

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- November 12, 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  
Roger Hanks  
Robert Kinnan  
G. A. McNeil  
Robert B. Smith  
Dr. William Hazard

Absent

Samuel E. Dunnam  
William Milstead  
Alan Taniguchi

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of November 4 and 6, 1968.

Present

Hiram S. Brown, Acting Chairman  
Roger Hanks  
Robert B. Smith  
\*G. A. McNeil

Also Present

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

\*Present only on November 4, 1968.

PUBLIC HEARINGS

C14-68-107	Carrington's University Hills: Int. A, Int. 1st to BB, 1st (Tr. 1)
Tract 1:	7008-7126 Northeast Drive B, 1st (Tr. 2) & GR, 1st
Tract 2:	Rear of 7028-7126 Northeast Dr. (Tr. 3)
Tract 3:	7101-7227 U. S. Highway 290
	7200-7244 Northeast Drive

STAFF REPORT: This application was previously considered by the Commission at which time there was a question on the status of the annexation of the property to the city, and the case was postponed pending completion of annexation. In the meantime there has been considerable discussion and review with Mr. Richard Baker, attorney for the applicant, as to the development

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

of the 17 acres of land under consideration. Tract 1, containing approximately 6 acres, is the most southerly tract and the proposed change is to "BB" Residence, First Height and Area; Tract 2, containing approximately 5 acres, is the center tract and the request is for "B" Residence, First Height and Area; and Tract 3, covering approximately 6 acres, is the most northerly tract having frontage directly onto U. S. Highway 290 as well as Northeast Drive and is a request for "GR" General Retail, First Height and Area zoning.

The subject property adjoins an existing well-developed subdivision to the south, out of which two stub streets extend to the site. At the original hearing on this request the applicants also requested a General Retail zoning on property directly to the east across Northeast Drive. The Commission recommended that "GR" General Retail be granted for the front portion, but that "B" Residence be granted as a buffer area on the rear portion backing to the existing residential development to the south. It was granted by the City Council in this manner. At that time there was considerable neighborhood concern about the request on the subject site as well as the property across the street. Since then Mr. Baker has held a meeting in the neighborhood with some of the people and explained the proposed development. The staff however, was not present at the meeting. Mr. Baker has reviewed the plans with the Department of Planning concerning the actual development of this particular site and the department is in agreement and does support the request with certain restrictions and conditions applied to it.

The plan by Mr. Baker was presented and Mr. Stevens stated that the Planning Department feels that certain conditions and restrictions are necessary to make this an acceptable site plan to the Planning Department and one that would fit into the adjoining developed residential neighborhood. The staff recommends that "BB" Residence zoning on Tract 1 as requested, be granted subject to certain restrictions on the 110 foot strip of the property paralleling Northeast Drive northward to the telephone company easement, as well as southern boundary line of the site. The conditions recommended on the 110 foot strip are as follows: (1) Within the area the buildings that back to the existing developed subdivision to the south are to provide a minimum of a 25 foot rear yard for each structure; (2) structures in this area are to be no more than one story in height; (3) no structure shall contain more than six units; (4) density no greater than a duplex density which is twelve units per acre; (5) the two stub streets coming into the property shall for all vehicular traffic be closed but that there be gateways or sufficient ways to permit pedestrian traffic; and (6) a privacy fence be provided along the south boundary line.

There are three entries from Northeast Drive to permit parking areas within the 110 foot strip of land; however, the principal access which the staff feels is a necessary part of the site plan will be from the commercial area to the north and all access points are to be located north

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of the existing telephone company easement which is north of the residential lots on the opposite side of Northeast Drive. In addition, the staff feels that the development should be permitted only by Special Permit approval. As previously stated the conditions have been reviewed with Mr. Baker and are acceptable. Under these conditions with the site plan, the staff feels the zoning should be supported. The "BB" Residence portion will continue to the creek but the only portion with the restrictions on development will be the 110 foot strip as indicated. There will be no restrictions on the remaining portion zoned "BB" Residence and the area can be developed under the permitted height and density provisions.

TESTIMONY

WRITTEN COMMENT

Code

BY	Charles W. Hoehne: 6907 Duquesne	AGAINST
CC	Austin Builders Supply Co., Inc.: P. O. Box 455	FOR
S	M. K. Goulding: 7107 Northeast Drive	AGAINST
E	Hugh L. Howard: 7113 Creighton Lane	AGAINST
Z	Douglas B. Yates: 2403 Stevens Cove	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Richard Baker (representing applicant)	
BY	Mrs. Charles W. Hoehne: 6907 Duquesne	AGAINST
AF	Mrs. Jack B. Hahn: 2118 Vanderbilt	AGAINST
BQ	Mrs. R. W. Perrine: 2301 Vanderbilt	AGAINST
L	Mrs. John R. Davis: 2300 Vanderbilt	AGAINST
AR	Mr. & Mrs. Clyde Montgomery: 1208 Larkwood Dr.	AGAINST
S	Mr. & Mrs. M. K. Goulding: 7107 Northeast Dr.	AGAINST
T	Mr. & Mrs. Bythel L. Ellis: 7106 Creighton Dr.	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicants, stated that this application was before the Committee several months ago at which time it was requested that a change in zoning be granted to "GR" General Retail, First Height and Area on the subject tract as well as on the tract east of Northeast Drive. The application for the zoning change on the east side of Northeast Drive was amended to provide a buffer strip of 75 feet between the existing residences to the south and the balance of the tract which was granted "GR" General Retail. Mr. Baker stated at that time there was brought to his attention that sometime between 1955 and 1960 a preliminary had been filed on a large section of land, part of which was acquired by Mr. Pat Stanford

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

and Associates, and the other part which is the tract in question was owned by someone else. At this point in time Mr. Stanford did not own the particular tract in question but in order to get an overall schematic drawing of the tract a form of a preliminary was prepared and filed with the City. This was done prior to the time Mr. Stanford even owned the tract. Subsequently this tract of ground was acquired by University Hills and shortly after they filed a supplemental preliminary noting that this particular 16 acre tract in question would be developed in some commercial manner and not intended to develop as single-family units and did not show any street pattern. Mr. Baker stated that he did not know of this at the previous hearing and this is one of the reasons the request was postponed. He explained that at the previous hearing it also came to his attention that a number of representations had been made to the people who had purchased homes in this area, primary representation being that the property would be developed as single-family development. Because of the representation the people who purchased their homes felt the area should be developed with single-family homes and that the value of their property would be severely jeopardized in the event it were developed otherwise. Subsequent to this hearing Mr. Carrington employed the architectural firm of Danze and Davis in an effort to try to come up with a satisfactory development plan which would hopefully meet the objections of the residents in the area and still provide for the proper development of the tract.

There is a creek that runs virtually through the entire tract commencing at the dead-end street. Because of the creek and topography it is somewhat difficult to develop this tract of land without crossing the creek at one or two locations. The previous plans in the property proposed two creek crossings. Subsequent drafting has been done by the Planning Department and the engineers who represent Mr. Carrington which also resulted in two creek crossings. If this was provided in a subdivision the cost of the culverts, streets and bridges needed to cross the creek would be far in excess of the economic value which would result.

The development of the lots on Northeast Drive into residential property creates serious problems in that Northeast Drive is now an 80 foot street that carries an exceedingly large amount of traffic, and as traffic continues to increase the property becomes less desirable for single-family development. Under the existing zoning which is now in effect the property could be developed with duplexes. Mr. Carrington feels that this would be a disservice not only to the people that live in the area but would not be a proper utilization of the land; however, he is also concerned about the feeling of the people in the area with regard to some

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

form of protection. He feels that an effort should be made to develop this land and protect these people. Not utilizing the property from the standpoint of density but utilizing it from the standpoint of trying to take advantage of the creek as it exists and to have proper development. This can be done through a "BB" Residence zoning classification which is the least dense classification in that it would allow a grouping of property so that the whole thing would be developed as a unit. This was discussed with the Director of Planning as well as the staff to try to determine a reasonable size depth for duplex lots and it was concluded that a depth of 110 feet would be reasonable. At this point Mr. Carrington had the architects undertake the drawings on the basis of creating in effect a buffer of 110 feet in depth along the south property line and paralleling Northeast Drive.

Mr. Baker further explained that under the existing zoning they could construct an average of twelve duplex units per acre to within 5 feet of the back property line and with a height of two or two and one-half stories; however, it is realized that the people in the area should be afforded some protection and the applicant has agreed to restrict the development within the 110 foot strip.

It is agreed that within this 110 foot area there will be a minimum depth in the backyard of 25 feet and that any structure erected within the area will be limited to one story. Concern was expressed by the property owners about a huge mass of development that could be created by constructing all of the units in one spot. The applicant has anticipated this 110 foot strip to be approximately 5 acres which means there could be 60 units constructed thereon under the limits which are proposed. He has agreed that there will be no more than 6 units in each structure which will protect the people who live next door and across the street from having one mass of apartments built in the area. A six foot solid fence will be erected where one does not exist.

The staff has expressed concern about the development of the site under a special permit approval. Because of the restrictions limiting the development to size, units per structure, the property must be developed under a special permit basis. Otherwise there are very few units that could be constructed on the property as there is no way the southern strip running against University Hills, Section 1 can be subdivided to more than one lot because of the fact that there is not any public street furnished. The plans are to develop the entire area under consideration basically as one unit. Because of time, cost and other matters involved, a full development plan of the property in question is not available.

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

In order to get into the tract of land south of the creek it will be necessary to cross the creek in two separate locations. It is proposed that all of the streets laid out inside the property will be private streets and will not be public thoroughfares thus these streets do not need to have a dedicated right-of-way of 50 feet and they do not need to be paved to meet City specifications although they do have to be paved, nor do the bridges constructed across the creek have to be constructed to City specifications but they do have to be constructed in such a manner to meet the safety standards by the City. On this basis it is anticipated that the two bridges can be the old English type bridge and they can be put in at a cost far less than any structure that would be required to cross in accordance with these standard as required by the City. This will provide access to all of the land that lies south of the creek.

No access is available to the interior of this tract or from Northeast Drive or from either of the two stub streets to the south. One of the stub streets will be closed by a fence type structure and the other will be left open for pedestrian traffic. It is felt that the restrictions as offered for the proposed development of the site will adequately protect the people in the area as there will be no through traffic off of Northeast Drive into the interior of this land and there is a buffer area of development. It is the intent of the developer that the only access off of Northeast Drive would be into the parking areas. There will be an entrance to the parking areas but there will be no way to get into the interior of the property thus the traffic flow is limited and controlled by access onto U. S. Highway 290 and the private street which would intersect with Northeast Drive at a point north of any existing residential subdivision and across the street from the tract already zoned "GR" General Retail.

It is further felt that any development that lies north of the 110 foot strip south of the creek would not be detrimental under the "BB" Residence provisions. Because of the difference in grade as illustrated by a sketch, two story structures would not be detrimental to the residential area and would allow a logical development. Assuming the zoning of "BB" Residence is granted it would be a buffer between the "B" Residence and the residential area and would be consistent with the zoning recently established across Northeast Drive.

The plans are not final on this property, with the exception of the restrictions offered on the 110 foot strip. Only a small portion of the "GR" General Retail zoning may actually be used for commercial purposes as the request could be utilized and worked in with the apartment character. It is felt that the zoning as requested along with the restrictions offers the best protection for the people in this area and would offer a logical development for the site.

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

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request stating that this is a residential area that should not be changed. The development of apartments would increase the enrollment of the schools which are already very overcrowded and would cause serious traffic congestion. People bought their homes in this area with the understanding that the subject property was to be developed with residential development in accordance with the adjoining residential subdivision.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and were of the opinion that the requested zoning is proper for a large tract of land having frontage onto a major collector street and U. S. Highway 290. Recognizing that development problems are created by existing terrain features and easements, they felt the zoning as proposed, tied to the plan as set forth and subject to the restrictions as stipulated would minimize any detriment to the adjacent residential properties and recommended that the request be granted subject to the restrictions as stipulated by the applicant's representative.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Carrington's University Hills for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (Tr. 1), "B" Residence, First Height and Area (Tr. 2) and "GR" General Retail, First Height and Area (Tr. 3) for property located at (Tr. 1) 7008-7126 Northeast Drive, (Tr. 2) Rear of 7028-7126 Northeast Drive and (Tr. 3) 7101-7227 U. S. Highway 290 and 7200-7244 Northeast Drive be GRANTED.

C14-68-223 Roger M. Rich: A to C  
3716-3718 South Congress Avenue

STAFF REPORT: This application covers 12,350 square feet of land which is presently developed with two single-family structures. The stated purpose of the request is for commercial development, and it is the staff's understanding that in this particular case the request involves the extension of the existing commercial development which is located on property adjoining to the south. The area is predominantly developed with commercial and industrial zoning districts. Along South Congress Avenue there are restaurants, storage facilities, apartments, an insurance office and other uses. In the interior of the area, along Post Road Drive, Wilson Street, and Krebs Lane there is single-family development. On the east side of South Congress Avenue, there is an industrial area and directly east of that is unzoned property, located outside the City and designated in the Master Plan for industrial use. An application for "C" Commercial zoning has been filed on property directly north of the site. The staff has no objection to the request as it is appropriate for the area and recommends that it be granted.

C14-68-223 Roger M. Rich--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

A Roger M. Rich: (applicant)

FOR

## SUMMARY OF TESTIMONY

The applicant was present and stated that he had nothing to add to the report by the staff.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Roger M. Rich for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 3716-3718 South Congress Avenue be GRANTED.

C14-68-224 W. H. Tilley and James E. Boggs: B to O  
3701 Speedway  
100-104 East 37th Street

STAFF REPORT: This application covers two small parcels of land totaling 8,413 square feet which is presently zoned "B" Residence, Second Height and Area. The stated purpose of the request is for future development as permitted in an "O" Office District. The area between East 38th Street and the University area, Speedway and Guadalupe Street has been zoned rather consistently "B" Residence, Second Height and Area and a number of apartments have been built. There is a non-conforming use at the intersection of East 38th Street and Speedway and also to the north of East 38th Street on the west side of Speedway. Both uses were established prior to the adoption of the Zoning Ordinance. The lot at the southeast corner of East 38th Street and Speedway was before the Commission for consideration of "C-1" zoning in 1963 which was withdrawn. At that time "C-1" zoning permitted the sale of beer and wine to go for off-premise consumption; however, the district has been eliminated from the Ordinance. In 1966, an application for "O" Office zoning was made on property at the intersection



800  
~~797~~

C14-68-224 W. H. Tilley and James E. Boggs--contd.

of Grooms and East 38th Street. This application resulted in an area study which involved the area from East 38th Street south to the University area and from Guadalupe to Duval Street. The Planning Commission concluded that "B" Residence, First Height and Area would permit proper development within the area. Following the area study the request for "O" Office zoning was denied by the Commission and the City Council. The staff feels the current zoning application is contrary to the previous study and conflicts with the 1966 recommendation by the Commission as the proper zoning along Speedway. The existing "B" Residence, Second Height and Area zoning is the appropriate district to permit development for apartment purposes. The staff feels there is nothing to support the application for "O" Office zoning and it would be inconsistent in a well-established apartment district; however, if there is any consideration for office or retail it should be at the intersection of Speedway and East 38th Street and should not extend north or south along Speedway nor east along 38th Street.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

AM	Nelson Puett: P. O. Box 9038, Northwest Station	FOR
AP	Mrs. Dorothy G. Templin: Box 85, Nursery, Texas	FOR
AH	Mrs. Z. W. Salathe: 103 East 30th Street	FOR

##### PERSONS APPEARING AT HEARING

###### Code

A	James O. McHan: (representing applicant)
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#### SUMMARY OF TESTIMONY

Mr. James O. McHan was present on behalf of this request and stated that the residence existing on the property has been used as a music studio for the past 20 to 25 years. The property is surrounded by apartment development which makes single-family development difficult. The applicant would like the property rezoned so that there can be some return from the site. The property is being purchased by a University professor for the purpose of putting in a small paper research center and the "O" Office zoning is needed for this type of operation. One of the parcels of land will be primarily used for parking.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and felt that all of the corner properties at the intersection of East 38th Street and Speedway are logical retail sites and felt that "O" Office, First Height and Area as requested on the subject property would in time adjoin "LR" Local Retail zoning and provide a proper gradation of zoning between the potential commercial sites at the corner to the north and the apartment development to the south. It was concluded that this request should be granted.

C14-68-224      W. H. Tilley and James E. Boggs--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of W. H. Tilley and James E. Boggs for a change of zoning from "B" Residence, Second Height and Area to "O" Office, Second Height and Area for property located at 3701 Speedway and 100-104 East 37th Street be GRANTED.

C14-68-225      Michael Grannis: GR to B  
4900-4912 Springdale Road

STAFF REPORT: The subject property contains approximately 3.3 acres of land which is presently undeveloped. The application is made for a rollback in zoning to "B" Residence, First Height and Area for the purpose of duplex and fourplex development. The subject property is part of a recent preliminary subdivision plan which has been filed with the Planning Department. At the request of the staff, the applicant has requested a zoning rollback so that the proposed development will conform to the zoning use district. There is a mixture of "B" Residence, "GR" General Retail and Interim "A" zoning in the immediate area. To the west and south is Interim "A", Interim First Height and Area property which has recently been annexed to the city. In 1963, a zoning request was made on the subject property as well as land adjoining to the north and south, at which time the southern portion was zoned "B" Residence and the northern two-thirds was zoned "GR" General Retail, First Height and Area. To the north of the "GR" General Retail district is the proposed extension of East 51st Street. Springdale Road is proposed as an expressway with 300 feet of right-of-way. It is the staff's understanding that all of the right-of-way needed for Springdale Road will come from the east side of the street and will not effect the subject site; however, if right-of-way is needed from the site, it will be handled through the subdivision. The staff recommends in favor of the requested zoning as it conforms to the proposed use on the site and is a logical extension of the zoning existing to the south.

