

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- December 10, 1968

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

Present

Samuel E. Dunnam, Chairman
Hiram S. Brown
Roger Hanks
William Milstead
G. A. McNeil
Robert B. Smith
Dr. William Hazard

Absent

Robert Kinnan
Alan Taniguchi

Also Present

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

ZONING

The following zoning changes were considered by the Zoning Committee at the meetings of December 2 and 3, 1968.

Present

Dr. William Hazard, Chairman
Roger Hanks
Robert B. Smith
G. A. McNeil
*Alan Taniguchi
*William Milstead

Also Present

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

*Present only on December 2, 1968.

PUBLIC HEARINGS

C14-68-251 Dora B. Gilden: A, 1st to C, 6th
3630-3714 South Congress Avenue

STAFF REPORT: This application covers a large undeveloped tract of land containing approximately 2.98 acres. The stated purpose of the request is for commercial development. It is the staff's understanding that the front portion of the site, fronting onto South Congress Avenue, will be developed with a service station but the plans for the remainder of the property are

882
~~879~~

C14-68-251 Dora B. Gilden--contd.

not known. A request for "C" Commercial, First Height and Area zoning was made on property adjoining the site to the south last month at which time the Committee and the Commission recommended in favor. The request has been granted by the City Council but the Ordinance is still pending. Single-family development exists to the south along Post Road Drive and to the west along Wilson Street; however, along Congress Avenue there is a mixture of "C" Commercial and "D" Industrial zoning and development. "C" Commercial zoning was established in 1957 on property to the south at the intersection of Post Road Drive and South Congress. "D" Industrial zoning exists to the east across South Congress Avenue. The staff has no objection to the proposed change as a logical extension of the existing zoning and is appropriate for the area; however, the staff does question whether or not the "C" Commercial zoning should be extended to the rear portion of the site because of the existing single-family development.

TESTIMONY

WRITTEN COMMENT

Code

AA	C. A. Sears: Cedar Valley, Texas	FOR
G	Wesley Pearson: 313 South Congress	FOR
N	Robert Sexton: 3701 Wilson	FOR

PERSONS APPEARING AT HEARING

Code

F	Mrs. A. L. Haffelder: 114 Post Road Drive	AGAINST
?	Barry Haffelder: 1112 Fieldcrest	AGAINST

SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

One nearby property owner appeared at the hearing and stated that she owns property immediately abutting the subject site and is opposed to the extension of commercial zoning on the entire area. She stated that the requested "C" Commercial zoning on the front part of the property, fronting onto South Congress Avenue, is reasonable but that it should not be extended any further than the 165 foot commercial lot to the south. Mrs. Haffelder stated that she has lived in this area for many years, and Post Road Drive is a residential street. There is a drainage problem in the area and building on the subject site would only increase this problem.

Mr. Barry Haffelder also appeared at the hearing and stated that if property is rezoned, this neighborhood would be exposed to the problems of theft, trespassing, and trash, which would be created from this type of development. There is a drainage problem existing in the area that should be taken care of before any development occurs.

C14-68-251 Dora B. Gilden--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that the requested "C" Commercial, Sixth Height and Area zoning should be granted on the east 236 feet of the site, fronting onto Congress, as a logical extension of the zoning existing to the south and as proper development along South Congress Avenue. They further stated that the western 236 feet of the site should be denied or postponed until such time that a firm proposal could be developed for the property.

At the Commission meeting, the staff reported that Mr. Frank Kerbow, representing the applicant, has orally requested an amendment to the application to delete the western one-half of the property from the request.

The Commission accepted the amendment to the application and concluded that it should be granted as a logical extension of the existing zoning. It was then unanimously

VOTED: To recommend that the request of Dora B. Gilden for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Sixth Height and Area for property located at 3630-3714 South Congress Avenue (as amended) be GRANTED.

C14-68-252 E. R. Polvado: A to BB
3001-3009 Burleson Road

STAFF REPORT: This application covers an irregular shaped tract of undeveloped land containing approximately 107,675 square feet. The stated purpose of the request is for apartment development. The only history on the property is one of short form subdivision. One lot was subdivided from it in 1959 and the other three or four lots were established in 1965. The subject property is located south of the area recently considered by the Commission for a change in the Master Plan. The Master Plan consideration was for the area south of Riverside Drive to the extension of East Liveoak Street. The southern boundary of that area which the Commission recommended for redesignation is to the north of the subject property. The property is across the street from Santa Monica Subdivision which is the newest development in the immediate neighborhood. The staff feels that the subject property is separated by considerable distance from apartment developments or proposals in the vicinity. It is felt that the existing zoning is proper and unless there is an apartment district established along both sides of Burleson Road it is recommended that the request be denied. The proposed extension of Pleasant Valley Road is to the east. Burleson Road, with a present right-of-way of 60 feet is inadequate and is planned to be widened to 70 feet regardless of the zoning.

884

C14-68-252 E. R. Polvado--contd.

TESTIMONY

WRITTEN COMMENT

Code

? J. T. Riddle: 300-A Burleson Road FOR

PERSONS APPEARING AT HEARING

Code

A E. R. Polvado: 3003 Burleson Road 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 the existing zoning on the site is proper and recommended that the requested change be denied.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of E. R. Polvado for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 3001-3009 Burleson Road be DENIED.

C14-68-253 Lee A. Wood: A to BB
1508-1510 (1512) Parker Lane

STAFF REPORT: There are two lots, covering 20,800 square feet involved in this application for a zoning change to "BB" Residence, First Height and Area. The stated purpose of the application is for apartment development. If the zoning as requested is granted, approximately ten to twelve one-bedroom units or ten two-bedroom units would be permitted on the site. The subject property is located on Parker Lane near other properties recently changed to "B" or "BB" Residence zoning. The staff has no objection to the request because of the recent zoning change on property adjoining to the south and feels that the request is appropriate for the area and would serve as a gradation in zoning.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-68-253 Lee A. Wood--contd.

PERSONS APPEARING AT HEARING

Code

A Phil Mockford: 1206 Perry Brooks

FOR

SUMMARY OF TESTIMONY

Mr. Phil Mockford, representing the applicant, stated there is a geographic boundary at the rear of the property which creates a natural separation between the residential property to the west and this property. It is felt that Taylor Gaines Street is the proper breaking place for this type of development as there are duplexes south of the street. The applicant would like to develop the property similar to development proposed on the adjoining property to the south.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Lee A. Wood for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1508-1510 (1512) Parker Lane be GRANTED.

C14-68-254 Discovery Properties, Inc.: LR to C-2 (Tract 1) & GR (Tract 2)
 Tract 1: Rear of 1413-1417 Arena Drive
 Tract 2: 1409-1433 Arena Drive
 1824-1938 Riverside Drive
 1412-1444 Towncreek Drive

STAFF REPORT: This application covers two tracts of land. Tract 1, containing approximately 1,200 square feet is the smaller tract which is located within the large tract, which is Tract 2, containing approximately 213,981 square feet. The stated purpose of the application is for expanding services in existing center. The property is served by Riverside Drive and is bordered by an apartment house district. "LR" Local Retail zoning was granted on property at the southeast intersection of Royal Crest Drive and Riverside Drive in 1963, and at the northeast intersection in 1964. "LR" Local Retail zoning was also granted on the subject property in 1967.

Riverside Drive is planned to be an expressway and the City has acquired some of the right-of-way. "LR" Local Retail and "GR" General Retail Districts have been established along Riverside Drive and the staff has no objection to this request as it is appropriate along the proposed expressway. It is felt that this is a special privilege type zoning which the Commission has generally recommended in an area which is well-defined and well established commercially.

C14-68-254 Discovery Properties, Inc.--contd.

TESTIMONY

WRITTEN COMMENT

Code

F H. H. Rothell, Jr.: 2210 Hancock Drive FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested "C-2" zoning on Tract 1 should be granted as this is a well-defined and well-developed commercial area. They also recommended that the request on Tract 2 be granted as the appropriate zoning along a designated expressway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Discovery Properties, Inc. for a change of zoning from "LR" Local Retail, First Height and Area to "C-2" Commercial, First Height and Area (Tr. 1) and "GR" General Retail, First Height and Area (Tr. 2) for property located at (Tr. 1) Rear of 1413-1417 Arena Drive and (Tr. 2) 1409-1433 Arena Drive, 1824-1938 Riverside Drive and 1412-1444 Towncreek Drive be GRANTED.

C14-68-255 Carey Legett, Jr.: A to BB
1810-4500 Tannehill Lane
4301-4319, 4323-4501 Webberville Road

STAFF REPORT: This application covers approximately 21 acres of land which is presently undeveloped. A small area located midway along the frontage of Webberville Road has been included as additional area as it is surrounded by the property covered by this application. The purpose as stated on the application is for constructing multi-family residence dwellings pursuant to a rent supplement FHA project and to include small retail establishments for the entire neighborhood. The original idea was to have as a part of this application commercial facilities, but the commercial part of the request was withdrawn and the entire application has been advertised, and is being presented as apartment house change to "BB" Residence zoning which is the lowest density apartment district. "BB" Residence zoning if granted, would permit approximately 20 units per acre, depending on the number of bedrooms per unit, which would permit approximately 420 units on a tract this size. This does not mean that this is what has been planned for the site as the staff has not seen the plans for the property.

C14-68-255 Carey Legett, Jr.--contd.

The property has frontage onto Webberville Road and Tannehill Lane. "B" Residence, First Height and Area zoning is established on property adjoining a corner of the site to the south. The site is also across Webberville Road from one of the newer residential subdivisions in the area entitled Stonegate which is a very recent and good quality single-family development. On the opposite side of Tannehill Lane there are large tracts of land, one of which is occupied by the Brackenridge Hospital Annex. To the south of Huston Street there is an elementary school site extending southward to where 12th Street will continue through. The City will need certain rights-of-way for the streets involved in this area. Tannehill Lane has a varying right-of-way which tapers from 50 feet to 30 feet. A minimum of 60 feet is needed and in connection with any development of the subject site, the City would want to acquire enough right-of-way for 60 feet. Webberville Road is a long collector street with 60 feet of right-of-way which the staff feels is adequate. The property is near FM 969 (East 19th Street) and to the south will be East 12th Street which will continue to Ed Bluestein Boulevard and will provide another east-west arterial street through this vicinity. It is felt that eventually access will be very good to this property and will be more than adequate.

From the standpoint of putting apartments in this area, it is felt that apartments could be supported but it is a matter of judgment. The property is large enough to be developed either under the present zoning of Residential "A" with single-family or two-family dwellings or is large enough to incorporate apartment facilities. There is "B" Residence zoning adjacent to the property and based on that it could be logically concluded that "BB" Residence could be a reasonable extension. The only limiting factor the staff has found to make it difficult to recommend is the good quality and recently developed single-family area to the west of Webberville Road. If the property is zoned "BB" Residence it should be done under strict control of the site plan and if zoned, the site plan should incorporate protective features for the existing housing.

TESTIMONY

WRITTEN COMMENT

Code

?	Eddie Washington: 5402 Sam Huston	FOR
BA	H. V. Williams: 5410 Sam Huston	FOR
?	Estella Y. White: 1808 Webberville Road	FOR
F	Lewis R. Cooke: 5203 Stonegate Drive	FOR
T	Joyce Barton: 5202 Stonegate Drive	FOR
K	Benjamin F. Brieger: 5201 Stonegate Drive	FOR
J	Johnnie Johnson: 5117 Stonegate Drive	FOR

C14-68-255 Carey Legett, Jr.--contd.

PERSONS APPEARING AT HEARING

Code

Z	William Finister: 4400 Stonegate Circle	AGAINST
?	Norcell Haywood (representing applicant)	FOR
	Les Mendelsohn (representing applicant)	FOR
	T. W. Kincheon (representing applicant)	FOR
AC	Mrs. Lloyd D. Nelson: 4504 Woodmoor Circle	AGAINST
X	Mrs. Kenneth Bigham: 4404 Stonegate	AGAINST
AB	Mrs. H. L. Gaines: 4505 Woodmoor Circle	AGAINST
AA	Laurie C. Jones: 5300 Woodmoor	AGAINST
AB	H. L. Gaines: 4505 Woodmoor Circle	AGAINST
?	Mrs. A. E. Malone: 4406 Elmsgrove	AGAINST
?	Mrs. Lonnie Jackson: 5203 Woodmoor Drive	AGAINST
Y	Taylor D. August: 4402 Stonegate Circle	AGAINST
?	Reverend Emanuel Lupo: 5204 Woodmoor Drive	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Les Mendelsohn, representing the applicant, stated that this is a two-fold application because the applicant intends to sell the subject property to the New Lincoln Missionary Baptist Church in San Antonio. They have made application to FHA to build a rent supplement housing project on the tract of land if it can be rezoned. The sole purpose of this application is to provide housing for families that are considered in the low income group. The desire is to provide approximately 100 to 200 units. These projects are funded by the government for purchase of the land and building of the project. Rent Supplement housing has to be constructed in accordance with plans and specifications and they are normally high-quality masonry construction requiring very little up keep. The plans on this project are to have from one to four bedroom units. The purpose is to attempt to provide housing for people with a variety of income ranges. The government will provide a rent supplement for a project of this kind ranging from 70 to 80 percent. The apartments are to be rented on a first come, first served basis. It will be non-denominational and there will be no barrier because of race, color or creed. The units will also be open to persons who do not meet the poverty test. One of the reasons for this project is to try to provide housing of a variety of economic levels and to place them together so that they can live in harmony and get rid of the ghettos. Mr. Mendelsohn read two letters to the Committee, one of which was written by the City of Austin Planning Director and another by Mr. Leon Lurie stating that there is a need for this type of development in the City of Austin. There is a proposed set of plans for a 200 unit apartment development. The development at this stage does not include any type of provision for any retail unit although this is foreseeable in the future, depending on what FHA approves. The plan within the area offers certain facilities for the people who live there which include a nursery facility

C14-68-255 Carey Legett, Jr.--contd.

both day and night. Based on the type of units to be constructed and the obvious need it is felt that the development will not detract in anyway from the area but will provide a reasonable amount of rental units for people who need them.

Mr. T. W. Kincheon, III appeared at the hearing and stated that he has been working on this particular project and as previously stated there is a grave need for housing in the east Austin area. Many people seem to think that rent supplement means ghetto type development but this is not true because these apartments will be open to all people whether they qualify for rental supplement or not.

Reverend F. P. Robinson stated that as a minister of the gospel he is aware of the need for this type of project. He stated that they are living for people and not things. The church is making arrangements to put this project under good management and the management will see to it that the people who live in the project will be of good behavior. This is an ideal location for children as they can get a good breath of air and there is plenty of room. Reverend Robinson stated they would like to lay out the plans for the people in the area and explain what is proposed at their convenience.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request. The opposition is summarized as follows: The people who live in the Stonegate area, which is established across from the subject property, do not wish to have the subject property rezoned as it will be a detriment and will lower the value of their homes. They stated that the people in the Stonegate area have very nice homes that they have worked for and it is felt that the type of development proposed will result in low-class housing. The Stonegate area is one of the few nice negro areas and if the development is permitted and low income people are brought into the area there will be no place left for the homeowners to go. The Negro people living in this area take pride in their homes and lawns whereas a transient person does not. Another point of consideration is the traffic that would be generated in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee recognized the newly developed subdivision on the opposite side of Webberville Road which is developed with high-quality single-family homes. They felt that development of the subject property for apartment purposes would detract from the single-family nature of the subdivision, change the character of the area, establish an apartment house district that could be expanded, increase the traffic of the streets and in general intrude into the area as it is now established. For these reasons, the Committee recommended that the request be denied.

890
~~887~~

C14-68-255 Carey Legett, Jr.--contd.

At the Commission meeting, Mr. Osborne advised the members that a modification has been requested by the applicants. He explained that they are requesting an area of approximately 1,000 feet in length extending from the south end of the property and approximately 125 feet in depth, fronting along Webberville Road be withdrawn from the application to remain as "A" Residential property and subject to development under the "A" Residential provisions. They are requesting that the balance of the area, being approximately 18 acres, be rezoned to "BB" Residence, First Height and Area zoning subject to the following conditions: 1) The maximum number of units to be developed on the 18 acres would be 200; 2) such zoning would not take effect or become final if approved by the City Council until a site plan is submitted to the Planning Commission for a special permit hearing and in turn the neighborhood would be notified of the particular development and development plans; and 3) is the withdrawal of the area adjacent to the Stonegate Subdivision on the west side of Webberville Road. The limitation of the maximum number of units works out to approximately eleven units per acre and the submission of a special permit.

Mr. Hanks asked if the applicants would come back to the Commission and get plans worked out at a later date. Mr. Osborne explained that in a sense the final zoning would not be granted until a special permit is granted. This would protect from the situation of having zoning with the hope that a site plan will be submitted. In this particular case there would be a site plan submitted before the zoning is finally approved. The applicants are dealing with FHA on the arrangements and financing for the property. In general an indication is needed on the zoning before anymore time is spent with FHA. If there is a reasonable indication that the zoning will be granted subject to the conditions that were enumerated, they would be in a position to proceed with the application.

