

CITY PLANNING COMMISSION
Austin, Texas

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Regular Meeting -- January 14, 1969

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
Alan Taniguchi
Robert Kinnan
Dr. William Hazard
William Milstead
Robert B. Smith
G. A. McNeil
Roger Hanks

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 January 6, and 7, 1969.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-68-265 Hunter Schieffer, Trustee: Int. A, Int. 1st to LR, 1st
6713-6729 Manor Road

STAFF REPORT: The subject property covers approximately three acres of land which is presently undeveloped. The stated purpose of the request is for uses as permitted under the "LR" Local Retail district of the Zoning Ordinance. To the west of the site, along Loyola Lane, Kings Point and Kings Point West is a well-developed residential subdivision. At the intersection of Loyola Lane and Manor Road is "LR" Local Retail and "C" Commercial zoning which was granted in 1964. "C-1" Commercial zoning was established at this location for a drive-in

C14-68-265 Hunter Schieffer--contd.

grocery in order to permit the sale of beer or wine for off premise consumption; however, the "C-1" Commercial district has been eliminated from the Zoning Ordinance and the established Zoning is now "C" Commercial. To the east is a large undeveloped area. North of the subject property is a request for "C" Commercial, First Height and Area zoning. Property adjoining to the south was before the Commission in 1968 at which time it was requested that "GR" General Retail zoning be granted along the Manor Road frontage, and that "B" Residence, First Height and Area zoning be established on the rear portion. The request was amended to "GR" General Retail and "BB" Residence zoning which was granted. South of the existing "BB" Residence district is the final plat of the Bluffs of University Hills which is a residential subdivision. Manor Road is proposed as an expressway with 200 feet of right-of-way, 120 feet of which is to come from the east side of the street. The applicant should be made aware of the expressway as it will eventually effect the subject property. In view of the existing zoning and development in the area the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A John B. Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, 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 noted the fact that an expressway is proposed through the front portion of the subject property. They reviewed the information presented 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 Hunter Schieffer, Trustee 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 6713-6729 Manor Road be GRANTED.

C14-68-270	Cecil R. Delancey: A to BB
	1711 Patton Lane
C14-68-271	Allen Douglas: A to BB
	1713-1715 Patton Lane
	6512 Hickman Avenue
C14-68-272	J. B. Hamilton: A to BB
	6508-6510 Hickman Avenue

STAFF REPORT: For purposes of presentation, the staff has combined three applications as they are requests for "BB" Residence, First Height and Area zoning on adjoining properties. The three applications are individual requests made by three separate owners; however, all three owners are represented by John Selman. The requested zoning is the lowest density apartment zoning permitted in the Ordinance and if granted, would allow approximately 20 units per acre depending upon the number of bedrooms designed in the individual units. Case No. 270, fronting onto Patton Lane, contains 5,250 square feet; Case No. 271, is a corner lot having frontage onto Patton Lane and Hickman Avenue and contains approximately 11,025 square feet and Case No. 272, fronting onto Hickman Avenue, contains approximately 15,000 square feet.

There have been recent considerations for zoning changes in this area. "B" Residence, First Height and Area zoning has been granted on property directly to the north of Patton Lane subject to provision for the widening of Patton Lane. To the west, having frontage onto Berkman Drive is "B" Residence property which is developed with apartments. There is also apartment zoning on Berkman Drive to the south. Adjoining the subject property to the south along Hickman Avenue are four duplexes. East, on Hickman Avenue, is residential development. The staff feels that the two tracts under consideration having frontage onto Patton Lane should be granted as requested as they are south of the "B" Residence zoning established by the Planning Commission and the City Council; however, it is recommended that the Case No. 272 be denied as the tract fronts only onto Hickman Avenue. This property has been before the Commission on two separate occasions. In 1966, it was a part of property that ran through to Berkman Drive, and at that time at the staff and Commission's suggestion, this portion was withdrawn from the application with enough area left to create two duplex sites. In 1967, an attempt was again made to rezone the property to "B" Residence but the request was denied by the Commission as well as the City Council. There has been a year's lapse of time as required by the Ordinance and the property is now being reconsidered at the applicant's request. On the previous occasions, the staff, as well as the Commission, felt that Hickman Avenue is inadequate for apartment zoning as there is only 50 feet of right-of-way. It was also pointed out that the opposite side of Hickman Avenue is developed with well-maintained single-family development, and it was felt that rezoning would be an intrusion onto the residential street and into the residential neighborhood. A proper gradation in zoning would be from the existing "B" Residence zoning to the north of Patton Lane to the "BB" Residence zoning on the south and then into the two-family development. If the Commission feels that there is merit to the request, right-of-way for Hickman Avenue would be needed from the two properties abutting Hickman Avenue.

C14-68-270	Cecil R. Delancey--contd.
C14-68-271	Allen Douglas--contd.
C14-68-272	J. B. Hamilton--contd.

TESTIMONY

WRITTEN COMMENT

Code

M	Erwin M. Dabbs: 6503 Hickman	AGAINST
AJ	Watt Schieffer: 1011 East 40th	FOR
E	Edna O. Blanchard: 6504-B Hickman	AGAINST
U	Winona Lasater Alff: 2319 West 8th	AGAINST
AM	Ruby H. Tarter: 6739 U. S. Highway 290 (No. 270)	AGAINST

PERSONS APPEARING AT HEARING

Code

A	John B. Selman (representing applicant)
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SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, stated that two of the people opposed to the change have property to the south which is developed with four duplexes. This part of Austin is growing rapidly. The staff recommends in favor of the property fronting onto Patton Lane; however, it has been recommended that the property fronting onto Hickman Avenue be denied. Mr. Selman stated that he realizes that under a gradation theory the zoning should stop somewhere and his client, Mr. Hamilton will file a restrictive covenant on the property fronting onto Hickman Avenue limiting the development to fourplexes on each of the lots. The gradation in zoning would then be more complete as it would go from the single-family to two-family to fourplex development, "BB" Residence zoning and then "B" Residence zoning to the north. It is felt that the zoning as requested on Mr. Hamilton's property with the restrictive covenant is only fair inasmuch as the property backs to a large apartment complex and there will be "BB" zoning adjoining to the north.

No one appeared in opposition to the requests.

COMMENTS AND ACTION BY THE COMMITTEE

C14-68-270 Cecil R. Delancey

The Committee reviewed the information and concluded that this request should be granted in view of the recently established zoning pattern north of Patton Lane.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Cecil R. Delancey for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1711 Patton Lane be GRANTED.

C14-68-271 Allen Douglas--contd.

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

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, agreeing to dedicate 5 feet of right-of-way for the future widening of Hickman Avenue.

In view of this, the Commission felt that the request should be granted as it conforms to the existing zoning and development in the area. It was then unanimously

VOTED: To recommend that the request of Allen Douglas for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 1713-1715 Patton Lane and 6512 Hickman Avenue be GRANTED.

C14-68-272 J. B. Hamilton

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Hickman Avenue; however, they stated they would look with favor on the requested zoning, provided the street is made adequate and with the condition that a restrictive covenant be required limiting the development to no more than fourplexes.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, agreeing to dedicate five feet of right-of-way for future widening of Hickman Avenue and also agreeing to file a restrictive covenant limiting the use of the property to eight units or two (2) fourplexes.

In view of this, the Commission felt the request should be granted as it conforms to existing zoning and development in the area. It was then unanimously

VOTED: To recommend that the request of J. B. Hamilton for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 6508-6510 Hickman Avenue be GRANTED.

C14-68-280 Robert C. Fullerton: A, 1st and C, 6th to B, 1st (Tr. 1) and BB, 1st
 Tract 1: 813-823 State Highway #71 (Tr. 2)
 824-830 Patton Avenue
 Tract 2: 822 Patton Avenue

STAFF REPORT: The subject property, containing approximately 31,680 square feet is located at the intersection of Patton Avenue and State Highway 71. The stated purpose of the request is for apartment development. The area is predominately undeveloped with the exception of Bergstrom Downs No. 1 subdivision located along Patton Avenue which is developed with single-family homes.

C14-68-280 Robert C. Fullerton--contd.

A large portion of this subdivision, which was approved in 1947, has not been completed. The streets to the north and northwest are not open on the ground. Directly southeast of the subject property is a trailer park and a large dairy farm. On the south side of State Highway No. 71 is a mobile home sales and the Highway Department. The staff has no objection to the request as it is located along a major arterial street and the development would be appropriate for this location. It is felt that the "BB" Residence zoning as requested on Tract 2 would serve as a gradation from the apartment zoning along the highway and the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

C L. J. Luedecke: 1715 Cromwell Hill

FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as logical zoning along a major highway.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Robert C. Fullerton for a change of zoning from "A" Residence, First Height and Area and "C" Commercial, Sixth Height and Area to "B" Residence, First Height and Area (Tr. 1) and "BB" Residence, First Height and Area (Tr. 2) for property located at 813-823 State Highway No. 71, and 824-830 Patton Avenue (Tr. 1) and 822 Patton Avenue (Tr. 2) be GRANTED.

C14-68-281 Gussie Mae Harrell: A to C
5213-5215 Guadalupe Street
509 North Loop Boulevard

STAFF REPORT: This application covers 8,450 square feet of land which is presently developed with a single-family dwelling. The stated purpose of the request is for retail sales of trailers and campers. The area is predominately developed with single-family dwellings and some duplexes. There have been a number of zoning changes over the past few years, the most recent being "BB" Residence zoning which was granted on property to the north along Franklin Boulevard. An application for "B" Residence, Second Height and Area zoning was made on property to the north along Franklin Boulevard in 1967; however, the

C14-68-281 Gussie Mae Harrell--contd.

Commission and the Council recommended that "BB" Residence, First Height and Area zoning be granted. "B" Residence zoning was established on property at the southwest intersection of Guadalupe Street and Nelray Boulevard in 1954 and also on property at the northeast intersection of Nelray Boulevard and Guadalupe Street in 1954 and 1957. A request for "B" Residence, First Height and Area zoning was made on property at the intersection of Franklin Boulevard and Guadalupe Street on two previous occasions in 1967 but both requests were withdrawn. In general, this area has gone to some form of apartment zoning, either "B" Residence or "BB" Residence or the development has remained single-family as is the area along North Loop Boulevard. The staff feels that the requested "C" Commercial zoning would be an intrusion into what is presently a residential area. North Loop Boulevard is scheduled to be widened to 80 feet, which will require 10 feet from the site. Guadalupe Street is also scheduled to be widened to 60 feet; however, these are not aimed for commercial purposes but are for apartment development as has been the history of this particular area. The staff feels that commercial zoning would be an intrusion and recommends that the request be denied. If the Commission sees merit in a change it is recommended that the change be no greater than "B" Residence, First Height and Area.