#### TESTIMONY

##### WRITTEN COMMENT

Code

D      Frank Hart: 5001 Pecan Springs Road

FOR

##### PERSONS APPEARING AT HEARING

Code

A      Jack Ritter, Junior: (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Jack Ritter, Jr., was present on behalf of this request and stated that the applicant is subdividing approximately 10 acres of land. Adjoining the property under consideration is "B" Residence, First Height and Area zoning, and it is felt that the same zoning will allow the highest and best use on

C14-68-225 Michael Grannis--contd.

the site. The development proposed on the site will be primarily fourplex development and the "GR" property to the north will be used for commercial facilities. The applicant is willing to supplement the development by deed restrictions so there will only be fourplex development.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it conforms to the subdivision plans on the site and is a logical extension of existing zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Michael Grannis for a change of zoning from "GR" General Retail, First Height and Area to "B" Residence, First Height and Area for property located at 4900-4912 Springdale Road be GRANTED.

C14-68-226 Effie and Alma Guinn: A, 1st to B, 1st (as amended)  
1102 Blanco Street

STAFF REPORT: The subject property contains 15,246 square feet of land, and is presently developed with a single-family structure. The stated purpose of the request is for apartment development. There is a mixture of zoning patterns and single-family development in the area. Starting at West 12th Street continuing on to Blanco Street and south along the east side of Blanco Street to West 10th Street is zoned "B" Residence, Second Height and Area and is presently developed with single-family development as well as duplexes and some non-conforming uses. The property on the west side of Blanco is developed predominantly with single-family and apartment development. Property to the north, fronting onto Blanco Street, is developed with apartments and property located at the intersection of West 10th Street and Blanco Street is developed with the electric substation and a fire station. In 1962, the property south of the site was before the Commission for consideration of "B" Residence, Second Height and Area zoning at which time a study was conducted on the immediate area. As a result of the study the Commission recommended that "B" Residence, First Height and Area zoning be established on property fronting onto Blanco Street and backing to the alley. The Commission felt that the area west of the alley was appropriate for single-family development as the homes in the area were sound. "BB" Residence, First Height and Area zoning was granted on property to the north at the intersection of Blanco Street and West 13th Street in 1960. Property directly west of the subject site was before the Commission earlier this year for change of zoning to "B" Residence, First Height and Area at which time the Commission recommended denial as did the City Council. The staff has no objection to the "B" Residence development as apartments are in keeping with the previous recommendations; however, it is felt that Second Height and Area zoning permits too great of a density for property adjoining single-family development. The staff recommends that the zoning as requested be denied but that "B" Residence, First Height and Area zoning be granted.

C14-68-226      Effie and Alma Guinn--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

AX	W. O. Carlton: 1006 Shelley Avenue	FOR
A	Effie and Alma Guinn: 1303 West 10th	FOR
AY	J. K. Polk: P. O. Box 977, Crockett, Texas	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	Petition: 13 signatures	AGAINST
?	W. F. Turman (attorney for Laura Goodwin)	AGAINST
E	Krimm Welsch: representing applicants	FOR

## SUMMARY OF TESTIMONY

Several nearby property owners appeared and stated they are in favor of the change.

## Arguments Presented AGAINST:

Mr. Bill Turman, representing Mrs. Laura Goodwin, presented a petition opposing the change and stated that the Planning Commission and the City Council recently denied a request for zoning for property directly to the west having frontage onto Shelley Avenue. Mr. Turman stated that as he understands the law for zoning it says that a change in zoning must benefit and be in compliance with the City as a whole, and this is not the case in this instance. The granting of the request will be piece-meal zoning and would be of benefit to no one but the effected property owner. It seems logical that the Commission and the Council recently denied a request on adjoining property then the same type of request would also be denied on the subject site. There is no testimony that the change would be of benefit to this neighborhood and to the City. Zoning as requested would allow 15 units on a lot with a width of 63 feet which would undoubtedly add to the traffic congestion. It should be pointed out that at the present time there is only one small area to the south which is zoned "B" Residence and the granting of the request would set a precedent for the remaining neighborhood.

## COMMENTS AND ACTION BY THE COMMITTEE

The staff reported that the applicant was not present at the time of the hearing but he has requested that the application be amended to "B" Residence, First Height and Area zoning as recommended by the Planning Department.

The Committee accepted the request to amend the application to "B" Residence, First Height and Area. They reviewed the information and concluded that the request as amended should be granted as it is in keeping with the existing zoning and development in the area.

C14-68-226      Effie and Alma Guinn--contd

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Effie and Alma Guinn for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area (as amended) for property located at 1102 Blanco Street be GRANTED.

C14-68-227      Robert C. McCreary: A to BB  
804-806 Possum Trot  
2401-2405 West 9th Street

STAFF REPORT: The staff reported a letter from the applicant requesting that this application be withdrawn.

The Committee ACCEPTED the request for withdrawal.

C14-68-228      T. W. Rodgers and Jim Holmans: A to C  
605-702 West Powell Lane

STAFF REPORT: The property under consideration consists of approximately 2.56 acres of undeveloped land and the stated purpose of the request is for commercial development. There is "C" Commercial zoning established immediately to the east and west. "A" Residence and "C" Commercial zoning exists to the south. "D" Industrial zoning is established to the north fronting onto Lamar Boulevard. There have been numerous requests for zoning changes in this area, one of which was a request for "C" Commercial zoning on property to the east in 1966 which was granted for the Red Arrow Freight Company.. There is also a request for "C" Commercial zoning on property to the north which is pending 15 feet of right-of-way for widening of West Powell Lane. Directly to the east of the Red Arrow Freight Company tract, along West Powell Lane and Lola Drive, there have been three requests for "B" Residence zoning which have been granted. The staff has no objection to the change but it should be pointed out that the right-of-way for West Powell Lane is inadequate. West Powell Lane with a present right-of-way of 40 feet at this point should be widened. Approximately 15 feet is needed from the subject property. The staff recommends that the request be granted subject to the provision of the right-of-way for West Powell Lane.

TESTIMONY

WRITTEN COMMENT

Code

F	John C. Orsak: 711 West Powell Lane	FOR
A	Terrell and Landrum Hickman: 5512 Shoalwood Ave.	FOR

PERSONS APPEARING AT HEARING

Code

A	Jim Holmans: (applicant)	FOR
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C14-68-228 T. W. Rodgers and Jim Holmans--contd.

## SUMMARY OF TESTIMONY

Mr. Jim Holmans appeared at the hearing and stated that the 15 feet of right-of-way needed for West Powell Lane has been discussed with the Legal Department and the Department of Public Works in an attempt to find a way to dedicate the fifteen feet from the front of the property. There is a problem because the plans are to bring the road through and straighten the curve. When this is done they will cut off some frontage and an attempt has been made to work with the City to see if there is a way that 15 feet can be dedicated and the City would give back the excess property that would block off some of the frontage.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the right-of-way problem. They felt that the requested zoning is appropriate and should be granted for the site, provided the right-of-way problem can be resolved.

At the Commission meeting the staff reported that Mr. Holmans advised the Committee that they are attempting to work out the right-of-way problem with regard to the exchange of public land for private land. Because the street is inadequate at this time the staff does recommend denial but would look with favor if the street is made adequate.

The Commission members agreed that this request should be denied at this time because of the inadequate right-of-way of West Powell Lane; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as a logical extension of the existing zoning. It was then unanimously

VOTED: To recommend that the request of T. W. Rodgers and Jim Holmans for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 605-702 West Powell Lane be DENIED.

C14-68-229 Richard E. Pigott: A to B  
404-406 East Annie Street

STAFF REPORT: The subject site contains 10,696 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is for apartment development. The subject property is located in the middle of an "A" Residence District which is developed with single-family and two-family homes. In 1966 a request for "B" Residence zoning was denied on property north of East Monroe Street. The request for the same zoning was again made on that property in 1968 which was granted. "B" Residence was also granted on property adjoining to the north in 1968. All of the apartment and commercial zoning has been located east of East Monroe Street. All of the development south of Monroe Street is single-family. East Annie Street, with a present right-of-way of 60 feet is classified as a major arterial street with a proposed right-of-way of 70 or 80 feet. The

C14-68-229 Richard E. Pigott--contd.

staff will check during the week to determine how much right-of-way is needed for street purposes. Most of the streets in the area going south and north have 60 feet of right-of-way. The staff feels that the requested zoning would be piece-meal zoning and be an intrusion into a well-defined residential area and recommends that the request be denied. If the zoning is changed, the street should be widened. The requested zoning would permit the development of 10 to 11 one-bedroom units on the subject property.

## TESTIMONY

## WRITTEN COMMENT

Code

AC Joe E. Steiner: 1800 Brackenridge St.

FOR

## PERSONS APPEARING AT HEARING

Code

? Mrs. H. S. Harrell: 704 Jessie

NO OPINION

Q Doris R. Richey: 3708 Clarkson Avenue

FOR

AF W. S. Garrison: 2604 Geraghty

FOR

C Emil P. Darilek: 1709 Drake Avenue

FOR

## SUMMARY OF TESTIMONY

Mr. Jim Holmans appeared on behalf of the applicant and stated that the existing residence was at one time Mr. Pigott's homestead, however, the house is presently vacant. The property is suitable for apartment development and will not be detrimental to the area. The neighbors are not opposed to the change.

Several nearby property owners appeared in favor of the change and stated that in their opinion the change would improve the area.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Richard E. Pigott for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 404-406 East Annie Street be DENIED.

C14-68-230 William J. Joseph: A, 1st to B, 2nd  
6309-6311 Wild Street

STAFF REPORT: This application covers two vacant lots totaling 15,867 square feet. The stated purpose of the request is for apartment development. The site is located at the end of a loop street situation. Arcadia Avenue and Alegria Street form a loop with Wild Street. This is a sound residential area with well-maintained homes, although the subject property backs to commercial property having frontage onto Lamar Boulevard. The staff feels that this is the proper relation of residential lots backing to a commercial area as opposed to apartment development intruding into a residential neighborhood. The zoning as requested would permit one unit for every 800 square feet which is much too dense for the well-defined residential area. The staff recommends that the request be denied as the inappropriate zoning for the site and as an intrusion into a well-established and maintained "A" Residence District.

## TESTIMONY

## WRITTEN COMMENT

## Code

BB	Laurence F. Amstead, Jr.: 1100 Alegria Road	AGAINST
AW	McRae W. Hill: 1001 Arcadia Avenue	AGAINST
Q	Wanda V. Pierce: 6307 Wild Street	AGAINST
U	James C. Spencer: 1002 Arcadia Avenue	AGAINST
AR	Mr. and Mrs. Herbert H. Liebhafsky: 1011 Arcadia Ave.	AGAINST
R	James L. Perry: 6313 Wild Street	AGAINST
AK	Togie Baylor: 5908 Manor Road	FOR
AA	Mrs. Kathryn Williams: 601 Nelray	AGAINST
T	A. L. Crumley: 1000 Arcadia Avenue	AGAINST
N	Jack A. Davis: 6301 Wild Street	AGAINST
P	Mr. and Mrs. Morris Sassman: 6305 Wild Street	AGAINST
L	Allan Smith: 1003 Alegria Road	AGAINST
?	Tolbert E. Herridge: 1003 Arcadia Avenue	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	A. E. Pihlgren: (representing applicant)	FOR
?	Tolbert E. Herridge: 1003 Arcadia Avenue	AGAINST
M	Mrs. J. A. Gardner: 1001 Alegria Road	AGAINST
P	Lemma Sassman: 6305 Wild Street	AGAINST
Q	Wanda Pierce: 6307 Wild Street	AGAINST
T	Albert L. and Mrs. A. L. Crumley: 1000 Arcadia	AGAINST
R	Mr. J. L. Perry: 6313 Wild Street	AGAINST
BB	Laurence Amstead: 1100 Alegria Road	AGAINST
AW	McRae W. Hill: 1001 Arcadia Avenue	AGAINST
AR	Mrs. H. H. Liebhafsky: 100 Arcadia Avenue	AGAINST
AS	Mr. and Mrs. Elbert Ray Johnson: 1009 Arcadia	AGAINST
AT	David Morgan: 1007 Arcadia Avenue	AGAINST
X	Burton E. Douglas: 1008 Arcadia Avenue	AGAINST
U	James C. Spencer: 1002 Arcadia Avenue	AGAINST
A	Bill Joseph: 5536 North Lamar Boulevard	FOR



C14-68-230 William J. Joseph--contd.

## SUMMARY OF TESTIMONY

## Arguments presented FOR:

Mr. Arthur Pihlgren, representing the applicant, stated that the request on the subject property is for apartment zoning. The applicant owns the commercial property adjoining the site to the east fronting onto Lamar Boulevard which is 79 feet wide with a depth of approximately 350 feet. The front 250 feet of the property faces onto North Lamar Boulevard and is presently used commercially and zoned "C-2". There is an old residence existing on the rear portion of the commercial property which has been there for many years. The applicant is requesting a zoning whereby he can move the old house and build apartments on the commercially zoned property and use the two vacant lots under consideration for the required off-street parking facilities. Financing for a single-family dwelling on this property would be very difficult to obtain where the property adjoins commercially zoned property. It would be unwise to build two single-family residences on the two vacant lots. The present zoning on the commercial property would permit approximately 20 units and duplexes could be built on the two lots in question with a driveway from the apartment complex to Wild Street. The applicant would like to build an apartment complex using the two pieces of property that he owns.

Mr. Stevens advised Mr. Pihlgren that the applicant could build duplexes on the two lots under consideration; however, "B" zoning would be necessary to have a driveway going from the commercial property out to Wild Street.

## Arguments presented AGAINST:

A number of nearby property owners appeared in opposition to the request and presented the following information: This is an "A" Residential subdivision which has been developing for approximately 12 years. All the people in the area are homeowners who bought in this area because of the family type atmosphere. The streets do not extend through and many people with children bought in the area for that reason, and because of the low traffic conditions. The streets are narrow and cars are parked along the street. If a change in zoning is granted the traffic will greatly increase and would be extremely hazardous to the many children living in the neighborhood. The requested change would be piece-meal zoning and set a precedent that would be very detrimental to the entire 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-established residential area.

At the Commission meeting the staff reported an oral request, By Mr. Arthur Pihlgren, representing the applicant, to withdraw this application.

The Commission ACCEPTED the withdrawal of this request.

C14-68-231      F. L. Bird: A to C

STAFF REPORT: This site consists of 7,100 square feet of land. The stated purpose of the request is for the sale of new and used automobiles. Property located directly east of the site was before the Commission last month at which time it was recommended that "C" Commercial, Fifth Height and Area zoning be granted. At that time the staff was concerned with the right-of-way for the Interregional Highway and neglected to mention the right-of-way for East 53rd Street. East 53rd Street, with a present right-of-way of 50 feet, should be widened to 60 feet if the requested zoning continues westward along the street. This would require five feet of right-of-way from the subject property and also from the property adjoining to the east.

Along Harmon Avenue and westward there is single-family and two-family development. The staff has no objection to the requested change, however, the application should be denied because of the inadequate right-of-way of East 53rd Street. If the street is made adequate the staff would favor the zoning.

## WRITTEN COMMENT

C Dr. S. J. Clark, est., by Thomas M. Lemon:  
5200 Shoalcreek Blvd.

PERSONS APPEARING AT HEARING

A Arthur Pihlgren: (representing applicant)

## SUMMARY OF TESTIMONY

No one appeared in opposition to the request.

810  
~~807~~

C14-68-231 F. L. Bird--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of East 53rd Street; 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 Chairman inquired if Mr. Pihlgren had discussed the right-of-way needs for East 53rd Street with the applicant. Mr. Pihlgren explained that he has talked to his client who is under contract to purchase the site and he feels that the area of the lot is too small without granting additional right-of-way to the City for future widening. He stated that he has checked into this and found that East 51st Street is a main thoroughfare between Airport Boulevard and the Interregional, and 53½ Street is the main traffic artery from North Lamar Boulevard across to Airport Boulevard. It is felt that East 53rd Street will not be zoned for commercial or for any higher density than "A" Residence with the exception of the property fronting onto the Interregional, and East 53rd Street does not need to be widened. The property between East 53rd and East 52nd Street fronting onto the Interregional Highway has "C" Commercial, Fifth Height and Area zoning established for one-half of the distance of that block and the zoning was granted by the Commission without widening being required for either 52nd or 53rd Streets.

Mr. Hanks asked the staff if right-of-way was provided when property adjoining to the east was rezoned. Mr. Burnette explained that when the zoning took place right-of-way was not requested as it was thought that the zoning would stop with the lot fronting onto the Interregional; however, now that the zoning may continue the staff feels that right-of-way is needed in order to meet the increased density.

Dr. Hazard asked how right-of-way would be acquired from the tract adjoining to the east if it is required on the subject site. Mr. Stevens explained that part of the problem when the adjoining site was zoned was that part of the tract was being acquired for the Interregional. Upon being made aware of this, Mr. Pihlgren, also representing the adjoining owner, put together that tract and the subject site for one site. The staff was so involved in trying to provide the right-of-way on the Interregional that the widening needs for East 53rd Street were overlooked and this is why widening was not requested; however, if this property is rezoned it is very likely that property adjoining to the west will also be rezoned, perhaps not to commercial but to apartment zoning and the next stopping point would be Harmon Avenue. If this does occur it is felt that right-of-way should be provided for the street.

Mr. Hanks stated that in his opinion right-of-way should not be required from the site because it was not required when property adjoining to the east was rezoned. A majority of the members agreed with Mr. Hanks and felt that the zoning as requested should be granted as a logical extension of existing zoning.

C14-68-231 F. L. Bird--contd.

It was then

VOTED: To recommend that the request of F. L. Bird for a change of zoning from "A" Residence, Fifth Height and Area to "C" Commercial, Fifth Height and Area for property located at 1014 East 53rd Street be GRANTED.

