way for Burnet Road. The policy of the City is that the applicant would only have to dedicate up to and including 70 feet without payment and anything in excess of 70 feet would be paid for by the City.

Mr. Smith asked if right-of-way has been dedicated from property across the street from the site. Mr. Foxworth stated that there has not been a subdivision on that property therefore, right-of-way has not been required.

Mr. Hollers stated that at the present time the applicant's building is 70 feet back from the street and what the City is requiring him to do in order to get subdivision approval is to contribute the total amount to equal 70 feet in order to comply with the Master Plan. The City can make any number of Master Plans but it would still be subject to the statutes of the State and they cannot take a man's property. Mr. McNeil asked what effect there would be on other subdivisions along Burnet Road if the variance is granted. Mr. Foxworth stated that the granting of the variance would set a precedent and would be a complete change from the policy of the Commission. Mr. McNeil stated that he understands the applicant's position; however, he feels that the Commission should be consistent and should require the right-of-way just as it has been required in similar cases.

Dr. Hazard agreed with Mr. McNeil and stated that in his opinion the Commission should comply with the Ordinance and if not, the Ordinance should be changed.

Mr. Holler asked if the Commission would be willing to consider the short form if the applicant would be willing to dedicate one-half of the amount needed for Burnet Road. If this subdivision can be disposed of and approved, the applicant will contribute one-half of the right-of-way although it is felt that he should not be required to dedicate any right-of-way.

A majority of the members felt that in view of the offer of one-half of the right-of-way that the requested variance from the Master Plan requirements for Burnet Road should be granted.

C8s-68-167 Sam R. Wood Subdivision--contd.

They were cognizant of the fact that all departmental reports have not been completed at this time and therefore

VOTED: To DISAPPROVE the short form plat of SAM R. WOOD SUBDIVISION, pending completion of departmental reports, granting a variance from the Master Plan requirements and thoroughfare policy of the City for Burnet Road, subject to a dedication of one-half the necessary right-of-way to provide for 70 feet of width.

AYE: Messrs. Brown, Smith, Hanks and Kinnan

NAY: Messrs. Taniguchi, Hazard, and McNeil

ABSENT: Messrs. Dunnam and Milstead

ADMINISTRATIVE APPROVAL

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

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

<u>C8s-68-165</u>	<u>Balcones Park, Edgemont Section, Resub.</u>
	Balcones Drive and Eastledge Drive
<u>C8s-68-166</u>	<u>Shamrock Addition</u>
	Riverside Drive
<u>C8s-68-154</u>	<u>Roberts Subdivision</u>
	Rabb Road and Arthur Lane
<u>C8s-68-162</u>	<u>Slataper Addition, Section B</u>
	Oertli Lane
<u>C8s-68-163</u>	<u>Krueger Subdivision, Resub. Lot 1</u>
	Dessau Road

OTHER BUSINESS

C2-68-4(c) ZONING ORDINANCE: Interim Revisions
Further Consideration of amendment to "A"
Residence, District

Mr. Lillie, Assistant Director of Planning, explained that the staff has revised the "A" Residence District in the manner recommended and suggested by the Planning Commission at the meeting of September 24.

The Commission briefly reviewed the proposals and agreed that the amendment should be recommended to the City Council. They also requested that the sections pertaining to clubs, off-street parking and lot reductions be incorporated into the "AA" and "SR" Districts.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

It was then unanimously

VOTED: To recommend to the City Council that the "A" Residence District be amended as follows:

SECTION 4

In "A" Residence District no building or land shall be used and no building hereafter shall be erected or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Any use permitted in "AA" Residence District.
2. Two-family dwellings.
3. Private or Parochial School subject to the following conditions:
 - a. The site shall not be less than twenty thousand (20,000) square feet for the first forty (40) children enrolled including children of the resident family; and five hundred (500) square feet for each child in excess of forty (40) enrolled.
 - b. Not more than one dwelling unit used for residence purposes on the site.
 - c. The site shall be located on a street with a right-of-way of sixty (60) feet or wider.
 - d. The school shall be accredited as an elementary or secondary school by the State of Texas.
4. Private Club, subject to the following conditions:
 - a. The club shall be incorporated in a subdivision approved by the Planning Commission.
 - b. The site shall not be less than five (5) acres in size.
 - c. The club building and accessory uses shall be located not closer than one-hundred fifty (150) feet to the front property line; provided, however, that where the site is across the street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not less than fifty (50) feet from the front property line for the extent of such less restrictive district.