TESTIMONY

WRITTEN COMMENT

Code

BB	Willie Rolff, Jr.: 5212 Guadalupe	AGAINST
AW	Rose M. Perella: 4530 Miami Way, San Diego, Cal.	FOR

PERSONS APPEARING AT HEARING

Code

A	T. H. Harrell (representing applicant)
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SUMMARY OF TESTIMONY

Mr. Troy Harrell, representing the applicant, stated that he was advised by the staff when he made application for a change that the Planning Department would not be in favor of this kind of zoning. He pointed out that North Loop Boulevard and Guadalupe Street are thoroughfare streets and are very heavily traveled. He stated that the taxes on the subject property have been raised in accordance with commercial property and something needs to be done with the site. This corner is too busy for any sort of residential or apartment development. This location is the best place for the type of business which is proposed, because of the two thoroughfares. Mr. Harrell explained that he is not in the mobil home business but he proposes to sell travel-campers. The subject property will be a paved lot with a sales office on it.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

C14-68-281 Gussie Mae Harrell--contd.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Gussie Mae Harrell for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 5213-5215 Guadalupe Street and 509 North Loop Boulevard be DENIED.

C14-68-282 W. A. Dornell: A to B
5003 Lynnwood Street

STAFF REPORT: The subject property contains approximately 9,000 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is to provide parking for adjacent businesses. If zoned as requested, approximately nine one-bedroom apartment units would be permitted on the site. Along Hancock Drive there is "C" Commercial and "GR" General Retail zoning which is developed with a theater, apartments, restaurant and retail shops. At the southeast intersection of Lynnwood Street and Hancock Drive there is a fire station and on the southwest corner is a restaurant. Adjoining the site to the north is "B" Residence, First Height and Area zoning, granted in 1964, which is developed with apartments. To the east, along Burnet Road is "C" Commercial zoning which is developed with a mixture of uses. The area south of the subject property is developed with single-family homes as is the property along West 49th Street. Rosedale Elementary School is located south of West 49th Street. The staff has no objection to the requested zoning; however, Lynnwood Street with a present right-of-way of 50 feet is too narrow for commercial or apartment development. In the past it was felt that the "B" Residence zoning to the north would serve as a gradation and be a stopping point for the commercial zoning along Hancock Drive and right-of-way was not acquired, but it is evident because of this zoning request and a request on West 49th Street that the zoning will continue south along Lynnwood Street. In view of this the staff feels that now is the time to provide adequate ingress and egress to the area and recommends that 5 feet of right-of-way be required from property on each side of the street.

TESTIMONY

WRITTEN COMMENT

Code

L Alford B. Hess: 1356 Cherry St., Denver, Colorado FOR

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

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

C14-68-282 W. A. Dornell--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of W. A. Dornell for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5003 Lynnwood Street be DENIED.

C14-68-283 F. L. Lightfoot: A to B
5401-5407 Jeff Davis Avenue

STAFF REPORT: This application covers 34,920 square feet of land and the stated purpose of the request is for apartment development. This area has been before the Commission on several recent occasions. "LR" Local Retail zoning and "B" Residence zoning was granted on property to the south along North Loop Boulevard in 1968. Also in 1968, "BB" Residence, First Height and Area zoning was granted on property at the intersection of Jim Hogg Avenue and Houston Street, subject to the provision of right-of-way which has been acquired. "B" Residence, First Height and Area zoning has recently been granted, also subject to right-of-way, on property immediately to the west across Jeff Davis Avenue. The staff has no objection to the request because of the recent zoning changes in the area; however, Jeff Davis Avenue, with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet in order to adequately serve the increase in traffic density. This will effect the subject property by 5 feet.

TESTIMONY

WRITTEN COMMENT

Code

U Trim and Swim Health Spa. Inc.: 5407 Clay Ave. FOR

PERSONS APPEARING AT HEARING

Code

A Conway Taylor (representing applicant)

SUMMARY OF TESTIMONY

Mr. Conway Taylor, representing the applicant, stated that he is in accord with the recommendation of the Planning Department. There are 30 apartment units proposed for the site and the 5 feet of right-of-way would not hinder the development. The applicant is in favor of granting the request for right-of-way.

No one appeared in opposition to the request.

C14-68-283 F. L. Lightfoot--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Jeff Davis Avenue; however, they stated they would look with favor on the requested zoning, provided the street is made adequate, as it conforms to recently established zoning in the area.

At the Commission meeting, the staff reported a letter from Mr. Walter Yates, Purchaser and Mr. Conway Taylor, Realtor for the applicant, expressing their intent and permission for the granting of a 5 foot easement along the front of the subject property for the purposes of street widening.

In view of this, the Commission felt that the request should be granted as it conforms to recently established zoning in the area. It was then unanimously

VOTED: To recommend that the request of F. L. Lightfoot for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5401-5407 Jeff Davis Avenue be GRANTED.

C14-68-284 Paul Hardy: A to B
5206 Woodrow Avenue

STAFF REPORT: The subject property contains approximately 11,640 square feet which is developed with a single-family structure. The stated purpose of the request is for apartment development. The site is located in an area which is predominately developed with single-family residences. The most recent development in the area is on property to the north which is developed with duplexes. The housing along Harriet Court which is a cul-de-sac street extending from Woodrow Avenue east is approximately 15 years old. A request for "B" Residence, First Height and Area zoning is pending on property to the north at the intersection of Joe Sayers Avenue and North Loop Boulevard. Woodrow Avenue, with a present right-of-way of 50 feet is classified as a major arterial street in the Austin Transportation plan and is scheduled to be widened to 80 feet which will eventually effect the subject property by 15 feet. It is recognized that in time this area will go toward apartment development; however, it is felt that this request is premature and at the present time would be an intrusion into a single-family area. The staff recommends that the request be denied.

TESTIMONY

WRITTEN COMMENT

Code

A	Mr. and Mrs. G. A. Kretzchmar: Route 1, Box 72, Wimberly, Texas	FOR
AL	Mrs. E. C. Ohlendorf: 1301 North Street	FOR

C14-68-284 Paul Hardy--contd.

PERSONS APPEARING AT HEARING

Code

A Paul Hardy (applicant)

SUMMARY OF TESTIMONY

Mr. Paul Hardy, representing the applicant, stated that apartment zoning has recently been granted on property to the north and apartments are presently under construction. Someone has to be first in an area for a change and it is obvious that this is an area in which a change is going to occur in the very near future. Mr. Hardy stated that the staff advised him of the need for right-of-way and he is willing to dedicate the necessary 15 feet. Since the request was advertised, a number of people in the area have stated that they are in favor of the change.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Woodrow Avenue. The Committee members discussed the right-of-way of Woodrow Avenue and several of the members felt that only 10 feet of right-of-way with an additional 5 foot setback should be required; however, a majority of the members stated they would look with favor on the requested zoning provided 15 feet of right-of-way is provided for the widening of Woodrow Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Paul Hardy for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5206 Woodrow Avenue be DENIED.

C14-68-285 Martin Gonzalez: A to B
5314-5400 Woodrow Avenue

STAFF REPORT: This application covers two lots totaling 23,280 square feet. The stated purpose of the request is for apartment development. There is "B" Residence zoning to the north of Houston Street and "BB" Residence is established at the intersection of Jim Hogg Avenue and Houston Street. "B" Residence and "LR" Local Retail zoning is established west of Joe Sayers Avenue along North Loop Boulevard and single-family development is established along both sides of Woodrow Avenue. It is recognized that the area might convert to apartment development in time but it is difficult to support piecemeal zoning. The staff feels this request could be an intrusion. If the Commission feels there is merit to the request, 15 feet of right-of-way would be needed for the widening of Woodrow Avenue inasmuch as it is a major arterial street which is scheduled to be widened to 80 feet.

C14-68-285 Martin Gonzalez--contd.

TESTIMONY

WRITTEN COMMENT

Code

K	Diana Corbin: 1111 Anderson Lane	FOR
Y	Teddy Henderson: 1400 East 34th Street	FOR
AJ	L. S. Landrum: 302 West Main, Round Rock, Texas	FOR

PERSONS APPEARING AT HEARING

Code

A	Paul Hardy (representing applicant)
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SUMMARY OF TESTIMONY

Mr. Paul Hardy, representing the applicant, stated that this particular section of Woodrow Street is no longer predominately residential in character. There are several duplexes in the area as well as large areas of vacant land and some lots with more than one structure on a lot. A number of calls have been received from people in the area who have stated that they are in favor of a change. With regard to right-of-way, Mr. Hardy explained that they had a similar case when right-of-way requested would have reduced the number of units permitted on the lot and they were able to work a purchase out after the permit was issued. The south lot under consideration has an existing duplex on it and the adjoining lot is developed with a house which will be removed. Mr. Hardy stated that he does not know how his client feels about the right-of-way.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Woodrow Avenue. The Committee members discussed the right-of-way of Woodrow Avenue and several of the members felt that only 10 feet of right-of-way with an additional 5 foot setback should be required; however, a majority of the members stated they would look with favor on the requested zoning provided 15 feet of right-of-way is provided for the widening of Woodrow Avenue.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Martin Gonzalez for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5314-5400 Woodrow Avenue be DENIED.

C14-68-286 First Federal Savings & Loan: A to B
5517-5603 Montview Street

STAFF REPORT: This application covers approximately 53,000 square feet of land and if zoned as request, would allow approximately 50 apartment units to be built on the site. The stated purpose of the application is for

C14-68-286 First Federal Savings and Loan--contd.

providing a driveway from Montview Street to Burnet Road. A driveway for commercial purposes is not a permitted use in the "A" Residential District. A paved and curbed driveway is in existence from Montview Street to Burnet Road. Montview Street, with a present right-of-way of 50 feet, is an adequate street which does not have permanent type paving and has bar ditches along the sides. The development along Montview Street and to the west is single-family. To the east, along Burnet Road there is "C" Commercial zoning. When the Commission has recommended in favor of deepening the commercial zoning along Burnet Road, a replatting of property has been required to assure that all commercial access would be onto Burnet Road. Inasmuch as the use proposed is for a commercial driveway permitting the flow of commercial traffic from Montview Street to Burnet Road and because of the existing residential character of the street, the staff recommends the request be denied. If the Commission feels there is merit to the change, Montview Street should be widened as the granting of this request would establish a pattern for other zoning changes along Montview Street.