AYE: Messrs. Brown, Smith, Hanks and Kinnan

NAY: Messrs. Hazard and McNeil

ABSENT: Messrs. Dunnam, Taniguchi and Milstead

C14-68-232 Timotea Torres: A to BB  
 2421-2423 South 4th Street  
 814-816 Juanita Street

STAFF REPORT: The property under consideration contains 12,120 square feet and is located at the intersection of South 4th and Juanita Streets. The stated purpose of the request is for apartment development. There is "B" Residence, "C" Commercial and "LR" Local Retail zoning existing to the north along South 5th Street but the zoning and development in the immediate area is predominantly single-family. It is felt that if the one lot is changed it will have an effect on the area along Juanita Street, South 4th, South 5th and South 6th Streets as it would set a precedent to establish a one lot change in an area that is presently zoned and developed residentially. The staff recommends the request be denied as an intrusion.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

F John B. Selman (representing applicant)

F Antero Carrillo: 2501 South 4th Street

NO OPINION

## SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, presented photographs of the development of the area and stated that there were no objections from the property owners in the area. The property is presently vacant and is not large enough for two duplex lots or for townhouse development. The property adjoins property that belongs to the San Jose Church and behind the site is a structure that houses a day nursery. There is a gravel street on one side of the site and a paved street on the other. It is obvious that the staff has not looked at the area as they have recommended against the change. If a zoning change is granted it would make a change in the area but it would be an improvement for the entire neighborhood. The property is

C14-68-232 Timotea Torres--contd.

boxed in by itself and because of the economics, terrain and surrounding environment, a change is needed and it would be an asset to the neighborhood.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting Mr. Hanks advised the Commission that he made a field inspection of the area and in his opinion the requested change would not be detrimental.

Mr. Stevens explained that this is a well-defined residential area and the streets are residential streets with 50 feet of right-of-way. A change in zoning would be inconsistent as it is separated from any other apartment district. The staff feels that the request should be denied as an intrusion but if the Commission sees fit to grant the change it would in effect be saying that other property in the area should also be changed. Mr. McNeil stated that he voted to deny this request at the zoning hearing as he was not familiar with the area and it appeared to be an intrusion; however, he explained that since that time he has gone into the area and feels that anything that was put up would be an enhancement for the area.

Mr. Smith stated that it is realized that the construction in this area is not in the finest condition but this is a residential section and the proposed change to apartments would present problems to the residents of the neighborhood. This should be a consideration even if the houses are not as fine as they could be. He further stated that a change in zoning would place a burden on the residents because of inadequate streets and would be an intrusion. After further discussion,

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

AYE: Messrs. Smith and Hazard

NAY: Messrs. Brown, Kinnan, Hanks and McNeil

ABSENT: Messrs. Dunnam, Taniguchi and Milstead

Mr. Stevens emphasized that streets serving apartment areas normally have 60 feet of right-of-way and the existing streets are inadequate; however, a offer to dedicate 5 feet of right-of-way for the widening of South 4th and Juanita Streets has been made by Mr. Selman, representing the applicant.

C14-68-232 Timotea Torres--contd.

In view of this, a majority of the Commission

VOTED: To recommend that the request of Timotea Torres for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2421-2423 South 4th Street and 814-816 Juanita Street be GRANTED.

AYE: Messrs. Brown, Kinnan, Hanks and McNeil

NAY: Messrs. Smith and Hazard

ABSENT: Messrs. Dunnam, Taniguchi and Milstead

C14-68-233 Manton Nations: A to B  
 3200 Duval Street  
 400-412 East 32nd Street  
 3201-3205 Tom Green Street

STAFF REPORT: This application covers approximately 50,000 square feet of land. The stated purpose of the request is for apartment development. The subject property was before the Planning Commission approximately 2 or 3 months ago for consideration of a change of zoning to "B" Residence, Second Height and Area. At that time the staff recommended that "B" Residence, First Height and Area be granted as it was in keeping with an area study that recommended that the area south of 38th Street to the University area and from Guadalupe Street to Duval Street be zoned "B" Residence, First Height and Area to provide for expansion and growth of the apartment development north of the University. The Zoning Committee recommended that "B" Residence, Second Height and Area be denied, and at the Commission meeting, Mr. Selman representing the applicant, amended the application to request "B" Residence, First Height and Area. The request was withdrawn at the Council hearing. The staff has no objection to the request for "B" Residence, First Height and Area; however, 5 feet of right-of-way is needed for Duval Street. The right-of-way was offered at the last hearing but the zoning request was withdrawn.

The area between Duval and Tom Green Street is zoned "A" Residence, and developed with single-family and some two-family homes. From Tom Green westward is "B" Residence and "BB" Residence, First and Second Height and Area zoning. South of East 32nd Street "B" Residence, Second Height and Area zoning is established. At the last hearing there were a number of people who objected to the request because of the single-family development within the area, the narrow streets, and the increased traffic that would be created. The staff would agree with the objections on traffic if the zoning was requested south of 32nd Street; however, the area north of 32nd Street has adequate right-of-way with the exception of Duval Street.

C14-68-233 Manton Nations--contd.

TESTIMONY

WRITTEN COMMENT

Code

Y	Robert C. Howell: 304 Vaugh Bldg.	AGAINST
AB	George B. Hatley: 302 Almarion Drive	FOR
AV	Olin E. Hinkle: 303 East 32nd Street	AGAINST
AH	Mr. & Mrs. Fred C. Morse: 3126 Duval	AGAINST
B	Mrs. Exa Hyatt: 3202 Duval	AGAINST
J	Dorcas Morgan Larabee: 3303 Tom Green	AGAINST
AP	Fredda Bullard: 1000 Lund Street	AGAINST
AF	Byron and Mary Joe Short: 502 East 32nd Street	AGAINST
E	Kenneth C. Lavderdale: 3210 Duval Street	AGAINST

PERSONS APPEARING AT HEARING

Code

	John B. Selman: (representing applicant)	
AE	Joe Darnall: 3209 Duval	AGAINST
Q	Raymond Leifeste: 306 Liberty	FOR
AF	Mr. & Mrs. Byron E. Short: 502 E. 32nd Street	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, stated that this request was recently withdrawn at the Council hearing because Mr. Joe Darnall filed a petition on behalf of the neighborhood. Mr. Selman explained that he looked at the petition to see the names on it, but did not see the acknowledgements on the petition. He said that he later found there were acknowledgements and knew it would take four votes by the Council to pass the zoning. In this particular case, Mr. LaRue was out of the City and the vote would have been 3 to 1. Because of that and because of a recent case known as the Pope case concerning legal problems regarding filing of petitions, etc. the request was withdrawn and is filed now with the hope that this time all five Council members will be present at the meeting. Mr. Selman filed a letter offering to dedicate the necessary five feet for the widening of Duval Street and presented the following information: The staff has studied this particular area from Duval Street to Guadalupe and south of 38th Street and have concluded that "B" Residence, First Height and Area zoning would allow the proper development where the streets are adequate to serve medium density traffic flow. It is well known that "B" Residence, First Height and Area zoning is medium density and the streets are all 60 feet with the exception of the additional widening for Duval Street which has been offered. To the west and north of the site there are a number of apartments. In the area zoned "B" Residence, Second Height and Area there are nice, well-kept single-family homes. It should be pointed out that on 31st Street there is also a number of apartments. It is realized that the people in the area have beautiful homes but the applicant has hired Mr. Barton Riley, architect to design a development that will blend in and not detract from the area. The applicant has a considerable investment in the property and wants to utilize it. He is entitled to use the property for the type of development proposed because of the existing zoning and development in the area.

C14-68-233 Manton Nations--contd.

## Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to this request and presented the following information: From 32nd Street and Duval on to the north-east is a sound "A" Residential single-family area. Robert E. Lee School is located in the middle of this area and there is no indication that the area is deteriorating. This is a very nice residential area close-in which is very rare. Immediately west of the proposed development is "BB" Residence zoning developed with small apartment units. There is more than enough apartment development for this area. The line should be drawn at this point and should not be continued any further in the area as it will only set a precedent for more changes. The undeveloped Front Street to the south serves as a natural buffer. Benelva Drive is an unpaved narrow street that also serves as an adequate buffer. There is single-family development existing in the area zoned "B" Residence, Second Height and Area south of East 32nd Street and an effort is being made by the property owners to have the zoning rolled back. Mr. Darnall filed with the Committee the deed records and the deed restrictions running with the land against multi-family units being constructed on the lots in the area. He stated that the deed restrictions will be enforced by the people in the area.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as the appropriate zoning for the area and is in keeping with previous recommendations by the Commission for the area.

A majority of the members concurred with the Committee recommendation that this request should be granted as it is in keeping with the existing zoning pattern and development and because of the need for apartment development in the University area. It was then

VOTED: To recommend that the request of Manton Nations for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 3200 Duval Street, 400-412 East 32nd Street and 3201-3205 Tom Green Street be GRANTED.

AYE: Messrs. Brown, Hanks, Kinnan, Hazard and McNeil

NAY: Mr. Smith

ABSENT: Messrs. Dunnam, Taniguchi and Milstead

C14-68-234 Dessie C. King and A. L. Grice: A, 1st to B, 2nd  
4408-4412 Avenue F

STAFF REPORT: The property under consideration contains 15,625 square feet of land which is presently developed with two single-family structures. The stated purpose of the request is for apartment development. Shipe City Park is located directly east of the site across Avenue F. "B" Residence, Second Height and Area zoning is established to the west along Speedway extending to the alley behind the site. "B" Residence, Second Height and Area zoning was



C14-68-234 Dessie C. King and A. L. Grice--contd.

granted recently on property to the south on Avenue F for a special use of the property which was a "half-way" house operation under State sponsorship. There were limitations on that property that if the use was discontinued the zoning would be rolled back. There have been numerous zoning changes south of 45th Street to the west of Speedway. The Commission has agreed that the property south of 45th Street and west of Speedway should be zoned "B" Residence, Second Height and Area where the streets are adequate. The staff has not studied the area east of Speedway to Duval Street sufficiently to support high density apartment zoning for the subject property. The subject property is located across the street from a park and it is recognized that there is "B" Residence Second Height and Area zoning to the rear; however, it is felt that this particular application would set a precedent for rezoning of the area south of West 45th Street southward toward 38th Street. The staff could support "B" zoning of the property along 45th Street if it were limited to 45th Street until sufficient review of the neighborhood indicates rezoning of a larger area would be appropriate. It is recommended that the request now be denied as it will influence and set a precedent for the area between Avenue F and Duval Street and south toward East 38th Street to become apartments, even though some of the area is used and kept for homes.

## TESTIMONY

## WRITTEN COMMENT

## Code

F	Mrs. Lou Sweet: 8111-A Exmoor	AGAINST
?	L. M. Dowd: (no address available)	FOR
G	Don J. Jackson: 6002 Spancreek	FOR
E	J. D. Loftis: 4404 Avenue F	AGAINST
D	Lenore Preece: 4406 Avenue F	AGAINST

## PERSONS APPEARING AT HEARING

## Code

	John B. Selman (representing applicant)	
G	Don J. Jackson: 6002 Spancreek	FOR

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, explained that Mr. Grice has entered into a contract to sell the property under consideration subject to zoning. Approximately 8 or 9 months ago there was a similar zoning application on property with similar circumstances and similar surroundings and the property was also located across the street from a park. At that time it was discovered and so proved to the City Council that if there is going to be an area in the city with high density development, this is the best and most logical place for it to occur because of the access and the fact that the streets are wide enough. Another reason is because the development will be across the street from an open area with park facilities that people can use. The area along 45th Street has developed into one of the best apartment areas in the City. The area is close to the expressway, major arterial streets and the University. The staff has concluded that apartment zoning is appropriate on the area to the west of Speedway and the

C14-68-234 Dessie C. King and A. L. Grice--contd.

question should be raised as to why this same zoning should be stopped at the alley immediately behind the subject site and not continued on further so that these people will have the same use of their property as people directly behind them. There is apartment development and two-family development existing in the area at the present time which means that the area is changing toward this type of development. The request is a logical extension of the existing zoning and development.

Mr. Don Jackson stated that in his opinion the area along 45th Street should be reviewed in light of the fact that most of the development along the street has had to give 20 feet to the City for widening of the street which means that 45th Street will become one of the major streets. There is apartment and office development existing along this street and the requested zoning is in keeping with the changing character of the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Dessie C. King and A. L. Grice for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4408-4412 Avenue F be GRANTED.

C14-68-235 Omega Investment Company: A, 1st to B, 2nd  
4406-4408 Avenue C

STAFF REPORT: This site contains 9,000 square feet of land which is presently undeveloped. The stated purpose of the request is for apartment development. The area has been before the Commission on numerous occasions for consideration of zoning changes to "B" Residence, First and Second Height and Area zoning which have been granted. The area from West 45th Street south to 38th Street and from Guadalupe Street to Speedway has been accepted by the Commission as zoning changes. The streets in the area south of 45th Street, are adequate with 60 and 80 feet of right-of-way. The staff has no objection to the request as it is in keeping with recent zoning and development in the area and recommends that it be granted.

C14-68-235      Omega Investment Company--contd.

## TESTIMONY

## WRITTEN COMMENT

## Code

A	Omega Investment Co. (by Ronald Zent) Box 9065	FOR
E	Charles B. Lindsay: 4409 Avenue B	AGAINST
L	Mr. and Mrs. Lynn A. Nelson: 4410 Avenue C	AGAINST
X	Mrs. Cora Carothers: 4315 Avenue C	FOR
Z	F. N. Townsend: 4312 Avenue D	AGAINST
AK	Martin B. and Mary Rose Patterson: 4412 Ave. C	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	John Selman: (representing applicants)	AGAINST
M	Mr. & Mrs. Inman: 203 LeLand:	AGAINST
S	William R. Mitchell: 4318 Avenue C	AGAINST
AG	Mrs. W. A. Kruger: 4405 Avenue C	AGAINST
N	Mrs. M. M. Reedy: 4404 Avenue C	AGAINST
?	John Mucha: 4408 Avenue C	AGAINST
AH	Stanton E. Weiss: 4407 Avenue C	AGAINST
AE	E. O. Lowery: 4409 Avenue C	AGAINST
L	Mr. & Mrs. Lynn A. Nelson: 4410 Avenue C	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that he concurs with the report by the staff.

## Arguments Presented AGAINST:

Five nearby property owners appeared in opposition to the request and presented the following information: This is one of the few remaining areas close in that is well maintained and predominantly owner occupied. Most of the people in the area are elderly and have purchased their homes for their retirement years. The streets have only 30 feet of paving which is inadequate for the type of development that would be created by a change. There are homes as well as trees close to the streets and it would cause considerable difficulty if the streets were widened. A change in zoning will be detrimental for the area and create many problems because of the narrow streets and the fact that there would be parking along both sides.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the request is in keeping with previous changes by the Commission and Council for this area.

C14-68-235      Omega Investment Company--contd.

A majority of the Commission concurred with the Committee recommendation that this request should be granted as it is in keeping with the character of the neighborhood and the existing zoning in the immediate vicinity.

Mr. Smith stated that there were a number of property owners opposed to this change because of the residential character of the street. He stated that in his opinion the request should be denied as there is no other "B" zoning along this street. It was then

VOTED:      To recommend that the request of Omega Investment Company for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4406-4408 Avenue C be GRANTED.

AYE:          Messrs. Brown, Hanks, Kinnan, Hazard and McNeil

NAY:          Mr. Smith

ABSENT:      Messrs. Dunnam, Taniguchi and Milstead

C14-68-236      Glen Ragland, et al: A, 1st to B, 2nd  
                  306-308 West 45th Street  
                  4501-4503, 4509-4511 and 4502-4506 Avenue B

C14-68-237      John McKean, et al: A, 1st to B, 2nd  
                  4522 and 4523-4525 Avenue B  
                  4526 Avenue C

C14-68-238      Mrs. M. L. Yancey, Senior, et al: A, 1st to B, 2nd  
                  4607-4609 and 4610 Avenue B

STAFF REPORT: C14-68-236, C14-68-237 and C14-68-238 are being presented together as they are all zoning change requests for "B" Residence, Second Height and Area zoning on property located within a two block area north of 45th Street. C14-68-236 covers 6 lots totaling approximately 53,988 square feet. Case C14-68-237 covers 4 lots totaling approximately 29,450 square feet and case C14-68-248 consisting of 2 lots covers an area of approximately 25,820 square feet. The stated purpose of each request is for apartment development.

Mr. Stevens explained that there have been several considerations for rezoning of properties on the area south of 45th Street, of which the staff has recommended in favor. The properties under consideration are located in the area north of 45th Street and this is not an area where all the property is logically changed to apartments, where there is no opposition to change and the neighborhood is ready to move out and willing to be redeveloped with apartments. There are parts of this neighborhood that has been well-maintained and the people wish to retain their property for homes and remain here. This is the part of the problem involved in rezoning north of 45th Street.

On the area south of 45th Street the staff and Commission has recommended that all the property between Guadalupe and Speedway south of 45th Street be zoned for apartment purposes and such a zoning pattern has been established. The

820  
~~817~~

C14-68-236 Glen Ragland, et al--contd.  
C14-68-237 John McKean, et al--contd.  
C14-68-238 Mrs. M. L. Yancey, Senior, et al--contd.

staff does not feel that they can recommend extensive apartment zoning for the area north of West 45th Street. The only property the staff can recommend favorably on is the property located at the intersection of West 45th and Avenue B and the reason is that 45th Street could in effect be strip zoned for apartments as it is a major arterial street in the Master Plan and designated to be widened and the property fronting or siding onto this street where there is a logical site can be developed for apartment purposes. The streets serving the subject properties are only 50 feet wide with the exception of 46th Street which is a gravel street with 40 feet of right-of-way. The stub end of Avenue B and C are also gravel at this time. It is felt that the zoning on any other parcels under consideration, with exception of the two lots at the intersection of 45th and Avenue B, would establish a precedent in the area and the rest of the lots would follow. If and when the area does go, and the staff feels that it will eventually occur, there should be agreement between the owners and offers to widen the streets in the area. The provision for widening of the street from only a few parcels does not solve the problem for the whole area and if the property under consideration is zoned the streets will all bear the burden and influence of apartment zoning and traffic. In view of this the staff recommends that the requested zoning be denied on all the property with the exception of the two lots at the intersection of 45th and Avenue B which should be granted.