Mr. Dunnam stated that by leaving an "A" Residential strip on a thoroughfare, the area could be marked for "LR" Local Retail development as this is the type of development that is usually reserved on major thoroughfare streets.

Mr. Osborne stated that if the Commission decides to keep the strip as "A" Residential it should be done with the full intention for the property to be developed in residential development or possibly with duplex development. Webberville Road is not an arterial street nor is Tannehill Lane. Both streets are collector streets even though Webberville Road at the present time does function as a limited artery. Both Webberville Road and Tannehill Lane need paving. The staff does not feel that additional right-of-way is needed predicated on the fact that there will be an adequate street system in this area as 12th Street is to be developed all the way out to Bluestein Boulevard.

Mr. McNeil stated that the Committee voted last week to deny this request and by amending the application it opens the discussion again. He asked if it is valid to hear testimony according to the procedure of the Commission.

891
~~888~~

C14-68-255 Carey Legett, Jr.--contd.

Mr. Osborne explained that there has been an amendment to the application in the process of hearing. He suggested that the hearing continue and that the Commission decide whether or not additional testimony should be heard from the applicants and from the people in the area. The Planning Department recommends in favor of the change in zoning as presented with the modifications.

Mr. Smith stated that in his opinion the Commission should hear additional testimony as the applicants as well as the people opposing the change are present. The Commission members agreed with Mr. Smith and

VOTED: To accept an additional ten minutes of testimony from people representing each side of the request.

Mr. Hobart L. Gains, nearby property owner, stated that the opening of the hearing on this request is a surprise as it was the understanding that the rule is that no testimony be given at the Planning Commission hearing. Mr. Gains said that the people in the area do not wish to violate this rule and are not prepared to discuss the amended plan. Since the Zoning Committee turned down the previous plan there has been no notice of the amended plan and there has not been ample opportunity to study what has been presented at this meeting. The people appearing at this hearing merely came to listen and therefore the comments stand as presented before the Zoning Committee.

Mr. Norcell Haywood, representing the applicant, stated that he is an architect practicing in San Antonio at the present time, but he grew up in Austin and is very familiar with the area of the neighborhood in question. The plans on the property have been discussed at length with the Planning Department. The strip of land along Webberville Road to be left as "A" Residence is meant to show to the people in the area that it is not the intention in anyway to take away from the value of the property. A lot of people look at rent supplement as low cost housing but this is not true as this is housing for everyone. The rents on these apartments will be in the neighborhood of \$120.00 for one bedroom units to \$160.00 for three bedroom units. The development of the property in the manner proposed will increase the value of the area. The problem with housing projects is usually with the management but in this particular instance, the kind of people that will live in the units will be screened as in any other housing. The project will have its own playground equipment and will be a self-contained project with laundry facilities, etc. There will be more than adequate open space between the units. The subject property is an eye-sore now and needs to be improved which will bring enough tax revenue to more than support the new school which is to be established. The units will be brick veneer and the prices will be comparable to the prices of the residences across the street. The strip of property which is being excluded will help alleviate the traffic problems along Webberville Road. The project will have to comply with FHA regulations and will not detract from the neighborhood. In the preliminary plans, the street access will be divided all the way around the site and there will be a private road through the site with parking facilities in front of each unit.

892

~~889~~

C14-68-255 Carey, Legett, Jr.--contd.

Mr. McNeil asked if other sites are available. Mr. Haywood stated that he does not know of any other sites of this size where there is bus service and related services in close proximity.

Mr. Osborne stated that one of the key elements for consideration is the issue of housing need. There is no doubt that there is a very extensive and rather desperate need for moderate cost housing, as well as low cost housing, particularly in the East Austin area and the Negro community. Mr. Osborne said that from his standpoint this is an issue of how something like this can be properly worked in. Every effort to provide for the need and at the same time recognizing the responsibility which effects land planning is being made. The site plan will probably be modified considerably and some of the ideas will be kept. The Planning Department has worked with at least three private non-profit housing groups during the last six months in an attempt to find sites particularly in this area because of the bus service and similar kinds of services available. It has been extremely difficult to find just the right location as many other areas within the city do not meet certain requirements.

Mr. McNeil stated that he feels the need for housing is critical and he is not opposed to hearing this application again as he does not want to see the project terminated but it would seem that the Commission would be breaking faith with the people notified to come to the Zoning hearing inasmuch as the application has been modified and the people have not been made aware of this modification. He reiterated that he is not necessarily opposed to the project but he is opposed to the procedure of rehearing on this application.

Mr. Osborne stated that this Commission as well as previous Commissions have on any number of occasions accepted modifications to planning proposals and applications following the Zoning hearings.

Dr. Hazard said that in his opinion the presentation at this hearing has missed the major points of this case as the Committee felt that development in the area was a threat to the good quality family housing for Negro people who have worked very hard for years to have an area that is comparable to other areas in Austin. There is no reason to believe that the residential property would not suffer. The reaction in the community has been that this sort of development would be detrimental to the area. In the last few months, the Commission has recommended that apartment development be centered around the core area and this is not the core area. Another point of consideration is that the change would generate traffic and regardless of what happens to Tannehill Road there is a high traffic count existing in this area.

Mr. Smith advised the Commission that he voted against this application at the Zoning Committee meeting as it was felt it would be an intrusion because of the fact that the development was to extend to Webberville Road. The applicants are now requesting an amendment to the applicant which provides a buffer. There have been similar cases in the past where zoning changes have been granted when a buffer was established between the residential and

C14-68-255 Carey Legett, Jr.--contd.

the apartment development. A buffer zone for this area was briefly considered at the Zoning hearing because of the residential property across Webberville Road. One of the major objections at the Zoning hearing was that elements would enter into this neighborhood which are not too desirable. Mr. Smith further stated that he does not always agree with the idea inasmuch as he feels that not all poor people are troublemakers or conversely not all troublemakers are poor. This particular complex will be supervised and it will be stated in the contract that they will have to move if they cause trouble. It is felt that all of the people should be brought into the main stream of the community in order to make them a well-rounded citizen. This type of development should be encouraged as the rent supplement program enables people to live in housing they can be proud of and that they otherwise could not afford.

Mr. McNeil emphasized that he is not opposed to the project but he is opposed to the procedure being followed. A new hearing should be held on the amended application and all the people notified so everyone will have an opportunity to voice their opinion.

Mr. Osborne explained it would be another three weeks before the request could be heard by the Zoning Committee and four weeks before it could be heard by the Planning Commission. It is the applicant's prerogative to proceed with this application. It should be pointed out that there will be a full hearing by the City Council and the people will be notified of that hearing.

After further discussion a motion to accepted the amended application failed to carry by the following vote:

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

A majority of the Commission then

VOTED: To recommend that the request of Carey Legett, Jr. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1810-4500 Tannehill Lane, 4301-4319 Webberville Road, and 4323-4501 Webberville Road be DENIED.

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

C14-68-256 B. F. Wright & Lula Naschke: A, 1st to BB, 2nd
 2100-2106 Nickerson Street
 107-111 Leland Street

STAFF REPORT: This site contains 30,139 square feet of land. The stated purpose of the request is for apartment development. There was an error in the notification of the request in that it was advertised as a request for "B" Residence, Second Height and Area zoning and the application is for "BB" Residence, Second Height and Area zoning. The immediate neighborhood is developed with many use districts. Along South Congress Avenue on both the east and west sides is commercial zoning developed with a mixture of commercial uses. To the west at the intersection of Crockett Street and South Congress is apartment development and to the west of the apartment development is "A" Residence zoning developed with single-family homes. Fulmore Junior High School is established on property immediately to the north and there is single-family development to the east of South Congress Avenue along Leland Street and East Johanna Street. At the intersection of East Liveoak and Congress there is an office complex which is zoned "GR" General Retail and "C" Commercial. Under the proposed zoning, approximately 20 to 24 units would be permitted on the site. The staff feels that this would be too dense for the neighborhood; however, it is felt that there is merit to "BB" Residence, First Height and Area zoning which would permit approximately 15 to 17 units. This would serve as a gradation of zoning from the commercial area along South Congress Avenue and the residential area to the east. Leland Street, with a present right-of-way of 55 feet should be widened to 60 feet which would require approximately 2½ feet from the site. Nickerson Street with a present right-of-way of 40 feet should also be widened to 60 feet which would require 10 feet from the subject property. The staff recommends that the zoning as requested should be denied but would look with favor on "BB" Residence, First Height and Area zoning at such time as the streets are made adequate.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	Gladys W. Huston: 1604 Wetherfield Road	FOR
A	Lula I. Naschke: 755 Springdale Road	FOR
?	Mr. & Mrs. J. B. Armstrong: 4903 Winding Trail	FOR

SUMMARY OF TESTIMONY

Mrs. Gladys W. Huston, representing the applicants, stated that the development on the subject property is very old and dilapidated. To repair the existing structures and build only two more units would not be worth the effort to expand because of the money it would cost. It is requested that the zoning be granted so that the development on the property can be increased enough to pay the expense.

C14-68-256 B. F. Wright and Lula Naschke--contd.

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 because of the inadequate right-of-way of Leland Street and Nickerson Street. They stated they would look with favor on "BB" Residence, First Height and Area zoning provided the streets are made adequate, as a gradation in zoning and the appropriate development for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of B. F. Wright and Lula Naschke for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, Second Height and Area for property located at 2100-2106 Nickerson Street and 107-111 Leland Street be DENIED.

C14-68-257 Forrest N. Troutman: GR to C-2
7939-7941 Burnet Road

STAFF REPORT: This site consists of 8,260 square feet of land which is located in a "GR" General Retail District. The purpose of the request is for a package store. Directly north of the site is a service station located on "C" Commercial property which extends to Mahone Avenue. "C" Commercial zoning exists to the north and south of Ashdale Drive. On the north side of Mahone Avenue is "C-2" zoning which is developed with a rest home. To the south is another commercial district extending westward along Anderson Lane. A large discount store, zoned "GR" General Retail is located at the northwest intersection of Anderson Lane and Burnet Road. The requested "C-2" zoning is a privilege zoning which allows a package store or tavern. It has been the practice of the Commission in the past to grant this type of zoning if the area is well-defined and well-developed commercially. In view of this, the staff has no objection the request.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Steve Price: 7118 Cameron Road

FOR

C14-68-257 Forrest N. Troutman--contd.

SUMMARY OF TESTIMONY

Mr. Steve Price appeared at the hearing and stated that he is the agent involved in this transaction. The present building on the premises is rather decrepit and if the change is granted, the plans are to remove the structure and erect a new masonry building. 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 this is a well-defined and well-established commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Forrest N. Troutman for a change of zoning from "GR" General Retail, Sixth Height and Area to "C-2" Commercial, Sixth Height and Area for property located at 7939-7941 Burnet Road be GRANTED.

C14-68-258 Donald P. Sconci: A to C
9038-9106 North Interregional Highway

STAFF REPORT: This site contains 14,026 square feet of land which is presently undeveloped. The stated purpose of the request is for a service station. The site has 170 feet of frontage onto the Interregional Highway and is 71 feet deep on the north end and 91 feet deep on the south end. "GR" General Retail zoning, granted in 1956, is established on property to the north at Rundberg Lane; "A" Residential zoning exists to the west, and "D" Industrial zoning exists to the east across the Interregional Highway. The staff does not feel that the property in question would be inappropriately zoned for commercial facilities as it would provide for the appropriate development along the frontage road of the Interregional Highway. However, the staff does question the establishment of "C" Commercial zoning and recommends that "GR" General Retail zoning be granted. The site is very shallow which will limit the type of commercial development that can be established. A service station as proposed, is one of the few uses that will fit onto the site because of the depth.

TESTIMONY

WRITTEN COMMENT
Code

None

C14-68-258 Donald P. Sconci--contd.

PERSONS APPEARING AT HEARING

Code

A	Scott Moore: 1210 Nueces	FOR
?	Tom Cherry: 1210 Nueces	FOR

SUMMARY OF TESTIMONY

Arguments presented FOR:

Mr. Scott Moore, representing the applicant, said that he had very little to add to the report by the staff. He explained that they have the property under contract to an oil company for the purpose of building a service station. There is an exit from the southbound lane of the expressway above the site and there is an entrance to the expressway below the site. There is also an exit on the opposite side of the Interregional for the northbound traffic for the Rundberg Lane overpass which makes the subject site a good location for a service station. There is no objection to the "GR" General Retail as recommended by the staff and it is recommended that this request be amended. No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "GR" General Retail, First Height and Area. They concluded that the request as amended should be granted as the proper zoning along the Interregional Highway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Donald P. Sconci for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 9038-9106 North Interregional Highway be GRANTED.

C14-68-259 Henry Renfert, Jr.: B, 2nd to C, 3rd
2506-2510 Nueces Street

STAFF REPORT: This application covers three lots totaling approximately 15,700 square feet. The stated purpose of the request is for apartment development. The subject property fronts onto Nueces Street which has a present right-of-way of 60 feet. The only street plan change in the immediate vicinity is the conversion of West 26th and West 25th Street into a one-way pair. This will affect the southern end of the block that the subject property is in but will not affect the subject site. There is a mixed zoning and height and area pattern in the immediate vicinity. "C" Commercial, Third Height and Area zoning is established to the east along Guadalupe Street and to the north along West 26th Street. "B" Residence, Second Height and Area zoning is established to the south

C14-68-259 Henry Renfert, Jr.--contd.

and also to the north on property which is developed with Seton Hospital. "C" Commercial, Fourth Height and Area zoning was granted to the west on the block between West 25th and West 26th and Rio Grande and Seton Avenue for the purpose of high-rise apartment development. "C" Commercial zoning exists along West 24th and 25th Streets and the staff does not feel that with the present zoning pattern that this use would be out of keeping with the area. In the past this type change has been granted to accommodate individual proposals. The density permitted under the requested change is quite permissive in that a one bedroom unit would be permitted for every 240 square feet and a two-bedroom unit would be permitted for every 300 square feet. The staff recommends in favor of the change because of the existing zoning and development in the area.

TESTIMONY

WRITTEN COMMENT

Code

J	Bruch & Virginia Kirk: 3608 Stanalind Drive Midland, Texas	FOR
AE	F. H. Gable: 12808 Coit Rd., Dallas, Texas	FOR
AB	G. E. Martin c/o Mrs. Edna M. Cannon 4054 Merrick, Houston, Texas	FOR

PERSONS APPEARING AT HEARING

Code

A	Malcolm Robinson: 407 Austin Savings Bldg.	FOR
---	--	-----

SUMMARY OF TESTIMONY

Mr. Malcolm Robinson was present on behalf this request and stated he had nothing to add to the report by the staff.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henry Renfert, Jr. for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Third Height and Area for property located at 2506-2510 Nueces Street be GRANTED.

C14-68-260 Edna J. Duffy: A, 1st to GR, 5th
 1900-1950 South Interregional Highway
 1316-1334 Mariposa Drive

STAFF REPORT: The subject property, located at the northwest corner of Mariposa Drive and the Interregional Highway, contains approximately 2.34 acres of land which is presently undeveloped. The stated purpose of the request is for business development. The immediate area is developed with a mixed zoning pattern consisting of "B" Residence, First Height and Area zoning immediately to the west which is developed with apartments; "GR" General Retail, Sixth Height and Area zoning to the south, granted in 1958; and "GR" General Retail, Second Height and Area zoning, granted in 1967, on property west of Farmers Drive between Mariposa Drive and Algarita Avenue. Several months ago approximately two acres of land at the intersection of Woodland Avenue and the Interregional Highway was before the Commission for consideration of "GR" General Retail, Fifth Height and Area zoning. At that time the Commission recommended in favor of the change and the request was granted by the City Council. In view of this, and because of the "GR" General Retail district established to the south, the staff feels that the requested zoning is appropriate for the property along the Interregional Highway. It is further felt that the "B" Residence district adjoined to the west will serve as a gradation between the commercial development and the residential development to the west along Fairlawn Lane and recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

E	John F. Thomas: 918 East 32	FOR
D	H. D. Pruett, Jr.: 4616 Lakeview Drive	FOR

PERSONS APPEARING AT HEARING

Code

A	Sterling Sasser, Sr.: 719 West 6th	FOR
---	------------------------------------	-----

SUMMARY OF TESTIMONY

Arguments presented FOR:

Mr. Sterling Sasser, Sr., representing the applicants, stated that he would be happy to answer any questions about the proposal and he does concur with the staff recommendation.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical extension of existing zoning and would allow the appropriate development along the Interregional Highway, subject to adequate drainage being provided.

C14-68-260 Edna J. Duffy--contd.

At the Commission meeting, the staff reported that a 30-foot drainage easement is needed along the creek that runs through the subject property. The Commission concurred with the Committee recommendation that this request should be granted, provided adequate drainage is provided. It was then unanimously

VOTED: To recommend that the request of Edna J. Duffy for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 1900-1950 South Interregional Highway and 1316-1334 Mariposa Drive be GRANTED.