TESTIMONY

WRITTEN COMMENT

Code

AW	Claude E. Brown: 5508 Montview	FOR
AJ	O. H. Pool: 2153 South Lamar Boulevard	FOR
G	Edith Bartleson: 5604 Montview	AGAINST
AS	Veritas Investment Company: P. O. Box 1074	FOR

PERSONS APPEARING AT HEARING

Code

	Alvis Vandygriff (representing applicant)	FOR
?	G. L. Worrell: 5607 Shoalwood	AGAINST
N	C. L. Cline: 5605 Shoalwood	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Alvis Vandygriff, representing the applicant, stated that it is unfortunate that a zoning application for such a broad zoning is necessary for the purpose of the driveway. The First Federal Savings and Loan Association is established on property adjacent to the east and there is access from this building to Burnet Road. It is a hazard to have a drive onto that street because of the traffic and the development. The driveway on the subject property was completed before it was known that a zoning change to permit this use was necessary. It is felt that a driveway onto Montview Street from the Savings and Loan Association would be a safeguard for the patrons and individuals using the association. It will be a private drive and not an open thoroughfare. There would be no objection to placing a fence across the drive or placing a restriction on the use of the driveway if necessary. The zoning was requested on the three lots inasmuch as the applicant owns all the property under consideration.

C14-68-286 First Federal Savings & Loan--contd.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and pointed out that Montview Street is an unpaved street which is inadequate to handle heavy traffic. There are school children walking along the street and the traffic generated by this use would be hazardous. The increase in traffic would be a burden to the entire neighborhood.

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 Montview Street; however, they stated they would look with favor on the requested zoning, provided the street is made adequate.

At the Commission meeting, the staff reported a letter offering to dedicate the necessary right-of-way for the future widening of Montview Street.

In view of this, the Commission felt the request should be granted as the appropriate zoning for the site. It was then unanimously

VOTED: To recommend that the request of First Federal Savings and Loan for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5517-5603 Montview Street be GRANTED.

ABSTAINED: Mr. Milstead

C14-68-287 Westgate Square, Inc.: A to B
 Rear of 5811-5815 Manor Road (as amended)
 Rear of 5808-5810 Gloucester Lane (as amended)

STAFF REPORT: The subject property contains 27,359 square feet of land which is presently undeveloped. The stated purpose of the request is for apartment development and if zoned as requested, a density of approximately 40 units per acre would be permitted. There is a street plan shown on the staff report which utilizes the subject property as part of the Manor Estates Subdivision. The subdivision was before the Subdivision Committee for consideration at which time the question was whether or not the subdivision should be approved with a proposed street extending from Manor Road easterly to connect Edgedale Drive. The Subdivision Committee denied the proposal and recommended that there be two cul-de-sacs off of Manor Road as shown. The application for "B" Residence zoning is on property that is contiguous to existing "B" Residence zoning. Under the subdivision as approved, it is logical to extend the "B" Residence District to make it a part of that area being subdivided for apartment purposes. The staff recommends that the request be granted as it conforms to the recently approved subdivision for apartment development.

C14-68-287 Westgate Square, Inc.--contd.

TESTIMONY

WRITTEN COMMENT

Code

AC Walter H. Rieger: 5905 Manor Road

FOR

PERSONS APPEARING AT HEARING

Code

A	John Selman (representing applicant)	
T	Forbes E. Hanson: 5810 Gloucester Lane	AGAINST
Q	Herbert Freitag: 5807 Gloucester Lane	AGAINST
C	Donald M. Bishop: 5805 Gloucester Lane	AGAINST
L	Mr. and Mrs. James E. Colley, Jr.: 3000 Edgedale Drive	AGAINST
Y	Mr. and Mrs. Wilburn Kirsch: 5809 Gloucester Lane	AGAINST
B	Mr. and Mrs. Ernest J. Avalos: 3002 Edgedale Drive	AGAINST
H	Mr. and Mrs. Calvin Cardwell: 5808 Gloucester Lane	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicants, explained that there is a subdivision problem with this area. The particular piece of property under consideration was left out when an application was filed for Westgate Square as it was recommended by the staff and everyone concerned that Sweeney Lane extend eastward through the property to Edgedale Drive. The subject property was left out so that it would serve as a buffer for the housing to the east. The neighbors appeared before the Subdivision Committee and objected to the extension of the street to Edgedale Drive. Mr. Selman stated that he did not oppose it and the Subdivision Committee turned the street down and said that two cul-de-sacs should be required. Therefore, it is requested that the same type of zoning be granted on this property as on the rest of the tract otherwise there will be a tract of land that is partially zoned for apartment development and partially zoned for residential development. Another reason is the fact that there is a high power gas line that goes through this area. In that particular area the lots will have to be adjusted away from the line with a large easement through the middle. In addition, the applicants will build a six foot high fence on that portion of the property adjacent to the residential development. If the street were extended through, the property would remain as a duplex lot but since the neighborhood does not want the street to go through, it is only logical that this area be zoned as the remainder of the lots in the subdivision.

Arguments Presented AGAINST:

Mr. Forbes Hanson, an adjoining property owner, appeared in opposition to the request and stated that in September the original zoning on this area was before this Committee at which time Mr. Selman stated that the particular property in question would be "A" Residence, as a buffer for the adjoining residential property. The people in the area spoke in opposition to the road being extended at that time. It was presented as a favorable recommendation

C14-68-287 Westgate Square, Inc.--contd.

to the Planning Commission and during that meeting Mr. Selman said that he had been talking to his engineer and there was no need to put the street through and they would drop it. At that point, the subject property was still to serve as a buffer area and there was to be no road. Following approval by the City Council which was not opposed by the people in the area because of the buffer and the fact that the street was not to be extended, Mr. Hanson said that Mr. Selman advised him that they were reinstating the extension of the street so that the children in the apartment area would have access to the schools to the east. The subdivision proposal was then presented to the Subdivision Committee at which time property owners again appeared in opposition to the extension of the street. The Subdivision Committee recommended against the extension of the street and because of this the applicants now wish to remove the buffer and zone the area "B" Residence. It is felt that a buffer zone is needed for the adjoining residential property and if the property is rezoned, the entire area should again be reconsidered as the development will be entirely different to what was originally proposed and approved. If zoned as requested, structures could be erected to within 5 feet of the rear property line. All the property in the area slopes and because of this people will be able to look over into the adjoining yards.

A number of nearby property owners appeared in opposition to the request because of the fact that the subject property was to be a buffer between the apartment development and the adjoining residential area. They stated they object to the extension of the street into the residential area and feel that the development of apartments on the site would deprive the homeowners of their privacy. They further stated there would be no objection to duplex development.

Arguments In REBUTTAL:

Mr. Selman asked if this request could be left pending until he has an opportunity to discuss with the engineer the possibility of leaving a 30 or 40 foot buffer strip adjoining the residential property, not only on the subject site but on the property on the south, if it does not interfere with the development of the lots. This information will be available by the full Commission meeting and if a strip can be left, that portion of the property will be withdrawn. Mr. Selman stated that he still questions the street not being extended as there will be a number of children in the apartment area that will have to go out to Manor Road and then down to Rogge Lane in order to get to school. The development proposed is fourplex development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they stated they would look with favor on the requested zoning with the condition that a 30 foot buffer strip or a solid opaque fence be provided for the residential property to the east.

At the Commission meeting, Mr. Stevens explained that the 30 foot buffer recommended by the Committee effects the layout of the lots inasmuch as the lots within Mr. Selman's subdivision are shallow lots necessitated by the size of the

C14-68-287 Westgate Square, Inc.--contd.

property and the location of a cul-de-sac. The staff recommended in favor of the zoning based on the subject property being part of the approved subdivision and would like for Mr. Selman to comment on the acceptability of the 30 foot buffer in terms of the subdivision.

Mr. Selman stated that he has checked into this and the 30 foot buffer strip along the east side of the tract would make the southwest corner of the property practically impossible to use as there is also a gas line through there with an easement on both sides of the gas line. In view of the strong resistance of the neighborhood, if the Commission feels a buffer is necessary, the only alternative would be to withdraw the two lots abutting the residential property. This would leave two duplex lots. It is requested that the lot at the southwest corner be rezoned so that a portion of the lot will not be zoned "B" Residence and a portion zoned "A" Residence.

Dr. Hazard advised the Commission that it was the feeling of the Committee that there should be some kind of buffer or protection for the adjoining residential property. Mr. Selman requested that the two lots abutting the residential area be withdrawn from the application and that "B" Residence, First Height and Area zoning be granted on the one lot at the southwest corner of the site. This will be consistent with the zoning to the south and will provide protection for the adjacent residential property.

The Commission accepted the request to withdraw the two lots abutting the residential area and felt that this would provide a sufficient buffer for the residential property to the east. They recommended that the request be granted on the lot at the southwest corner as a logical extension of existing zoning. It was then unanimously

VOTED: To recommend that the request of Westgate Square, Inc. for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at the rear of 5811-5815 Manor Road and the rear of 5808-5810 Gloucester Lane (as amended) be GRANTED.

C14-68-288 Westgate Square, Inc.: Int. A, Int. 1st to GR, 1st (as amended)
6823-7017 Manor Road
6926-7020 Ed Bluestein Boulevard (Loop III)

STAFF REPORT: This application covers a large undeveloped tract of land containing approximately 14.5 acres. The stated purpose of the request is for a shopping center. The tract is a through tract having frontage onto Manor Road and Ed Bluestein Boulevard. There is a request for "LR" Local Retail zoning on property to the south which is also before the Committee for consideration at this hearing. Directly west of Manor Road along Kings Point, Kings Point West and Loyola Lane is a well developed single-family residential area. North of the residential area is a school site for a proposed elementary school. At the intersection of Loyola Lane and Manor Road is "LR" Local Retail zoning on property which is developed with a drive-in grocery. "C-1" Commercial zoning

C14-68-288 Westgate Square, Inc.---contd.

was also established at this location for the sale of beer to go for off-premise consumption in 1964, however, since then the "C-1" district has been eliminated from the Ordinance and the use is permitted under the "GR", General Retail, "LR" Local Retail and "C" Commercial zoning. The area east of Manor Road and to the south of the subject property is for the most part undeveloped with the exception of a "GR" General Retail and "BB" Residence district which was established in 1968. The staff has no objection to some form of commercial zoning on the subject property as it would allow for appropriate development between what will eventually be a major expressway with 200 feet of right-of-way and Ed Bluestein Boulevard with 300 feet of right-of-way; however, there is some question with regard to the need for the "C" Commercial district as this is a service district that provides for auto repair, open storage, warehousing and similar uses whereas "GR" General Retail zoning is more of a retail district and is the district established for other major shopping centers in Austin. The staff recommends that the request be denied but that "GR" General Retail, First Height and Area zoning be granted as it would be more in keeping with the established zoning and with the Commission's earlier recommendation on property to the south. It should be pointed out that Manor Road is classified as an expressway in the arterial plan adopted by the City Council in March, 1967, and is proposed to be widened to 200 feet which will require 120 feet of right-of-way from the east side of the street. This will eventually effect the subject property.