TESTIMONY

WRITTEN COMMENT

Code

D	Mr. & Mrs. E. W. Gillan: 4523 Avenue B	FOR
DK	Charles B. Lindsey: 4409 Avenue B	AGAINST
CF	Mrs. Mary C. Tate: 4612 Avenue B	AGAINST
AZ	Price R. Ashton: 4705 Fairview Drive	FOR
AM	G. T. Woods: 1601 Ridgehaven	FOR
DT	Omega Investment Co: Box 9065	FOR
BJ	Mrs. Adele H. Wilson: 4511 Avenue C	AGAINST
AC	Mr. & Mrs. Nelle: 4508 Avenue C	AGAINST
CC	Mr. & Mrs. Walter Davis: 4524 Avenue B	AGAINST
DZ	Mr. & Mrs. Martin B. Patterson: 4413 Avenue C	FOR
CH	Mabel Woodcock: 4604 Avenue B	AGAINST
U	Mrs. W. S. Harlan: 4605 Avenue B	AGAINST
DL	Mrs. James McConnachie: 4411 Avenue B	AGAINST
.	Petition with 29 signatures	AGAINST

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~~818~~

C14-68-236 Glen Ragland, et al--contd.  
 C14-68-237 John McKean, et al--contd.  
 C14-68-238 Mrs. M. L. Yancey, Senior, et al--contd.

PERSONS APPEARING AT HEARING

Code

	C. C. Cook: (representing applicants)		
CS	Mr. & Mrs. Leonard Woosley: 4518 Avenue B	AGAINST	236
AP	R. R. Schroeter: 4517 Avenue B	AGAINST	236
A	Mrs. Leslie W. Giddens: 4506 Avenue B	FOR	236
B	Glenn R. Ragland: 4509-4511 Avenue B	FOR	236
V	Paul E. Torn, Jr.: 4526 Avenue C	AGAINST	237
AL	Mrs. Lillie Mokry: 4505 Avenue B	AGAINST	all 3
?	Don Merryman: 4518 Avenue B	AGAINST	all 3
AN	N. L. Gault: 4513 Avenue B	AGAINST	all 3
CU	Mr. and Mrs. J. B. Mock: 4514 Avenue B	AGAINST	all 3
?	E. J. King: 4529 Avenue C	AGAINST	all 3
AQ	S. B. Speir: 4512 Avenue B	AGAINST	all 3
AS	Mrs. Erna Leigh: 4527 Avenue B	AGAINST	all 3
CC	Mr. & Mrs. Walter Davis: 4524 Avenue B	AGAINST	all 3
S	L. G. Sloan: 4601 Avenue B	FOR	all 3
F	Mr. & Mrs. John McKean: 4525 Avenue B	FOR	all 3
D	Mr. & Mrs. E. W. Gillan: 4524 Avenue B	FOR	all 3

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. C. C. Cook appeared at the hearing to represent the property owners involved in the three zoning applications. He called the Committee's attention to the fact that there are fourteen lots involved in this change and noted that the general area is developed with a mixture of "C" Commercial, "B" Residence and "O" Office zoning. There are sixteen vacant lots along Avenue A belonging to one property owner who is in favor of the requested change. Property to the north along West 46th Street belongs to the Austin Public School System and on Guadalupe and Avenue A there is either apartment or commercial development. The 16 lots belonging to the property owner in favor of the change on Avenue A will undoubtedly go to "B" Residence, Second Height and Area zoning upon request provided there is proper street widening. There is "O" Office zoning along 45th Street and Avenue A and Avenue B. In the area along Avenue B there are a total of 11 rental units, one mobile home, and seven vacant lots. Most all of the property along this street is very well-maintained.

On Avenue C the situation is different in that the property is beginning to run down considerably and there are a number of rent houses. Several people are interested in disposing of their property because of the changing character of the neighborhood. There are 14 lots involved in the zoning change and each of the property owners has indicated that they will dedicate 5 feet of right-of-way for widening of the street which they realize would be necessary for higher density development. Mr. Cook stated that he has con-

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~~819~~

C14-68-236 Glen Ragland, et al--contd.  
C14-68-237 John McKean, et al--contd.  
C14-68-238 Mrs. M. L. Yancey, Senior, et al--contd.

tacted owners of 72 properties in the area and 56 were in favor of the change, 9 were opposed and 7 said they had no opinion. The requested zoning would allow the highest and best use for the property in an area that is gradually changing.

Mr. B. D. Sinclair appeared at the hearing and stated that his concern is the property at the intersection of West 45th Street and Avenue B. He explained that in his opinion the property should be changed as recommended by the staff.

Mrs. Leslie Giddins one of the property owners involved stated that she has approximately 170 feet of land and she had lived on her property for approximately 40 years. She explained that south of her property is a Lutheran Welfare Office which is zoned "O" Office. She further stated that she is willing to offer 5 feet for widening as the street needs to be widened. The property should be changed so that other people in the area can sell their property if they so desire.

A number of nearby property owners appeared in opposition to the request and presented a petition with 39 signatures opposing the change. It was explained that a majority of the people along the street are elderly retired people and they have no desire to move. The streets are narrow and a change would be an intrusion. This is a nice quiet area that will be torn up if apartments are permitted to be developed. There is objection to widening of the street because many of the homes are close to the curb and the yards would be taken if the right-of-way is required. Without the right-of-way the streets are much too narrow for the congestion that would be created by the change.

#### COMMENTS AND ACTION BY THE COMMITTEE

C14-68-236 Glen Ragland, et al

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Avenue B; however, they stated they would look with favor on granting "B" Residence, First Height and Area for the two lots fronting onto the north side of West 45th Street at the intersection of West 45th and Avenue B and the three lots located on the west side of Avenue B and adjoining existing "O" Office zoning to the north as those properties are very near the intersection of Avenue B with an east-west arterial street and added traffic into the area would be minimized. They further stated they would not look with favor on granting a change of zoning on the remaining one lot on the east side of Avenue B because of the inadequate streets both north and south and east and west.

At the Commission meeting Mr. McNeil and Mr. Hanks were of the opinion that "B" Residence, First Height and Area zoning would be appropriate for all of the property under consideration in this application and felt that the Committee recommendation should be amended. It was felt that "B" Residence,

C14-68-236 Glen Ragland, et al--contd.

First Height and Area zoning on the other two portions of the application would be acceptable because of the close proximity to West 45th Street which is an east-west arterial street and the traffic generated would be minimized.

After further discussion, the Commission agreed that the requested zoning should be denied on all of the property under consideration because of the inadequate right-of-way of Avenue B; however, they stated they would look with favor on granting "B" Residence, First Height and Area rather than "B" Residence, Second Height and Area, if the street is made adequate, as the appropriate zoning for the properties. It was then

VOTED: To recommend that the request of Glen Ragland, et al 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 45th Street, 4501-4503, 4509-4511 and 4502-4506 Avenue B be DENIED.

C14-68-237 John McKean, et al--contd.

The Committee reviewed the information and concluded that this request should be denied because of the inadequate rights-of-way of the streets and would be an intrusion into a well-established residential neighborhood.

At the Commission meeting Mr. Brown stated that Mr. Cook, representing the applicants, has managed to get 14 lots within this area together in a short length of time for a change of zoning which would indicate that the whole area is right for apartment zoning. It should also be noted that a property owner to the west who owns approximately 16 lots is also in favor of the change.

Mr. Stevens stated that the stub portions of Avenue A, B & C as well as West 46th Street are inadequate and are gravel and if the change is granted it will in effect be granting others even though the streets are inadequate. It is a matter of judgement as to whether this residential area should be maintained as such at this time or whether it should be changed to apartments. If the area was put together more solidly, with approximately 85 or 90 percent of the owners involved, it would be a different consideration as the street problems could be taken care of.

The Commission members agreed that the zoning should not be extended this far north of West 45th Street at this time because of the inadequate streets. It was then

VOTED: To recommend that the request of John McKean, et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4522 and 4523-4525 Avenue B and 4526 Avenue C be DENIED.



C14-68-238 Mrs. M. L. Yancey, Senior, et al--contd.

The Committee reviewed the information and concluded that this request should be denied because of the inadequate rights-of-way of the streets in the area and would be an intrusion into a well-established residential neighborhood.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Mrs. M. L. Yancey, Sr., et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 4607-4609 and 4610 Avenue B be DENIED.

C14-68-239 John T. Schneider, Jr.: A to C  
5515-5517 Martin Avenue  
701 East 56th Street

STAFF REPORT: This application covers 2 parcels of land containing approximately 9,375 square feet. The stated purpose of the request is for sales and repair of laundry equipment. The area along Martin Avenue and Middle Fiskville Road is presently zoned "A" Residence and developed with single-family homes. To the north of East 56th Street is a "C" Commercial district presently developed with a milk company and which is also being developed with an automobile dealership now under construction. Property to the west along Evans Avenue was rezoned to "C" Commercial, First Height and Area in 1963 at which time 10 feet of right-of-way was obtained for the widening of East 56th Street. The staff has no objection to the requested zoning; however, East 56th and Martin Streets, with 50 feet of right-of-way, are inadequate. Ten feet of right-of-way is needed from the subject site for widening of East 56th Street and 5 feet is needed for widening of Martin Street. The staff recommends that the request be denied until such time as the streets are made adequate.

#### TESTIMONY

#### WRITTEN COMMENT

Code

None

#### PERSONS APPEARING AT THE HEARING

Code

A

John T. Schneider, Jr.: (applicant)

FOR

#### SUMMARY OF TESTIMONY

The applicant was present and stated that he is aware of a need for right-of-way and he is willing to dedicate the necessary amount for widening of the streets. He stated he would like to keep the alley behind the site open if possible.

No one appeared in opposition to the case.

C14-68-239 John T. Schneider, Jr.--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate rights-of-way of Martin Avenue and East 56th Street; however, they stated they would look with favor on the requested change, provided the streets are made adequate, as the appropriate zoning for the site.

At the Commission meeting the staff reported a letter from the applicant offering to dedicate the necessary right-of-way for the widening of Martin Avenue and East 56th Street. The Commission then unanimously

VOTED: To recommend that the request of John T. Schneider, Jr. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 5515-5517 Martin Avenue and 701 East 56th Street be GRANTED.

C14-68-240 Walter E. Orr and William Day: A, 1st to B, 2nd  
 3705-3707 Cedar Street  
 107-111 West 38th Street

STAFF REPORT: The subject property consists of two lots totaling 17,600 square feet. The stated purpose of the request is for apartment development. This is an area which has been before the Commission on numerous occasions for zoning changes to "B" Residence, First and Second Height and Area zoning which have been granted. The area south of West 38th Street to the University area and from Guadalupe to Duval has been recommended for apartment development, preferably "B" Residence, First Height and Area zoning as a result of an area study in 1966. "B" Residence, Second Height and Area zoning is established on the area directly south of the site and also on the area north of West 38th Street. Because of the existing zoning and development the staff feels that the change is appropriate; however, West 38th Street, with a present right-of-way of 60 feet, is inadequate and needs to be widened by 5 feet on the south side and by 15 feet on the north side. Cedar Street with a present right-of-way of 55 feet should be widened by 5 feet from the subject site.

## TESTIMONY

## WRITTEN COMMENT

Code

?	Mrs. Dorothy Goodson Templin: Box 85, Nursery, Texas	FOR
H	Mrs. Zettie W. Salathe: 103 East 30th Street	FOR
V	Mary J. & Bertha Casey: 305 West 38th Street	AGAINST
M	Nelson Puett: P. O. Box 9038, Northwest Station, Austin	FOR

C14-68-240      Walter E. Orr and William Day--contd

PERSONS APPEARING AT THE HEARING

Code

Charles Davis: (representing applicants)

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate rights-of-way of 38th and Cedar Streets; however, they stated they would look with favor on the requested change, provided the streets are made adequate, as the appropriate zoning for the site.

At the Commission meeting the staff reported a letter from the applicants offering to dedicate the necessary right-of-way for the widening of 38th and Cedar Streets. The Commission then

VOTED: To recommend that the request of Walter E. Orr and William Day for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 3705-3707 Cedar Street and 107-111 West 38th Street be GRANTED.

C14-68-241      Damon, Brown, Pierce, Inc.: A to B (Trs. 1 & 3) and O (Tr. 2)

Tract 1: 1112-1114 East 32nd Street

Tract 2: 1108-1110 East 32nd Street

Tract 3: Rear of 1108 East 32nd Street

STAFF REPORT: The staff reported that Mr. William Terry Bray, representing the applicants, has requested that this application be postponed.

Mr. Bray stated they they are presently operating an office on the subject property for the Brown Schools under a variance granted in 1958. They have outgrown their present facilities and wish to expand their use. He stated that they were unable to acquire the adjoining property for expansion and felt that the best procedure would be to request a zoning change; however, the neighbors have advised that they are somewhat hesitant about this, not because they are opposed to the present use but because they are concerned about how the property could be used by someone else in the future. Because of this an application has been filed with the Board of Adjustment for an additional variance that would allow for the expansion of the present use. It is requested that this application be postponed until after the request for a variance is heard. If the variance is not granted, the application for the zoning change can then go forward. If the variance is granted, the zoning application will be withdrawn.

The Committee AGREED to POSTPONE this request.

C14-68-242      Henna Chevrolet, Inc.: A, 1st to C, 3rd  
604-606 Delmar Avenue

STAFF REPORT: This application covers two lots totaling 16,050 square feet of land which is presently undeveloped. The stated purpose of the request is for expansion of present automotive business which is located on a 15 acre tract of land to the north of the site and which is zoned "C" Commercial. The area along Delmar Avenue is presently zoned and developed with "A" Residence uses except at the Interregional Highway. All the streets have 50 feet of right-of-way and all are gravel. The staff feels that the requested zoning should be denied as an intrusion into an established and defined residential area. If a change does occur it should be on a more comprehensive basis rather than piece-meal. It should also be pointed out that if the request is granted, right-of-way would be needed for the widening of Delmar Avenue which is presently 50 feet wide.

#### TESTIMONY

#### WRITTEN COMMENT

##### Code

	Petition with 12 signatures	AGAINST
U	E. D. Bohls: Suite 201, First Federal Bldg.	FOR
AJ	Curtis Gunn, Inc.: P. O. Box 14475, San Antonio	FOR

#### PERSONS APPEARING AT HEARING

##### Code

	Malcolm Robinson (attorney for the applicant)	
?	William Lee: 7522 Interregional	FOR
?	Mr. & Mrs. Daniel Braxton: 306 Delmar	AGAINST
C	Mrs. Cordie L. Brown: 600 Delmar	AGAINST
?	Mr. & Mrs. Hornsby: 609 Delmar	AGAINST
?	Alice Piper: 409 Delmar	AGAINST
?	Mr. & Mrs. Moriss Dixon: 300 Delmar	AGAINST
B	Joe Dixon: 608 Delmar	AGAINST
?	Bob Sitz: 6414 North Hampton	AGAINST
?	Mrs. Ralph H. Genz: 6816 Hanover Lane	AGAINST
?	Leon Chambers: 7403 Carver	AGAINST
?	Milton Allen: 7405 Carver	AGAINST
?	Herbert Ree: 304 Blackson Avenue	AGAINST
?	M. Cathey: 403 Blackson	AGAINST
M	Bobbie L. Harrold: 705 Delmar Avenue	AGAINST
?	Berry Williams: 307 Delmar	AGAINST
?	Frances Williams: 307 Delmar	AGAINST
?	Mary Lou Hill: 708 Blackson	AGAINST
?	S. F. Giddings: 511 Delmar	AGAINST
F	Mr. & Mrs. James Dean: 506 Delmar	AGAINST
?	Pearl Fletcher: 709 Delmar Avenue	AGAINST
?	Hollie Moffett: 500 Blackson Avenue	AGAINST
Z	Mary Jane Taylor: 601 Delmar	AGAINST
Q	Johnnie and Beatrice Jackson: 706 Blackson	AGAINST
?	Byron Lockhart: (attorney for property owners)	AGAINST

C14-68-242 Henna Chevrolet, Inc.--contd.

PERSONS APPEARING AT HEARING--contd.

Code

?	Rev. J. H. Penn: 2901 East 14th Street	AGAINST
?	Lucy B. Gordon: 7509 Bethune Avenue	AGAINST
?	Junior E. Scott: 707 Blackson	AGAINST
?	Maple Taylor: 7519 Carver Avenue	AGAINST
N	Gladys Wilson: 707 Delmar	AGAINST
?	Evelyn Hendricks: 7313 Carver Avenue	AGAINST
Y	Mrs. Esther Lee Giddings: 511 Delmar	AGAINST
AF	Mr. & Mrs. Willie Lee Roberts: 510 Blackson Ave.	AGAINST
?	Helen Carslile: 7511 Benett Avenue	AGAINST
?	Virginia & Calvin Brown: 7411 Carver	AGAINST
?	Johnnie M. & Gilbert Easley: 7606 Providence	AGAINST
?	Jeff Hancock: 8306 Rockwood	AGAINST
?	Mr. & Mrs. William J. Clup: 4804 Creekwood	AGAINST
?	Mr. & Mrs. Arthur Wright, Jr.: 7309 Bennett Avenue	AGAINST
?	Connie Brown: 7307 Bennett Avenue	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Malcolm Robinson, representing the applicants, stated that the purpose of the request is to extend the existing automobile business onto the two lots under consideration. The map presented by the staff indicates the requested zoning would be a spot zone situation but if the entire area is considered there is no doubt that the requested change would permit the highest and best use for the property as well as other property north of Delmar Avenue. In order to cut down on the access, the street would be extended through to Henna Chevrolet Company located on the property to the north. There is a service station on the Interregional Highway and property behind the service station is being used for commercial property. When property to the north was rezoned there was discussion as to whether a buffer zone should be established for the residential development to the south and whether this type of zoning should extend to Delmar Avenue. The thinking apparently was that the commercial would eventually move into the residential area and Delmar Avenue would be the buffer. The requested zoning is a logical extension of the zoning existing to the north and would allow the highest and best use of the site. The applicant has a considerable investment on property to the north and he would like to expand and use the property under consideration which will bring in more taxes to the City. Mr. Robinson presented a letter stating that several property owners along Delmar Avenue have been contacted and are not opposed to the change if the property is not developed with a saloon. A steel building will be constructed on the site and will be partially used as a parts warehouse and in the rear towards the plant there will be a "make-ready" shop.