C14-68-261 First Presbyterian Church USA & Westminister Manor: A, 1st (Tr. 1) and B, 2nd (Tr. 2) to O, 2nd

Tract 1: 4204-4230 Jackson Avenue
4234-4266 Bull Creek Road
4209-4427 Mueller Avenue
Tract 2: 4010-4202 Jackson Avenue

STAFF REPORT: This application involves two tracts of land, totaling 6.68 acres, and is a request for a change of zoning to "O" Office, Second Height and Area on both tracts. The site has frontage onto Bull Creek Road, Jackson Avenue, Mueller Avenue, and Mo-Pac Boulevard. The northern portion of the site, which is Tract One, has been developed with church facilities by the First Presbyterian Church. Tract 2 is developed with the Westminister Manor, which is a four-story retirement home. The property adjoins the State Highway Department property to the south which is developed with offices, maintenance and storage facilities that extend from the subject property southerly to West 35th Street. Along the east side of Jackson Avenue to Bull Creek Road, extending southerly to 35th Street is a single-family area with the exception of one parcel of land at the intersection of Bull Creek Road and Jackson Avenue which was zoned "O" Office for a lodge. To the east of Bull Creek Road is State property. Property north of the site is developed with a synagogue and to the north of that is apartment development.

It is the staff's understanding that the zoning of this property is for the purpose of establishing a lesser setback from the street than the present zoning allows. From the standpoint of relating this particular use to adjoining uses, the staff can find no particular objection to the request but there is concern for the ultimate right-of-way needs for Jackson Avenue and the completion of Mo-Pac Boulevard. Jackson Avenue, with a present right-of-way of 50 feet is used as a collector street from Bull Creek Road to West 35th Street and should be widened to 60 feet, with an ultimate paving width of 40 to 44 feet. Mueller Avenue to the north has not been built on the ground. Through the subject property along the west side is a 50-foot strip of land which has been included in this application for rezoning. As this strip of land is involved in the Mo-Pac Boulevard right-of-way, it is felt that Mr. Glenn Cortez, Assistant City Attorney, should comment on it.

C14-68-261 First Presbyterian Church USA & Westminster Manor--contd.

Mr. Cortez explained that the 50-foot strip as shown on the map is included within an area that has been deeded to the City by the Missouri Pacific Railroad Company as part of the agreement for the Mo-Pac Boulevard right-of-way. Mr. Cortez stated that it is his understanding that there are some encroachments in the area but the City is claiming 100 feet on either side of the center line of the railroad. He stated that it is also his understanding, after conferring with the applicants, that they intend to amend their application to exclude this 50-foot area. Based on the agreement to amend, there would be no objection to the zoning as such.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	Richard Craig: 900 Perry Brooks Bldg.(rep. appl)	FOR
	Eugene Wukasz (representing applicants)	FOR
?	E. D. Wiginton: 4100 Jackson	FOR

SUMMARY OF TESTIMONY

Mr. Richard Craig, representing the applicants, stated that the First Presbyterian Church for some 110 years was located in downtown Austin at the corner of Seventh and Lavaca Streets. They saw the need to change the church location and worked out a property exchange which resulted in the church acquiring the tract now under consideration. The initial plans for the church and for Westminster Manor would have involved the use of the back portion of this property which the City subsequently says they need for Mo-Pac. At the time the first construction of Westminster Manor was started which was in July, 1963, the City issued a permit which would have permitted a 5 foot offset on the back side and west side of the property. Subsequently the Westminster people amended and moved their structure forward to accommodate the City. They made application in 1963 to the Board of Adjustment and requested the right for this structure to be located within 14 feet of the so-called 50 foot line. The Board of Adjustment did not grant the request. Mr. Craig stated that they are not asking that the zoning apply to the 50 foot strip and it is his understanding that the field notes do not cover this area; however, if they do, it is requested that the application be amended in order to exclude the 50 foot area.

The type of development that is established and proposed is a real asset to the City of Austin. Mr. Craig presented an architect's sketch of the existing and proposed development and stated that the need is to complete the wing as shown which is to go near to Jackson Avenue than 25 feet. Attention should be called to the fact that when this property was acquired

902
~~899~~

C14-68-261 First Presbyterian Church USA and Westminster Manor--contd.

there was no notice that the City expected to obtain this 50 foot strip as a part of the Mo-Pac Expressway. Good faith has been shown by moving forward from Mo-Pac at the City's insistence. There will be no access onto Jackson Avenue from the church tract or from the Westminster tract. If the proposed wing cannot be added to Westminster Manor and if the church sanctuary cannot be built on the northern area, then the applicants will have been denied substantially the use of a large part of this tract of land.

There is apartment development on Bull Creek Road and there is no objection from the residential area to the east. None of the houses along Jackson Avenue front onto that street. If the application is denied, it will seriously damage the entire project. When a variance from the Board of Adjustment was requested in 1963, Mr. Eugene Wukasch, the architect, advised the Board that the best use of the property would be to allow the structure within 14 feet of the property line.

Mr. Wukasch was present at this hearing and stated that at the previous Board hearing, Mr. Stevens briefly raised the question about the master plan for development of the property at which time it was explained that if the variance was denied the master plan would be seriously damaged. The request was denied and the plan was adjusted but if as much as 25 feet is lost, the full cluster concept of the plan will be lost. Research was done on the cluster concept and an attempt was made to design a building that would be void of anything institutional. The people are happy with this kind of environment as it is not a big mass of buildings. The proposed structure would be 10 feet from the property line according to present plans.

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 Jackson Avenue; however, they stated they would look with favor on the requested zoning, provided Jackson Avenue is made adequate, as the appropriate zoning for the area.

At the Commission meeting, the staff reported a letter from Mr. Richard Craig, representing the applicants, agreeing to provide a 5 foot sidewalk and utility easement along Jackson Avenue in order that the subject property may be rezoned. This has been discussed with Public Works and the Traffic and Transportation Departments and they have stated they would prefer the right-of-way but recognize that the church has a problem with the completion of the retirement home. The remaining wing on the retirement home is yet to be built and if they are required to setback more than 10 feet from Jackson Avenue it will in effect ruin the project by eliminating.

C14-68-261 First Presbyterian Church USA & Westminster Manor--contd.

the addition. The sidewalk and utility easement would allow the structure to be completed to within 10 feet of the property line as the setback would be measured from the existing right-of-way line. The staff is willing to accept the sidewalk and utility easement in lieu of dedication.

The Commission members agreed that the requested zoning is appropriate for the site and would allow the proper development. They felt that the offer of the sidewalk and utility easement should be accepted in lieu of the dedication of right-of-way for Jackson Avenue and therefore unanimously

VOTED: To recommend that the request of First Presbyterian Church USA & Westminster Manor for a change of zoning from "A" Residence, First Height and Area (Tr. 1) and "B" Residence, Second Height and Area (Tr. 2) to "O" Office, Second Height and Area for property located at (Tr. 1) 4204-4230 Jackson Avenue, 4234-4266 Bull Creek Road and 4209-4427 Mueller Avenue and (Tr. 2) 4010-4202 Jackson Avenue be GRANTED.

C14-68-262 Mrs. Lucille Richter: A to BB
4616-4618 Depew Avenue

STAFF REPORT: The subject property contains 10,400 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is for apartment development. The area is developed predominantly with single-family residences, some duplexes and some non-conforming uses such as the doctor's office at the northwest corner of Red River and East 47th Streets. Just north of East 47th Street at the intersection of Red River and Depew Avenue is "C" Commercial zoning which was established in 1945. "BB" Residence, First Height and Area zoning was granted in 1967 on property to the north of East 47th Street on Depew Avenue. At that time the staff recommended in favor as "BB" Residence zoning would serve as an adequate gradation of zoning between the commercial property to the south at the intersection, and the residential property to the north. Following that application was another request for "BB" Residence First Height and Area zoning on property adjoining to the north which was before the Commission in 1968 and was recommended subject to right-of-way being made adequate on Depew Avenue. The request has been granted. The staff has no objection to the requested change because of the existing zoning and development in the area, but Depew Avenue, with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet. A letter has been received from Mr. Arthur Pihlgren, representing the applicants, offering to dedicate 5 feet for right-of-way purposes. In view of this offer the staff recommends that the request be granted as it is a logical extension of the existing zoning to the north and south.

TESTIMONY

WRITTEN COMMENT

Code

T

Gunner E. Rath: 5205 Pin Oak Path

FOR

C14-68-262 Mrs. Lucille Richter--contd.

PERSONS APPEARING AT HEARING

Code

? Arthur Pihlgren, representing applicant

SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren was present on behalf of this request and stated that he concurs with the staff recommendation and requests that the application be granted.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and was cognizant of the offer of right-of-way for Depew Avenue. They felt that in view of this, the requested zoning should be granted as it conforms to recently established zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Lucille Richter for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 4616-4618 Depew Avenue be GRANTED.

C14-68-263 Nelson Puett, Jr.: Int. A, Int. 1st to LR, 1st (Tr. 1), O, 1st
 Tract 1: 2611-2629 Jones Road (Tr. 2) & BB, 1st (Tr. 3)
 5101-5105 West Gate Boulevard
 5100-5104 Tahoe Trail
 2605-2609 Jones Road
 5101-5105 Tahoe Trail
 Tract 2: 5201-5203 West Gate Boulevard
 5200-5220 Tahoe Trail
 Tract 3: 5201-5221 Tahoe Trail
 5205-5209 West Gate Boulevard
 2604-2620 Ektom Drive

STAFF REPORT: The subject property involves three tracts of land totaling ten acres. Tract 1, a request for "LR" Local Retail, First Height and Area zoning, contains approximately three and one-half acres, and is the most northerly tract having frontage onto Jones Road and West Gate Boulevard. Tahoe Trail is proposed through a portion of Tract 1. Tract 2, a request for "O" Office, First Height and Area contains less than two acres and is located on the north side of Tahoe Trail and the east side of West Gate Boulevard. Tract 3, containing approximately five acres is located on the south side of Tahoe Trail east of West Gate Boulevard and is a request for "BB" Residence, First Height and Area zoning which is a low

C14-68-263 Nelson Puett, Jr.--contd.

density apartment district. Across Jones Road from the site is Interim "A", Interim First Height and Area property which is presently developed with single-family and some duplex development. The property on the west side of West Gate Boulevard is in the City of Sunset Valley and the lots back to West Gate Boulevard and the houses front to the interior of the subdivision. To the northwest, on the east side of West Gate Boulevard is a "BB" Residence district established in 1967 for low density apartments. Along the west right-of-way line of West Gate Boulevard is the City limit line of Austin and Sunset Valley.

The City of Austin recently annexed the subject property and the zoning application followed. This property was also before the Commission earlier in the year as a subdivision matter entitled Southern Oaks, Section 7, in which the subdivision proposed commercial, apartment and office facilities and the lots were laid out accordingly. The lots in Tract 1 are for the most part 50 to 55 feet wide with a depth of 200 feet. Tracts 2 and 3 are also subdivided into lots.

A subdivision map of the area was presented showing the area at the north end of West Gate Boulevard extending southerly. The staff explained that there is a large commercial area zoned for a shopping center complex located at the intersection of Ben White Boulevard and South Lamar. Inasmuch as the subdivision is located at the intersection of a 90 foot boulevard and a 70 foot collector street, the staff feels that the application for neighborhood commercial facilities can be supported. The most southerly street to the south which is Ektom Drive should be widened to 60 feet.

TESTIMONY

WRITTEN COMMENT

Code

AA	Joe Perrone: 2803 Manchaca	FOR
----	----------------------------	-----

PERSONS APPEARING AT HEARING

Code

A	Nelson Puett, Applicant	
M	Duane Charles Wright: 500 Pack Saddle Pass	AGAINST
G	Lonnie Campbell: 5003 Tahoe Trail	AGAINST
H	Mr. & Mrs. Glen S. Albright: 5001 Tahoe Trail	AGAINST
K	Mr. & Mrs. Milton F. Krenek: 4903 Tahoe Trail	AGAINST
?	Joseph W. Flori: 4601 Pack Saddle Pass	AGAINST
?	Claude W. White: 5005 Winding Trail	AGAINST
?	Mr. & Mrs. George E. Schmidt: 5009 Winding Trail	AGAINST
?	Mrs. Farrell J. Sullivan: 2601 Mesquite Cove	AGAINST
?	LaVerne A. Westling: 5202 Buffalo Pass	AGAINST
?	Bud Fowler: Rt. 5, Box 83	AGAINST
N	J. Frank Cavitt, III: 5002 Pack Saddle Pass	AGAINST
F	Mr. & Mrs. Lloyd G. Kile: 5005 Tahoe Trail	AGAINST

C14-68-263 Nelson Puett, Jr.--contd.

D	Mr. & Mrs. Tom White: 5002 Tahoe Trail	AGAINST
G	Mr. & Mrs. Thomas H. Seager: 5004 Tahoe Trail	AGAINST

SUMMARY OF TESTIMONY

Arguments presented FOR:

Mr. Nelson Puett stated that he submitted plans to the Planning Department and subdivided exactly the way they recommended. The land was subdivided, approved and recorded. He explained that he has subdivided a great deal of land and has found that people are usually very happy when a shopping center is built in the area. The development planned is similar to other developments in Austin. There are 28 apartments and twelve duplexes already built west of West Gate Boulevard and there are only 22 lots within 300 feet of the subject property. Mr. Puett stated that with regard to the annexation of the property he was caught in the middle as the property was not in the City of Austin nor in Sunset Valley. He explained that he could have the same type development before the property was requested to be annexed and would have received the same refund contract. The property was in Water District No. 5 and he has paid Water District and City taxes for five years. The property could have been subdivided out of the City but this was discussed with the Planning Director and it was concluded that the property should be in the City of Austin although there will be more taxes to pay. The request is a logical expansion.

Arguments presented AGAINST:

Major Lloyd G. Kile, a nearby property owner, appeared at the hearing and stated that he represents approximately fifty people in the area of Western Trails who are opposing this zoning change and presented a petition in opposition containing approximately 125 names of people in the immediate area north of Jones Road. He explained that the people in this area are not trying to stymie the progress of the City of Austin and they would like to see this particular area built up and developed, but there is no reason why "LR" Local Retail in this particular area should ever be allowed to go through. Within a one-mile radius there are two shopping centers, three beauty shops, a barber shop, veterinarian office, dentist and doctor's offices, three 7-11 type stores, and nine service stations. All of these developments are easily accessible from this area. There is land along First Street and Ben White Boulevard that has been sitting idle for several years. It is felt that there is no need for this type of zoning in this particular area. The area should be built up with "A" Residential development as this is a beautiful location and would be an asset.

Mr. Bud Fowler, Mayor of Sunset Valley, stated that he is the official spokesman for the City Council of Sunset Valley. He advised the Committee that he has placed in the hands of the Austin City Council a letter opposing the annexation of this particular tract of land in

C14-68-263 Nelson Puett, Jr.--contd.

question. Mr. Fowler presented copies of the letter to the Committee and explained that the annexation of this land is in violation of the Municipal Annexation Act as it appears in Article 970-a, Vernon's Annotated Civil Statutes. A village the size of Sunset Valley under Article 970-a is entitled to one-half mile of extra territorial jurisdiction. In this particular case it is a question of overlapping authority. The City of Sunset Valley has made several concessions to the City of Austin pertaining to annexation of property next to the boundary. Recently it was discovered that the City of Austin annexed this property without consulting Sunset Valley and it is felt that this is not only illegal but generally unbusinesslike and very unethical. Mr. Fowler stated that in his opinion Sunset Valley will be able to work out the annexation with the City of Austin but not the zoning as the people oppose that very rigidly.

Several other property owners appeared and stated their opposition because of the existing residential area and the traffic situation. They felt that the re-zoning and development of the subject property in the manner proposed would be detrimental to their property and detract from the existing values. The traffic in this area is a problem at this time and the proposed development will only increase the already existing problem and would be hazardous to the many children in the area.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and recognized that neighborhood shopping facilities are normally located at the intersection of two major streets such as Jones Road and West Gate Boulevard. They felt that shopping facilities at this location would be proper if limited to the area at the intersection and with the provision that Tracts 2 and 3 act as a buffer zone to the shopping area and as a gradation of zoning to future single-family development to the south and east. They recommended that "LR" Local Retail, First Height and Area zoning be granted on that portion of Tract 1 lying to the west of Tahoe Trail; "O" Office, First Height and Area be granted on Tract 2, and "BB" Residence, First Height and Area be granted on Tract 3 and that portion of Tract 1 lying to the east of Tahoe Trail, subject to the widening of Ektom Drive to a 60 foot right-of-way with 40 feet of paving.

At the Commission meeting, Dr. Hazard explained that there has been controversy with the City of Sunset Valley as to whether or not the subject property should have been annexed to the City of Austin.

Mr. Osborne stated that as far as the City is concerned, this area is in the City of Austin. It has been annexed by the City Council and the staff has been advised by the Legal Department that it is to be considered as part of the City of Austin.

C14-68-263 Nelson Puett, Jr.--contd.