TESTIMONY

WRITTEN COMMENT

Code

R Watt Schieffer: 1011 East 40th Street

FOR

PERSONS APPEARING AT HEARING

Code

A John Selman (representing applicant)

SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, stated that the subject property is under contract with a large supermarket chain for development of a shopping center. Development of the shopping center will probably be many years in the future. He said he is aware of the uses permitted under the "GR" General Retail classification; however, it should be pointed out that the financial institutions and financiers in the east and northeast understand "C" Commercial zoning but do not understand "GR" General Retail classification and would prefer to have the "C" Commercial zoning. In the situation where you are dealing with a regional type shopping center they like to know that the property is zoned commercial as there are a few items you can deal with under "C" Commercial zoning that cannot be dealt with under "GR" General Retail zoning. Mr. Selman further stated that they are aware of the expressway through the area.

No one appeared in opposition to the request.

C14-68-288 Westgate Square, Inc.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as it is inconsistent with the existing zoning in the area. However, they stated they would look with favor on "GR" General Retail zoning which would be in keeping with the existing zoning pattern south of the subject property.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, requesting that this application be amended to "GR" General Retail, First Height and Area.

The Commission accepted the request to amend the application and agreed with the Committee that "GR" General Retail zoning would be in keeping with the existing zoning pattern south of the subject property. They also took note that an expressway is proposed through this area. It was then unanimously

VOTED: To recommend that the request of Westgate Square, Inc. for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area (as amended) for property located at 6823-7017 Manor Road and 6926-7020 Ed Bluestein Boulevard (Loop III) be GRANTED.

C14-68-289 Trinidad Delgado: A to BB
2408 South Third Street

STAFF REPORT: The subject property contains approximately .75 acres of land which is presently undeveloped. The stated purpose of the request is for apartment development and if zoned as requested, approximately 15 units would be permitted on the site. The property adjoining to the west and south is Church property, part of which is developed with church facilities. To the north, between the subject property and Oltorf Street is single-family development. Single-family development is also established to the east toward South First Street with the exception of a strip of "C" Commercial zoning along South First Street.

The problem with regard to this request is not related to land use as much as it is to access. The property is served by the dead-end of South Third Street which is gravel and yet to be paved south of Oltorf Street. The alley eastward from South Third Street is gravel, and it is felt that this is the problem with the subject property as well as with the parcels of land which adjoin the site to the east. There are a number of parcels to the east which have no direct street access and are served through driveways or access easements. If the subject property is zoned as requested, it is felt that the other property will also come in. The problem of access then is not only for the applicant's property but also for the property to the east. The staff recognizes that the applicant cannot solve all of the street problems and that the use of the site for limited apartment purposes is not unreasonable as it is next to the church, behind commercial and in an area which would be very difficult to put together in a normal subdivision

C14-68-289 Trinidad Delgado--contd.

for single-family or two-family development. The type of zoning requested would be a logical use of the site but on a more limited basis. It is felt that there should be some street connection provided in the future. There is some hope of working out a street pattern with the church and the staff would like the applicant to establish, by restriction, a setback of at least 85 feet at the north end of the tract. In the future it may be possible to have a street in front of the applicant's property, either connecting 3rd Street or extending from south 2nd Street westward to Oakcrest which it is hoped can be extended southward through the church property. This would then provide a normal setback of 25 feet from the 60 feet of right-of-way. In talking to Mr. Selman, attorney for the applicants, there is some indication that the applicant would be willing to have fewer than 14 or 15 apartments on the site and has orally indicated a willingness to erect approximately 8 units. It is felt that this would not be too intensive for the property. If the use can be limited and if there can be an area of agreement with regard to the setback and the street, the staff would recommend in favor of the change; however, if there is not an agreement, the staff would recommend against the request because of inadequate access.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A	John Selman (representing applicant)	
H	Mr. and Mrs. C. O. Barker: 1801 Pompton Drive	FOR

SUMMARY OF TESTIMONY

Mr. John Selman, representing the applicant, stated that he recently had a case in this area and after looking at the area, several of the Commission members recommended in favor of a change. The staff has pointed out a problem that exists on this kind of zoning which is right-of-way. South 3rd Street has 50 feet of right-of-way at this time, and if a major problem develops, easements could possibly be worked out so that 40 feet of paving could be arranged. Even though the alley appears to be narrow it is a well-traveled access that goes through to South 1st Street. The entire area to the west and south is open because of the location of the church. Mr. Selman stated that he has not discussed with the applicant the possibility of a restrictive covenant for this particular area but he is sure that something will be filed on this request. Inasmuch as the property is only a block from Oltoorf Street it is felt that the development of the property to a maximum would not create a problem because Oltoorf Street and other streets in this area can be used for circulation.

No one appeared in opposition to the request.

C14-68-289 Trinidad Delgado--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate access; however, they stated that they would look with favor on the requested zoning provided an 85 foot setback is required for future dedication of a street if it is needed. The Committee was cognizant of the fact that South Third Street is unpaved and recommended that paving of the street be initiated as soon as possible.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, agreeing to an 85 foot setback at the north end of the property.

In view of this, the Commission agreed that the request should be granted as the appropriate zoning for the site. It was then unanimously

VOTED: To recommend that the request of Trinidad Delgado for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2408 South Third Street be GRANTED.

C14-68-290 C. L. Reeves: Int. A, Int. 1st to BB, 1st (as amended)
310-500 East Powell Lane

STAFF REPORT: The subject property consists of 10.10 acres of land which is presently undeveloped. The area adjoining the tract to the west, over to Georgian Drive and along Powell Lane is developed with single-family residences. To the east and out to the Interregional Highway are long deep lots on which commercial or office type buildings are established. An electric company is established on property to the east along Powell Lane. There is "GR" General Retail zoning at the intersection of Georgian Drive and Powell Lane and on the west side of Georgian Drive north of the commercial area is a recent "B" Residence zoning established for apartment development.

Powell Lane, with a present right-of-way of 50 feet, runs between Old U. S. Highway 181 (North Lamar Boulevard) to the Interregional Highway and is scheduled to be widened to 70 feet of right-of-way. At the west end, Powell Lane serves the Red Arrow Freight Company, established to the west of the intersection of Georgian Drive and Powell Lane, which is the most recent large commercial development established in this area. This section of Powell Lane to the east of Georgian Drive to the subject property is paved and curbed. The rest of Georgian Drive has county-type paving with bar ditches and is not curbed.

The request on the subject property is for "B" Residence, Second Height and Area which is a very intensive and high density district permitting approximately 60 apartment units per acre. In this particular case, the maximum number of units permitted if the request is granted, would be approximately 600 units. The staff can see the relationship of the subject property to the well-maintained single-family area to the west along Red Oak Circle and White Oak Drive as well as Powell Lane and also to the commercial and office property to the east toward

C14-68-290 C. L. Reeves--contd.

and along the Interregional Highway. It is felt that the only way the staff could support anything other than single-family development would be for much lower density such as "BB" Residence, First Height and Area with protective measures to the existing residential neighborhood. The protective measures have not been fully stated at this time but it is felt that consideration should be given to the possibility of extending White Oak Drive out to Powell Lane in some manner or terminating it in a cul-de-sac with a tier of single-family lots or duplexes along this street as well as duplex development along Powell Lane. The low density apartment development should face to the interior of the tract with normal backyards backing to the houses along Red Oak Circle with a fence and also the construction should be only one story inasmuch as the houses for the most part in the adjoining subdivision are one story. With protective measures, the staff could support "BB" Residence, First Height and Area zoning but not "B" Residence, Second Height and Area zoning as requested.

TESTIMONY

WRITTEN COMMENT

Code

I	Norman G. and Dorothy M. Brock: 205 East Powell Lane	AGAINST
M	Clifford C. Coffman: 301 East Powell Lane	AGAINST
AO	J. B. Morgan: 207 White Oak	AGAINST
Q	J. T. Elmore: 204 Red Oak Circle	AGAINST
AI	Connie W. Martin: 204 East Powell Lane	AGAINST
?	Kenneth L. Dunn: 103 Oertli Lane	AGAINST
?	Arno Bohm: 108 White Oak	AGAINST

PERSONS APPEARING AT HEARING

Code

A	John Selman (representing applicant)
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SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicants, stated that they realize that there are problems in developing the subject property and propose to do a great deal of planning before development occurs. The protective measures discussed by the staff are points which would have to be discussed with the applicants to try to incorporate it into a plan for the property. It is felt that White Oak Street could possibly terminate in a cul-de-sac with duplexes along the area. Consideration will also be given to green belt areas of possibly 30 foot width and the limiting of construction to one story. These are problems that will be discussed with the applicant in order to have a planned development. It is requested that the application be amended to "BB" Residence, First Height and Area.

Mr. Selman stated that if the growth concept of the city keeps going north this area will be in the center of planned development. There is existing or proposed

C14-68-290 C. L. Reeves--contd.

apartment development at the intersection of U. S. Highway 183 and 290 and also to the south along Wonsley Drive. There are service stations to the east along the Interregional Highway as well as commercial and industrial type development. He again stated that they realize that there are problems and will work with the staff to solve them.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that there is only one paved street which is from Georgian Drive to the corner of this tract of land. All other access to that property is severely limited. The streets are not paved and there are bar ditches along Georgian Drive and West Powell Lane. There is no access from the Expressway as it is one-way south and there is no crossover. All of the apartment development that has been built in this area has had access from the property either from Anderson Lane or the Expressway. All access to this tract will be through single-family development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "BB" Residence, First Height and Area. They reviewed the information presented and concluded that this request should be denied because of inadequate access to the site.

At the Commission meeting, Mr. Selman advised the members that his client is willing to dedicate 15 feet of right-of-way for the future widening of East Powell Lane if desired by the Commission.

Dr. Hazard explained that the Zoning Committee was not only concerned with the particular right-of-way of East Powell Lane, although it is inadequate, but the concern was the total access to the site which is inadequate. The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of C. L. Reeves for a change of zoning from Interim "A" Residence, Interim First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 310-500 East Powell Lane be DENIED.