C14-68-242 Henna Chevrolet, Inc.--contd.

## Arguments Presented AGAINST:

Mr. Byron Lockhart appeared at the hearing and stated that he represents the large number of people appearing in opposition to the request as well as people who were unable to attend. He presented notarized statements from a number of people in the area opposing the change and explained that more than 80 percent of the people were contacted with regard to the request and all were in opposition. The staff has recommended denial as a change would represent an intrusion into a completely residential area and would be piece-meal zoning. The people in the area have lived there for sometime and wish to continue there and own their homes. It was stated by the applicant's representative that the change would be the highest and best use of the land. The property was designed for residential use and should be used for that purpose. He stated that with regard to Martin Street it is his understanding that when the subdivision was originally laid out the street was dedicated. Since the land immediately to the north has been developed for the Henna Chevrolet Company there has been a warehouse constructed in close proximity to the street and used predominantly by the traffic as a back entrance into the commercial property. A desirable buffer would be to vacate the street and leave the lots as residential lots with no commercial traffic going through the area. This is a residential area that has been established for many years and the people do not wish to have it changed.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henna Chevrolet, Inc. for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Third Height and Area for property located at 604-606 Delmar Avenue be DENIED.

C14-68-243 C. Grady Cates and Wroe Owens: Int. A, Int. 1st to A, 1st (Tr. 1)  
 Tract 1: 2329-2435 Parker Lane BB, 1st (Tr. 2), O, 1st (Tr. 3)  
 Tract 2: Rear of 2401-2435 Parker Lane and GR, 1st (Tr. 4)  
 Tract 3: 2428-2434 Metcalfe Road  
 Tract 4: 2301-2327 Parker Lane  
 2300-2362 Burleson Road  
 2400-2426 Metcalfe Road

STAFF REPORT: This application covers four tracts of land totaling approximately 10.5 acres. The stated purpose of the request is for a community center. Tract 1, covering approximately 58,000 square feet fronting onto Parker Lane is a request for "A" Residence, First Height and Area; Tract 2, adjoining Tract 1 to the east and consisting of approximately 88,000 square

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C14-68-243 C. Grady Cates and Wroe Owens--contd.

feet is a request for "BB" Residence, First Height and Area; Tract 3, containing approximately 18,600 square feet adjoining lot 2 to the east and fronting onto Metcalfe Road is a request for "O" Office, First Height and Area and Tract 4, the balance of the area consisting of 269,000 square feet fronting onto Parker Lane, Burleson Road and Metcalfe Road is a request for "GR" General Retail, First Height and Area. The subject property has been before the Commission for consideration earlier this year at which time the applicant requested "GR" General Retail, First Height and Area zoning on the entire tract for the purpose of a community center. The request was withdrawn at the City Council hearing.

There is a mixture of zoning north of Parker Lane consisting of "O" Office and "LR" Local Retail as well as "GR" General Retail development; however, most of the tracts are large tracts which are presently undeveloped. Directly to the west of the site is a new residential area which is developed with high quality single-family homes. "GR" General Retail is established at the intersection of Live Oak Street and Parker Lane. Residential development, consisting of single-family and two-family homes is established to the south. A church is established on the property to the north across Burleson Road.

A recent Master Plan change was considered for this area including the subject property, at which time it was recommended that the area to the east of Parker Lane be designated for apartments and the area west of Parker Lane be recommended for residential development. When the subject property was recently before the Commission for consideration of "GR" General Retail zoning the staff recommended that "GR" General Retail be granted on the north portion fronting onto Live Oak and Burleson Road as a continuation of the "GR" General Retail district directly west of the property but felt that the southern portion of the site should not be changed because of the relationship to the existing residential areas to the west and south. There was a preliminary subdivision on the property which proposed the continuation of Biggs Drive through the property to Burleson Road. The staff had no objection to this as it was felt that Biggs Drive should be continued or should be terminated in a cul-de-sac. The applicant amended the application to request "GR" General Retail on the property with the exception of a buffer of duplexes fronting onto Parker Lane. The application was subsequently withdrawn at the Council hearing.

The staff has no objection to the requested zoning on Tracts 1, 3 and 4; however, it is felt that "BB" Residence zoning on the entire portion of Tract 2 would not be appropriate as there would be access into an apartment district through a residential area therefore, it is recommended that the requested zoning on Tract 2 be denied and that "A" Residence, First Height and Area zoning be granted. It should be pointed out that if the request on Tracts 3 and 4 are granted, additional right-of-way is needed from the site for the widening of Metcalfe Road and Burleson Road.

831  
~~828~~

C14-68-243 C. Grady Cates and Wroe Owens--contd.

TESTIMONY

WRITTEN COMMENT

Code

?	Ralph L. Cochran: 2500 Parker Lane	AGAINST
AJ	David R. Jaso: 2407 Glen Springs Way	AGAINST
S	Mr. and Mrs. Cyrus W. Palmore: 2402 Parker Lane	AGAINST

PERSONS APPEARING AT HEARING

Code

?	Phil Mockford (representing applicants)	
?	Mr. & Mrs. F. M. Robinson: 2406 Parker Lane	AGAINST
T	Mrs. Irene Hoffman: 2404 Parker Lane	AGAINST
	Bishop Thompson	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Phil Mockford, representing the applicants, stated that he also represented the previous owners of the property when the original application for "GR" General Retail zoning was made on the entire 10½ acre tract. At that time the Zoning Committee as well as the Commission indicated they did not think general retail zoning was proper for the entire site. At the time the previous owner had the property under contract with out of town investors subject to the requested change. He explained that although considerable time went into finding a plan that was acceptable to the staff and the people in the community and the request was postponed before the City Council several times, they were unable to come up with a plan that was acceptable to the owners, the staff and the people in the community and the request was withdrawn.

Mr. Mockford stated that the subject property now belongs to Mr. Cates and Mr. Owens and the application as filed is, with the exception of the request on Tract 2, the staff recommendation as the proper zoning for the tracts. At the hearing before the property owners mainly to the east of Parker Lane raised two basic objections. One was the amount of traffic the then proposal would spill out onto Parker Lane and across to their subdivision. At the time access was proposed onto Parker Lane and onto the street running west therefrom. The people in the area do not want traffic out of a shopping center flowing into the residential area. The other objection was that the people immediately across the street and to the south of Parker Lane would have a view into either a shopping center parking lot or into the front or back of a line of stores. Mr. Mockford presented a sketch to the Committee for consideration showing the development as proposed at this time and explained that this sketch has been mailed to the people in the area who received notices of the public hearing. He further explained that in an effort to cure the objections by the property owners they have proposed one entrance onto Parker Lane which is located to the north of the property and in line



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C14-68-243 C. Grady Cates and Wroe Owens--contd.

with the street leading off to the west so that there will not be any back and forth direct traffic leading into the subdivision. An extension of Biggs Drive through Tract 2 and Tract 1 is planned to Parker Lane. The extension of this street was previously recommended by the staff as the best way to get traffic in and out. Also proposed is a tier of "A" Residential lots down Parker Lane provided as a buffer strip. Mr. Mockford stated that they have indicated that they think the reasonable development of those lots is not single-family but would be duplexes which would provide the buffer between the shopping center area and the residential area west of Parker Lane. Everyone should agree that the entire tract is certainly not amenable to all single-family development. Parker Lane has 70 feet of right-of-way from Riverside Drive to Ben White Boulevard and East Live Oak is planned as a major east-west thoroughfare. The only difference there is with the staff recommendation is that it is felt that the "A" Residential lots on Parker Lane provide a proper buffer between what is proposed as commercial development and the residential area, therefore, the "BB" Residence zoning on Tract 2 would be a logical method of zoning. There are ten lots proposed in Tract 2 and because of the size the most units that could be put on any one lot would be four. The developers feel that fourplex development on the 10 lots would be the best development of the tract.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that there are several shopping centers in close proximity to the area and another one is not needed. It has been stated that Parker Lane has 70 feet of right-of-way but it should be pointed out that the street as now exists is very narrow and does not extend from Riverside Drive to Ben White Boulevard. The people in the area purchased their homes with the understanding that the entire area would be developed with single-family homes and two-family homes and a change would be detrimental to the existing development.

Mr. F. M. Robinson appeared and stated that he is opposed to any kind of a change on Tracts 1 and 2 as it would be detrimental to the area but he does not oppose the requested zoning on Tracts 3 and 4.

Bishop Thompson was present on behalf of the church located at the intersection of Parker Lane and East Live Oak Street. He explained that they have a new building on their property and are concerned in that the type of retail businesses that could be established would be detrimental to their worship. He stated that this is a nice, quiet residential area and this atmosphere is one of the reasons the location of the church was chosen.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning on Tracts 1, 3 and 4 is appropriate. They recommended that the request on Tract 1 be granted but felt that the request on Tracts 3 and 4 should be denied

C14-68-243 C. Grady Cates & Wroe Owens--contd.

because of the inadequate rights-of-way of Burleson Road and Metcalfe Road. They stated they would look with favor on the zoning for Tracts 3 and 4 if the streets are made adequate. With regard to Tract 2, the Committee recommended that the request be denied; however, they stated they would look with favor on granting "BB" Residence, First Height and Area zoning on the northern portion of the tract provided that access is not provided from Parker Lane or Biggs Drive which are both residential streets. They felt that "A" Residence, First Height and Area zoning should be established on the southern portion of Tract 2 to provide a buffer for the residential area to the south.

At the Commission meeting, Mr. Stevens advised the Commission that the staff has reached a general agreement with Mr. Mockford concerning Tract 2. Mr. Mockford feels that Tract 2 can best be served by bringing a street in from Biggs Avenue to the south through the property intersecting with Parker Lane and platting lots on the street but at the same time restrict driveways, carports and garage facilities to the rear of the lots platted on this street. There would be a common access easement serving these lots to the rear that would feed out to Metcalfe Road through the commercial area. There would be no driveway breaks in the street on which these lots front. The lots platted on the north side of the proposed street would be zoned "BB" Residence, First Height and Area and developed with fourplexes. The lots on the south side of the proposed street would be "A" Residence, First Height and Area and could be developed with two-family dwellings. The staff feels that this is a workable solution because of the abutting residential property and because of the access to the rear of the lots the traffic would be minimized.

Mr. Mockford stated that he has submitted to the staff a letter offering to dedicate five feet of right-of-way for Burleson Road and up to fifteen feet for East Live Oak Street.

The Commission members agreed that the requested zoning on Tracts 1, 3 and 4 should be granted as the logical and proper zoning. They agreed with the proposal by the applicant for Tract 2 and recommended that the portion of the tract north of the proposed street be zoned "BB" Residence, First Height and Area and the portion of the tract south of the proposed street be zoned "A" Residence, First Height and Area, subject to the necessary field notes describing the property. It was then

VOTED: To recommend that the request of C. Grady Cates and Wroe Owens for a change of zoning from Interim "A", Interim First Height and Area to (Tr. 1) "A" Residence, First Height and Area; (Tr. 2) "BB" Residence, First Height and Area (Tr. 3) "O" Office, First Height and Area and (Tr. 4) "GR" General Retail, First Height and Area for property located at (Tr. 1) 2329-2435 Parker Lane; (Tr. 2) Rear of 2401-2435 Parker Lane (Tr. 3) 2428-2434 Metcalfe Road and (Tr. 4) 2301-2327 Parker Lane, 2300-2362 Burleson Road and 2400-2426 Metcalfe Road be GRANTED for Tracts 1, 3 & 4 and that "BB" Residence, First Height and Area be GRANTED for the portion of Tract 2 north of the proposed street and "A" Residence, First Height and Area be GRANTED for the portion of Tract 2 south of the proposed street.

C14-68-244      Odas Jung: A, 1st to C, 6th  
                     7319-7333 Interregional Highway  
                     801-917 Blackson Avenue

STAFF REPORT: This site consists of 4.03 acres of land which is presently undeveloped. The proposed use is for a car and truck dealership. The immediate area is developed with a number of zoning districts. On the east and west side of the Interregional Highway is "C" Commercial and "LR" Local Retail zoning. On the east side of the Interregional Highway to the north and south of the site is "A" Residence and "D" Industrial zoning and development. To the southeast and fronting onto St. Johns Avenue is the St. Johns Avenue Elementary School which backs to the subject site. Directly east of the property is residential development that fronts onto Bennett Avenue, Carver Street, Blackson Avenue and Delmar Avenue. Blackson Avenue with a present right-of-way of 50 feet has approximately 30 feet of gravel surface and should be paved 40 feet if the "C" Commercial zoning is to be extended eastward from the Interregional Highway. The staff recommends that the right-of-way be 60 feet with a minimum of 40 feet of paving. The large tract of "A" Residence property north of Blackson Avenue will most likely go to commercial zoning if the south side is developed as proposed. The staff has no objection to the requested change but it is recommended that the request be denied at this time until such time as the right-of-way and paving of Blackson Avenue is made adequate to accommodate commercial traffic.

TESTIMONY

WRITTEN COMMENT

Code

M	R. Miller Hicks and Company: 1011 West 11st St.	FOR
K	Jack Polk: 803 West 5th St.	FOR
X	E. M. Lawrence: 1820 Ashby	FOR
A	Odas Jung: P. O. Box 668	FOR

PERSONS APPEARING AT HEARING

Code

A	Joe Jung: (representing applicant)	
?	Thomas E. Edmondson: 2501 Sabine	AGAINST
AR	Junious E. Scott: 707 Blackson	AGAINST
?	Maple Taylor: 7519 Carver Avenue	AGAINST
?	Beatrice Dixon: 7204 Bennett	AGAINST
?	Johnnie M. & Gilbert Easley: 7606 Providence	AGAINST
?	Mildred Moffett: 500 Blackson	AGAINST
?	Etta B. Ferrell: 919 Delmar	AGAINST
?	Joe and Robbie Lee Dixon: 608 Delmar	AGAINST
?	Rev. Alvin Patton: 2705 Crest	AGAINST
?	George R. Shoaf: 1021 East St. Johns Avenue	AGAINST
?	Booker T. Hazwood: 7303 Carver	AGAINST
?	Mr. & Mrs. Charles E. Perry: 7213 Bennett	AGAINST
?	Mary Barton: 6912 Providence	AGAINST
?	Willie B. Harris: 7407 Carver	AGAINST
?	Calvin L. Brown: 7411 Carver	AGAINST

C14-68-244 Odas Jung--contd.

?	Mr. & Mrs. Eugene Shaw: 7404 Carver	AGAINST
?	Mrs. W. B. Powell: 6916 Bethune Avenue	AGAINST
?	Mrs. Pearl Fletcher: 7216 Meadow	AGAINST
?	Ethel Hill: 7211 Providence	AGAINST
AB	Roberta Hutchin: 7311 Bennett	AGAINST
?	Leon Chambers: 7403 Carver	AGAINST
?	Gardie Reed: 7312 Bennett	AGAINST
AA	Clara B & Arthur Wright, Jr.: 7309 Bennett Ave.	AGAINST
?	Mr. and Mrs. Morise Dixon: 300 Delmar Street	AGAINST
?	Victor Baez: 815 Tirado Street	AGAINST
?	Cathy Elliott: 7404 Meador	AGAINST
?	Mrs. Willie Lee Roberts: 510 Blackson Ave.	AGAINST
?	Mrs. Esther Lee Giddings: 511 Delmar	AGAINST
?	John Erickson: 7008 Bethune	AGAINST
?	Virginia Brown: 7411 Carver	AGAINST
?	Helen Carslile: 7511 Bennett	AGAINST
?	Mrs. Beatrice Bedford: 7500 Carver	AGAINST
?	William J. & Margaret Culp: 4804 Creekwood	AGAINST
?	Sarah Hendricks: 7519 Bennett	AGAINST
?	Leroy and Nadine Hendricks: 7519 Bennett	AGAINST
?	Evelyn Hendricks: 7313 Carver Avenue	AGAINST
?	Maggie Jones: 7305 Bethune	AGAINST
?	Mrs. Alberta L. Brown: 7406 Carver	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Joe Jung appeared on behalf of this request and explained that at the present time the front 240 feet of the subject site is zoned "C" Commercial, Sixth Height and Area and is developed with Yellow Transit Freight Company. The proposal is to sell the land subject to rezoning to the Chrysler Corp. for the purpose of establishing a Dodge dealership on the site. They have plans on the property and would be willing to work out the paving and right-of-way in order to have a first class dealership in the area. There is mixed zoning and development along the Interregional Highway and it is felt that the request is logical. The paving of Blackson Avenue will enhance the St. Johns Addition and the City of Austin, tax wise. It is realized that the property lies adjacent to the St. Johns residential subdivision but it is not a part of that subdivision. There is concern by the people in the area because of the traffic but it is felt that by eliminating the transit company there will not be as many large trucks going through the area. St. Johns Addition has grown but at the same time it is one of the most sparsely populated subdivision in Austin and the proposed development on the site and the paving of the street will help the area.