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C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

- d. The club building and accessory uses shall be located not closer than one hundred (100) feet to the side or rear property lines; provided, however, that where the side or rear property line of such site is adjacent to or across an alley or across a street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not closer than fifty (50) feet to such side or rear property line for the extent of such less restrictive district.
 - e. The site shall have primary vehicular access only to streets with a right of way of sixty (60) feet or wider.
 - f. The site shall be of a compact shape.
 - g. The site shall have not more than one (1) detached dwelling unit used for residential purposes.
 - h. The club shall be operated on a non-profit basis.
 - i. It shall be permissible to sell or dispense food and alcoholic beverages on such premises provided the service is incidental to the primary activities of the club, and provided, further, that such sale or dispensing is in compliance with Federal, State and Municipal laws.
5. Community Club subject to the following conditions:
- a. The club shall be incorporated in a subdivision approved by the Planning Commission.
 - b. The site shall not be less than two (2) acres in size.
 - c. The club building and accessory uses shall be located not closer than fifty (50) feet to the front property line; provided, however, that where the site is across the street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not less than twenty-five (25) feet from the front property line for the extent of such less restrictive district.
 - d. The club building and accessory uses shall be located not closer than fifty (50) feet to the side or rear property lines; provided however, that where the side or rear property line of such site is adjacent to or across an alley or across a street from property located in "LR" Local Retail or less restrictive district the club or accessory uses may be located not closer than twenty-five (25) feet to such side or rear property line for the extent of such less restrictive district.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

- e. The site shall have primary vehicular access only to streets with a right-of-way of sixty (60) feet or wider.
 - f. The site shall be of a compact shape.
 - g. The club shall be operated on a non-profit basis.
 - h. The sale or dispensing of food and alcoholic beverages shall be prohibited.
6. Civic Club subject to the following conditions:
- a. The club shall be incorporated in a subdivision approved by the Planning Commission.
 - b. The site shall not be less than twenty thousand (20,000) square feet in size.
 - c. The club building and accessory uses shall be located not closer than twenty-five (25) feet to the front property line.
 - d. The club building and accessory uses shall be located not closer than five (5) feet to the side or rear property lines.
 - e. The site shall have primary vehicular access only to streets with a right-of-way of sixty (60) feet or wider.
 - f. The site shall be of a compact shape.
 - g. The site shall have not more than one (1) dwelling unit which shall not be detached used for residential purposes.
 - h. The club shall be operated on a non-profit basis.
 - i. The sale or dispensing of food and alcoholic beverages shall be prohibited.
7. Accessory USES, which shall include:
- a. Accessory uses as permitted in "AA" Residence District.
 - b. Customary home occupation, such as dressmaking, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

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C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

- c. The renting of rooms of lodgings, or the serving of meals for compensation to not more than four (4) persons in a single-family dwelling or two (2) persons to each family in a two-family dwelling, and only when under the control of the permitted family unit. In a one-family dwelling, only one set of utility meters is permitted and in a two-family dwelling, only two sets of utility meters are permitted.
- d. Beauty Shop, subject to the following conditions: (As added 12-22-60)
 - (1) That it be located within or attached to the main dwelling; and
 - (2) That it employ no person other than family members who reside in the dwelling; and
 - (3) That the area it utilizes is not more than twenty-five per cent of the total of the floor area of such dwelling premises including the shop, and does not exceed three hundred square feet in any event; and
 - (4) That there be no signs, advertising devices or displays to create outside the building any external evidence of the beauty shop operation; and
 - (5) That one single-family type off-street parking space be provided in addition to that required for residence, which shall not be located within the required front yard, or within a side yard along a street.