C14-68-291 Paul Hardy, et al: A, 1st, B, 2nd, and C, 2nd to C, 1st
 1800-1816 South 5th Street
 1001-1013 West Annie Street
 1000-1010 West Mary Street
 1801-1805 South 6th Street

STAFF REPORT: The subject property, consisting of 90,000 square feet of land, has frontage onto three streets. The stated purpose of the change is for the erection of a post office. There is existing commercial zoning at the intersection of South Fifth Street and West Mary Street with commercial development on each side of South Fifth Street. West Annie Street, with a present right-of-way of 60 feet, is an east-west arterial street scheduled to be widened

C14-68-291 Paul Hardy et al--contd.

to 70 feet which will effect the subject property by 5 feet. There is an alley in this block which separates the application into two parts. Unless the alley is vacated, it may effect the development of the post office. Access to the property when West Annie Street is developed to South Lamar Boulevard will be improved. The staff does not oppose "C" Commercial zoning as requested on the site as it is required for the post office and is a limited use, but would oppose "C" Commercial zoning at this location for general development.

TESTIMONY

WRITTEN COMMENT

Code

AB	Rosa Margaret Grunewald: 1010 West Mary Street	AGAINST
CC	First Evangelical Free Church: 4425 Red River	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Paul Hardy (applicant)
	Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, stated that the various owners who are the applicants have made and entered into a contract or option, the terms of which would be for the sale of the property contingent upon the zoning and the post office. The option is taken in the name of the Penner Ring Company who have been awarded a contract subject to the zoning change, for the erection of a post office for South Austin, at this particular site. This is the site selected by the Post Office for the new post office. Mr. Sneed explained that he was not aware of the 5 feet of right-of-way needed for West Annie Street until today. He stated that the owners recognize the value of the adequacy of the width of the street and the fact of its future development and he will obtain from them a written consent agreeing to give 5 feet of right-of-way. In addition, a letter or agreement will be filed and in the event this application, and in the event there is not subsequently a formal awarding in the erection of a post office on the site, the then letter or agreement would serve as the application to rollback the zoning to the present zoning classification which it now has. This would be in accord with the recommendation of the Planning Department taking into account that they would have no objection to the establishment of the Post Office but they do object to the general usage of "C" Commercial zoning. The plans, specifications and the layout of the Post Office type development is approved by the United States Post Office and for and during the time of its use would be under the jurisdiction and control of the Post Office. The fact of the selection of this site by the Post Office and the position of the Planning Department as related to its location and the fact that it will be situated on a major artery across South Austin is justification for granting the requested change. A request for the vacation of the alley separating the property in this application will be filed.

No one appeared in opposition to the request.

C14-68-291 Paul Hardy et al--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West Annie Street; however, they stated they would look with favor on the requested zoning, provided the street is made adequate and with the condition that a restrictive covenant be submitted limiting the use of the site to a Post Office and in the event the property is not used as such, an application be initiated for a rollback in zoning.

At the Commission meeting, the staff reported a letter from Mr. Robert Sneed, attorney for the Penner Ring Company, agreeing to dedicate for street widening purposes 5 feet of the subject property immediately adjacent to West Annie Street, provided:

- a) Penner Ring Company shall acquire the subject property;
- b) That the granting of a contract by the Post Office Department to Penner Ring Company shall be concluded; and
- c) That the conveyance of such 5 feet of land shall be approved by the Post Office.

The letter also requests that the City Council approve the zoning application but withhold final adoption of the Ordinance until such time as the above contingencies have been met.

Mr. Sneed stated that this has been the procedure followed in previous applications concerning a post office. The City Council has the hearing, votes on the request and that vote instructs the City Attorney to prepare the Ordinance to be brought in and there is a final three reading adoption of the Ordinance. It is requested that the City Council give its indication and not adopt the formal Ordinance until such time as the conditions stated have been met and there is an actual awarding of the contract. If the contract is not awarded, the application would then die.

Mr. Stevens advised the Commission that in view of the letter from Mr. Sneed, the staff recommends the request be granted. The Commission concurred with the staff recommendation, and unanimously

VOTED: To recommend that the request of Paul Hardy, et al for a change of zoning from "A" Residence, First Height and Area, "B" Residence, Second Height and Area and "C" Commercial, Second Height and Area to "C" Commercial, First Height and Area for property located at 1800-1816 South 5th Street, 1001-1013 West Annie Street, 1000-1010 West Mary Street and 1801-1805 South 6th Street be GRANTED.

C14-68-292 Lula Jean Hooper: A to BB (as amended)
 5504 Bennett Avenue

STAFF REPORT: This application covers approximately 13,500 square feet of land having frontage onto Bennett Avenue. The stated purpose of the request is for apartment development. The area to the west of Helen Street, having frontage onto Helen Street and Airport Boulevard, is presently zoned "C" Commercial and developed with a department store, grocery store and apartments. The area to the east of Harmon Avenue is zoned "C" Commercial and fronts onto the Inter-regional Highway. The interior area between Helen Street and Harmon Avenue is predominately developed with single-family residences with the exception of property adjoining the site to the west, having frontage onto Helen Street, which was zoned "B" Residence, First Height and Area in 1964 and is developed with apartments. The subject property was before the Commission for consideration of "B" Residence, First Height and Area zoning in 1966 at which time the Commission felt that this was not an area in a state of transition and recommended that the request be denied. At that time, the "B" Residence, First Height and Area zoning district would have permitted the development of six units on the site; however, since that time the Zoning Ordinance has been amended and "B" Residence, First Height and Area zoning now permits the development of 14 one-bedroom units on the site. The staff feels that the request on the subject property would be an intrusion because of the existing single-family neighborhood and the 50 foot residential streets, and recommends that the application be denied.

TESTIMONY

WRITTEN COMMENT

Code

AP	Nelson Puett, Jr.: 5425 Burnet Road	FOR
AS	Ray D. Robertson: 930-A East 55th Street	FOR
AF	Mansel H. McFarland: 908 East 55th Street	AGAINST
?	Ed Redd: 912 East 55½ Street	AGAINST

PERSONS APPEARING AT HEARING

Code

A Robert Sneed (representing applicant)

SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, explained that the subject property is owned by the applicant and was set apart to her out of certain litigation and is in effect a leftover piece of land. It is a substantially larger piece of land by reason of the nature of the subdivision and the layout of the topography of the creek so as to make it almost double the normal size of a lot. This is one of the problems in regard with the development of the site and is one of the reasons for the zoning request. Mr. Sneed requested that the application be amended to "BB" Residence, First Height and Area. In addition, he advised the Committee that he would tender for street widening purposes 4 feet of the property. The original plat shows the street to have 52 feet of right-of-way and by the taking of 4 feet from each side of the street it will be a 60 foot street. This is a tract of land that is now joined on one side by "B" Residence usage which is dedicated and actually used on the ground as an apartment house site.

C14-68-292 Lula Jean Hooper--contd.

The entire area is surrounded by highly commercial and highly used property, and this is in effect a pocket which was built and established prior to the time the various commercial development and zoning changes were granted around it. Mr. Sneed called the Committee's attention to the fact that in the "C" Commercial area to the east, along the Interregional Highway, there has been the granting of a "B" Residence district extending into the residential area which permits the flow of traffic from a drive-in bank along the Interregional Highway through the property onto 55th Street. The establishment of "B" Residence zoning on that property permits the transfer and the flow of traffic from one portion of the commercial area into the other portion of this area. It is the desire of the applicant to add and build a few units on the property for rental purposes. This particular lot is adjacent to "B" Residence zoning and therefore is a gradation between the "B" zoning which is in turn a gradation to the "C" Commercial zoning. It is the applicants request that "BB" Residence zoning be established for the purpose of establishing an apartment house usage which would be very small in nature.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application to "BB" Residence, First Height and Area. They reviewed the information presented and concluded that this request should be denied because of the inadequate right-of-way of Bennett Avenue; however, they stated they would look with favor on "BB" Residence, First Height and Area zoning if the street is made adequate.

At the Commission meeting, the staff reported a letter from Mr. Robert Sneed, attorney for the applicant, agreeing to dedicate the necessary right-of-way for the future widening of Bennett Avenue.

In view of this, the Commission members felt the request should be granted as a gradation of zoning between the existing "B" Residence district to the west and the single-family area to the east. It was then unanimously

VOTED: To recommend that the request of Lula Jean Hooper for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area (as amended) for property located at 5504 Bennett Avenue be GRANTED.

C14-68-293 Sam Winetroub: A to B
1700-1702 Houston Street
5500 Jeff Davis Avenue

STAFF REPORT: The subject property consists of 7,200 square feet of land which is presently developed with a single-family structure. The stated purpose of the request is for apartment development and if zoned as requested, would permit approximately six units. This area has been before the Commission a number of times. In 1968, a request for "B" Residence, First Height and Area zoning was granted on property directly to the south of the site on Jeff Davis Avenue. Also

C14-68-293 Sam Winetroub--contd.

in 1968, "B" and "BB" Residence zoning was granted on a large area at the intersection of Houston Street and Jim Hogg Avenue. A request for "B" Residence zoning on property to the north was considered by the Committee earlier at this meeting at which time the staff recommended in favor of the change. There is no objection to the requested zoning on the site as it is appropriate and is in keeping with recently established zoning in the area; however, at least five feet of right-of-way is needed for Houston Street and Jeff Davis Avenue. The staff is willing to accept a five foot sidewalk and utility easement along Jeff Davis Avenue which the applicant is willing to dedicate, because of the size of the site. The applicant has submitted a letter offering to dedicate the necessary five feet for the widening of Houston Street and also a five foot sidewalk and utility easement along Jeff Davis Avenue. In view of this, the staff recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

AI Trim and Swim Health Spa., Inc.: 5407 Clay Avenue FOR

PERSONS APPEARING AT HEARING

Code

A Sam Winetroub (applicant)

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 presented and was cognizant of the offer by the applicant to dedicate five feet of right-of-way for Houston Street and a five foot sidewalk and utility easement for Jeff Davis Avenue. In view of this, the Committee felt that the request should be granted as it conforms to the recently established zoning in the area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Sam Winetroub for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 1700-1702 Houston Street and 5500 Jeff Davis Avenue be GRANTED.

C14-68-294 Mrs. Alta S. Moore: A, 1st to B, 2nd
105 West 39th Street

STAFF REPORT: This application covers a small area consisting of 4,750 square feet. The purpose as stated on the application is for apartment development. It is the staff's understanding that the subject property will be tied in with property to the west and will be used in a large apartment complex. There is a mixed

C14-68-294 Mrs. Alta S. Moore--contd.

zoning pattern in the area consisting of "B" Residence and "C" Commercial, Second Height and Area to the east along Speedway and "B" Residence, Second Height and Area zoning to the south along West 38th Street. "B" Residence, Second Height and Area zoning is also established at the intersection of Avenue B and West 39th Street; Avenue C and West 39th Street and Avenue C and West 40th Street, all of which were granted in 1967 and 1968. West 39th Street has a present right-of-way of 60 feet which is adequate. In view of the existing zoning and development in the area, the staff recommends that the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

AF George E. Smith: 4906 Balcones Drive

FOR

PERSONS APPEARING AT HEARING

Code

A Martha G. Yarrington (representing applicant)

SUMMARY OF TESTIMONY

Martha Yarrington, representing the applicant, stated that since the subject property is located in an area which is developed with apartments there is no other use for the property but to be developed in the same manner.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Mrs. Alta S. Moore for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 105 West 39th Street be GRANTED.