Mr. Hanks stated that the City Council has gone on record as saying they do not want to bring any property into the City unless it is requested by the property owner. He said that he talked to Mr. Cortez, Assistant City Attorney, after the Zoning hearing and he said that Mr. Puett could have subdivided his property without bringing it into the City of Austin and developed it in any manner he wanted. Mr. Hanks commented that he made a field inspection of this area and noted that the property to the east next to the creek has a flood plane problem. In his opinion the application as requested by Mr. Puett should be granted because of this problem and because he could have developed the property without bringing it into the City of Austin. Mr. Hanks further stated that in his opinion the request is logical and reasonable. The Commission members unanimously agreed with Mr. Hanks and

VOTED: To recommend that the request of Nelson Puett, Jr. for a change zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area (Tr. 1), "O" Office, First Height and Area (Tr. 2) and "BB" Residence, First Height and Area (Tr. 3) for property located at (Tr. 1) 2611-2629 Jones Road, 5101-5105 West Gate Boulevard, 5100-5104 Tahoe Trail, 2605-2609 Jones Road and 5101-5105 Tahoe Trail, (Tr. 2) 5201-5203 West Gate Boulevard and 5200-5220 Tahoe Trail and (Tr. 3) 5201-5221 Tahoe Trail, 5205-5209 West Gate Boulevard and 2604-2620 Ektom Drive be GRANTED.

C14-68-264 Eastburn-Kell Properties: A to C
 5506-5518 Martin Avenue, 605-607 East 56th Street,
 5501-5507 Martin Avenue, 700-702 East 55th Street,
 5511-5513 Martin Avenue, 703 East 56th Street, 705-
 711 East 56th Street, 5510-5516 Middle Fiskville Road,
 5504 Middle Fiskville Road and 5500 Middle Fiskville Road
Add'n. Area: 5500-5504 Martin Avenue, 604-606 East 55th
 Street, 5509 Martin Avenue, 5515 Martin Avenue, 5517 Martin
 Avenue, 701 East 56th Street, 5506-5508 Middle Fiskville
 Road and 5502 Middle Fiskville Road

STAFF REPORT: This application covers approximately 39 lots involving approximately 150,125 square feet. The staff has included 15 lots, which are the remaining parcels of land in this block as additional area in order to complete the zoning in the block. The stated purpose of the request is for an auto body repair shop. There have been recent zoning considerations in the area, one of which was a request for "C" Commercial, First Height and Area zoning on property at the southeast intersection of Martin Avenue and East 56th Street which was granted subject to 10 feet of right-of-way being provided for East 56th Street and 5 feet for Martin Avenue; however, the Ordinance is pending. "C" Commercial zoning is established to the west at Evans and 56th Streets, a part of which is utilized for commercial purposes. Armstrong Johnson is building their dealership on property located north of East 56th Street and the Carnation Milk Company is established on property

C14-68-264 Eastburn-Kell Properties--contd.

to the north along Airport Boulevard. The staff feels that this entire triangle which is bounded by the railroad on the south and west, Middle Fiskville Road on the east and East 56th Street on the north will eventually convert to commercial zoning and development. It is felt that the request on the subject property is logical, but widening of the streets to 60 feet in width should be taken into consideration at the time of conversion. This would affect the subject property by 10 feet for the property siding onto East 56th Street and 5 feet for the property fronting onto Martin Avenue and East 55th Streets. Only a small portion of right-of-way is needed for Middle Fiskville Road. There are drainage needs for the area but this has not been discussed with the drainage department. In view of existing zoning and development, the staff recommends the request be granted, subject to the streets being made adequate and with the provision that the drainage needs will be worked out.

TESTIMONY

WRITTEN COMMENT

Code

D	Charles Wendlandt: P. O. Box 404	FOR
Z	Wilson Raven: 924 East 53½ Street	FOR
A	J. S. Brown: 3111 West Lake Drive	FOR
N	Larry Niemann: 505 International Life Bldg.	FOR

PERSONS APPEARING AT HEARING

Code

A	Alvis Vandygriff (representing applicant)	FOR
---	---	-----

SUMMARY OF TESTIMONY

Mr. Alvis Vandygriff was present on behalf of this request and stated that the drainage area pointed out by the staff has to do with the area that lies to the north of East 55th Street. The concern is to get the water from this area over to the drainage that is already installed in Middle Fiskville Road. There is a question as to whether or not this will be done by an underground tunnel or whether or not there will be an open ditch. East 55th Street is not open at this time but the applicants are negotiating the possibility of bringing the drainage down which would leave the full utilization of all of this area. The development proposed will be part of the Armstrong-Johnson establishment. The body shop will be on the area to the northwest of Martin Avenue and the Automobile diagnostic center will be located along Middle Fiskville Road. This area will be developed into something that the City will be proud of.

Mr. Vandygriff advised the staff that the applicants have purchased some of the area included as additional area and the right-of-way needed for the streets will be dedicated as it is recognized that the right-of-way should conform to the other streets in the City.

C14-68-264 Eastburn-Kell Properties--contd.

Mr. Stevens stated that in view of the offer of right-of-way from the applicants on the property they own, it is recommended that the request be granted on their property but that the additional area be denied until such time as the streets are made adequate.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the offer of right-of-way for the streets from the subject property. They felt that in view of this the zoning as requested should be granted on the subject property; however, they felt that "C" Commercial zoning should be denied on the property included as additional area at this time, but stated they would look with favor on zoning these parcels "C" Commercial, First Height and Area, provided the streets are made adequate. The Committee also felt that the granting of the request on the subject property should be subject to provision of adequate drainage.

At the Commission meeting, the staff reported that there is an offer of right-of-way for the widening of East 56th Street, Martin Avenue and the applicant's portion of East 55th Street and Middle Fiskville Road. The only remaining item is the consideration of the drainage provision. The drainage now comes down through the area and the City would like to get the drainage over to Middle Fiskville Road where there is an existing structure. This is a large drainage facility, either in width of easement (40 feet) or in cost of boxing it in, and will cost considerable money and be of consequence to future development on the property. The staff recommends that the requested zoning be granted with the drainage being provided for as this will enable the applicants to negotiate not only the location of the drainage but the type of drainage they intend to use.

The Commission noted the provision for the streets and concurred with the Committee recommendation that this request should be granted subject to the drainage being provided for. It was then unanimously

VOTED: To recommend that the request of Eastburn-Kell Properties for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 5506-5518 Martin Avenue, 605-607 East 56th Street, 5501-5507 Martin Avenue, 700-702 East 55th Street, 5511-5513 Martin Avenue, 703 East 56th Street, 705-711 East 56th Street, 5510-5516 Middle Fiskville Road, 5504 Middle Fiskville Road and 5500 Middle Fiskville Road be GRANTED, not including the additional area located at 5500-5504 Martin Avenue, 604-606 East 55th Street, 5509 Martin Avenue, 5515 Martin Avenue, 5517 Martin Avenue, 701 East 56th Street, 5506-5508 Middle Fiskville Road and 5502 Middle Fiskville Road.

ABSTAINED: Mr. Brown

911
~~900~~

C14-68-266 V. Leon Austin: A to O
1523 Koenig Lane
5805-5807 Arroyo Seca

STAFF REPORT: This site contains approximately 10,000 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is for offices. The subject property is a through lot located in an area that is presently zoned "A" Residence; however, the lot does front onto Koenig Lane which is a major arterial street. The immediate area located on the south of Koenig Lane is developed with single-family dwellings with the exception of a duplex located at Ullrich Avenue and Arroya Seca. There is a very strong residential area established to the west along McCarthy Circle and Jeff Davis Avenue. Residential development extends from Burnet Road over to Woodrow Avenue. A request for "C" Commercial zoning was made on the subject property in 1963 at which time the Committee and the Commission recommended denial and the request was subsequently withdrawn. On the north side of Koenig Lane west of Arroyo Seca is "C" Commercial zoning and adjoining this district is an "LR" Local Retail District. Directly to the north, across Koenig Lane, is a single-family area. To the east at the intersection of Koenig Lane and Woodrow Avenue is "LR" Local Retail zoning. East of Woodrow Avenue is "C" Commercial zoning developed with a mixture of uses, including a service station, bakery, beauty shop, barber shop and a drive-in restaurant. "GR" General Retail zoning was denied on property to the northwest in 1964. At that time the Commission felt that "LR" Local Retail which was established was appropriate for the north side of Koenig Lane. A service station is established on property to the west of Arroyo Seca and north of Koenig Lane on property which was zoned "C" Commercial in 1952. To the west along Burnet Road is a well-developed commercial area. Koenig Lane is scheduled to have 90 feet of right-of-way which would require as much as 10 to 20 feet from the subject property, depending on the final alignment of the street.

The staff recognizes that commercial development may develop along Koenig Lane; however, it is felt that at this time it would be an encroachment into a well-defined and well-established residential area and recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

AM Nelson Puett, Jr.: 5425 Burnet Road
B Ruth J. Dumont: 1525 Koenig Lane
J Harold L. Hemingson: 5705 McCarthy Circle

FOR
AGAINST
AGAINST

PERSONS APPEARING AT HEARING

Code

John B. Selman (attorney for the applicant)

C14-68-266 V. Leon Austin--contd.

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that the applicant has owned this property for five or six years. There is a vacant house on the site and he would like to open a CPA business. The staff includes himself, his wife and his son. The structure sits to the front of the lot and there will be plenty of parking to the rear. There is a fence on the east side and the applicant would put a privacy fence on the west. Mr. Selman stated that he did not agree with the staff recommendation on this application for several reasons. The property fronts onto Koenig Lane which is one of the most traveled streets in Austin and is scheduled to be widened. Only a few blocks from the site is Burnet Road which is all commercial. The commercial zoning and development established along Burnet Road has a tremendous impact on this area. There is a beauty shop on property directly across the street and there is a service station across Arroyo Seca. To the east of the property is another large area of commercial zoning which is developed with a mixture of uses. Another consideration is the fact that immediately behind the site is a buffer in that there is a street plus another 25 to 35 feet of drainage area between the site and the residential property west of Arroyo Seca. It should also be pointed out that recently a large area to the south, along Jim Hogg Avenue and Joe Sayers Avenue has been zoned for apartment development.

If the request is denied, it will be a hardship for the applicant as he needs the use of this site. He will not disturb anyone and there will be very little traffic generated from his use. If necessary, a restrictive covenant can be offered so that the property can only be used for the applicant's private office.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported a letter from Mr. Selman, attorney for the applicant, stating that the applicant is agreeable to meet any desire of the Planning Commission in order that he may utilize his property for his office. He has advised that he will do the following: (1) deed 10 feet of right-of-way to the City of Austin for future widening of Koenig Lane; (2) file a restrictive covenant that this property will be used only as his office until "O" Office zoning or a less restrictive zoning is obtained in the same block or for a period of 5 years whichever comes first; (3) build a privacy fence on the west property line in accordance with the City of Austin requirements.

C14-68-266 V. Leon Austin--contd.

Mr. Hanks informed the Commission that he made a field inspection of this area and noted the uses on property in the immediate area on either side of the subject site. He stated that there are service stations, offices, washateria, real estate office, insurance office, a bookkeeping service and an appliance repair shop within a few blocks of the site. The problem is that the residence just to the west of the property, as well as the residence across Arroyo Seca at the intersection of Koenig Lane is very nice and there are other nice homes in the immediate area, however, the area is changing and it is felt it will go toward office development.

Mr. Smith explained that the reason he objected to the request was because of the fact that the block in which the subject property is located, as well as the block to the north and south, is developed with single-family homes. The area may go toward office development but it should not be changed on a piece-meal basis. Inasmuch as the request is for a change on only one lot, it would be an intrusion into a well-established residential area.

Mr. Brown commented that in his opinion the high traffic count along Koenig Lane should be a consideration as this is no longer a residential street.

Mr. Stevens explained that the staff viewed the request as piece-meal zoning and as an intrusion. It is realized that it is only a matter of time before the area does change but the change should occur on a comprehensive basis so that the remaining residential property would not have to bear the burden of a piece-meal change, and to provide for the planned street needs.

Mr. Dunnam stated that it is his understanding that the Joske Development is going to get underway in January which will be a major retail shopping center located along Airport Boulevard. Koenig Lane is the only real feasible connection on this side of town and there will be a sharp increase in the traffic count.

The Commission members discussed the letter from Mr. Selman and noted that the right-of-way for Koenig Lane has been offered. They felt that the requested zoning should be granted with the provision that a privacy fence be built on the west side of the property; however, they did not feel that the offer of a restrictive covenant on the property for a period of 5 years is necessary and recommended that this portion of the offer be excluded. The Commission felt that office zoning is logical for the south side of Koenig Lane and therefore unanimously

VOTED: To recommend that the request of V. Leon Austin for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1523 Koenig Lane and 5805-5807 Arroyo Seca be GRANTED.

Mr. John Selman, attorney for the applicant, stated that he was not aware of the right-of-way problem on Panther Trail. He said that he would contact his clients and by the full Commission meeting will try to get the right-of-way. The proposal is for commercial and apartment development on the site. The commercial facilities will face onto Lamar Boulevard and not onto Panther Trail which is the only logical place for it to front.

C14-68-267 Lynn W. Storm--contd.

Arguments Presented AGAINST:

Mr. D. V. Eskew, a nearby property owner, appeared in opposition to this request. He stated that in his opinion the subject property is the wrong location for commercial establishments as the property is across the street from a public school. Commercial businesses are not established around other schools in the City and it is felt that this request should be denied. There is a lot of traffic and a number of children running back and forth across the street and the establishment of commercial facilities will create a traffic hazard for the children. Another point of consideration is the fact that the street is too narrow for this type zoning.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be denied because of the inadequate right-of-way of Panther Trail; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as a logical extension of existing zoning and would allow the appropriate development along South Lamar Boulevard.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate the necessary right-of-way for the widening of Panther Trail. In view of this, the Commission felt the request should be granted as a logical extension of existing zoning. It was then unanimously

VOTED: To recommend that the request of Lynn W. Storm for a change of zoning from Interim "A" Residence, Interim First Height and Area to "LR" Local Retail, First Height and Area for property located at 3617-3717 South Lamar Boulevard and 2200-2414 Panther Trail be GRANTED.

C14-68-268 K. S. Wendler, Trustee: A, 1st to BB, 2nd
 Tract 1: 1901-1943 Unnamed Street (County Road)
 Tract 2: 1822-1942 Unnamed Street (County Road)

STAFF REPORT: This application covers two tracts of land totaling 15.53 acres and the request is for "BB" Residence Second Height and Area zoning for apartment development. The requested zoning will permit a one-bedroom unit for every 1500 square feet of lot area which would be 29 units per acre. It is the staff's understanding that the applicant intends to have an apartment dwelling group which will require special permit consideration. The Commission considered a zoning application on this property and held it in abeyance until the area could be considered as a master plan change. The area was considered for a master plan change and was redesignated for apartment purposes. The staff recommends in favor of the change as it complies to the master plan designation for the area; however, there is concern about the streets. A subdivision will be

C14-68-268 K. S. Wendler--contd.

needed for the property which will include consideration of east-west streets extending to Pleasant Valley Road. It will also include provisions for proper acceptance and development on the part of the city for the unnamed street extending southerly from Riverside Drive on which both tracts front. Subject to these items, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, stated that the ten-acre tract is to be developed in a cluster-type development. The applicants have already filed an application for a special permit with the City. The matter of subdivision and fiscal arrangements for the streets which will include the commitment to dedicate would be subject to approval at the time of the approval of the special permit. The engineers are now working on the preliminary plans for presentation to the Subdivision Committee. The unnamed street has been previously conveyed to the State of Texas for street purposes by Mrs. Thrasher which is an irrevocable deed dedication. Every item is now in the process of being put in final form. Mr. Sneed requested that the testimony from the previous hearings concerning this request be made a part of the hearing. (Copy attached)

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as it complies with the Master Plan designation for the area, subject to completion of a subdivision providing for the streets in the area, and acceptance and development of the unnamed street.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of K. S. Wendler, Trustee for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, Second Height and Area for property located at (Tract 1) 1901-1943 Unnamed Street (County Road), (Tract 2) 1822-1942 Unnamed Street (County Road) be GRANTED.

C14-68-269 Willard Connolly: A to B
Rear of 7005-7039 U. S. Highway 290

STAFF REPORT: This site consists of a one-acre tract of land which is presently undeveloped. The stated purpose of the request is for apartment development. If zoned as requested, a density of approximately forty units per acre would be permitted on the site. Directly to the west is a pending request for "LR" Local Retail on which property there is a pending special permit request for an 190-unit apartment dwelling group. Also on that property there is a preliminary subdivision recently approved which provides for the extension of a cul-de-sac street southward from U. S. Highway 290 into the subject property. The property under consideration will be affected by approximately 10 feet of dedication for that cul-de-sac street. It is hoped that the street will be continued onto Patton Lane through property which is also a pending zoning matter that has been recommended by the Commission if the street can be worked out. The pending zoning application on the property to the south will go before the City Council on December 12. With the condition that the street is provided, the staff has no objection to the request as it is in keeping with the proposed development of the property to the west and south.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John B. Selman (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that he concurs with the staff recommendation.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, subject to the provision of a street extending southerly from U. S. Highway 290, as the appropriate zoning and development for the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Willard Connolly for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at the rear of 7005-7039 U. S. Highway 290 be GRANTED.