C14-68-244 Odas Jung--contd.**Arguments Presented AGAINST:**

Mr. Tom Edmundson appeared at the hearing on behalf of a number of the property owners in the area who are opposed to the change. He presented a petition with 53 signatures and explained that most of the people signing the petition live directly adjacent to the area proposed to be rezoned. Not a single resident who was contacted in this area was in favor of the change. Mr. Edmundson stated that there is a traffic hazard that already exists in the St. Johns community in that freight trucks that come down U. S. Highway 180 turn right on two residential streets known as Carver and Bennett. The trucks travel down these residential streets and turn right on Blackson Avenue in order to get to the Interregional Highway and turn into the truck terminal. The use of the streets in this manner should be in violation of some City ordinance. But the rezoning of the proposed area as commercial the traffic will only increase which will endanger the lives of the residents in the area, especially the children. The trucks that travel these streets travel at a high rate of speed creating a lot of dust and stirring up a lot of dirt. Central Freight Company is already located across the street from St. Johns School along St. Johns Avenue and the establishment of commercial in the area could only be more detrimental. This rezoning so close to the residential area and due to the nature of the intended commercial use can only intensify an already dangerous situation. Between the subject property and the property used by the Central Freight Lines is a St. Johns School and St. Johns Memorial Baptist Church in addition to approximately eight residences. If the zoning is changed it would only be logical to assume that this zoning would move into the St. Johns area and if the area loses the church and school through rezoning it will destroy the community of St. Johns itself. If the area is to expand their school, church and homes they must have more land. St. Johns is not broken into parts but is an entire community and all the residents have joined together in a movement to improve the area. To change the zoning would have depressing effect on the total community development. Another point of consideration is the fact that there is a tremendous housing shortage in Austin part of which has been created by the relocation problems caused by Urban Renewal. The people that are being relocated need some place to go and some are being moved into this area. It is felt that the zoning should be denied as it will be of no benefit to the community.

Several nearby property owners spoke in opposition to the request emphasized that this is a residential area and the residents are trying to build the community and felt the change would be an intrusion.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee reviewed the information and concluded that this request be denied because of the inadequate right-of-way of Blackson Avenue; however, they stated they would look with favor on granting "C" Commercial, Sixth Height and Area zoning for the site, with the exception of the east 100 feet

C14-68-244 Odas Jung--contd.

which should remain "A" Residence, provided the street is made adequate and the applicant initiates the necessary street paving for this section of Blackson Avenue that will serve the subject property.

At the Commission meeting the staff reported a letter from Mr. Joe Jung stating that his client has agreed to dedicate five feet of right-of-way the full length of the property for widening of Blackson Avenue and also that the owner, Mr. Odas Jung and the purchaser, Chrysler Realty Corporation, will initiate the necessary petition, request and procedure to accomplish the paving of Blackson Avenue abutting the site. Mr. Jung also requests "O" Office rather than "A" Residence and agreeing to erect a six foot high wooden fence to act as a screen between their property and the residential property to the east.

Mr. Stevens stated that the staff has talked to the owner of the large tract of land across from the site and if the requested zoning is granted it is logical and reasonable to extend it on the north side of Blackson Avenue. The staff feels that the requested zoning should be granted. If the Commission agrees with the offer of the fence, it is suggested that this be provided for a distance of 100 feet along their south property line.

The Commission members agreed that the requested change on the property is a logical continuation of existing zoning. They were of the opinion that the "O" Office, First Height and Area as amended on the east 100 feet of the site would serve as an adequate buffer between the commercial property and the residential property with the offered privacy fence. 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 "C" Commercial, Sixth Height and Area and "O" Office, First Height and Area (as amended) for property located at 7319-7333 Interregional Highway and 801-917 Blackson Avenue be GRANTED.

C14-68-245 H. L. Storch, et al: A to B  
1712-1804 and 1810-1910 Patton Lane

STAFF REPORT: This application covers approximately six one acre parcels of land four of which front onto Patton Lane. The stated purpose of the request is for apartment development. When the adjoining property to the north was recently rezoned "LR" Local Retail, First Height and Area by the Council there was an agreement with the owners to bring a street about 450 feet from U. S. Highway 290 southward along the east property line terminating in a cul-de-sac for the present time. There is a pending case at the corner of Patton Lane and Berkman Drive of "O" Office zoning with certain restrictive covenants. Next to that to the east there is an existing "B" Residence, First Height and Area district.

C14-68-245 H. L. Storch, et al--contd.

The staff feels that the zoning as requested by the applicant can be worked out but without the extension of the cul-de-sac street southward from U. S. Highway 290 into Patton Lane it is recommended that the request be denied. "B" Residence, First Height and Area zoning is a density of approximately 41 units per acre depending on the number of bedrooms per unit. When this property is considered with other property zoned for apartments and property with a potential with a same type zoning it is felt that the extension of the cul-de-sac to Patton Lane to disburse the traffic and provide for better circulation is very necessary before the staff can recommend additional zoning.

Earlier this year there was a request by Mr. Howard Spear for a change of zoning on three one acre tracts of land fronting onto Mira Loma Lane at which time the staff and the Planning Commission recommended denial because of the street problems. It was felt that Mira Loma Lane with 50 feet of right-of-way and 30 feet of paving and Patton Lane with the same type of pavement were inadequate to justify an increase in density, population and traffic to the extent this application would do. At that time the staff stated they would recommend the zoning if a street could be extended west from Mira Loma to the north-south street which is now recommended in order to provide better circulation. There is a drainage problem through the area that will provide some difficulty in developing the lot adjoining to the east of the church but it is recommended that the street be extended along the property adjoining the church site to the east where it would join Patton Lane at Linda Lane and provide for a normal intersection. The street can be workable on either side of the church location but the staff feels that the location as indicated on the report is the preference.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

BT	Douglas Allen: 1713 Patton Lane	AGAINST
BW	Winona C. Lasater Alff: 2319 West 8th Street	FOR
BK	Erwin M. Dabbs: 6503 Hickman	AGAINST
H	P. S. Howerton: 102 17th St. N, Texas City, Texas	FOR
AS	Mr. & Mrs. Clarence S. Campbell: 1907 Patton La.	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

A Rhea B. Merrett: (representing applicant)

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Rhea Merrett representing the property owners involved in this application advised the Committee that there is no agreement with any of the

C14-68-245 H. L. Storch, et al--contd.

property owners for a street provision as proposed by the staff. He stated that he does not think the street is a good idea because he is not in favor of bringing the traffic down from the 6½ acre tract to the north through the property which is proposed to be developed. Mr. Merrett stated that he would like to bring the traffic from the area onto Patton Lane and the property owners are willing to give 10 feet from the property fronting along the street in order to widen the street and enhance the traffic flow. The street as proposed by the staff is not needed.

Mr. Merrett further stated that he would like to leave the cul-de-sac as it is and have the traffic from the most northerly two acres be served by the cul-de-sac with the remaining property served by Patton Lane. If the street is continued traffic using the street going north would have to turn right on the one-way frontage road for U. S. Highway 290 and maneuvered a cross-over at Mira Loma Lane and U. S. Highway 290. If the street is continued as proposed by the staff it will destroy 3 of the lots as there will not be enough room to build apartments and the street too. Mr. Merrett commented that he had studied the traffic flow and the density in this area and feels that the circulation problem can be resolved in another form other than the one proposed by the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Patton Lane and the inadequate street circulation. They stated that they would look with favor on the requested change, provided Patton Lane is made adequate and if a more adequate street system to serve the properties can be worked out.

At the Commission Meeting Mr. Stevens advised the members that Mr. Merrett has talked to Mr. Osborne with regard to this request and he has instructed the staff to work out a firm recommendation for street circulation.

Mr. Lillie pointed out the shopping centers and schools in the vicinity of the property and the existing street system. He stated that Berkman Drive and Cameron Road, both located to the west, are major arterial streets in the Master Plan and U. S. Highway 290 is located to the north. Most of this area is already subdivided for single-family use and has been developing for approximately 10 years.

The concern by the staff is the relationship of the development of this area to the surrounding single-family neighborhood with respect to circulation. Assuming that the "LR" tract to the north of the site, and the subject property and other tracts in the area are used for apartment development, approximately 700 units would be permitted. The tracts which do not front onto Patton Lane would be permitted to have approximately 500



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C14-68-245 H. L. Storch, et al--contd.

units and would be served only by a 450 foot cul-de-sac with 60 feet of right-of-way with access only to the one-way east frontage road of U. S. Highway 290. Traffic would then be required to merge and cross eastbound expressway traffic in order to reach the crossing at U. S. Highway 290 and Mira Loma Lane and then make another turn to go westbound toward town. This is a very dangerous type of movement especially when considering an estimated 3,500 trips per day generated by the development of 500 units. One alternative would be to drive west to Mira Loma Lane, then south on Mira Loma, a residential street with only 50 feet of right-of-way and weave through residential streets to the nearest collector street at Briarcliff. Access going south and west from the subject tract is very poor. Assuming the acreage fronting onto Patton Lane is zoned "B" Residence traffic generated by some 200 apartments, about 1,500 trips per day, would be required to use Patton Lane. This street would be required to be widened from the present 50 feet of right-of-way to a minimum of 60 feet. Traffic would likely use Berkman Drive and if commercial facilities are developed along U. S. Highway 290 between Berkman Drive and Mira Loma Lane, traffic would have to enter the one-way frontage road and then use Mira Loma to get back to their point of origin. There are a great many disadvantages to not extending the cul-de-sac to Patton Lane. Mr. Lillie stated that the Planning Department has two suggestions with regard to the street. The first propose is that the cul-de-sac be extended down the east side of the church property. There is a drainage ditch which crosses the church and down the east property line and the location of the street to the east would negate the necessity of having to do any kind of improvement to the ditch and also the street would be tying in more directly with Linda Lane to the south. This location is recommended. The other alternative would be that the cul-de-sac be extended to the west side of the church. This would result in an offset at the intersection of Hickman Drive which extends to the south. The offset would be approximately 120 feet from center line to center line and the usual recommendation is that there be a minimum of 150 feet. The staff strongly recommends that the street be provided which would permit more ready access into this apartment area. Without the street the traffic and circulation problems and their effect on the surrounding single-family development would be extremely critical.

The Commission members agreed that the street circulation in this area is inadequate. They felt that in view of this and because of the inadequate right-of-way of Patton Lane that the request should be denied; however, they stated they would look with favor on the change, provided Patton Lane is made adequate and with the condition that there be more adequate street circulation. It was then

VOTED: To recommend that the request of H. L. Storch, et al for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1712-1804 and 1810-1910 Patton Lane be DENIED.

841  
~~838~~

C14-68-246      Donald W. Gibson: C to C-2  
Rear of 7518-7520 North Lamar Boulevard

STAFF REPORT: This application covers a small portion of land belonging to the applicant covering 744 square feet and is located on the interior of the lot. The zoning as requested is to permit a package store. The zoning is requested for only that portion of the lot that will accommodate the building and the remainder of the lot will remain as "C" Commercial zoning. There is "C" Commercial zoning established along both sides of South Lamar Boulevard with "GR" General Retail zoning established directly across the street. The staff has no objection to the requested zoning as it is the policy of the Commission to grant "C-2" Commercial zoning in well defined and well developed commercial areas.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

F	Frank Janak: 701 Morrow	FOR
D	C. C. Cook: 7524 North Lamar (Northgate Office Bldg.)	FOR

##### PERSONS APPEARING AT HEARING

###### Code

A	Donald Gibson: (applicant)	FOR
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#### SUMMARY OF TESTIMONY

The applicant was present at the hearing and had nothing to add to the report by the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented noting that "C-2" Commercial zoning is requested for only the building location, and recommended that this request be granted as this is a well-defined and well-developed commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Donald W. Gibson for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 7518-7520 North Lamar Boulevard be GRANTED.

842  
~~830~~

C14-68-247 Joe Russo, Trustee: C, 5th to C, 3rd  
Rear of 301-501 U. S. Highway 183 (Anderson Lane)

STAFF REPORT: This application covers an interior tract of land containing approximately 2.90 acres which is presently undeveloped. The stated purpose of the request is for an office building and is part of the development proposal on adjoining property as well as the subject site. The property adjoins a large area zoned "C" Commercial, Third Height and Area. The staff has requested the portion of the property fronting onto Anderson Lane, which is not included in the request, be retained as Fifth Height and Area for control of setback along a boulevard. There is in the process a subdivision which proposes a street south of Anderson Lane into the property.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A

Richard Baker: (representing applicant)

FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, stated that the applicant proposes to build an office building on this area and the zoning is requested for the part of the tract that lies to the south. The height of the proposed building is such that it could not be constructed under the Fifth Height and Area zoning district. The Fifth Height and Area zoning retained on the area for a distance of 100 feet would be consistent with other zoning in the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joe Russo, Trustee for a change of zoning from "C" Commercial, Fifth Height and Area to "C" Commercial, Third Height and Area for property located at the rear of 301-501 U. S. Highway 183 (Anderson Lane) be GRANTED.

C14-68-248      City of Austin: A, 1st to B, 2nd or more restrictive district  
                  309 Cumberland Road  
                  2701-2705 Wilson Street

STAFF REPORT: This application, covering 6,500 square feet is made by the City of Austin for the purpose of establishing the appropriate use and height and area district. The request was advertised as an application to "B" Residence, Second Height and Area zoning or more restrictive district so that a wide range of zoning could be considered by the Commission and Council. The property is located diagonally across from "BB" Residence, First Height and Area zoning, granted in 1965, which is developed in part with apartments. "C" Commercial zoning is established to the west at the intersection of La Mesa Drive and Cumberland Road. There is a strip of "BB" Residence zoning on property north of Cumberland Road which is joined by "GR" General Retail zoning. "C" Commercial zoning is established to the east along South Congress Avenue. The area south of the site is zoned and developed with "A" Residential development. In the disposing of the subject property, the City will retain 10 feet of right-of-way for the widening of Cumberland Road which will reduce the size of the lot to 6,000 square feet. Because of this the staff recommends that the property be zoned "B" Residence, First Height and Area and that there be a restrictive covenant on the site limiting the development to 4 units. The staff feels that this zoning would be appropriate for the site.

#### TESTIMONY

##### WRITTEN COMMENT

Code

U              James W. Odell: 2718 Wilson

FOR

##### PERSONS APPEARING AT HEARING

Code

None

#### SUMMARY OF TESTIMONY

No one appeared in interest of this request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and were cognizant of the fact that the City is retaining 10 feet of the site for street widening of Cumberland Road. In view of this and because of the existing zoning in the area they felt that "B" Residence, First Height and Area zoning should be established as the appropriate zoning for the site; however, they recommended that the development on the site be restricted to 4 units, because of the size of the site remaining when 10 feet is retained for widening of Cumberland Road.

C14-68-248 City of Austin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area or more restrictive district for property located at 309 Cumberland Road and 2701-2705 Wilson Street be GRANTED "B" Residence, First Height and Area.

C14-68-249 City of Austin: A, 1st to B, 2nd or more restrictive district  
400 Swanee Drive  
7109 Northcrest Boulevard

STAFF REPORT: This application made by the City of Austin covers approximately 9.6 acres of undeveloped land, and is to establish the appropriate use and height and area district. The smaller parcel of the property under consideration fronts onto Swanee Drive. Northcrest Boulevard dead ends into the site at the north. These are the means of access to the property. The application was advertised as a request of "B" Residence, Second Height and Area zoning or more restrictive district so that the Commission and the Council would have a wide range of zoning districts to consider.

The most recent development in the area has been a mixture of duplex development along Guadalupe Street and Swanee Drive. The area has undergone recent changes. "B" Residence, Second Height and Area zoning was recently granted on Kenneston Drive to the south and two "B" Residence applications have recently been granted on property at the corner of Swanee Drive and Guadalupe Street.

A request for "BB" Residence, First Height and Area zoning was granted last month on one lot adjoining the site to the west, having frontage onto Guadalupe Street and also one lot across Guadalupe Street although the ordinance is pending on one of the requests.

The reason for this application is to try to establish the proper zoning and use of the City property for development. The staff's preference is that the property be subdivided for duplex development with access from Northcrest Boulevard and having lots platted along an interior loop street. Approximately 30 duplex lots could be established for the property if developed in this manner. Realizing that there is other "BB" Residence, First Height and Area zoning in the area the staff feels that this property could realistically be developed with low density apartments and suggests "BB" Residence, First Height and Area zoning which was granted on property adjoining to the east and across Guadalupe Street; however, "BB" Residence zoning could only be supported if additional access is provided from this site to Guadalupe Street. The 50 foot parcel of the site extending to Swanee Drive is utilized for a drainage ditch. Along the east side of the property there is a 6 to 7 foot open drainage ditch.

C14-68-249 City of Austin--contd.

Mr. Stevens advised the Committee that he has talked to several of the property owners in the area who feel that there is a serious problem with the sanitary sewers serving this property as well as their property. Because of this, the staff has requested a report from the Water and Sewer Department which should be ready for the full Commission meeting.

## TESTIMONY

## WRITTEN COMMENT

## Code

CF	E. B. Webb: 403 Swanee Drive	AGAINST
DY	L. F. Weed: 412 West St. Johns Ave.	AGAINST
CD	Mr. & Mrs. John Schoedel, Jr.: 409 Swanee Dr.	AGAINST
EA	Henry H. Ulrich: 504 West St. Johns Ave.	AGAINST
DZ	Marie Weed: 412 West St. Johns Ave.	AGAINST

## PERSONS APPEARING AT HEARING

## Code

AR	Mr. & Mrs. L. P. Burns	NO OPINION
AQ	Merlene Armendariz; 208 West Lisa Drive	NO OPINION

## SUMMARY OF TESTIMONY

## Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to this request. They stated that the main opposition to the change is the problem which exists with the sanitary sewer and the drainage ditch along the subject site. The sanitary sewer in this area is totally inadequate for the existing development and further development would only increase this problem. Another point of consideration is the fact that the access to the tract is very limited and if a change is granted the residential streets which are too narrow will have to carry apartment traffic. The streets are not wide enough to handle traffic that would be generated by apartment zoning and development on the site.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning on the site should not be changed because of the inadequate access to the property; however, they stated they would look with favor on granting "BB" Residence, First Height and Area as the appropriate zoning for the site, provided a 60 foot access is provided from the site to Guadalupe Street, and subject to the sanitary sewer facilities being adequate.