C14-68-295 Minnie C. Roper: A to O
 1501-1503 Taylor Gaines Street
 1600-1608 Summit Street
 1601-1609 Interregional Highway

STAFF REPORT: The subject property covers five lots having frontage along the Interregional Highway, Taylor Gaines Street and Summit Street. The stated purpose of the request is for office development. "B" Residence, Second Height and Area zoning was established on property to the north at the intersection of

C14-68-295 Minnie C. Roper--contd.

Summit Street and Elmhurst Drive in 1966. To the south of Woodland Avenue is "O" Office zoning, granted in 1963. Across the Interregional Highway there is "GR" General Retail zoning which was granted in 1968. The area to the east, along Summit Street, Taylor Gaines Street and Bel Air Drive is developed with single-family dwellings. A request for "B" Residence, First Height and Area zoning was made on property across Summit Avenue in 1963 which was denied. The zoning pattern along the Interregional Highway, starting at Riverside Drive going south, is either "O" Office or "B" Residence zoning along the east side with the exception of property at the intersection of Oltorf and Interregional which is zoned "LR" Local Retail. Based on this, the staff feels that office or apartment zoning is appropriate in this location and has no objection to the request. Because of the shallow depth of the property it is felt that "O" Office zoning is more appropriate than "B" Residence zoning and would permit better office development than apartment development. The only question is with regard to the streets. If office zoning is established, Taylor Gaines should be widened from the existing 50 feet of right-of-way to 60 feet. This would effect the subject property by five feet. With regard to Summit Street it is difficult to determine the total width needed. If the zoning of the subject property does not influence property to the east toward apartment zoning, the staff feels that the streets could remain as is, if the access is limited from Summit Street with access being permitted from the frontage road of the Interregional. There is a difference in grade between Summit Street and the frontage road of approximately 8 to 10 feet between curb levels of the two streets so it would be logical that such development front either onto Taylor Gaines Street or the frontage road of the Interregional. If access is not limited along Summit Street, it is felt that a sidewalk and utility easement would suffice as the curb could be located closer to the property line if the paving needed to be widened. The right-of-way alignment could be shifted or aligned on the property to the south which is owned by the City of Austin.

The subject property is in the process of being replatted for the purpose of consolidating the five lots into one site. If the replatting is carried out, it will change the front of the tract for setback purposes to Taylor Gaines Street. The 25 foot setback from the Interregional Highway, should be maintained. This in effect would cause the applicants to have a 25 foot setback from all streets inasmuch as they are through lots. In the event the replatting and the rezoning of the property goes through, the staff requests that the Committee and the Commission recommend to the City Council that there be a restrictive covenant attached that would require the 25 foot setback from the Interregional Highway.

TESTIMONY

WRITTEN COMMENT

Code

J	Mr. R. E. Gouty: Lavaca, Arkansas	FOR
E	Mana R. Cromack: P. O. Box 3507, Austin, Texas	AGAINST
?	Mrs. C. C. Prince: 1605 Sylvan Drive	AGAINST

CL4-68-295 Minnie G. Roper--contd.

PERSONS APPEARING AT HEARING

Code

A	Joseph Latting (representing applicant)	
Z	Mr. and Mrs. H. E. Naomi Wassell	FOR
?	Mr. Chris Crow	FOR

SUMMARY OF TESTIMONY

Mr. Joseph Latting, representing the applicant, stated that the applicant concurs with the recommendation by the staff except for that part with regard to maintaining a binding condition in the form of a restrictive covenant on a 25 foot setback if the subdivision is carried out. The property is only 78 feet wide at the south end next to the City property and an additional 25 feet of setback would greatly reduce the usable area. The property is under contract of sale to a purchaser who is going to build a small one-story office building of masonry construction for records and books. It should be pointed out that the property is on the side of a hill running down toward the Interregional and because of the grade it would be very difficult to have a driveway on Summit Street.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of Taylor Gaines and Summit Streets; however, they stated they would look with favor on the requested zoning with the following conditions:

1. 25 foot setback be required from the Interregional Highway.
2. Taylor Gaines Street be widened.
3. No access be permitted onto Summit Street or if access is permitted that Summit Street be widened by five feet of right-of-way or a five foot sidewalk and utility easement be provided.

At the Commission meeting, the staff reported a letter from Mr. Joseph Latting, attorney for the applicant, stating that there is no objection to guaranteeing the maintenance of a 25 foot setback on the Interregional Highway nor to the dedication of a five foot strip along Taylor Gaines Street. It is further stated in the letter that because of the narrow width of the property they feel it is impossible to dedicate a five foot strip along Summit Street without destroying the usefulness of the tract. They therefore object to (a) the dedication of a five foot strip along Summit Street or (b) the restriction of access onto Summit Street. If absolutely necessary however, for the approval of the application, they would agree to the giving of a five foot sidewalk and utility easement along Summit Street.

C14-68-295 Minnie C. Roper--contd.

Mr. Stevens explained that Mr. Latting expressed concern in that the property is being sold an insurance company and he cannot get them to agree to the dedication of five feet along Summit Street as they are concerned that their building design, which they have yet to complete, will fit on the property with any loss of depth. The reason the staff requested consideration on Summit Street is that it is felt that the block to the north will go either to office or apartment development and access to that property could be from either Summit Street or the Interregional Highway. The development of the property north of Taylor Gaines Street for either office or apartments plus the development of the subject tract will increase traffic along Summit Street southward to Woodland Avenue which is the crossover street of the Interregional Highway. In addition, the zoning of the subject property may well influence the reclassification of property located on the east side of Summit Street. Some provision for widening on Summit Street is needed. The pavement probably will not need to be widened until sometime in the future but adequate right-of-way should be available. The applicant is in the process of replatting the property into one tract of land and when it is accomplished, Taylor Gaines Street will be the front street and a structure can be erected to within 10 feet of Summit Street.

The Commission was cognizant of Mr. Latting's letter agreeing to maintain a 25 foot setback from the Interregional Highway and offering to dedicate 5 feet of right-of-way for Taylor Gaines Street and a 5 foot sidewalk and utility easement for Summit Street. In view of this, they felt that the request should be granted. It was then unanimously

VOTED: To recommend that the request of Minnie C. Roper for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 1501-1503 Taylor Gaines Street, 1600-1608 Summit Street and 1601-1609 Interregional Highway be GRANTED.

C14-68-296 Capitol Area Council Boy Scouts of America: Int. A, Int. 1st to
7708-7736 Ed Bluestein Boulevard O, 1st

STAFF REPORT: The property under consideration is a large irregular shaped tract of land containing approximately 2.71 acres. The purpose of the request is for the establishment of a Capitol Area Council office building. The subject property was annexed to the City approximately a year ago. Abutting the site to the south is Phase III of University Hills, Section 4, residential subdivision which was recorded in May, 1967 and developed with single-family residences. Phase I and II of this same subdivision, recorded in April, 1967 is located south of Bucknell Drive. The staff has no objection to the request as it is an appropriate use for property located at the intersection of U. S. Highway 290 and 183 both of which are major highways and recommends the request be granted.

TESTIMONY

WRITTEN COMMENT

Code

None

C14-68-296 Capitol Area Council Boy Scouts of America--contd.

PERSONS APPEARING AT HEARING

Code

Paul Beisenherz (representing applicants)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Paul Beisenherz, appeared on behalf of this request and stated that the establishment of "O" Office zoning at the intersection of two major highways is appropriate and requested that the application be granted.

Mr. Hanks asked if there would be any objection to a buffer zone along the south of the site adjoining the residential area. Mr. Beisenherz said they would not object to a buffer zone.

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; however, they stated they would look with favor on the requested zoning, provided a 30 foot buffer zone be required between the west end of the subject property and the adjoining residential property, as the appropriate location for the proposed use.

At the Commission meeting, Mr. Stevens explained that Mr. Beisenherz, representing the applicants, indicated at the Zoning Hearing that there would be no objection to a buffer strip. The request could be granted save and except the southwest portion of the property for a distance of 30 feet or the entire area could be zoned with a 30 foot buffer area provided by a restrictive covenant.

The Commission agreed that the zoning as requested on the property is the appropriate location for the proposed use and recommended that the request be granted save and except for the southwest portion of the property for a distance of 30 feet which should remain "A" Residence. They indicated they would not object to zoning the entire tract "O" Office, First Height and Area with a restrictive covenant restricting the southwest 30 feet from "O" Office use. It was then unanimously

VOTED: To recommend that the request of Capitol Area Council Boy Scouts of America for a change of zoning from Interim "A" Residence, Interim First Height and Area to "O" Office, First Height and Area for property located at 7708-7736 Ed Bluestein Boulevard be GRANTED.

C14-68-297 Henrietta Rader: Int. A, Int. 1st to GR, 5th
 8401-8415 Interregional Highway 35
 800-818 Fenelon Drive

STAFF REPORT: The property under consideration contains 1.04 acres of land which is located at the Northeast corner of the Interregional Highway and Fenelon Drive. The stated purpose of the request was originally for commercial development; however, since the application was filed the applicant has advised the staff that there are deed restrictions on the property which would prevent a "GR" General Retail, or "C" Commercial use. The staff recognizes the problem of the deed restrictions but feels that the property should be zoned "GR" General Retail, Fifth Height and Area zoning as a continuation of the existing zoning pattern. "GR" General Retail, Fifth and Sixth Height and Area zoning was established on property south of Hermitage Drive in 1964. Directly to the east is a new and well-maintained single-family residential area. Property to the south is unzoned as it is outside of the city limits. It is felt that the property between the subject site and the existing "GR" General Retail area to the north, as well as property adjoining the site to the south, will eventually be zoned and developed toward "GR" General Retail zoning. Because of this, the staff feels that "GR" General Retail, Fifth Height and Area zoning would be appropriate for the site. The development could be for office uses as permitted by the deed restriction. The staff recommends in favor of the zoning provided Fenelon Drive, with a present right-of-way of 50 feet, is widened to 60 feet which would require 5 feet from each side of the street. It is felt that the right-of-way is necessary inasmuch as Fenelon Drive is an entrance into the adjoining subdivision.