C14-68-273 Nash Phillips & Clyde Copus, Jr.: BB to B
7110-7250, 7111-7239 Creekside Drive
1601-1827 Coronado Hills Drive

STAFF REPORT: This application covers two tracts of undeveloped land totaling approximately two acres. The stated purpose is for apartment development. A zoning change from Interim "A Residence, Interim First Height and Area to "BB" Residence First Height and Area zoning was recently granted on the site although there is some question as to whether or not the Ordinance was passed. At the time the subject property was recently considered, Creekside Drive as well as Coronado Hills Drive were in preliminary form but not recorded, therefore the acreage of 17.2 includes the street areas. The resulting size of the two tracts when the streets are excluded, will be less than 17.2 acres. There is a pending request for "BB" Residence, First Height and Area zoning on property immediately to the north of the most easterly tract to the location of a creek through the property. Nelson Stadium is established on a large tract to the south and west. If the requested change is granted, approximately one unit for every 1,000 square feet of land would be permitted. Under the present zoning approximately twenty units per acre would be permitted; therefore, if the change was granted the density would be doubled. Under the "B" Residence, First Height and Area zoning there would be more units permitted on the sixteen to seventeen acres of land under consideration than the entire subdivision is laid out to accommodate in single-family residences, not considering the "BB" Residence that is pending on the north side of Coronado Hills Drive, nor the apartment zoning at the west end at Cameron Road. The staff feels that the present zoning is appropriate and should remain. This request has been discussed with Mr. Robert Sneed, attorney for the applicants, and he feels that this is a design problem and if the design can be incorporated to come up with approximately the same number of units permitted under "BB" Residence, then it would not matter a great deal what zoning designation is established. The applicants are the subdividers of the entire subdivision and now is the time to provide for this type of development rather than later. The staff recommends that the zoning on the site be retained as it is unless the development is restricted to approximately the same density as now permitted. Mr. Sneed has advised the staff that the applicant would like a particular arrangement and the "B" Residence, First Height and Area zoning would permit the layout to accommodate their proposal.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (attorney for the applicant)

C14-68-273 Nash Phillips & Clyde Copus, Jr.--contd.

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicants, stated that there is approximately 120 acres of land which is being developed at one time. It is hoped by the applicants that everything will be settled and any zoning change completed before anyone buys property in the area. The plans are to exhibit both in the office and the sales brochure exactly what the zoning is in advance so that anyone buying in the area will know exactly what the zoning is. Nelson Field is located to the south and many times during the year there are a lot of lights which shine into the area. To the south along U. S. Highway 290 is commercial zoning and development. What the applicants plan to do is take this area and develop fourplexes along Creekside Drive and make this a very beautiful entranceway and at the same time build back from U. S. Highway 290. Because of the terrain, there is a problem in that development in this area will be looking down on the commercial area and the tremendous paved parking lot for Nelson Field. It is requested that this application be amended to delete the 150-foot strip of the property all the way around Creekside Drive and Coronado Hills Drive and leave the zoning on this strip as "BB" Residence, First Height and Area and request "B" Residence, First Height and Area zoning on the remaining portion. The applicants do not like to build one large building and with the amended application, the number of units can be averaged out. The plans are for fourplexes on the front portion then the larger units will be to the rear and backing to the commercial area and Nelson Field. This gives a maximum amount of shielding as the larger units will shield the commercial district and the stadium from the single-family dwellings that will be established. It will be a complete gradation of zoning moving from commercial and public uses to apartments and then into single-family development.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to delete the front 150-foot strip of both tracts from this application to be retained as "BB" Residence, First Height and Area. They concluded that the zoning as requested should be granted as a logical gradation of zoning.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Nash Phillips and Clyde Copus, Jr. for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 7110-7250, 7111-7239 Creekside Drive, 1601-1827 Coronado Hills Drive (as amended) be GRANTED.

920
~~917~~

C14-68-274 D. R. Price: A, 1st to B, 3rd
522-526 South Lamar Boulevard
Rear of 1313-1525 Barton Springs Road

STAFF REPORT: This zoning change request covers 3.77 acres of land which is presently undeveloped. The stated purpose of the change is for apartment development. The subject property has frontage along South Lamar Boulevard and is adjacent to other property owned by the applicant having frontage onto Barton Springs Road. It is the staff's understanding that the subject property as well as the applicant's adjoining property are planned to be developed as one site. The subject property has a very obvious bluff which is approximately 40 feet or more from the top of the bluff to Barton Springs Road. A copy of the applicant's proposal was presented to the Committee for consideration and Mr. Stevens explained that he discussed this with the applicant before the application was filed. The problem in developing this property is not that there is not enough area if re-zoned for the proposal but the height is necessary in that there is a very severe foundation problem which must be limited and the applicant must go up with the units rather than spreading them out. There was an attempt to re-zone the subject property in 1964 by Mr. Price. One of the problems then, as well as now, is access. In 1964 there was discussion about extending a street from Kinney Avenue to Lamar Boulevard but the staff finally recommended that it be tied to a development plan. Following that the request was withdrawn.

The subject property backs to a well-developed single-family area which is established along Hillmont and the site is at the same level as the houses. It is realized that the logical use of the property to be used as one site will require rezoning because of the access problem to it. The property cannot logically be replatted to have legal frontages onto Barton Springs Road. The staff does not object to the apartment house district for the development but the zoning of Third Height and Area would be inconsistent with the existing Height and Area zoning. The Committee and the Commission may feel that to accommodate this particular piece of property Third Height and Area would be logical because of the bluff and the unique access. Third Height and Area zoning permits a height of 120 feet whereas Second Height and Area permits a height of 60 feet which is what the staff would prefer.

Third Height and Area zoning would be an accommodation to the applicant for this particular type of development. He is planning a ten-story building and Third Height and Area is needed in order to permit this. The staff has checked with Public Works and the Traffic Department on this request and it has been recommended that the driveway out onto Barton Springs Road be required to come out opposite the intersection of Jessie Street. Barton Springs Road is a major arterial street in the Austin Transportation Plan and is scheduled to be widened by 10 feet. Such right-of-way is to be provided from the subject property. In addition, five additional feet may be necessary to provide for channelization necessitated by the driveway serving the project. South Lamar Boulevard is scheduled to be widened to 100 feet. This will also require additional right-of-way from the subject property. It is also requested that there not be any access onto South Lamar Boulevard. Mr. Dempsey, representing the applicant, has indicated

C14-68-274 D. R. Price--contd.

a willingness to provide these items. With these provisions the staff recommends that the property be rezoned "B" Residence, Second Height and Area. A subdivision will be necessary in order for the applicant to use the subject property and the adjoining tract as one site.

In advertising this request, the staff failed to notify eleven property owners within 300 feet of the site. Mr. Dempsey has obtained written waivers from all of the affected property owners but two waiving their rights to ten days notice of the hearing. He is still trying to obtain the other two.

TESTIMONY

WRITTEN COMMENT

Code

AS	Graydon W. Holmes: 1500 Hillmont	AGAINST
N	Romans Janson: 1402 Hillmont	AGAINST
?	Jean Cassel: 608 Jessie	AGAINST
T	Truman Holladay: 1505 Hillmont	AGAINST
U	Harry Nolen: 1503 Hillmont	AGAINST
V	Roy R. Krezdorn: 1501 Hillmont	AGAINST
AR	James D. Sherman: 1406 Hillmont	AGAINST
P	Harley Rose: 1404 Hillmont	AGAINST
AA	Thomas H. Royder III: 1401 Hillmont	AGAINST
M	Mrs. F. E. Crouch: 1400 Hillmont	AGAINST
?	Arnold G. Pesohka: 1309 Bluff Street	AGAINST
?	Dell Martin: 611 Josephine	AGAINST
J	Jack Lafrentz: 605 Josephine	AGAINST
?	Max Davis	AGAINST
?	Mr. & Mrs. Richard Bauer: 606 Josephine	AGAINST
?	Mr. & Mrs. Conrad Behrens: 700 Josephine	AGAINST
?	Margaret La Forge: 708 Josephine	AGAINST
?	Mrs. John Parker: 705 Josephine	AGAINST
H	Mr. & Mrs. David Pearson: 607 Josephine	AGAINST
?	Mr. & Mrs. Joe Carpenter: 605 Jessie	AGAINST
?	Mrs. Hollis Harrell: 704 Jessie	AGAINST
?	Mrs. J. R. Harrell: 604 Jessie	AGAINST
?	Joella Howse: 607 Jessie	AGAINST
?	Mrs. Clara Emerson: 606 Jessie	AGAINST
?	Mr. & Mrs. Arthur Riely: 703 Jessie	AGAINST
K	Mrs. Hertha Elliott: 603-B Josephine	AGAINST
?	Mr. & Mrs. Cecil Lock: 702 Jessie	AGAINST
?	E. L. Milstead Estate: P. O. Box 1927	FOR
D	Morgan L. Pearce, Trustee: 811 Capital National Building	FOR
AC	Swim-Pak: 611 S. Lamar	FOR

PERSONS APPEARING AT HEARING

Code

A	Jack K. Dempsey: 1201 West 6th	FOR
?	V. M. Smith: 1401 Hillmont	AGAINST

922
~~919~~

C14-68-274 D. R. Price--contd.

U	Harry Nolen: 1503 Hillmont	AGAINST
T	Truman G. Holladay: 1505 Hillmont	AGAINST
P	Mrs. Harley Rose: 1404 Hillmont	AGAINST
P	Mr. Harley Rose: 1404 Hillmont	AGAINST
M	Mrs. Fred Crouch: 1400 Hillmont	AGAINST
H	Mr. & Mrs. David Pearson: 607 Josephine	AGAINST
N	Fzorde Jansons: 1402 Hillmont	AGAINST

SUMMARY OF TESTIMONY

Arguments presented FOR:

Mr Jack Dempsey advised the Committee that he is the architect for this project and he represents the applicant as well as a group of investors in this development. He explained that they are in the process of obtaining the subject property, and the adjoining property to the north, having frontage along Barton Springs Road as well as two additional tracts also having frontage onto Barton Springs Road. There will be 500 feet of frontage onto Barton Springs Road. Mr. Dempsey stated there is a substantial foundation problem involved in developing the subject property. He explained that there are two layers of limestone with about a 30-foot seam of Del Rio clay. The upper layer of limestone is pushing the clay out from under. The Third Height and Area zoning is needed to afford the expensive foundation necessary and to spend the money to stabilize the bluff. Because of the cost, the number of units allowed under the Third Height and Area classification is needed. If the change is granted the building can go up limiting ground area coverage. The granting of the request would be a benefit economically as the building would cover a smaller area which would leave room for green areas, trees and recreation areas all around the project. The structure would be developed approximately in the middle of the property towards Barton Springs Road adjacent to only four residential lots, and would be approximately 100 feet from the rear of the residential property. With regard to screening, the applicant will do whatever the Committee feels is necessary to screen the adjoining residential area. All the tenant parking will be enclosed and if the area is screened the view of the city will be blocked. The proposed structure will actually only back to four of the houses along Hillmont and the east and west end of the property will be left as green area.

Arguments presented AGAINST:

A number of people appeared in opposition to the request. They stated that Hillmont Street is a narrow congested street and additional traffic would be hazardous. Cars are parked along the street on both sides which makes through traffic difficult. This is a nice quiet residential area and the proposed development would be undesirable and would lower the property value. The people in the area are proud of their property and the seclusion that exists because of geographic conditions and they do not want the area changed. The erection of a ten-story high-rise building will destroy the view of the city for the residential area. The Balcones Fault lines run across the subject

C14-68-274 D. R. Price--contd.

property and some of the homes in the area shift. It will be difficult to establish a firm foundation because of this shifting. The sewer service in the area is inadequate at the present time and the development of a number of apartments will create serious problems.

Arguments in REBUTTAL:

Mr. Dempsey stated that he is aware of the fact that the property shifts and this is why the Third Height and Area zoning is needed. The structure will rest on the Georgetown limestone which is approximately 60 feet below the site. A soil engineer has been obtained to do extensive foundation design and the foundation that is put in will have to be acceptable to an insurance company or a financing institution. Hillmont Avenue, Lamar Boulevard and Kinney Lane will not be used for access into the subject property. All access will be from Barton Springs Road and the right-of-way for this street will be dedicated. A protected left turn light will be requested on Barton Springs Road. There are 190 units planned for the site and the entrance into the area will be across from Jessie Street.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as the proper zoning for the site subject to the streets being made adequate. It was further recommended that a minimum 50-foot setback from the rear of the property be provided.

At the Commission meeting the staff reported that South Lamar Boulevard is scheduled to be widened to 100 feet in this location and the applicant has offered 30 feet of right-of-way for this purpose. The applicant has also offered 15 feet of right-of-way for widening of Barton Springs Road which includes enough widening to provide for channelization to accommodate their driveway into the property. There will be a subdivision required on the site but the applicant is aware of this. Written waivers have also been obtained from the property owners who did not receive ten days notice of the hearing.

The Commission noted the offer of right-of-way for South Lamar Boulevard and Barton Springs Road and concurred with the Committee recommendation that this request should be granted as the proper zoning for the site. They also agreed to recommend that a minimum setback of 50 feet be required from the rear of the property. It was then unanimously

VOTED: To recommend that the request of D. R. Price for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Third Height and Area for property located at 522-526 South Lamar Boulevard and the rear of 1313-1525 Barton Springs Road be GRANTED.

C14-68-275 Kenneth Sheppard: A to B
 6301-6303 Berkman Drive

STAFF REPORT: This site consists of approximately 21,000 square feet which is presently undeveloped. The stated purpose of the request is for apartments. Along Berkman Drive at the intersection of Wheless Lane is "B" Residence zoning on which an apartment house is under construction. To the north, just south of Patton Lane on Berkman Drive there is "B" Residence zoning, granted in 1964 and 1966, which is developed with apartments. A church is established to the west across Berkman Drive and Harris Elementary School is established south of Wheless Lane. At the intersection of Linda Lane and Wheless Lane there is a shopping center zoned "C" Commercial and "GR" General Retail. A fire station is developed on property to the north. The staff has no objection to this request as the property is located between two separate "B" Residence districts. It is felt that Berkman Drive between Wheless Lane and Patton Lane will be developed with apartments. Berkman Drive is shown to have 60 feet of right-of-way which should be widened to 70 feet. This would require 10 feet from the subject site; however, there is some confusion about the right-of-way which should be checked before a final determination is made as to how much right-of-way is required.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John B. Selman (attorney for the applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that the right-of-way was also a problem when property to the south, at the intersection of Wheless Lane and Berkman Drive was rezoned. There are single-family dwellings on the opposite side of Berkman Drive and the right-of-way must come from this side of the street. The plans are for approximately 18 units to be developed on the site. Mr. Selman stated that his client was not aware of the right-of-way and he does not know if it will be agreeable. He asked if a 5 foot dedication could be made with a 5 foot easement or another alternative would be to give 10 feet after the applicant gets the building permit.

Mr. Stevens advised Mr. Selman that this has been done very rarely, and the right-of-way is needed for the street.

No one appeared in opposition to the request.

C14-68-275 Kenneth Sheppard--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted, provided the street is made adequate, as the proper zoning for the site.

At the Commission meeting, the staff reported an offer of 10 feet of right-of-way for the widening of Berkman Drive. The right-of-way needed is 10 feet from the existing fence line.

Mr. Selman stated that the right-of-way offer is from the fence line as requested by the staff.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Kenneth Sheppard for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 6301-6303 Berkman Drive be GRANTED.

C14-68-276 Roy A. Butler: B to C
 623 Henderson Street
 616-700 Wood Street
C14-68-277 Roy A. Butler: B to C
 622-710 Henderson Street

STAFF REPORT: Case C14-68-276 involves five lots one of which is located on the east side of Henderson Street and four on Wood Street. Case C14-68-277 involves eight lots fronting on the west side of Henderson Street. Both requests for a zoning change are by one applicant and the stated purpose of both applications is for expansion of the existing commercial development located on the west side of Henderson and east of Lamar Boulevard which is a new and used car dealership, as well as a garage and service repair shop. The immediate area is developed with "B" Residence, Second Height and Area zoning which is for the most part used for single-family and some duplex development. Along Lamar Boulevard there is "C" Commercial zoning developed with a mixture of commercial uses. Going east and west along West 6th Street there is more commercial zoning with various uses. The staff has no objection to the request but would point out that Henderson Street and Wood Street both have only 50 feet of right-of-way and should be widened to a minimum of 60 feet in order to serve commercial traffic. Five feet of right-of-way is needed from both sides of the street for Henderson and five feet is needed on Wood Street.

Mr. Stevens advised the Committee that the City has had for some time a plan to extend Ninth Street across Shoal Creek back to West Avenue as well as a plan to extend Shoal Creek Boulevard southward across that same creek into Henderson Street and out to Sixth Street. The City has acquired one lot at the corner of Ninth Street and Lamar Boulevard for this particular project; however, there is some question whether or not Shoal Creek

C14-68-276 Roy A. Butler--contd.C14-68-277 Roy A. Butler--contd.

Boulevard will terminate at Ninth Street or go on through to Sixth Street. The staff is still checking into this but the point is that if it does come on across the creek finally, and utilizes Henderson on out to Sixth Street, 60 feet of right-of-way will probably be adequate but could require additional right-of-way depending on the paving plans. This is not an immediate plan as the City has been working on it for some time. The staff would like to discuss this with Public Works and report back to the Commission next week if there is anything more to report.