8. USES by special permit only, which shall include:

- a. Any use permitted in the "BB" Residence District without a special permit, when located on a site adjoining or across the public street or alley from a "BB" Residence District or less restricted district, which district shall contain not less than two (2) acres, and when located on a site of not less than one (1) acre.
- b. Day nursery for seven (7) or more children subject to the following conditions:
 - (1) The facility shall be located on a site of not less than ten thousand (10,000) square feet for up to twenty (20) children enrolled and four-hundred (400) square feet for each child in excess of twenty (20) enrolled.
 - (2) The facility and site shall be approved by the Texas State Department of Public Welfare on operations subject to their approval.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

c. Private Club, subject to the following conditions:

- (1) The site shall not be less than five (5) acres in size.
- (2) The club building and accessory uses shall be located not closer than one-hundred fifty (150) feet to the front property line; provided, however, that where the site is across the street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not less than fifty (50) feet from the front property line for the extent of such less restrictive district.
- (3) The club building and accessory uses shall be located not closer than one hundred (100) feet to the side or rear property lines; provided, however, that where the side or rear property line of such site is adjacent to or across an alley or across a street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not closer than fifty (50) feet to such side or rear property line for the extent of such less restrictive district.
- (4) The site shall have primary vehicular access only to streets with a right-of-way of sixty (60) feet or wider.
- (5) The site shall be of a compact shape.
- (6) The site shall have not more than one (1) detached dwelling unit used for residential purposes.
- (7) The club shall be operated on a non-profit basis.
- (8) It shall be permissible to sell or dispense food and alcoholic beverages on such premises provided the service is incidental to the primary activities of the club, and provided, further that such sale or dispensing is in conformance with Federal, State and Municipal laws.

d.. Community Club, subject to the following conditions:

- (1) The site shall not be less than two (2) acres in size.
- (2) The club building and accessory uses shall be located not closer than fifty (50) feet to the front property line; provided, however, that where the site is across the street from property located in "LR" Local Retail or less restrictive district the club building or accessory uses may be located not less than twenty-five (25) feet from the front property line for the extent of such less restrictive district.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

- (3) The club building and accessory uses shall be located not closer than fifty (50) feet to the side or rear property lines; provided however, that where the side or rear property line of such site is adjacent to or across an alley or across a street from property located in "LR" Local Retail or less restrictive district the club or accessory uses may be located not closer than twenty-five (25) feet to such side or rear property line for the extent of such less restrictive district.
 - (4) The site shall have primary vehicular access only to streets with a right-of-way of sixty (60) feet or wider.
 - (5) The site shall be of a compact shape.
 - (6) The club shall be operated on a non-profit basis.
 - (7) The sale or dispensing of food and alcoholic beverages shall be prohibited.
- e. Civic Club, subject to the following conditions:
- (1) The site shall not be less than twenty thousand (20,000) square feet in size.
 - (2) The club building and accessory uses shall be located not closer than twenty-five (25) feet to the front property line.
 - (3) The club building and accessory uses shall be located not closer than five (5) feet to the side or rear property lines.
 - (4) The site shall have primary vehicular access only to streets with a right-of-way of sixty (60) feet or wider.
 - (5) The site shall have a compact shape.
 - (6) The site shall have not more than one (1) dwelling unit which shall not be detached used for residential purposes.
 - (7) The club shall be operated on a non-profit basis.
 - (8) The sale or dispensing of food and alcoholic beverages shall be prohibited.
- f. Public stable or riding academy when located on a site of not less than ten (10) acres.
- g. Eleemosynary institution other than one intended for the care of the insane.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

- h. Veterinary hospital or dog kennel when located on a site of not less than ten (10) acres.
- i. Convalescent or Nursing Home, Children's Home, Maternity Home, or Home for the Aged, subject to the following conditions:
 - (1) The site shall contain an area of not less than five (5) acres.
 - (2) The USE shall not be for the care of the insane nor for the care of liquor or narcotic patients, nor for animals, nor for any correctional purposes.
 - (3) The principal building shall be located not closer than one hundred (100) feet from any property line; provided, however, that where the side or rear property line of such site is located adjacent to or across an alley or across a street from property in an "O" Office District or less restrictive zone the principal building may be located not closer than fifty (50) feet to such property line for the extent of such less restrictive zone.
- j. Clinic, subject to the following conditions:
 - (1) The site shall contain an area of not less than five (5) acres.
 - (2) The principal building shall be located not closer than one hundred (100) feet to the front property line; provided, however, that when the site is located across the street from property located in an "O" Office District or less restrictive zone, the principal building may be located not closer than sixty (60) feet from the front property line.
 - (3) The principal building shall be located not closer than fifty (50) feet to the side or rear property lines; provided, however, that where the side or rear property line of such site is located adjacent to or across an alley or across a street from property located in an "O" Office District or less restrictive zone the principal building may be located not closer than twenty (20) feet from such side or rear property lines for the extent of such adjacent less restrictive zone.