TESTIMONY

WRITTEN COMMENT

Code

Q	Herbert E. Payne: 800 Potomac Path	AGAINST
N	Andre Gouaux: 8408 Tecumseh	AGAINST

PERSONS APPEARING AT HEARING

Code

A	Ken Reville (representing applicant)	
P	William J. Hrachovy: 8403 Tecumseh Drive	AGAINST
V	Richard D. Smith: 8308 Tecumseh Drive	AGAINST
G	James W. Cearley: 8404 Tecumseh Drive	AGAINST
W	Curtis R. Southworth: 8400 Tecumseh Drive	AGAINST
Y	Leon Z. Thomas: 8406 Tecumseh Drive	AGAINST
S	Harold Ponder: 8401 Tecumseh Drive	AGAINST
H	Mr. and Mrs. Tom Chapoton: 8317 Tecumseh	AGAINST

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Ken Reville, representing the applicant, stated that the owner of the subject property wants to put the property on the market and it was her feeling that this area along either side of the Interregional would eventually be developed with some sort of commercial development to be

C14-68-297 Henrietta Rader--contd.

used as a buffer between the residential property and the Interregional Highway. Since the application was originally filed, it has been discovered that there is a deed restriction on the property and it is now requested that "O" Office zoning be granted. The zoning of the property to "O" Office would allow office-type development which would provide a buffer for the residential area. Any sort of retail business on a paying basis could not be supported at this location for the reason that the access from the expressway does not fit in with a good business area.

Mr. Hanks asked if the applicant would object to a 30 foot buffer along the east property line. Mr. Reville advised the Committee there would be no objection.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and presented the following information: People in the area are concerned about any type of commercial development on the property that would back to the residential area because the majority of the time this type of development is detrimental to adjoining property. A great deal of noise is usually created and trash is always put in the rear. The residential subdivision east of the property is a nice neighborhood which should be protected. There would not be as much objection to "O" Office zoning provided a large buffer area is required between the development and the residential property. There is a great deal of traffic on Fenelon Drive coming from the Interregional Highway and the proposed development would bring more traffic through the subdivision area and create a hazard. There would also be objection to the widening of Fenelon Drive because of the increased traffic that would occur and the fact that it would be detrimental to the residences established along the street.

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 Fenelon Drive; however, they stated they would look with favor on granting "O" Office, First Height and Area zoning, provided Fenelon Drive is made adequate and with the condition that a 60 foot buffer zone of "B" Residence, First Height and Area zoning be established along the east property line and that there be no access onto Fenelon Drive from the subject site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henrietta Rader for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 8401-8415 Interregional Highway 35 and 800-818 Fenelon Drive be DENIED.

C14-68-298 Georgia F. and Carey Legett, Jr.: A to BB
1810-4500 Tannehill Lane

STAFF REPORT: The subject property is part of a 21 acre tract of land located between Tannehill Lane and Webberville Road that was before the Commission for consideration at the last regular meeting. After hearing the request, the Commission recommended denial and the application was withdrawn. A zoning application has been made on 17.39 acres of the 21 acres originally involved for consideration. The current applicant sets the northwestern boundary 125 feet back from and parallel to Webberville Road. The 125 foot strip fronting onto Webberville Road is no longer a part of the zoning application. The zoning requested on the site is "BB" Residence, First Height and Area and the stated purpose is for apartment development. At the last Commission meeting, the Director of Planning very strongly supported the request for a zoning change with certain reservations, restrictions and conditions. He recommended that the maximum number of units to be developed on the site be 200; the requested zoning would not take effect or become final if approved by the City Council until a site plan was submitted to the Planning Commission for a special permit hearing and that a 125 foot strip fronting onto Webberville Road be withdrawn. The department felt that with these conditions as well as any additional conditions required by special permit, that the request should proceed to the City Council with a favorable recommendation from the Planning Commission.

"B" Residence, First Height and Area zoning is established on property adjoining a corner of the site to the south. To the west, across Webberville Road is one of the newer residential subdivisions in the area entitled Stonegate which is a good quality single-family area. To the east of Tannehill Lane there are large tracts of land, one of which is occupied by the Brackenridge Hospital annex.

Tannehill Lane is inadequate and 15 feet of right-of-way is needed from the subject property to bring it to a standard 60 foot width. The street is a long collector street, extending southward where it will intersect with 12th Street when built, which serves Brackenridge Hospital annex and an elementary school site which is proposed. The applicants have submitted a print of the project setting forth the access points from Tannehill Lane and indicating the limitation of the development to 200 units.

TESTIMONY

WRITTEN COMMENT

Code

AA Lula Jamison: 5600 Sam Houston Avenue

FOR

PERSONS APPEARING AT HEARING

Code

W Mr. and Mrs. H. L. Gaines: 4505 Woodmoor
 ? Mrs. Lonnie Jackson: 5203 Woodmoor Drive
 ? T. W. Kincheon, Jr.: 2929 East 12th Street
 ? Laurie C. Jones: 5300 Woodmoor Drive

AGAINST
 AGAINST
 FOR
 AGAINST

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

?	Taylor D. August: 402 Stonegate Circle	AGAINST
?	Hamah R. King: 5100 Stonegate Circle	AGAINST
?	Cleve Moten: 3311 Werner	FOR
?	Edward L. Jones: 2701 Francisco	FOR
?	Bobbie J. Kincheon: 1807 Poquito	FOR
?	Thomas W. Kincheon III: 2929 East 12th Street	FOR
?	Rev. Charlie Johnson: 2223 East 8th Street	FOR
?	Arthur Drake: 2900 East 8th Street	FOR
?	Rev. F. P. Robinson: 2213 East 8th Street	FOR
?	David Gregg: 1913 East 8th Street	FOR

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Norcell Haywood appeared at the hearing on behalf of this request and presented to the Committee copies of the proposed plan. He stated that his primary reason for appearing at the hearing is to demonstrate that the people involved in this application are concerned about the quality and character of the subject property as well as the residential area to the west. Mr. Haywood stated that they have been in contact with some of the residents in the adjoining area and realize that one of the objections to the previous request was that they felt that a buffer zone should be provided between the subdivision and the proposed development on the site. It was suggested that 125 foot buffer strip would be adequate which is reasonable and has been accomplished in this application. Another objection by the people was that they felt that the high density type units should be held away from the buffer zone and with that objection in mind, plans for the development of the site were proposed. Mr. Haywood explained that the plans on the property propose a development of peninsula type units where there would be no more than 40 units in a grouping with a green belt in between. The units will be family type units with a playground that would also control the noise factor. The development will have its own playground equipment and there will be landscaping and adequate lighting. There will be outdoor recreation areas and a green belt separating the areas. The construction will be masonry construction that will be comparable to the development to the west. No access through the buffer area from Webberville Road is planned. All the access will be in the form of a private access road from Tannehill Lane. The proposed project will be under a rent supplement program which should not be confused with low-cost housing. Many of the objections in the area can be resolved by proper management of the area which will be provided. The proposed development will permit medium cost housing in the range of \$120.00 a month for a one-bedroom unit to possibly \$160.00 per month for a four-bedroom unit. If people can afford to pay the rent they may live in the units. People living there below the economic level will be subsidized. There will be no restriction on the people living there.

Reverend F. P. Robinson advised the Committee that there is a great housing need for the people of Austin. The New Lincoln Baptist Church with the outlook for humanity and love of the people has accepted the challenge to sponsor this

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

program and is striving to put this program under good management. The people will be proud and happy to live in this area and it will advance the community.

Mr. Mack Finnen was also present at the hearing and stated that within the City of Austin adequate housing is greatly needed. The church has undertaken the responsibility to provide for this need by the proposed project and it will be an asset to the City. Mr. T. W. Kincheon, III, consultant for the project, presented a resolution to the Committee by the Baptist Minister Union in support of the proposed development.

Mr. T. W. Kincheon, Jr. was present in interest of the hearing and stated that it is his opinion that the subject property is the proper location for the project.

Arguments Presented AGAINST:

A number of nearby property owners appeared in opposition to the request and explained that the Stonegate subdivision to the west of the subject property is the only restricted Negro residential community in Austin. This community is the result of hard and dedicated work by a group of ordinary people. This project has been discussed with representatives and it was requested that another location be found because of the existing residential area. The property owners in this area are striving to maintain this neighborhood and it is felt that the proposed development would be severely detrimental. The ingress and egress in the area is very limited which creates a problem of traffic. At the present time, there is no transportation other than automobiles which could be a handicap. If the project is allowed, there will be problems created for the schools. The people in this area would like to have their residential property protected.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and recognized that there is a need for housing in this area of Austin both of the individual home and in multi-family structures. Some of the members felt that this location is not proper as an apartment site as the streets are inadequate to serve such development and that such development would be to the detriment to adjacent and adjoining single-family subdivisions. Other members recognized that the application has been amended to provide for a 125 foot buffer strip and felt that the density proposed on the particular site was sufficiently low to minimize any detriment that might exist to the adjoining single-family development and that if the development were further controlled by site plan approval through special permit that the application should be granted to meet some of the housing needs of this area and community.

A motion to grant the request failed to carry and it was then voted to recommend that the request be denied.

At the Commission meeting, Mr. Hanks stated that one of the concerns with this request is that Austin is desperately in need of rental supplement housing, but

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

in this particular location there is a very fine residential subdivision established across from the site. Mr. Hanks said that he expressed an interest in finding out to what extent the project would be under rental supplement or would it just be another federal housing project with 100 per cent supplement. As a result of this interest, Mr. Kincheon, one of the representatives for the applicants, submitted some information with regard to this particular point. The information indicates that the number of rental supplement tenants in a given project would depend upon the existing market conditions. The supplement payment must involve an amount equal to not less than 10 per cent nor more than 70 per cent of the rent due on the dwelling unit. No more than 25 per cent of the units in a project will be eligible for supplementation payment of more than 60 per cent of the economic rent, the result being that there will be a rental mix in this project. Mr. Hanks said that because of this he is in favor of the change and feels it would be an asset to the area.

Mr. Dunnam stated that he received a great number of calls before the meeting on this particular request. He said that as a result of his own investigation the problem is not whether or not some of the tenants can be rental supplement tenants and other not be rental supplement tenants. He said that as he understands the rules of the FHA or whatever federal agency is involved, by statute there is a supplement range referred to that is from 10 to 70 per cent of the rent. There could be this condition that could be waived but in no event if a tenant wanted to live in this project could he be told that there would be only so much supplement and others could not be supplemented so the project could possibly be 100 per cent supplement subject to the range stipulated which is subject to waiver.