TESTIMONY

C14-68-276 Roy A. Butler

WRITTEN COMMENT

Code

M	Nash Ranch, Inc.: P. O. Box 1988	FOR
AW	William E. Nickels: 1503 Bellaire	FOR
AG	Bertha Booth: 700 Henderson	FOR
Y	Page, Southerland, Page: P. O. Box 2004	FOR

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (representing applicant)

C14-68-277 Roy A. Butler

WRITTEN COMMENT

Code

A	Mrs. Bertha Booth: 700 Henderson	FOR
AQ	Mrs. Bonnie M. Smith: 202 Hot Wells Blvd., San Antonio, Texas	AGAINST
AR	John D. Cofer: Capital National Bank Bldg.	FOR
W	William E. Nickels: 1503 Bellaire Drive	FOR

PERSONS APPEARING AT HEARING

Code

Robert C. Sneed (attorney for applicant)

SUMMARY OF TESTIMONY

Arguments presented FOR:

Mr. Robert Sneed, attorney for the applicant, stated that they did not know about a problem with the right-of-way until this afternoon. Mr. Butler is out of the state and will not be back until over the weekend and this has not been discussed with him. Mr. Sneed stated that he does not feel that there should be any major problem so far as widening of the street is concerned. Even if Shoal Creek Boulevard comes through it will require a double bridge if Ninth Street goes across Shoal Creek and if Shoal Creek

C14-68-276 Roy A. Butler--contd.
C14-68-277 Roy A. Butler--contd.

Boulevard continues to come down to Henderson Street, which is a very expensive undertaking and probably would not exist. Even if it did the maximum amount of paving in all probability for the continuation of the street, particularly in view of the fact that it deadends into Sixth Street, would probably not exceed under any circumstances more than 44 feet of paving. This would then leave open two alternatives. One would be to have 60 feet right-of-way with 44 feet of paving or alternately to have 50 feet right-of-way with a 5-foot easement on each side for installation and maintenance of utilities and sidewalk. This has been used by the City before. Mr. Sneed again stated that they did not know a right-of-way problem existed particularly in view of the fact that all of the frontage along Sixth Street back to the alley or beyond has already been zoned "C" Commercial and with that sort of zoning long established without any widening of the street since. Basically Wood Street and Henderson Street are both limited as to their length. Mr. Sneed further stated that he will try to work out the right-of-way problem before the full Commission meeting.

The Plymouth and Chrysler car agency is located on "C" Commercial property to the south across West 6th Street. The "C" Commercial zoning south of Sixth Street along Lamar Boulevard is developed with the Capitol Chevrolet Company. The entire block between Lamar Boulevard and Bowie Street south of Sixth Street is operated by Capitol Chevrolet. Along Lamar Boulevard to the west there are substantial automobile operations generally in the category of the used car operation. Mr. Butler's agency is established on property north of West 6th Street between Lamar Boulevard and Henderson Street. He also owns property to the west of Henderson Street, fronting onto West 6th Street. What brought about this application is that the property which is involved in application C14-68-277, when taken together with the entire frontage along West 6th Street, with the exception of the one corner lot at the most westerly corner of that block on Sixth Street, all this will become the agency of the McMorris Ford dealership and Mr. Butler would remove any operation that he has there moving it over to the block which is the subject matter of application C14-68-276. This will bring about the removal of the present improvements and a very substantial and highly expensive automobile dealership building and facilities which will meet the specifications and requirements of the Ford Motor Company will be erected on this property. Mr. Butler will remain in the block which he is presently established having frontage onto Lamar Boulevard and West 6th Street. One nearby property owner appeared at the hearing and stated that he is interested in the future development plans for the area and what is planned for the streets.

COMMENTS AND ACTION BY THE COMMITTEE

C14-68-276 Roy A. Butler: B to C

The Committee reviewed the information and concluded that the requested zoning is appropriate zoning for this area. They recommended that the

C14-68-276 Roy A. Butler--contd.

C14-68-277 Roy A. Butler--contd.

request be granted, subject to provision of adequate right-of-way for the streets.

At the Commission meeting, the staff explained that the applicant has offered the necessary right-of-way for Henderson Street. At the Committee hearing the staff was concerned primarily with the provision for Henderson Street as the plans are to extend West 9th Street through to West Avenue and tie Henderson Street into it and also bring Shoal Creek Boulevard possibly from the north and tie in with Ninth Street. There is a general concern about widening a 50-foot street to 60 feet when land is rezoned and the use intensified; however, the emphasis was on right-of-way of Henderson Street and the staff failed to comment sufficiently to the attorney on this case about the need for right-of-way for Wood Street. Consequently, Mr. Sneed has not discussed the right-of-way for Wood Street with Mr. Butler. The street has 50 feet of right-of-way and deadends.

Mr. Sneed stated that it was his understanding that the right-of-way needed was for Henderson Street so he did not discuss the right-of-way needs for Wood Street with the applicant. The Commission members noted the right-of-way offer for Henderson Street and felt that the zoning as requested should be granted as it is appropriate for the area. It was then unanimously

VOTED: To recommend that the request of Roy A. Butler for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 623 Henderson Street and 616-700 Wood Street be GRANTED.

C14-68-277 Roy A. Butler--contd.

The Committee reviewed the information and concluded that the requested zoning is appropriate zoning for the area. They recommended that the request be granted subject to provision of adequate right-of-way for Henderson Street.

At the Commission meeting, the staff reported an offer from the applicant for future widening of Henderson Street.

The Commission noted the offer of right-of-way and concurred with the Committee recommendation to grant this request as it is appropriate for the area. It was then unanimously

VOTED: To recommend that the request of Roy A. Butler for a change of zoning from "B" Residence, Second Height and Area to "C" Commercial, Second Height and Area for property located at 622-710 Henderson Street be GRANTED.

C14-68-278 Jay L. Johnson, Jr.: Int. A, Int. 1st to C, 1st (Tr. 1)
 Tract 1: 7817-3317 South Lamar Blvd. C-2, 1st (Tr. 2)
 3323-3525 South Lamar Blvd.
 2818-2916 Manchaca Road
 Tract 2: 3319-3321 South Lamar Blvd.

STAFF REPORT: This application covers an irregular shaped tract of land containing approximately 15 acres. The stated purpose of the application is for commercial development. The subject property was recently annexed to the City at which time it was classified as Interim "A", Interim First Height and Area; however, there are a number of uses existing on the tract ranging from an automobile repair shop to a drive-in grocery. The immediate area is developed with various use districts. A trailer court is established on property to the south which is zoned "GR" General Retail and south of the "GR" General Retail district there is a pending request for "LR" Local Retail, First Height and Area zoning which is before the Committee for consideration at this time. Directly west of South Lamar Boulevard is "GR" General Retail zoning extending back to a depth of approximately 200 feet. North of Barton Skyway is a mixture of "GR" General Retail, "C" Commercial and "LR" Local Retail districts which are developed with various commercial uses.

The staff feels that the "C-2" Commercial zoning which is requested on Tract 2 for a package store is appropriate as this is a well-defined and well-developed commercial area along South Lamar Boulevard. It is felt that "GR" General Retail zoning for Tract 1 would be more appropriate as related to the established zoning pattern. There are a number of uses on the property that would be appropriated in either "GR" General Retail or a "C" Commercial zoning district; however, several of the existing uses do require "C" Commercial zoning. A point of consideration is the fact that Barton Skyway is proposed through the site as a 90-foot major arterial street. The staff could not justify asking the applicant to dedicate all the 90 feet but would recommend that the Committee ask the Council to determine the feasibility of acquiring this property for the extension of Barton Skyway. The staff feels that either "C" Commercial or "GR" General Retail zoning would be appropriate and recommends that "GR" General Retail be granted on Tract 1 because of the existing "GR" General Retail zoning to the west and south.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Jay L. Johnson

FOR

SUMMARY OF TESTIMONY

Mr. Jay Johnson was present at the hearing and stated that he has lived in this area for many years. Consideration should be given to the way the prop-

C14-68-278 Jay L. Johnson, Jr.--contd.

erty in this area has been staked off. The property across from the subject site is in a very orderly pattern but on this side of the road the pattern is very irregular. With the taxes on the property something needs to be done in the area. There is a request for "GR" General Retail zoning on property to the south on which the plans are to have a few stores fronting onto South Lamar Boulevard with apartments to the rear. Mr. Johnson stated that the master plan designation for this area is commercial and they have followed this designation for many years. He explained that he was advised by the staff that they would oppose the "C" Commercial zoning as a variance could be obtained on the uses that are operating on the property. The uses on the property are in existence at the present time and have been operating for many years. It is felt that there should not be a mixture of zoning with the uses being allowed under a variance. Provisions should be made that this is a commercial area and the trend toward this development should be encouraged. There is commercial zoning which is developed with a mixture of commercial uses established in this area at the present time. It is agreed that the "GR" General Retail zoning across the street is proper for that property but there is a maximum depth of 150 feet fronting onto a main arterial street whereas the property under consideration has a depth of 300 to 400 feet. It would be highly unfeasible to erect a shopping center on property with a depth of only 150 feet but the depth of the subject property would allow for proper commercial development. It would not be desirable to develop the front portion and leave the back vacant. There is "GR" General Retail zoning existing to the south on a triangular piece of property which is only 50 feet wide at the front. The back portion of the triangular property is absolutely useless. It is realized that there is a problem in this area. The property was taken into the City this summer at which time there was no objection as the City promised that the area would be served with utilities by the end of the year. "C" Commercial zoning is needed for the businesses that are presently in operation and would allow for proper development. There is a building erected on Tract 2 which is vacant because a building permit has not been issued because of the zoning. "C-2" Commercial zoning is needed on that portion. Mr. Johnson stated that he would be interested in seeing what is done about the extension of Barton Skyway.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning on Tract 1 should be granted as an extension of existing "C" Commercial zoning and as a proper location for retail and service facilities provided for in the "C" Commercial district. They felt that the requested "C-2" Commercial zoning on Tract 2 should also be granted as it is located within an area defined for commercial development. The Committee recognized that Barton Skyway is designated as an arterial street in the Austin Transportation Plan and that a portion of the subject property is needed to provide for the completion of the street in this area. They recommended

C14-68-278 Jay L. Johnson--contd.

that the City Council determine the feasibility of acquiring this right-of-way prior to or with the zoning and development of the subject property.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Jay L. Johnson for a change of zoning from Interim "A" Residence, Interim First Height and Area to "C" Commercial, First Height and Area (Tract 1) and "C-2" Commercial, First Height and Area (Tract 2) for property located at (Tract 1) 2817-3317 South Lamar Boulevard, 2818-2916 Manchaca Road and (Tract 2) 3319-3321 South Lamar Boulevard be GRANTED.

SPECIAL PERMITS

C14-68-27 Jagger Associates, Inc.: 102 Unit Apartment Dwelling Group
1201-1225 Mariposa Drive
1200-1222 Algarita Avenue
2000-2020 Farmers Drive

STAFF REPORT: This application has been filed as required under Section 5-C and according to the procedures specified in Section 10-B of the Zoning Ordinance of the City of Austin. Proposed is an apartment dwelling group consisting of 102 units, 172 off-street parking spaces, a swimming pool, a covered terrace, and laundry and storage facilities. The subject property was zoned "GR" General Retail, Second Height and Area in December, 1967. Property at the northwest corner on Mariposa and the Interregional Highway was before the Commission on December 2, 1968, at which time the Committee recommended that "GR" General Retail, Fifth Height and Area zoning be granted. Directly west is "GR" General Retail zoning which is developed with apartments. The property east of Farmers Drive is developed with offices and a service station as is the property south of the site. West of the site is a very well defined single-family area. Mariposa Drive has 60 feet of right-of-way. The site plan has been circulated to the various departments and comments are as follows:

Fire Protection

- Due to the high density and the height of the buildings in the area we recommend an additional fire hydrant be installed at the west drive on Mariposa Street.

Office Engineer

Driveways okay.

Storm Sewer

Existing inlet in Farmers Drive will need to be relocated; at developer's expense.

Director of Public Works

Driveways as shown meet with our approval, however will need request for and approval of them

932
~~929~~

CP14-68-27 Jagger Associates, Inc.--contd.

Director of Public Works	before construction begins. Also recommend driveway radii as indicated on plans.
Traffic Engineer	- Note: Curb returns dividing head-in parking along Algarita Street should be removed.
Building Inspector	- 1. Plot Plan complies from zoning standpoint. 2. No building code approval.
Health	- Approved: Subject to Sanitary Sewer Line Being Available.
Advanced Planning	- Acceptable
Electric	- Easements at later date for underground service.
Tax Assessor	- 1968 Taxes due. Prior taxes paid.
Water and Sewer	- Water and Sanitary Sewer are both available from existing mains in Farmers Drive and Mariposa Street.
Fire Prevention	- The three-story buildings should have fire escapes.

The staff has not received departmental comments from the Electric Department, Water and Sewer Department, Tax Assessor or Fire Prevention. It is recommended that this request be granted subject to the completion and compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

AS Charles Jackson: 1908A Fairlawn Lane

CP14-68-27 Jagger Associates, Inc.--contd.

SUMMARY OF TESTIMONY

No one appeared in behalf of this request. Mr. Charles Jackson, the above property owner, appeared in interest of this request and asked questions about the proposed development, parking and traffic circulation. He requested that sufficient off-street parking be required for the development.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Jagger Associates, Inc. for a Special Permit for the erection of a 102 unit apartment dwelling group to be located at 1201-1225 Mariposa Drive, 1200-1222 Algarita Avenue and 2000-2020 Farmer Drive, subject to completion and compliance with departmental reports and authorized the Chairman to sign the necessary resolution upon completion.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

CP14-68-28 Carter Homes, Inc.: 48 Unit Apartment Dwelling Group
2500-2600 Penny Lane

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 48 dwelling units, 94 off-street parking spaces, a swimming pool, and laundry and storage facilities. A special permit for an apartment dwelling group was granted on property to the south in 1967, subject to the vacating of a cul-de-sac street which has been accomplished. There are apartments developed on that property at this time. "C" Commercial, First Height and Area zoning, granted in 1968, is established on property to the south fronting onto Buell Avenue. There are a number of non-conforming uses along Buell Avenue and Burnet Road. The site plan has been circulated to the various City Departments and comments are as follows:

Advanced Planning

- Acceptable.

Fire Protection

- It is our belief that existing fire hydrants are adequate for the protection of this property.

CP14-68-28 Carter Homes, Inc.--contd.

Building Inspector

- This project complies with Zoning Ordinance with exception of parking. Ninety-four spaces are required and ninety-three are being provided. The discrepancy being at the far east end of project where it says there is 14, there is only 13. This report includes no building code approval.

Health

- Approved: Subject to Sanitary Sewer Line Being Available.

Storm Sewer

- Plan complies with requirements.

Director of Public Works

- Driveways meet with our approval, however, will need request for and approval of them before construction begins. Also, recommended change in radii of driveway returns as indicated on plan.

Traffic Engineer

- Note: Curb returns dividing head-in parking along Penny Lane should be removed (only those denoted by "x's").

Office Engineer

- Driveways okay.

Electric

- Easements at later date.

Water and Sanitary Sewer

- Available.

Tax Assessor

- 1968 due.

Fire Prevention

- The three-story building should have a fire escape.

Several reports have not been received and the staff recommends that this special permit be approved subject to completion and compliance with Departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

CP14-68-28 Carter Homes, Inc.--contd.

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Carter Homes, Inc. for a Special Permit for the erection of a 48 unit apartment dwelling group to be located at 2500-2600 Penny Lane, subject to completion and compliance with departmental reports and authorized the chairman to sign the necessary resolution upon completion.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

CP14-68-29 Louis B. Marks: 190 Unit Apartment Dwelling Group
6839-7003 U. S. Highway 290

STAFF REPORT: This application has been filed as required under Section 5-B and according to 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 190 apartment units, 190 carports, 79 open off-street parking spaces, two swimming pools, a clubroom, and laundry and storage facilities. The property was recently zoned "LR" Local Retail and contains approximately 7.96 acres of land. The zoning on the subject property has been granted but the Ordinance is pending right-of-way for the new street extending south from U. S. Highway 290 and terminating in a cul-de-sac. There is also a subdivision which involves the subject site. The staff recommends that the granting of the special permit be subject to completion of the zoning and subdivision. The request has been circulated to the various City departments and comments are as follows:

Advanced Planning

- Suggest that head-in parking be eliminated along Linda Lane from cul-de-sac north. Parking layout can be modified to provide the same number of spaces.

Office Engineer

- Driveways not acceptable in present layout. Dedication of street necessary or location confirmed.

CP14-68-29 Louis B. Marks--contd.

Director of Public Works

- Need to know alignment of Linda Lane south from the cul-de-sac before decision can be made regarding driveways.

Health

- Approved: Subject to Sanitary Sewer Line Being Available.

Building Inspector

- 1. Detached carports less than 90 feet from U. S. 290.
- 2. Is the southerly extension of Linda Lane just proposed or will it be dedicated? Several proposed parking spaces cannot be reached unless this street is put in. Carports on west side to be 5 feet from p. 1.
- 3. 266 parking spaces provided and 336 required.
- 4. No building code.