C2-68-4(c) ZONING ORDINANCE: Interim Revisions--contd.

OFF-STREET PARKING REQUIREMENTS FOR CLUBS AND RELATED FACILITIES:

Section 10-C, paragraph 7 -- remove the following:

- (j) Fraternal buildings not providing overnight accommodations.
- (n) Lodges
- (q) Private clubs

Add the following:

Paragraph 11. For each of the following uses, or any like use, one off-street parking space shall be provided for each ten (10) members, as established in the charter of the organization, OR one off-street parking space for each three hundred (300) square feet of gross floor area of the primary use plus one off-street parking space for each 8,000 square feet of gross land area, whichever is greater:

- (a) Civic clubs (not providing any regular service of food or alcoholic beverages).
- (b) Community clubs (not providing any regular service of food or alcoholic beverages).
- (c) Fraternal organizations not providing overnight accommodations or any regular service of food or alcoholic beverages.
- (d) Lodges and similar societies not providing overnight accommodations or any regular service of food or alcoholic beverages.

Paragraph 12. For each of the following uses, or any like use, one off-street parking space shall be provided for each five (5) members, as established in the charter of the organization, OR one off-street parking space for each three hundred (300) square feet of gross floor area of the primary use plus one off-street parking space for each 4,000 square feet of gross land area up to ten (10) acres and one off-street parking space for each 8,000 square feet of gross land area in excess of ten (10) acres, whichever is greater:

- (a) Fraternal organizations not providing overnight accommodations.
- (b) Lodges or similar societies not providing overnight accommodations.
- (c) Private clubs.

It was further recommended that the sections pertaining to clubs, off-street parking and lot reductions be incorporated into the "AA" and "SR" zoning Districts previously recommended by the Commission.

C5-68-4 Brackenridge Urban Renewal Project
Consideration of amendment to "B-2" District
to permit a building height of 200 feet

Mr. Lillie advised the Commission that the Brackenridge Urban Renewal Project was approved by the Planning Commission and the City Council last year and

C5-68-4 Brackenridge Urban Renewal Project--contd.

the early part of this year. The project is centrally located in the City adjacent to the downtown area, Capitol Complex and the University. Within this plan the "B-2" Business District presently permits a building height of 90 feet. There have been two recent requests for rezoning in this area to Height and Area Districts permitting a height of 200 feet. One is in the block owned by the Austin Independent School District bounded by 10th, 11th, Sabine Streets and I. H. 35 and the other is the southwest corner of 12th and Trinity Streets. Mr. Lillie presented maps of the area showing existing zoning, development and areas where structures will be permitted to be built to 200 feet in height. Because of the relationship of the "B-2" Districts to areas with 200 foot building height limits, the location of the urban renewal project in the City, and the recent requests for high-rise development in the area, the staff feels that the "B-2" Business District should be amended to permit a height of 200 feet. This height would be more in keeping with the development that is likely to occur in this particular part of the city and will give the developer more flexibility to develop on land that is high priced.

On October 8, 1968, the Urban Renewal Board met to consider the requested amendment and it was their consensus that this was needed to permit sound economic development within the Brackenridge Urban Renewal Project.

The Commission members agreed that the "B-2" District should be amended to permit a height of 200 feet. It was then unanimously

VOTED: To recommend to the City Council that the "B-2" District in the Brackenridge Urban Renewal Project be amended to permit a height of 200 feet, and authorized the staff to request the City Council to set a date for public hearing on this amendment.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

The staff reported approval by a majority of the Commission of the following subdivisions on September 25, 1968:

C8-68-69	Chevy Chase Center
	U. S. Highway 183 and I. H. 35
C8-68-42	River Oak Lake Estates, Section 4
	North Lamar Boulevard and Chimney Rock Drive
C8-67-69	Highland Hills Northwest, Section 5
	Running Rope and Lamplight Lane

ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

Hoyle M. Osborne
Executive Secretary