C14-68-249 City of Austin--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area or more restrictive district for property located at 400 Swanee Drive and 7109 Northcrest Boulevard be DENIED.

C14-68-250 City of Austin: A, 1st to B, 2nd or more restrictive district  
1200-1214 Cumberland Road

STAFF REPORT: This application, made by the City of Austin, covers approximately 11.73 acres of land which is presently undeveloped. The application was advertised as a request for "B" Residence, Second Height and Area zoning or more restrictive district so that the Commission and Council could consider a wide range of zoning in order to establish the appropriate use and height and area district. The subject property fronts onto the dead-end of Cumberland Road which is presently gravel and sides onto a dedicated 90 to 95 foot right-of-way which is undeveloped but which will eventually become a part of Vinson Boulevard, a north-south boulevard street in which there is presently a drainage area adjoining to the north is a well developed, maintained and restricted residential subdivision. Around the property immediately to the east and south is vacant land. "C" Commercial zoning is established to the west across the proposed boulevard. Apartment and commercial zoning established at the intersection of Fifth Street and Oltorf Street.

There are too many questions at this time to suggest that the property be rezoned for apartment use; the large amount of surrounding vacant land without subdivision or street plans, provisions under present zoning or any changes in zoning for the development of Cumberland Road, the extension of the stub street coming south from Fieldcrest Drive, and the extension of the necessary utilities to serve this property as well as other vacant properties in this area. The staff recommends that the property not be rezoned at this time and to wait until there is a schematic plan including this property with other vacant property to indicate how development is to occur.

## TESTIMONY

## WRITTEN COMMENT

Code

M Larry Clark: 1205 Fieldcrest Dr. AGAINST

## PERSONS APPEARING AT HEARING

Code

S Mr. & Mrs. Merle Hohman: 1201 Fieldcrest Dr. AGAINST  
 AH Mr. & Mrs. Ernest A. Grottke: 1106 Fieldcrest Dr. AGAINST  
 AM Mr. & Mrs. Charles Mullens: 1114 Fieldcrest Dr. AGAINST  
 ? Duane E. Tallant: 1208 Southwood Road AGAINST  
 ? Robert A. Halfmann: 1211 Fieldcrest AGAINST

C14-68-250 City of Austin--contd.

J	W. L. James: 2410 Havenside Dr.	AGAINST
?	William C. Kyle: 1201 Southwood Road	AGAINST
AQ	John McNutt: 1204 Fieldcrest	AGAINST
Q	J. A. Mallory, Jr.: 1211 Fieldcrest Dr.	AGAINST
L	Warren Callan: 1203 Fieldcrest	NO OPINION
N	Mrs. James E. Shafer: 1207 Fieldcrest Dr.	AGAINST
AP	Jack E. Fritsch: 1202 Fieldcrest Dr.	AGAINST
B	R. G. Mueller, Jr.: (representing Mueller-Danforth)	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented AGAINST:

Mr. R. L. Holman, nearby property owner appeared in opposition to the request and stated that the area to the north and east is zoned and developed "A" Residential and it is felt that the subject property should not be zoned for apartments as this would be an intrusion. He stated that the streets are narrow and cannot handle traffic that would be generated from apartment development. He advised the Committee that approximately four years ago the City proposed to put a storage barn on the subject site but the people in the area were opposed to this and the request was not granted; however, the City uses the property for a gravel and dirt storage at the present time.

Mr. R. G. Mueller appeared at the hearing and stated that he owns a large portion of this area. He commented that the land in this area is raw land, completely undeveloped and it is not the appropriate time to change the zoning on the subject site. Mr. Mueller presented photographs of the area and stated that Cumberland is a gravel street that the City uses in order to get into the subject property. The zoning at this time would be out of order until it is known how the remainder of the area will be developed.

Several other property owners appeared and stated that in their opinion the property should remain "A" Residential property.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and noted that the area is predominantly undeveloped. They felt that in view of this and because there is not an overall development plan for the area that the property should remain as "A" Residence, First Height and Area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of the City of Austin for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area or more restrictive district for property located at 1200-1214 Cumberland Road be DENIED.



SPECIAL PERMIT

CP14-68-26      Carl W. Burnette, Trustee: 53 unit apartment dwelling group  
5001-5017 Balcones Drive  
5000-5012 Fairview Drive

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group consisting of 53 apartment units, a swimming pool and recreation area, 104 apartment spaces, and commercial garbage pick-up. The subject property is part of a six acre tract of land fronting onto Balcones Drive, Hancock Drive and Fairview Drive. The proposal is to erect the 53 unit apartment dwelling group on the south 2.6 acres of the 6 acre site. The entire tract is zoned "C" Commercial, First Height and Area which permits a variety of uses including apartment development. The special permit is necessary in order to permit multi-structures for residential purposes on a tract of land. The Ordinance otherwise permits only one structure on one tract of land for residential occupancy. The special permit procedure provided for in the Ordinance requires the review and approval of an exact site plan by the Planning Commission. The applicant could build one structure housing the number of apartments proposed on this tract of land without having special permit approval because of the existing "C" Commercial zoning. The Zoning Ordinance requires that in granting or denying the application for a special permit, the Planning Commission take into consideration the following factors:

- (a) Safety of the motoring public and of pedestrians using the facility in the area immediately surrounding the site.
- (b) Safety from fire hazards and measures for fire control.
- (c) Protection of adjacent property from flood or water damage.
- (d) Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of neighborhood.
- (e) Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- (f) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.

CPI4-68-26 Carl W. Burnette, Trustee--contd.

- (g) Adequacy of parking as determined by requirements of this Ordinance for off-street parking facilities in the use district in which the site is located; location of egress and ingress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.
- (h) Such other measures as will secure and protect public health, safety, morals, and general welfare.

The Commission must use its judgement in determining whether or not the above factors have been met satisfactorily. When an application for a special permit is received, the site plan is circulated to the various departments for evaluation and comment. The comments are as follows:

Traffic Engineer:

- Head-in parking spaces on Fairview Drive should be omitted or moved such that front edges are at least 40 feet from property line. Head-in parking on Balcones Drive will be omitted entirely. Recommend against driveway on Fairview Drive.

Electric

- Need 10 feet electrical underground easement as shown in red on site plan.

Water & Sewer

- Sanitary Sewer Service is available from existing mains in Balcones Drive and in Fairview Drive.

A six inch water main is required in the driveway area from Balcones Drive to Fairview Drive. A fire demand water meter will be required on both ends of this main. Three fire hydrants are required; one at the driveway entrance at Balcones Drive, one at the north side of the driveway at the center garbage collection point and one at the driveway entrance and Fairview Drive.

Storm Sewer

- Show existing 36 inch storm sewer under building number 5. During construction building foundation shall be bridged over pipe and shall not be allowed to rest upon pipe.

850  
~~1047~~

CP14-68-26 Carl W. Burnette, Trustee--contd.

Building Inspector

- Needs resubdivision

Advance Planning

- 1. Recommend that head-in parking be eliminated as traffic along Balcones is heavy and traffic along Fairview Drive serves the school.
- 2. Additional right-of-way is needed for Balcones Drive and Fairview Drive. Balcones Drive is classified as a major arterial in the Austin Development Plan and the right-of-way has been established at 70 feet. Fairview Drive should have a minimum right-of-way of 60 feet.
- 3. An additional access drive from the site to Hancock Drive is desirable.

Director of Public Works

- Balcones Drive - The driveway location as shown meets with our approval; however, I would recommend against head-in back-out parking due to the heavy flow of traffic on Balcones Drive. Also, Balcones Drive based on our Austin Transportation Plan, is recommended to have a 70 foot right-of-way which would necessitate a 10 foot strip along the west side of such property being dedicated for street purposes.
- Fairview Drive - Since this street goes in front of a school and has a considerable amount of school traffic, I would again recommend against head-in back-out parking; however, I would have no objection to the off-street parking being so arranged as to park parallel to the property line, thereby heading into traffic rather than backing into it. Also, I would recommend

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CP14-68-26 Carl W. Burnette, Trustee--contd.

the elimination of the driveway as shown on the plan and utilize the southernmost driveway on the parking lot at the shopping center as an access route to the off-street parking of the development since I understand the same company owns both enterprises.

Office Engineer

- Recommend no head-in back-out parking on Fairview Drive. All parking to be parallel to property line. Recommend no driveway on Balcones Drive except entrance drive to internal parking areas.

Tax Assessor

- Taxes are paid except for the year 1968.

Health

- Approved: Subject to Sanitary Sewer Line being available.

Fire Prevention

- 1. Provide one fire hydrant in the vicinity of buildings 4 and 5.
- 2. Concrete block wall should not be too close to existing buildings, as this would be a problem to fire fighting operations.

Fire Protection

- Recommend fire hydrants as shown (3).

The recommendation by the Director of Public Works and Traffic concerning the driveway on Fairview Drive does conflict with the Fire Department's report concerning access and the location of the fire hydrant at the entrance to the site. Each department is concerned with their different function which the Commission must take into consideration and determine if one function regarding this proposal is more critical than the other or if all of them must be met to approve the plan. The Planning Department feels that the driveway for reason of fire protection is necessary and that the head-in parking should be eliminated. It is also urged that there be a third driveway provided to Hancock Drive to split the traffic.

CP14-68-26 Carl W. Burnette, Trustee--contd.

Mr. Stevens asked Mr. Glenn Cortez, Assistant City Attorney, to comment on the position of the Committee in granting or denying a special permit, in terms of meeting conditions and whether there is any basis if the site plan meets the conditions to deny the application.

Mr. Cortez stated that the last factor "such other measures as will secure and protect health, safety, morals, and general welfare" is a rather broad and encompassing factor. If the Committee finds that all of the factors enumerated are met on this it would be likely that a failure to grant this special permit would be considered an arbitrary action. Mr. Cortez stated that it is the City's position that if the Commission finds that all the factors are met that the Commission would be bound to grant the special permit; however, with respect to these factors it should be pointed out that the Commission has a great discretion in determining whether each of the factors have been satisfactorily met. The Commission is not bound by any report by any department or any recommendation by any staff member of any testimony by anyone producing evidence. It is a determination that must be made by the Commission.

## TESTIMONY

## WRITTEN COMMENT

## Code

?	Mrs. Bob Wilkes: 4405 Balcones Drive	AGAINST
?	Haley Kent Beasley, M. D.: 4705 Shadow Lane	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	Carl W. Burnette: (applicant)	
Y	Mr. & Mrs. Ernest K. Gay: 5001 Fairview Dr.	AGAINST
?	Mr. E. L. Catt: 2804 Winston Ct.	AGAINST
?	Wellmer Smith: 3319 Perry Lane	AGAINST
?	Gilbert H. Ayres: 3307 Perry Lane	AGAINST
AB	Co. & Mrs. Frank R. Bertero: 3209 Hancock Dr.	AGAINST
?	Mrs. Valaree Guy: 4602 Madrona Dr.	AGAINST
?	Katherine H. Ayres: 3307 Perry Lane	AGAINST
?	Mr. & Mrs. Johnnie S. Crow: 4607 Edgemont Dr.	AGAINST
?	Mrs. Walter D. Hayes: 4900 Valley Oak Dr.	AGAINST
?	William C. Gardner: 4604 Madrona Drive	AGAINST
?	Miss Carol A. McAden: 5000 Crestway Dr.	AGAINST
?	Mrs. C. A. McAden: 5000 Crestway Dr.	AGAINST
?	Mr. & Mrs. F. B. Fanning: 3313 Perry Lane	AGAINST
?	Mr. & Mrs. M. B. Ingram: 5113 Fairview Dr.	AGAINST
?	Marshall Shapo: 3309 Big Bend Drive	AGAINST
?	Claire K. & Austen Riggs: 3327 Perry Lane	AGAINST
?	Mr. & Mrs. Morgan Hunter: 3306 Perry Lane	AGAINST
?	Mr. & Mrs. T. R. Lipson: 3320 Big Bend Drive	AGAINST
M	Mrs. John M. Sobieski: 5000 Balcones Dr.	AGAINST
?	J. E. Weiler: 4808 Balcones Drive	AGAINST

CP14-68-26 Carl W. Burnette, Trustee--contd.

?	Mr. & Mrs. George P. Taylor: 4704 Balcones Dr.	AGAINST
?	Mr. & Mrs. James H. Colvin: 4702 Balcones Dr.	AGAINST
?	Mrs. Robert L. Tocker: 4905 Beverly Skyline	AGAINST
?	Mr. & Mrs. Robert Schechter: 4700 Ridgeoak Dr.	AGAINST
L	Freddie Rash: 5002 Balcones Drive	AGAINST
AY	Mrs. H. L. Weiler: 5102 Balcones Dr.	AGAINST
J	Mr. & Mrs. Robert B. Lloyd: 3401 Hancock Dr.	AGAINST
?	Judah Leon Fish: 4804 Placid Place	AGAINST
AN	James C. Moore: 5114 Fairview Dr.	AGAINST
?	Ralph Helyer: 3205 Highland Terrace West	AGAINST
G	Mr. & Mrs. Walton Sumner: 5005 Crestway Dr.	AGAINST
?	Mrs. James E. Neely: 4907 Valley Oak Drive	AGAINST
?	Mrs. J. L. Perry: 3302 Perry Lane	AGAINST
?	Preston Hutchinson: 3316 Perry Lane	AGAINST
?	Kent Beasley, M. D.: 4705 Shadow Lane	AGAINST
?	Robert W. Morris: 4507 Crestway Dr.	AGAINST
?	William D. Bryce: 4804 Balcones Drive	AGAINST
?	Jack H. Welge: 3313 Big Bend Drive	AGAINST
T	G. G. Zedler, M. D.: 1203 Belmont Parkway	AGAINST
AG	Robert K. Goodnow: 3206 Sunny Lane	AGAINST
?	Robert J. Braden: 5115 Fairview Drive	AGAINST
	Nine Petitions opposing the change	

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Carl Burnette was present on behalf of this request and presented a plot plan showing the existing Highland Park West Shopping Center and the proposed development. Under the existing "C" Commercial zoning, approximately 230 apartments could be constructed on the property if all of the units were in one building; however, the proposal is for only 53 units to be constructed in six buildings. The units will be the finest garden-type apartments in Austin and the rent will range from \$165.00 per month for one-bedroom units to \$360.00 per month for three-bedroom, two-bath units. The type of tenants expected will be the people who have lived in this type area and want to stay but they no longer want to maintain a yard. This is an ideal location for this development because of the location of the shopping centers. There has been objection because of the traffic these apartments would create, and it is felt that there should be a barrier of some sort which will prohibit traffic from exiting on Fairview Drive going down by the elementary school during a one-hour period in the morning and a one-hour period in the evening. There is an exit planned onto Hancock Drive and onto Balcones Drive. People who go to work usually have to be at work by 8:00 which means they must start from this location between 7:30 and 7:45 and the traffic leaving the apartments will be the heaviest at this time before the people start bringing their children to school which starts at 8:15. The heaviest traffic back into the apartments in the afternoon will be after school hours.

CP14-68-26      Carl W. Burnette, Trustee--contd.

Mr. Burnette explained that under the existing zoning they could build commercial facilities but it is felt that high class apartments would be the best improvement for this area and would be something that would be an asset to the neighborhood rather than a liability.

Arguments Presented AGAINST:

A large number of people appeared in opposition to the request and presented petitions. Their objections are summarized as follows: The development of the site as proposed would be unsafe because of the number of children in the area attending the elementary school which is located on the adjoining property. There is a tremendous amount of traffic congestion around the school at the present time and apartment development would only increase an already dangerous traffic hazard. There is a swimming pool proposed to be developed on the site which presents another safety hazard for children as this type of pool is generally unsupervised. This is a nice quiet residential area where people do not want to be bothered by people in apartments as this type of person is transient and does not care for the community. The proposed development would lower the value of the surrounding residential property and be detrimental to the area. Another point of consideration is the health hazard in that there is a great deal of trash that gathers on the site which causes an undesirable odor. If the 53 units are permitted it will constitute an increase in density in this area about four times that of the surrounding property. Children cross through the subject site at the present time to get to the school and if there are cars parked along there it will be more hazardous and dangerous. The area should be used for a park and combined with the adjoining park property.