Fire Protection

- We feel that for the min. fire protection the hydrants indicated in red should be installed and that they should be on a looped main as indicated by the broken line (red). If the drive is opened to Patton Lane the line should be tied into the existing 8 inch line.

Traffic Engineer

- The general layout of this development does not conform to acceptable standards. Some of the items to be resolved include the following:
 1. Dedication of street (may require another name).
 2. Pavement and right-of-way width of street.
 3. Street radii at U. S. 290 should be 15-20 feet.
 4. West opening on U. S. 290 has not been approved by State Highway Department.
 5. Head-in parking could be re-arranged along Linda Lane. This department would appreciate the opportunity to review the site plan when it is properly prepared. It is premature at this time.

CP14-68-29 Louis B. Marks--contd.

- | | |
|-----------------|--|
| Storm Sewer | - Drainage easement required; drainage facilities required. |
| Electric | - Okay. Easements at later date. |
| Fire Prevention | - The information and recommendations of the various departments will be submitted in the form of a report, which will serve as the basis of their approval. |

On the site plan there is a dashed line extending from the cul-de-sac that swings through the southern portion of the applicant's property. This street was requested to extend to Patton Lane either to the east of the church or to the west. The staff preference would be to swing the street to the west of the church. Along with that, the applicant has submitted an alternate site plan in the event the cul-de-sac street is not dedicated on through Patton Lane. The alternate will be used for access into the parking areas. Both of the plans are acceptable to the City Department. The Water and Sewer Department reports, Tax Department and the Drainage Department reports are still lacking at this time and the staff recommends that this request be referred to the full Commission pending completion and compliance with departmental reports and subject to the completion of the zoning and the subdivision on the property. The staff also recommends that the site plan conform in all regards to the departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

John Selman (representing applicant)
Joe Burke

AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, representing the applicant, was present on behalf of this request and explained that all the departmental reports had not been met at this time because of a problem involving the dedication of a cul-de-sac street to the south. Mr. Rhea Merritt, who has an option on most of the property to the south and west of the site is contemplating a different right-of-way system. Mr. Selman stated that as far as his client is concerned they have an obligation or liability to bring the cul-de-sac down to the point as shown which has already been approved by the Planning Commission and the City Council. There is also an alternate site plan if the road is not extended by Mr. Merritt to the south. The applicant will comply with all the requirements.

CP14-68-29 Louis B. Marks--contd.

Arguments Presented AGAINST:

Mr. Joe Burke appeared at the hearing and stated that he owns property to the south of the site and west of the church property. He explained that there is a drainage problem existing in this area which was created when Reagan High School was established and he does not want all the water in the area dumped onto his property.

Mr. Selman explained that the applicant has talked to the Drainage Department and it is realized that there is a problem; however, it is felt that the proposed development on the site will not create any additional problem and the applicant will comply with the report from the Drainage Department.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that there were a number of items and departmental reports yet to be obtained at the Zoning Hearing. Since then the staff has talked to the applicant and they have corrected as many of the items as possible. There is still the matter of the pending zoning which has been granted but the Ordinance has not been passed pending the provision for the cul-de-sac street. This dedication is pending the subdivision which is to be accepted as a final plat. There was also concern about the drainage requirements as the drainage report had not been received. This report is now available and the comments are as follows:

Water and Sewer

- Sanitary Sewer available from existing main in Patton Lane 6".

A 6 inch main is required in Linda Lane from Patton Lane to U. S. 290 with a fire hydrant at the south driveway. An 8 inch main is required in U. S. 290 from Linda Lane to Berkman with a fire hydrant at the southwest corner of Linda Lane and U. S. 290.

Fire hydrants are also required east of Building 13 and U. S. 290 and west property line.

A fire hydrant is also required west of "Carport 15" a 6 inch main is necessary to support this hydrant and should be looped back into the 8 inch main in U. S. 290 with fire demand meters at U. S. 290 and Linda Lane.

CP14-68-29 Louis B. Marks--contd.

At the Zoning hearing, Mr. Joe Burke who has property fronting onto Berkman Drive on the east side of the church presented photographs showing flood waters in the area. The staff reviewed this with the Director of Public Works and Mr. Charles Morgan and they feel that the particular site plan will have to solve the flooding problem within the project and do not feel the applicant would have to resolve the problem for the rest of the area. The project was short on the parking requirements but this was an error in drawing which has now been corrected. The detached carports will be attached or they will request a variance from the Board of Adjustment. The original site plan provided for the street to swing through the subject property. In the event that it is not accomplished and it is determined that the street is not needed, it is recommended that the alternate plan be incorporated in which they will have to come off of the dead-end street with a driveway. The staff recommends approval subject to completion and compliance with departmental reports, the inclusion of the alternate plan and requests authority to give administrative approval when the requirements are met.

The Commission members agreed that the special permit should be approved subject to completion and compliance with departmental reports, with the inclusion of the alternate street plan, and authorized the staff to give administrative approval when the requirements are met. It was then unanimously

VOTED: To APPROVE the request of Louis B. Marks for a Special Permit for the erection of a 190 unit apartment dwelling group to be located at 6839-7003 U. S. Highway 290, pending completion and compliance with departmental reports, and authorized the Chairman to sign the necessary resolution when requirements have been met.

The Chairman announced that any interested party aggrieved by this decision may appeal to the City Council for a review of the decision upon giving written notice to the City Council within 10 days following the decision of the Planning Commission.

SPECIAL PERMIT REVIEW

CP14-68-23 Maurice Doke: 98 Unit Apartment Dwelling Group
1045-1104 Reinli Street
 5800-5830 Sheridan Avenue

Mr. Maurice Doke advised the Commission that this special permit was requested in August of this year. He explained that they first started planning the project before permanent financing was secured at which time they discussed off-street parking with Mr. Reuben Rountree, Director of Public Works. The architect at that time wished to use off street parking as well as the regular 90 degree parking around the site. Mr. Doke stated that they secured a letter from Mr. Rountree stating that the off-street parking was satisfactory. They also secured a letter from Mr. Dick Jordan, Building Official, stating that if the apartments were built according to code and regulations, a building permit would be issued. After clearing the proposal with Mr. Jordan and Mr. Rountree the permanent financing was then secured. At one stage during

CP14-68-23 Maurice Doke--contd.

the commitment procedure the site plan was changed, as requested by the lender, to reflect more open area between buildings. After securing permanent financing a request was filed for a special permit. At that time the proposal was well locked into the site plan as it had been changed once already to satisfy the lenders. The drawings were almost completed at the time the special permit was applied for. The special permit application was made for only one reason which was to allow the erection of 11 buildings on the site without roof connectors. At the hearing there was disagreement with the staff and the Planning Commission with regard to the head-in parking proposal on Reinli Street. If there had been time, it may have been possible to go back and redraw the plot plan but there were mitigating factors in that the project was exposed money-wise because of the working drawings plus the lender had more or less specified a plot plan. There were suggestions made with regard to moving the structures back and the idea could have worked even though it was felt that this type parking would be as aggravating as head-in type parking; however, there was a dead-line in that the commitment was made, brokerage fees had been paid and the drawings were almost complete. Because of this it was decided to proceed with the project according to the preliminary discussions with Mr. Rountree and Mr. Jordan. The plans and specifications then called for roof connectors and the head-in parking was allowed as it had been previously approved.

Last month another application for a special permit was filed for this project as it was felt that the structures should not be connected; however, the staff advised that it be withdrawn and that the original request for a special permit be brought back before the Commission for consideration. The purpose of the special permit is the same which is to permit multi-structures without a roof connector and also to permit the head-in parking. The structures can still be tied together by a roof connection but it is felt that this should not be done primarily for aesthetic reasons. The roof connectors would be an eyesore to the project.

Mr. Stevens explained that Mr. Doke was advised when the application was first submitted that the Planning Department would object to head-in parking on Reinli Street. Mr. Doke discussed the head-in parking with Public Works and Building Inspection before an application for a special permit was filed and the proposal was approved. The site plan proposed head-in parking on Reinli as well as Sheridan Streets. If there is one structure on the site and the development can qualify as one structure with the roof connections then the head-in parking has been tentatively approved. Public Works and Building Inspection will go along with the head-in parking subject to grade, curb breaks, etc. If there are multi-structures on the site which are detached then a special permit is required. The special permit procedure requires the site plan to be reviewed, evaluated and criticized by all of the City departments and not just two. Mr. Jordan and Mr. Rountree did not go back on their original report in that they told Mr. Doke the plan with the head-in parking was accepted; however, when this was considered by the Planning Commission, the Planning Department objected to the head-in parking on Reinli Street but not on Sheridan Avenue as the apartment project to the north has the same type of head-in parking on Sheridan Avenue. The Traffic

94/
~~838~~

CP14-68-23 Maurice Doke--contd.

and Transportation Department also objected to head-in parking, not only on Reinli Street but on Sheridan and Clayton Avenues as well. Reinli Street has 70 feet of right-of-way with 44 feet of paving and connects Cameron Road to IH 35 and serves the very high density apartment area to the north and the intensively developed and yet to be developed area on the south side. It is felt that backing in and out onto Reinli Street would effect the normal flow of traffic along the street and the staff is opposed.

Mr. Stevens reiterated the fact that Mr. Doke can build multi-structures without a special permit as long as they are connected and still have the head-in parking which has been approved by Public Works and Building Inspection. He is requesting that the head-in parking be permitted without the buildings being connected. The staff has again discussed this with all of the City Departments and the original comments are the same. Public Works and Building Inspection have no objection and the Planning Department and Traffic and Transportation Departments do object. The staff feels that it is a matter of principle in that there is not any head-in parking on Reinli now and the granting of this type of parking on this project could well be a precedent setting case for other property along this street.

Mr. Dunnam stated that the granting of the head-in parking does not necessarily set a precedent as this is a special case and the Commission can state that they would not favor other head-in parking. He said that the head-in parking problem has come up before and the staff was asked to submit a memorandum stating that the Commission would not approve any plans with head-in parking on collector or major arterial streets.

Mr. Stevens stated that the various City departments are now working on a solution to this problem that would be consistent, not only for special permits, but for subdivisions as well.

Mr. Doke asked if the various other departmental requirements originally imposed would still apply to this request. He explained that there is objection to the fire hydrants.

Mr. Stevens stated that the requirements could be worked out with the Fire Department.

The Commission members agreed that the special permit should be granted, with the approval of the head-in parking as proposed. They agreed that there would be objection to future plans proposing head-in parking on collector or major arterial streets and asked the staff to notify the various City departments of this objection. After further discussion, the Commission

VOTED: To APPROVE the request of Maurice Doke for a special permit for the erection of a 98 unit apartment dwelling group to be located at 1045-1104 Reinli Street and 5800-5830 Sheridan Avenue, and authorized the Chairman to sign the necessary resolution.

CP14-68-23 Maurice Doke--contd.

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 (10) days following the decision of the Planning Commission.

After further discussion, a majority of the Commission also

VOTED: To recommend to the City Council that a general Ordinance prohibiting head-in parking along collector or major arterial streets be considered.

AYE: Messrs. Dunnam, Brown, Hanks, Hazard, Smith and McNeil

NAY: Mr. Milstead

ABSENT: Messrs. Taniguchi and Kinnan

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of November 23, 1968, and requested that this action be spread on the minutes of this meeting of the Planning Commission. The staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of November 23, 1968, on the minutes of this meeting.

SUBDIVISION PLATS - FILED

C8-68-123 Vintage Hills, Section 3
Geneva Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending the required fiscal arrangements, annexation and completion of departmental reports.

The applicant was present and requested a variance to omit the building setback line on the plat. He explained that there are two lots in the subdivision and a very small portion of a street to be dedicated. There are two creeks of major elevation change in the two lots and a variance is needed because of the topography so that if the builder needs to go to the Board of Adjustment for a variance on the setback he would not have the plat restriction. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of VINTAGE HILLS, Section 3 pending the requirements as indicated, and granting a variance to omit the building setback line on the plat.

C8-68-39 Manor Estates - Revised
Manor Road and Sweeney Lane

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and compliance with the preliminary plan. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of MANOR ESTATES - Revised, pending the items as indicated.

C8-68-75 Whispering Oaks, Section 1
Manchaca Road

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending fiscal arrangements, annexation and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of WHISPERING OAKS, SECTION 1, pending the requirements as indicated.

C8-68-109 Highland Hills Northwest, Section 7
Far West Boulevard and Chimney

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending fiscal arrangements, tax certificates and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of HIGHLAND HILLS NORTHWEST, Section 7, pending the requirements as indicated.

C8-68-95 Cherry Creek IV
Berwyn Lane and Buffalo Pass

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending additional easements, fiscal arrangements, annexation and completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of CHERRY CREEK IV, pending the requirements as indicated.

C8-68-119 Barton Terrace, Section 6
Trailside Drive and Cliffside Drive

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending fiscal arrangements, annexation and completion of departmental reports. It was then

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

C8-68-120 Southridge, Section 2
Banister Lane and Southridge

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending the required fiscal arrangements and completion of departmental reports.

C8-68-120 Southridge, Section 2--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SOUTHRIDGE, Section 2, pending the items as indicated.

C8-67-70 Highland Hills, Section 9, Phase 2
Shadow Mountain Drive and Indian Love

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it 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 HIGHLAND HILLS, Section 9, Phase 2, pending the requirements as indicated.

C8-68-106 Greenwood Hills, Section 6
Sheraton Avenue and Old Castle Road

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports and annexation. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of GREENWOOD HILLS, Section 6, pending annexation and completion of departmental reports.

C8-68-112 Kirby Addition
U. S. Highway 290 and Linda Lane

The staff reported that this is the first appearance of this final plat before the Commission and recommended that it be accepted for filing and disapproved pending completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of KIRBY ADDITION, pending completion of departmental reports.

C8-68-84 The Spanish Trace
Blue Bluff Lane and Lindell

The staff reported a request to change the name of this subdivision from Horse Haven Estates to Spanish Trace. There is no objection to the request and the staff recommends that the plat be accepted for filing and disapproved pending completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SPANISH TRACE, pending completion of departmental reports and granting the request to change the name as indicated.

SUBDIVISION PLATS - CONSIDERED

C8-68-68 LaHacienda Estates, Section 2
Hudson Bend and Beacon Road

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports and a no-occupancy restriction on the plat. It was then

VOTED: To DISAPPROVE the final plat of LAHACIENDA, Section 2, pending the requirements as indicated.

C8-68-5 Garden Villa Estates
Garden Villa Lane and Center

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

VOTED: To DISAPPROVE the final plat of GARDEN VILLA ESTATES, pending completion of departmental reports.

C8-68-52 Georgian Estates
Georgian Drive and Cripple Creek

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

VOTED: To DISAPPROVE the final plat of GEORGIAN ESTATES, pending additional easements, and completion of departmental reports.

C8-68-82 Lakeway, Section 12
Dragon and Malabar

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

VOTED: To DISAPPROVE the final plat of LAKEWAY, Section 12, pending completion of departmental reports.

C8-68-116 Flournoy's Eastern Hills, Section 3
Adina Street

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

VOTED: To DISAPPROVE the final plat of FLOURNOY'S EASTERN HILLS, Section 3, pending the requirements as indicated.

C8-68-117 Honeysuckle Circle
 Honeysuckle Trail

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

VOTED: To DISAPPROVE the final plat of HONEYSUCKLE CIRCLE, pending the requirements as indicated.

C8-63-41 Street Dedication Plat
 St. John's Avenue and Berkman

The staff reported that this is a street dedication plat started in 1963, which involves the streets around Reagan High School and Nelson Stadium north of U. S. Highway 290. The plat involves St. Johns Street, Berkman Drive and Athletic Drive and has been in a disapproved pending state since 1963. The last action of the Commission was a disapproval pending completion of departmental reports. The Tax Department and the Drainage Department reports were not complete at the time but are resolved now. The plat was also disapproved subject to the alignment and the right-of-way of Cameron Road and U. S. Highway 290. The particular problem in question is that the right-of-way has now been acquired by the State Highway Department for Cameron Road and U. S. Highway 290; however, the plat does not reflect this in that it has not been updated since the acquisition of the right-of-way took place. Recently there has been concern over the non-approval of the plat with regard to the dedication of the streets. The Police Department has raised the issue with the Legal Department in relation to any accidents that may occur along these streets. Until the plan is approved and recorded, the streets are not dedicated streets; however, they are paved, curbed and guttered and have been accepted by the City.

Mr. Stevens explained that the plat before the Commission at this time will not be updated, but will be recorded with the signature of the school authority dated in 1963. They have no desire to spend any more money on the plat as they feel the streets are public. The staff has requested an opinion from the Legal Department inasmuch as the plat to be recorded is not current. The Assistant City Attorney has stated that the most expeditious thing to do is to file the plat in the records of Travis County, Texas. This is based on the facts that (1) the streets are constructed in accordance with City standards and are acceptable for maintenance; (2) that the Planning Commission has approved the layout of the streets and that they are in conformance with the Austin Development Plan, and (3) that the streets in such plat are validly dedicated by the president of the school board.