COMMENTS AND ACTION BY THE COMMITTEE

At the Commission meeting, Mr. Stevens explained to the members that at the Zoning Hearing the staff read to the Committee the departmental reports concerning this property as well as the conditions which the Ordinance sets forth that the Commission is required to consider in granting or denying a special permit. The departmental comments involve easements for electrical purposes and drainage purposes and there was objection to the head-in parking both on Balcones Drive and Fairview Drive. It was recommended that the head-in parking be omitted entirely on Balcones Drive and that parallel parking be substituted for the head-in parking on Fairview Drive. A point of concern at the hearing was due to the fact that the Director of Traffic and the Director of Public Works recommended that the driveway onto Fairview Drive be omitted, based on the conditions existing on the street and the purpose the street serves for the residential neighborhood and the school. It was recognized that the problem existing at the present time is the large amount of traffic and congestion during the period before school opens and after school closes. Based on this they felt that dumping apartment traffic onto Fairview Drive at about the same time in the morning could be detrimental to the existing traffic situation. At the same time there is a report from the fire department based on the existing site plan, they recommend three fire hydrants as well as the necessary lines

CP14-68-26 Carl W. Burnette, Trustee- contd.

to serve them and demand meters located at the driveway of Balcones Drive and Fairview Drive as well as midway between these two streets. In effect, the Fire Department based their report on having the driveway and at the same time there was a recommendation by two other departments that the driveway be closed. Because of this, the Committee instructed the staff to further review this matter with the appropriate departments and with the applicant. Mr. Stevens explained that during the week he has talked to the Director of Traffic and the Director of Public Works as well as a representative from the Fire Department. As far as they are concerned, the solution to this problem would be a modification of the site plan. The three departments are willing to accept the omission of the driveway as such onto Fairview Drive but all have agreed that it is necessary to provide an emergency exit or entrance. Mr. Stevens stated that the site plan shows a proposed concrete wall starting at Fairview Drive along the common line between the apartment site and the commercial facilities which shields part of the commercial area from the apartment site. The departments recommend that there be a gate provided in the concrete block wall with a minimum width of 11 feet, to be used for service and emergency vehicles and to be locked with the Fire Department being provided the key for emergency service. This would permit emergency use traffic onto Fairview but would be onto and through the adjacent commercial parking area. It is required that this total six acres which includes commercial facilities be replatted to provide the site necessary for this apartment development as well as leave the site for the existing commercial development. It is requested in connection with replatting of the subject property that there be an access easement at the point of the fire gate or fire lane to provide for the continuance of that fire lane out to Fairview Drive in the event the properties were separately owned in the future. Mr. Stevens stated that he reviewed this proposal with Mr. Howard Barr, Mr. Douglas Hearn and Mr. Walter Vatcher, but they were not very responsive to it. They did not feel that this favored their position at all. It is a matter of judgment on the part of the Commission as to whether or not this plan should be approved or denied with the driveway remaining based on whether or not the Commission feels there is a hazard and congestion caused by the traffic with the driveway remaining and recognizing the need to assure adequate fire protection to occupants of the project.

Mr. Douglas Hearn stated that he speaks not only as an attorney for the group but also as an owner of the subject property. He advised the Commission that they have accepted all the proposed modifications recommended by the City departments with two exceptions. He presented a revised site plan and explained that the location of the fire hydrants, of the required easements, and all of the required construction over the existing storm sewer have been placed in the revised plan and the only thing left is what is to be done on Balcones Drive and Fairview Drive. He stated that they are willing to donate a ten foot strip off of the property for the widening of Balcones Drive so this requirement has been met completely. The revised plan also shows, as required, the opening of a new entrance into the living



CP14-68-26 Carl W. Burnette, Trustee--contd.

area of the complex directly west of the shopping center which was not in the original plat for access in and out of the parking area and the apartment complex. All of the head-in type parking along Fairview Drive has been eliminated as requested and changed to parallel type parking within the property lines. Mr. Hearn stated that because of the parking that is required they are not willing to donate any land from this side of the property for the widening of Fairview Drive. It is felt that it is absolutely necessary to have an entrance onto Fairview Drive because of the grouping of the structures. At the present time the shopping center parking area runs along the northern property line of the site, and in order to gain access in and out of the apartment complex as recommended by the City, one would have to be a drive in through the middle of the shopping center parking area which is impractical. Mr. Hearn further stated that they are willing and will make a condition on this application, to place a locked chain fence across the driveway to Fairview Drive for one hour each morning and one hour each afternoon during the time the school traffic is going up and down the street, so that there will be no access from the subject property onto Fairview Drive during the congested periods. This can be worked out if the fence is secured and firmly fixed in concrete, and if the proper person is instructed to lock the chain. The basic objection is the congestion of traffic during the time just before school and just after school. Other than that there is not very much traffic. It is also felt that the apartment dwellers will not be going out by the school but they will probably be going to Hancock Drive.

Mr. Brown asked what would happen to the chain across the driveway if the property is sold to someone else. Mr. Hearn stated that they could put a restrictive covenant running with the land that would bind all other property owners. This would provide for an adequate emergency entrance and exit for emergency vehicles without having to drive back and forth through the shopping center parking area.

Mr. Stevens stated that it has been recommended that the right-of-way for Fairview Drive be widened by ten feet because of the commercial traffic generated, the existing school and the proposed apartment development. It is felt that the street should have 60 feet of right-of-way with a minimum of 40 feet of paving. With reference to the chain, the traffic Director feels that there is no way to enforce the requirement that a chain be placed across the area at the specified times even if required in the site plan. The staff raises no objection to the proposed use, with the exception of the right-of-way needs and technical matters, as the property is zoned commercial. Subject to their meeting the technical requirements the staff recommends the plan.

Mr. McNeil stated that in his opinion the applicants have met all of the requirements with the exception of the widening of the street. He asked if ten feet of right-of-way is being provided from both sides of the street.

CPl4-68-26 Carl W. Burnette, Trustee--contd.

Mr. Hearn stated that the existing Fairview Drive has 50 feet of right-of-way and the department recommended that there be 60 feet of right-of-way with all of the widening coming from the subject property. There is a problem with a number of parking spaces and it is felt that in as much as ten feet is being dedicated on Balcones Drive that the same requirement should not be made on Fairview Drive as this would cut off the entire outer perimeter of the eastern boundary of the shopping center.

Mr. Hanks stated that he does not feel that the entire 10 feet should be required from the subject site and asked about requiring only 5 feet. Mr. Stevens commented that because the increased use of the property, street widening is needed to provide a total right-of-way of 60 feet for streets serving apartments and commercial development. One of the requirements the applicants have to meet is the replatting of the shopping center area and the proposed apartment area at which time right-of-way widening will be requested for all abutting streets.

Mr. Hearn stated that if up to five feet is dedicated it will cut off approximately four parking spaces. He stated they could live with the five foot dedication on Fairview Drive from just the property under consideration at the present time but not if it was also required on the shopping center area.

Mr. Stevens explained that it is possible to work the five feet of widening by a sidewalk and utilities easement through the commercial area.

A majority of the Commission members agreed that five feet of right-of-way for Fairview Drive from the subject property would be sufficient. They concurred that this Special Permit should be approved as orally amended, regarding parking, and provision to chain the entrance on Fairview Drive subject to compliance with departmental reports and subject to five feet of right-of-way being provided on Fairview Drive, 10 feet of right-of-way on Balcones Drive and replatting of the property. It was then

VOTED: To approve the request as orally amended, regarding parking, and provision to chain the entrance on Fairview Drive for Carl W. Burnette, Trustee, for a Special Permit for the erection of a 53 unit apartment dwelling group to be located at 5001-5017 Balcones Drive and 5000-5012 Fairview Drive, subject to the compliance with departmental reports and subject to 10 feet of right-of-way being required on Balcones Drive, 5 feet of right-of-way being required on Fairview Drive and replatting of the property.

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

R146

SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of October 28, 1968, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission.

The Commission then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of October 28, 1968, on the minutes of this meeting.

PRELIMINARY PLANSC8-66-23Craigwood

U. S. Highway 969 East of Ed Bluestein Boulevard

The staff reported that this is a preliminary which was previously approved and the six months approval has expired under the provisions of the Ordinance. There is a request for re-approval as originally approved and the staff recommends in favor. The Commission then

VOTED: To RE-APPROVE the preliminary plan of CRAIGWOOD.

SUBDIVISION PLATS - FILED

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

VOTED: To ACCEPT for filing the following final plats:

<u>C8-68-68</u>	<u>LaHacienda Estates, Section 2</u>
	Hudson Bend and Beacon Road
<u>C8-68-5</u>	<u>Garden Villa Estates</u>
	Garden Villa Lane and Center Street
<u>C8-68-52</u>	<u>Georgian Estates</u>
	Georgian Drive and Cripple Creek
<u>C8-68-82</u>	<u>Lakeway, Section 12</u>
	Dragon and Malabar
<u>C8-68-116</u>	<u>Flournoy's Eastern Hills, Sec. 3</u>
	Adina Street
<u>C8-68-117</u>	<u>Honeysuckle Circle</u>
	Honeysuckle Trail
<u>C8-68-75</u>	<u>Whispering Oaks, Section 1</u>
	Manchaca Road

C8-68-105      Wooten Village, Section 6  
Fairfield Drive and Colony Drive

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, annexation and completion of departmental reports. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of WOOTEN VILLAGE, Section 6, pending the requirements as indicated.

C8-68-37      Battle Bend Springs, Section 1  
I. H. 35 and Battle Bend

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of BATTLE BEND SPRINGS, Section 1, pending the requirements as indicated.

C8-68-93      Northwest Hills, Mesa Oaks 5B  
Mesa Drive and Myrick Drive

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS, MESA OAKS, 5B, pending the requirements as indicated.

C8-68-107      Northwest Hills, Section 11, Block B  
North Hills Drive and East Hills Drive

The staff recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, annexation and completion of departmental reports. The Commission then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS, Section 11, Block B, pending the requirements as indicated.

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

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of TEJAS PLAZA - Revised, pending the requirements as indicated.

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C8-68-94      Blue Hills Estates  
                 Thomas Springs Road

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

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of BLUE HILLS ESTATES, pending the requirements as noted.

SUBDIVISION PLATS - CONSIDERED

C8-67-87      Balcones Summit  
                 Ceberry Drive and Knollside

The staff reported that this final plat has met all departmental requirements and all requirements of the Ordinance except for a deed reference where the plat is being transferred. The staff requests permission to hold the plat from record until the deed reference is placed on the plat. The Commission then

VOTED:      To APPROVE the final plat of BALCONES SUMMIT, authorizing the staff to hold the plat from record pending the deed reference being placed on the plat.

C8-67-78      Balcones Terrace  
                 Balcones Drive and Westchester

The staff reported that this final plat has met all departmental requirements and all requirements of the Ordinance and recommended approval. The Commission then

VOTED:      To APPROVE the final plat of BALCONES TERRACE.

C8-68-85      Capitol View Estates  
                 Bluff Springs Road and Capitol View

The staff recommended disapproval of this final plat pending the required additional easements, completion of departmental reports and a no-occupancy restriction on the plat because there is no water or sanitary sewer available to this subdivision from the City of Austin. The Commission then

VOTED:      To DISAPPROVE the final plat of CAPITOL VIEW ESTATES, pending the requirements as indicated.

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

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 WEDGEWOOD, Section 1 - Revised, pending the requirements as indicated.

SHORT FORM PLATS - FILED

C8s-68-179      Northwest Hills, Section 9, Block C  
North Hills Drive east of Hart Lane

The staff reported that there is a variance involved in this short form plat to exclude the balance of the tract from which it comes. This is a one lot short form facing onto North Hills Drive east of an existing platted lot on the corner of Hart Lane and North Hills Drive. The property in question came from a larger tract of land owned by Mr. David Barrow and there is a letter in the file requesting that a variance be granted as the property is a part of a tract along North Hills Drive which the City has zoned for local retail use, and it is not possible at this time to know what the future needs will be for the development of the rest of the tract. Since this lot does not effect the platting or use of the balance of the property the staff recommends that the variance be granted and that this short form plat be accepted for filing only as departmental reports are lacking. The Commission then

VOTED:      To ACCEPT for filing the short form plat of NORTHWEST HILLS, Section 9, Block C, granting a variance to exclude the balance of the tract.

C8s-68-185      Barnhart Addition  
St. John's Avenue

The staff reported that departmental reports are lacking and recommended that this short form plat be accepted for filing with a note that additional right-of-way is required to widen St. John's Avenue. The Commission then

VOTED:      To ACCEPT for filing the short form plat of BARNHART ADDITION, noting that additional right-of-way will be needed to widen St. John's Avenue.

C8s-68-181      Jain Lane Addition  
Jain Lane

The staff recommended that this short form plat be accepted for filing subject to the payment of taxes and receipt of the tax certificates. The Commission then

VOTED:      To ACCEPT for filing the short form plat of JAIN LANE ADDITION, pending the item as noted.

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C8s-68-189      Ed Fleming Subdivision  
Burnet Road and West 49th Street

The staff recommended that this short form plat be accepted for filing subject to the payment of taxes and receipt of the tax certificates. The Commission then

VOTED:      To ACCEPT for filing the short form plat of ED FLEMING SUBDIVISION, pending the requirement as noted.

ABSTAINED:   Mr. Hanks

C8s-68-191      Barcelona Plaza, Section 1  
Town Lake Circle and Elmont

The staff recommended that this short form plat be accepted for filing only subject to the payment of the taxes and receipt of the tax certificates. The Commission then

VOTED:      To ACCEPT for filing the short form plat of BARCELONA PLAZA, Section 1, pending the requirement as indicated.

SHORT FORM PLATS - CONSIDERED

C8s-68-178      Big White Cloud, Section 2  
Armadillo Road and Cottontail Trail

The staff reported that this short form plat has met all departmental requirements and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. A letter has been received requesting that the variance be granted as the adjoining owner does not wish to join in the platting at this time. The Commission then

VOTED:      To APPROVE the short form plat of BIG WHITE CLOUD, Section 2, granting a variance on the signature of the adjoining owner.

C8s-68-183      Noel G. Lawson Subdivision  
Nuckols Crossing Road

The staff reported that this short form plat has met all departmental requirements and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. There is a letter in the file requesting that the variance be granted as the adjoining owner has refused to participate at this time. In view of this the staff recommends that this short form plat be approved and the variance be granted. The Commission then

VOTED:      To APPROVE the short form plat of NOEL G. LAWSON SUBDIVISION, granting a variance on the signature of the adjoining owner.

C8s-68-186 Cravatt Subdivision  
McCarty Lane west of Beckett

The staff reported that this short form plat has met all departmental requirements and all requirements of the Ordinance but there is a variance involved on the signature of the adjoining owner. A letter has been received requesting that the variance be granted as the adjoining owner has refused to participate in the platting at this time. In view of this the staff recommends that this short form plat be approved and the variance be granted. The Commission then

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

ADMINISTRATIVE APPROVAL

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

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

C8s-68-52 Eastover Addition, Resub.  
Gunter Street and Munson  
C8s-68-180 Walnut Hills - Section 5, Resub.  
Jack Cook Drive and Vioitha  
C8s-68-182 Moten Acres, Section 2  
Delano Street and Ft. Branch  
C8s-68-184 South Lamar Square, Resub.  
Lamar Square Drive  
C8s-68-187 Robert Eby Subdivision  
East 51st Street  
C8s-68-188 Campus Colony  
Duval Street and Elmwood Place  
C8s-68-190 Ashdale Place, Resub.  
Ashdale Drive  
C8s-68-170 Slayton Subdivision  
Rundberg Lane  
C8s-68-176 Quail Creek, Section 2 - Resub.  
Little Elm Park and Collingfield

OTHER BUSINESS

C2-68-1(g) AUSTIN DEVELOPMENT PLAN AMENDMENT  
Approximately 34 acres north of Peyton Gin Road and  
east of U. S. Highway 183

Mr. Wayne Golden, Planning Coordinator, reported that Mr. Nelson Puett has requested a change in the Austin Development Plan from Low Density Residential to Manufacturing and Related Uses for approximately 34 acres of land



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

located north of Peyton Gin Road and east of U. S. Highway 183. A preliminary subdivision plat located to the west which proposes commercial and multi-family residential development has been received by the Planning Department. To the east of the site there is an existing single family subdivision and a partially platted area called Quail Creek also for single family use. Through the northern portion of the site there is a major arterial street proposed indicated on the map which is the extension of Rundberg Lane. The areas presently designated as Manufacturing and Related Uses in the Master Plan are located about 2,000 feet west of the subject tract, and separated from it by proposed commercial and multi-family use. The area is served by Southern Pacific Railroad. The Acme Brick Company, Economy Furniture Company, Balcones Defense Laboratory and I. B. M. as well as other similar types of uses are located here. The area generally south and east of U. S. Highway 183 and Burnet Road is designated as a Commercial Service and Semi-Industrial area and is developed with the Longhorn Theatre and other uses. Lanier High School is located south of Peyton Gin Road at Jamestown Drive and an elementary school is under construction on property north of Norseman Drive at Tronewood Drive. Along Rutland Drive there is industry spotted throughout the area, most of which is newly developed. After careful consideration the staff recommends that the requested change be denied since there are non-industrial developments existing and planned on adjacent tracts of land which have been based on the existing designation of Low Density Residential.

Mr. T. H. Worthington, representing the applicant, appeared at the hearing and stated that Mr. Puett feels that the requested change is reasonable as "LR" Local Retail zoning has been established on a triangular area to the south and he would like this same type of use extended onto the subject property. Mr. Worthington stated that it is his understanding that Mr. Puett would like to have the property changed to Commercial Services and Semi-Industrial rather than Manufacturing and Related Uses.

Mr. Golden advised the Commission that the letter from Mr. Puett requested a change to Manufacturing and Related Uses; however, if he wishes to modify his request he certainly may do so. The staff would then have to consider the modified request in relation to the overall development.

The Commission members discussed the proposed change and felt that the request should be denied as it would be inconsistent with the existing and planned development for the area. It was then unanimously

VOTED: To recommend to the City Council that the request to change the land use designation on approximately 34 acres of land located north of Peyton Gin Road and east of U. S. Highway 183 from Low Density Residential to Manufacturing and Related Uses be DENIED.

C10-68-1(x) ALLEY VACATION

Consideration of alley located east of Guadalupe Street  
between 40th and 41st Streets

The staff reported that this request to vacate the alley located east of Guadalupe Street between 40th and 41st Streets is made by Mr. Richard Baker, attorney for Pringle Real Estate, Inc. owner of the abutting property. The staff is recommending that this request be postponed at this time as there is a water main relocation to consider and because all of the City departments have not concluded their study and made a recommendation. This has been discussed with Mr. Baker and he has agreed to postpone the request.

The Commission then

VOTED: To POSTPONE this alley vacation request.

## REPORTS

## Subdivision Approval by Telephone Poll

C8-68-37 Battle Bend Springs, Section 1  
I. H. 35 and Battle Bend Boulevard

The staff reported that this subdivision was considered by telephone poll on November 27, 1968, and that a majority of the Commission had

VOTED: To APPROVE the plat of BATTLE BEND SPRINGS, Section 1.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

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Hoyle M. Osborne  
Executive Secretary