Mr. Stevens explained that the problems of tax and drainage have long since been resolved and in view of the advice by the Legal Department, the staff recommends that this final plat be approved. The Commission then

VOTED: To APPROVE the STREET DEDICATION PLAT of Berkman Drive, Athletic Drive and St. Johns Avenue.

C8-68-1 Shadow Park
Balcones Drive and Spicewood Springs

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

VOTED: To APPROVE the final plat of SHADOW PARK.

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

The staff recommended that this final plat be disapproved pending completion of departmental reports. It was then

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

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

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

VOTED: To DISAPPROVE the final plat of TEJAS PLAZA, pending the requirements as indicated.

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

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

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

C8-68-94 Blue Hills Estates
Thomas Springs Road

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

VOTED: To DISAPPROVE the final plat of BLUE HILLS ESTATES, pending the required fiscal arrangements.

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

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

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

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

The staff recommended disapproval of this final plat pending the required fiscal arrangements, completion of departmental reports and annexation. It was then

VOTED: To DISAPPROVE the final plat of NORTHWEST HILLS, Section 11, Blk. B, pending the requirements as indicated.

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

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports and clearance from the Gas Company. It was then

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

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

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports and clearance from the Gas Company. It was then

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

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

The staff recommended disapproval of this final plat pending additional easements, completion of departmental reports and clearance from the Gas Company. It was then

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

SHORT FORM PLATS - FILED

C8s-68-211 Gregg Lane Ranchettes
 Gregg Lane

The staff reported that all departmental reports have not been received and recommended that this short form plat be accepted for filing pending completion of departmental reports and tax certificates. It was then

VOTED: To ACCEPT for filing the short form plat of GREGG LANE RANCHETTES, pending the items as indicated.

C8s-68-213 Graybar Addition
 Banyon Street and North Lamar Boulevard

The staff reported that this short form plat involves a variance on the width of Banyon Street which has a present right-of-way of 50 feet. The subject property is zoned for commercial uses and was zoned without any consideration of the street needs some years ago. Banyon Street is a dead-end street that runs into "D" Industrial property owned by Jefferson Chemical Company. The property along the north side of the street was subdivided in prior years. Requirements for the street widening were considered in connection with this subdivision but due to the fact that Banyon Street dead-ends into industrial property with no access thereto, the staff recommended and the Commission granted a variance to leave the right-of-way at 50 feet but to require a building setback line of 30 feet therefrom. The staff recommends that the variance on the street width be granted but that a 30 foot building setback line be required from the south side of the street. There are no departmental reports and the staff recommends that the plat be accepted for filing. The Commission then

VOTED: To ACCEPT for filing the short form plat of GRAYBAR ADDITION, granting a variance on the width of Banyon Street, and requiring a building setback line of 30 feet therefrom.

C8s-68-214 Colorado Hills Estate, Lot A, Block B
 Parker Lane and Royal Crest Drive

The staff reported that this is a one lot subdivision out of a larger tract on which there is an existing preliminary plan. There is a request to withdraw this particular tract from the preliminary plan in order to accept the short form. Since it is a short form a variance is required to exclude the balance of the tract from which it came. The staff recommends that this lot be withdrawn from the original approved preliminary and that the variance be granted inasmuch as there is a preliminary plan on the balance of the property. No departmental reports have been received and the staff recommends that this short form plat be accepted for filing and disapproved pending completion of departmental reports and requests authorization for administrative approval upon completion of requirements.

C8s-68-214 Colorado Hills Estate, Lot A, Block B--contd.

It was then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of COLORADO HILLS ESTATES, Lot A, Block B, pending completion of departmental requirements, granting the withdrawal of this lot from the original preliminary and granting a variance to exclude the balance of the property, and authorizing administrative approval upon completion of requirements.

SHORT FORM PLATS - CONSIDERED

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

VOTED: To APPROVE the following short form plats:

- C8s-68-206 Parmer Lane Heights, Section 1
Galway Street
- C8s-68-205 Wooten Park Square, Section 5
Anderson Lane west of Mullen Drive
- C8s-68-208 Delwood Terrace, Section 1, Resub.
Wellington Drive and Dexmoor
- C8s-68-212 Kenneth E. Davis Sub. - Resub.
I. H. 35 and Clayton Lane

C8s-68-210 Outlot 18, Div. C, Resub. Lot 2
Red River and Ellingson Lane

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance with the exception of a variance required on the width of Ellingson Lane. The street is only 40 feet wide and the applicant is providing a 5 foot dedication and a 5 foot sidewalk and utility easement for his portion of the widening needed for the street. The staff recommends that this short form plat be approved and that the variance be granted. The Commission then

VOTED: To APPROVE the short form plat of OUTLOT 18, Div. C, Resub. Lot 2, granting a variance on the width of Ellingson Lane.

C8s-68-209 Northwest Village - Resub.
Anderson Lane west of Northwest Drive

The staff reported that this short form plat has complied with all departmental requirements and met all requirements of the Ordinance but there is a variance involving the signature of the adjoining owner. This is a one lot short form out of a larger tract of land and a variance is required on the signature of the person owning the balance of the original lot. A letter has been received requesting that the variance be granted. There is a problem in that 5 feet of additional right-of-way is needed for the

951
~~940~~

C8s-68-209 Northwest Village - Resub.--contd.

widening of Anderson Lane. If the variance were not granted to exclude the balance of the tract, the 5 feet of additional right-of-way would be imposed on the balance of the tract abutting Anderson Lane. In relation to that, Anderson Lane is already in excess of 70 feet and it is the City's policy to pay for right-of-way needed when it exceeds 70 feet. Since this does involve the situation whereby the City will pay for the balance of the right-of-way needed on the balance of the tract, the staff recommends the variance be granted and that this short form plat be approved. The Commission then

VOTED: To APPROVE the short form plat of NORTHWEST VILLAGE - Resub., granting a variance on the signature of the adjoining owner.

ABSTAINED: Mr. Hanks

C8s-68-181 Jain Lane Addition
Jain Lane

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

VOTED: To DISAPPROVE the short form plat of JAIN LANE ADDITION, pending completion of departmental reports.

C8s-68-185 Barnhart Addition
St. Johns Avenue

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

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

C8s-28-207 St. James Baptist Church
East 19th and Redwood

The staff reported that this short form plat has complied with all departmental requirements but there are two variances involved. A variance is required on the width of Lot 3 which has approximately 47.3 feet of width on the street and the other variance is on the signature requirement of the adjoining owners.

This short form consists of four lots located on Redwood and East 19th Street. The variance on the width of Lot 3 as indicated is approximately 47 plus feet. The other variance pertains to the signature or joinder of the person who owns the 39 foot wide lot not included in the subdivision. St. James Baptist Church acquired all of this property and attempted to acquire the 39 foot lot. The owners of the 39 foot lot are heirs and there are a number involved, and they did not wish to sell therefore the church was unable to buy the property. There are a number of problems involved and because of this the heirs did not wish to participate in the platting. In view of this, the staff recommends that the variances be granted and that this short form plat be disapproved pending Board of Adjustment action on the width of Lot 3.

952
~~949~~

C8s-28-207 St. James Baptist Church--contd.

It was then

VOTED: To DISAPPROVE the short form plat of ST. JAMES BAPTIST CHURCH, pending Board of Adjustment action from requirements of the Zoning Ordinance on the width of Lot 3, granting a variance on the width of Lot 3 and on the signature requirements of the adjoining owners.

C8s-68-202 Highland Park West Commercial Area
Hancock and Balcones

The staff recommended disapproval of this short form plat pending the required sidewalk and public utility easement. The Commission then

VOTED: To DISAPPROVE the short form plat of HIGHLAND PARK WEST COMMERCIAL AREA, pending the required sidewalk and public utility easement.

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

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

VOTED: To DISAPPROVE the short form plat of NORTHWEST HILLS, Section 9, Blk. C, pending the requirements as indicated.

ADMINISTRATIVE APPROVAL

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

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

C8s-68-189 Ed Fleming Subdivision
Burnet Road and West 49th Street
C8s-68-171 Eubank Acres, Section 2, Resub. 1 & 2 "D"
Hansby Street and Covington Drive

OTHER BUSINESS

R143 MEETING SCHEDULE

Mr. Osborne stated that the staff is suggesting that the Commission go to a monthly meeting schedule in which the Zoning Committee meeting would be on the first Tuesday of the month, the Planning Commission meeting on the second Tuesday and the Subdivision Committee meeting on the second Monday after the Planning Commission meeting. The staff has studied the schedule and feels

R143 MEETING SCHEDULE--contd.

that the monthly schedule rather than the existing 4 week schedule would be more workable. This schedule should reduce the meetings by one meeting per year. It was then

AGREED: To change the existing four week meeting schedule to a monthly schedule in accordance with the recommendation by the staff.

R810 SUBDIVISION POLICY

Mr. Osborne explained that the staff would like authorization from the Commission to proceed with trying to institute a system with the subdividers, engineers and developers regarding advance submission of a preliminary plan for review by the departments and then a terminal date, approximately one week after that in which a preliminary plan would be formally submitted for review by the Subdivision Committee. This would be approximately 10 days prior to the actual meeting of the Subdivision Committee. The problem existing at the present time is that a plan is submitted on the dead-line date with the primary purpose of satisfying the dead-line requirement only and then the subdividers or engineers start altering the plan. Changes to the preliminary plan may continue up to the actual meeting of the Subdivision Committee at which time the Committee as well as the staff is subject to having to discuss whatever plans happen to be in front of the Committee. In some instances, changes to the preliminary plans are made and submitted at the meeting which have never been seen by the staff or the other City departments.

The proposed policy would require the subdivider, engineer or developer to submit their preliminary plans to the department for review approximately three weeks in advance of the Subdivision Committee meeting. The following week the subdivider would submit his plan or the plan agreed on with the staff and this is the plan that would be considered by the Subdivision Committee. The plan submitted would be the developer's choice and the staff does not necessarily have to agree to the plan but would have had an opportunity to review it. It is felt that this would be more satisfactory than having the staff and the developer trying to work out an agreement at the Subdivision Committee on a new plan. The new procedure would only add four days of additional requirement to the submission date which is not unreasonable.

Mr. Osborne further stated that he would like the advice of the Commission on this matter in that the staff would like to institute it in February. The idea is not to just arbitrarily institute the procedure saying that it has been approved by the Commission and this is what must be done but the idea is to work with the subdividers and developers and say this is what needs to be done and the Commission has endorsed the general idea. This is the only practical way to solve some of the problems that are occurring.

Mr. Milstead stated that it would be desirable to do something like this; however, in his opinion it is the function of the Subdivision Committee to find a way for a developer or subdivider to work out problems and if it involves give and take as well as negotiations and compromises to accomplish this then it should be a primary consideration. He stated that he would be

R810

SUBDIVISION POLICY--contd.

opposed to the Subdivision Committee being so rigid that the flexibility of give and take and working out a compromise at the meeting is lost. The staff's view point is understandable and it would be an advantage to have the plans submitted prior to the meeting; however, it would be a mistake to say the plan submitted earlier could not be changed. It should be definitely understood that the type of procedure proposed would not prevent further negotiations and alterations to a plan at the Subdivision meeting.

Mr. Dunnam stated that the subdivider or developer would not be prevented from making changes or alterations on a plan which has been reviewed by the staff if it is felt that the changes are warranted; however, they would be compelled to submit a plan that the staff has had ample opportunity to review with other departments. It is the subdivider's prerogative to submit the plan he wishes even if the staff does not agree with the plan. The point should be made that the only real difference is that the staff will have additional time to brief themselves on the proposed layout and any problems that could occur.

Mr. Foxworth explained that the problem that occurs is when a new plan is submitted at the Committee meeting and the staff nor the other City departments have had an opportunity to review and study the proposal. This is a disadvantage in that the staff's recommendation is influenced by the comments of the other departments with regard to water, sewer, drainage, utilities, etc., which are problems of serving a particular area.

Mr. Osborne commented that once a preliminary plan is approved the developer can proceed with the plans, making expenditures for streets, utilities, etc., as the approval is almost as good as a recorded plat. This is one reason it is so important that preliminary plans be submitted and reviewed in proper form before a recommendation is made. If there are major changes to be made, the proposal should be postponed; however, there would be no objection to working out the minor alterations.

The Commission members discussed the problems involved in the submission of and changes to an already submitted preliminary plan. They were of the opinion that an earlier submission date would be advantageous as there would be more time to work out any problems that may exist. They authorized the staff to proceed to work with the subdividers, developers and engineers on this problem and report to the Commission.

R810

LEGISLATION AND PROCEDURE

Mr. Osborne advised the Commission that the staff is studying items on modifications of subdivision and zoning provisions dealing with low cost housing. This is a difficult area in that there will be consideration of reducing standards considerably. The study at the present time deals with low cost housing and the ramifications that could extend into other areas if the standards are reduced.

R810 LEGISLATION AND PROCEDURE--contd.

Mr. Osborne stated that rather than have the staff work on these items and then submit a report to the Commission, it is felt that a three member committee or the Master Plan Committee of the Commission should work with the staff as this would give some indication from the Commission with regard to these matters.

The Commission members were of the opinion that the Master Plan Committee should work with the staff in the study of modifications of subdivision and zoning provisions dealing with low cost housing; however, they agreed that any other Commission member wanting to participate should feel free to do so.

C10-68-1(y) STREET VACATION

The north 350 feet of Northcrest Boulevard
located south of U. S. Highway 183

The staff reported that this is a request to vacate the north 350 feet of Northcrest Boulevard located south of U. S. Highway 183. The request has been circulated and there are no objections by the City Departments. The provision for the street is in connection with the recent zoning of the property. Included in the zoning of the property was the requirement for the extension of Northcrest Boulevard from where it dead-ends now northward to intersect U. S. Highway 183. The street was dedicated by separate instrument to the City of Austin. The location of the street is not binding and when the property was zoned, the staff indicated that there would be no objection to the relocation of the street provided all of the standards were met. The request is now to vacate the existing location and rededicate the street in the location as shown on the map. There is a minor correction to the new location where the street intersects U. S. Highway 183. This effects the northerly 100 feet. The staff wants to angle or bring the street in at a better alignment with the proposed crossover of Anderson Lane and continue the street northward ultimately tying into Georgian Drive. This has been agreed to by Mr. Robert Sneed, representing the applicants. The utilities have been installed and a considerable portion of the street work has been done.

The Commission then unanimously

VOTED: To recommend that the north 350 feet of Northcrest Boulevard located south of U. S. Highway 183 be VACATED pending receipt of dedication of new approved alignment of Northcrest Boulevard.

C10-68-1(z) STREET VACATION

A portion of Manchaca Road south of Stassney Lane

The staff reported that this request to vacate a portion of Manchaca Road south of Stassney Lane is made by the Austin Independent School District.

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

The request has circulated to the various departments and there is no objection to the closing of the street subject to the following comments:

- | | |
|--------------------------|---|
| Telephone Company | - Telephone Company pole line and cable in the area - hold for P. U. Easement |
| Gas Company | - Retain for gas line easement. Line is 6.5 feet west of east. |
| Traffic & Transportation | - O. K. subject to right of City to use it in future street widening |
| Public Works | - Subject to City being able to use any portion in future street widening |
| Planning Department | - Subject to owners agreement to re-dedicate should the City ever need the area for street purposes |

The staff recommends in favor of the vacation subject to the above comments. The Commission then unanimously

VOTED: To recommend that a portion of Manchaca Road south of Stassney Lane be VACATED, subject to the requirements as indicated.

C10-68-1(aa) ALLEY VACATION

The north 210 feet of alley located between Guadalupe and Whitis Street and West 20th and West 21st Streets

The staff reported that this request to vacate the north 210 feet of the alley located between Guadalupe and Whitis Streets and West 20th and West 21st Streets is made by University Properties, Ltd. The property was recently rezoned to permit high-rise development and the plans are to span and utilize the area of the alley. All of the abutting property owners for that portion requested for closing are participating in the request. The portion of the alley south to West 20th Street is bordered by the ownerships of Eldon Powell; H. D. Pruett, Estate; Mrs. C. J. Moore and Mrs. Sarah Schwartzberg. Letters from the Pruett Estate and Eldon Powell have been submitted in agreement to the vacation. The applicants have a long term lease on Mrs. C. J. Moore's property and it is the staff's understanding that there is a contract on the property identified as Mrs. Sarah Schwartzberg.

The request has been circulated to the various City departments and the vacation is recommended subject to the retention of the necessary sanitary sewer, electric department and telephone company easements. The Water and Sewer Department recommends in favor of the request subject to the retention of easements for existing water and sewer lines and services until services have been discontinued on Lots 1, 2, 3, 18, 19 and 20.

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

The Planning Department recommends in favor noting receipt of letters of agreement and long term lease from all affected property owners and subject to such procedure being approved by the Legal Department. Subject to the retention of the easements as indicated and with the note concerning the letters from the adjoining owners not petitioning for the closing, the staff recommends the request be approved.

The Commission then

VOTED: To recommend that the north 210 feet of the alley located between Guadalupe and Whitis Streets and West 20th and 21st Streets be VACATED, subject to the retention of the necessary easements.

ABSTAINED: Mr. Dunnam

ADJOURNMENT: The meeting was adjourned at 11:30 p.m.

Hoyle M. Osborne
Executive Secretary