Dr. Hazard stated that there are two sides to the issue in this particular case. First is if the Commission addresses itself to those people who have developed Stonegate into the fine area that it is which has become a symbol for the rest of the minority groups in East Austin. There is a certain kind of protection these people deserve from the Commission which is the same protection that people in other areas have. One of the things that is difficult is to decide who should be helped. The other issue results if the Commission addresses itself to the people who need housing and the children of these low income families who will undoubtedly end up here and need this kind of place to play. Dr. Hazard stated that during the course of the week he looked at several studies showing conflicting situations in public housing projects in six cities and the evidence is mixed. It shows that when Negro families are moved into Anglo public housing projects after a period of time there is some adaptation that occurs. There is no evidence that indicates that low income people can be put next to what would be relatively high income people of the same ethnic group and expect that kind of adaptation to occur. Dr. Hazard further stated that the evidence to him is not conclusive that this is the place that this housing project should go. He is not convinced that there are not other places in East Austin that could be developed equally well with this kind of project. He further stated that in his opinion the Commission is obligated to protect the people in Stonegate.

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

Mr. Smith stated that there were two factors involved in the basic objections by the people in Stonegate. The first was the composition of this particular apartment complex and second was whether or not the proposed development would lower the property values. There was a feeling that the people who would occupy the project would be low income people but it should be pointed out that there are good, sound, honest citizens who are poor. In talking to Mr. Leon Lurie of the Urban Renewal Agency, it appears that there are people being displaced in the renewal areas who are in need of housing which this project could help provide; however, these are not the only people who will occupy the project. Under the rental supplement program there will be others moving into the project that are now occupying homes that rent around \$70.00 or \$80.00 per month. These people can now have the privilege of occupying units that rent around \$140.00 per month. This means that the occupants of the project will not only be low income people. He said that he feels the Commission may be in error in feeling that it would be an improper thing to place this type of project in an area where all of those surrounding the project are of higher income. The applicants have provided the request that was made for a buffer zone in that there will be a 125 foot strip of "A" Residence zoning backing to the complex. To grant this request would not set a precedent as the Commission has recommended in favor of zoning changes in other areas developed with fine homes when there was a reasonable buffer established. There should not be a difference made in this request. Mr. Smith further commented that he is impressed with the composition of the site plan in that they are providing so much green area for the children to play. The units will be broken up into clusters and each group of units has only one entrance. Another consideration connected with the application is the fact that there is to be supervision of the apartment complex and the different residents are to be given instructions continually along certain lines as this is a part of the FHA project.

Mr. Brown stated that in his opinion the issue is not what classification of people will occupy the units or the income but whether or not this kind of project is good planning in an area such as this. This area is the best residential section of its kind in Austin and it is felt that the inclusion of an apartment housing project of this nature would be an intrusion into that area. It is also felt that if the zoning is granted that eventually there will be a request to rezone the 125 foot buffer area for the same kind of use and this would no longer be a buffer.

Mr. Hanks commented that the density proposed on the site is approximately 3,700 square feet per unit which is duplex density. There are 200 units proposed on the 17.39 acres of land which is very moderate for a tract of this size.

Mr. Taniguchi requested a recommendation and reasons for a recommendation from the Planning Department.

Mr. Osborne explained that sponsorship is under the New Lincoln Baptist Church; however, FHA does have certain requirements for sponsorship that pertain to specific density and basic design requirements. There are similar type developments operating under the same basic guide lines in Austin although they are not

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

rent supplement projects. These projects are operated under the sponsorship of non-profit operations. Mr. Osborne advised the Commission that he recommends that this request as applied for be granted, recognizing that it is located on Tannehill Lane which is an arterial street. Webberville Road is also proposed as an arterial street connecting through the area. One of the issues is what is good planning as opposed to being the specific social issues involved. In this particular area as other areas of Austin, there can be intermixing of types of development where there is adequate protection, particularly to the low density single-family housing.

There is a substantial difference between public housing and rent supplements. Public housing has income limitations for admission and for continued occupancy whereas there is no limitation for continued occupancy under rent supplement. People may increase their income under rental supplement and not be required to move. The rental supplement program is designed principally for the very modest or moderate income families.

Mr. Dunnam stated that in his opinion this is the most difficult case the Commission has considered as there are extremely good arguments on both sides. He explained that he is very familiar with the enormous housing squeeze that is on in Austin and feels the design of the project is commendable and has many things to recommend it such as need, good design and low density; however there is some question about management. Mr. Dunnam stated that the question was raised to him as to whether or not he would vote for this type of project if he lived in Stonegate. He said that he considered this question for sometime and came to a negative position and cannot morally impose something on someone else that he would probably resist if he was the adjoining owner. It is realized that additional land is not easy to come by as it is high-priced and a great deal has already been taken. One issue that should be faced is that many people in cities, regardless of race, color or creed, who are poor and in urban areas constitute a real problem. Most people are extremely sympathetic and are concerned about this problem but at the same time it is equally true that many of these people and not necessarily people of low income per se, create problems because of their mode of social behavior. Statistically some of the people who have not been fortunate often do not make pleasant neighbors. Another thing that should be faced is the matter of public attitude of what is called the stigma of public housing. It is a stigma that public housing projects up to now in their design and planning and above all their management has been a failure. This project is being hurt very badly by this stigma of public housing. Mr. Dunnam again stated that he is opposed to the change on the moral grounds that he would probably not vote for the project if he lived in Stonegate.

C14-68-298 Georgia F. and Carey Legett, Jr.--contd.

After further discussion, a majority of the Commission

VOTED: To recommend that the request of Georgia F. and 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 be DENIED.

AYE: Messrs. Dunnam, Hazard, Brown, Kinnan and Milstead

NAY: Messrs. Smith, McNeil, Hanks and Taniguchi

ABSENT: None

C14-68-299 E. D. Bohls: O to C
 1501-1505 San Antonio Street
 414-416 West 15th Street

STAFF REPORT: The subject property contains 9,216 square feet of land. The stated purpose of the request is for a retail store. There is a mixed zoning pattern in the area consisting of "O" Office zoning predominately on the area from San Antonio Street to Rio Grande Street with few exceptions. The office area is for the most part developed with a mixture of uses consisting of offices, church, single-family, duplexes and some apartments. Beginning at the east line of San Antonio Street, continuing eastward along 16th Street, Guadalupe and Lavaca Street there is a large "C" Commercial district. The most recent zoning in the area was the establishment of "C-2" zoning for the purpose of a tavern, on property at the northwest corner of West 16th and Lavaca Streets. The staff has no objection to the change as the property does back to commercial zoning and would be appropriate for the area. The applicant should be made aware of the fact that the 15th Street expressway proposed through this area will eventually require all of the subject site.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

A Arthur E. Pihlgren: (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Arthur Pihlgren, representing the applicant, stated that there is an earnest money contract selling the property to the Seven-Eleven Stores which is subject to and conditioned upon a change of zoning from "O" Office to "C" Commercial whereby a drive-in grocery could be established on the site. The area adjoins "C" Commercial zoning to the north and there is a trend of

C14-68-299 E. D. Bohls--contd.

commercial zoning up and down the east side of San Antonio Street. There is no traffic problem inasmuch as West 15th Street has 100 feet of right-of-way and San Antonio Street has 80 feet of right-of-way.

Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and stated that he is not necessarily opposed to the requested zoning but he is opposed to the nature of the business that is to be established on the site. West 15th Street is one of the major arteries in Austin and if a drive-in grocery is established on the site there will be cars backing in and out onto that street which would be hazardous.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and a majority concluded that this request should be granted as it conforms with the existing zoning and development in the area. It was also noted that the 15th Street expressway is proposed through this area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of E. D. Bohls for a change of zoning from "O" Office, First Height and Area to "C" Commercial, First Height and Area for property located at 1501-1505 San Antonio Street and 414-416 West 15th Street be GRANTED.

SPECIAL PERMITS

CP14-68-30 Kenneth S. Wendler: 246 Unit Apartment Dwelling Group
1901-1943 Unnamed Street (County Road)

STAFF REPORT: This application has been filed as required under Section 4-A 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 containing 246 units, 471 off-street parking spaces, 3 swimming pools, clubhouse, two laundry rooms and one cabana. The subject property is presently zoned Interim "A" Residence, Interim First Height and Area; however, the Planning Commission has recommended that "BB" Residence, Second Height and Area zoning be established which has been granted by the City Council subject to certain conditions, one of which is the acceptance and development of the unnamed street serving the property which extends southward from Riverside Drive, and the other is the required subdivision of the property to create a building site. The site plan has been distributed to various City departments and the comments are as follows:

Health
Electric

- Waste Water System to be available.
- Electrical easement at later date-- whether overhead utilities or underground okay.

CP14-68-30 Kenneth S. Wendler--contd.

Fire Prevention

Traffic Engineer
Fire Protection

Advanced Planning

Office Engineer
Building Inspector

Tax Assessor

Water and Sewer

- All three story buildings be equipped with standard fire escapes. Follow other recommendations of Fire Department.
- O. K.
- It is our belief that this is out of the city and would make fire protection doubtful.
The fire hydrants indicated in red are located approximately where and in the number that we think necessary for ample fire protection. These fire hydrants should be installed, if possible, before framing is started. Our fire trucks require at least 25' turning radius.
- 1. Dedication of street north of tract must be accomplished.
- 2. Subdivision of tract must be completed.
- 3. Annexation and zoning of south 30' of tract must be accomplished.
- 4. Layout is satisfactory.
- Require request for commercial driveway.
- Plot plan complies with ordinance. No building code approval.
- Taxes are not paid for the year 1968. Prior years are paid.
- Sanitary sewer service is available in Town Lake Circle. This will require an approach main of approximately 1500 + ft. if brought into City Limits. Water is available from Riverside Drive and Woodland Avenue. This would require a 900 + feet approach main for water.
- Two fire hydrants are required along Willow Creek Hills Drive, one at each parking lot entrance. A 6 inch main will loop through the circular parking lot and tie back in Willow Creek Hills Drive. Four fire hydrants will be required on this main. A 6 inch main will also be required in the most southerly parking lot with a fire hydrant in it. To effectively fight a fire in this area, it is recommended that this parking lot have a cul-de-sac or turnaround area at the east end for turning the trucks around.

CP14-68-30 Kenneth S. Wendler--contd.

Water and Sewer

- A fire demand meter is required at both connections to the main in Willowcreek Hill Drive.

Storm Sewer

- Drainage flow, from the Northwest portion of proposed development, needs to be drained into the natural drainageway located about 60' east of Willowcreek Hills Drive.

The staff recommends that the special permit be approved subject to completion and compliance with departmental requirements, the final passage of the Zoning Ordinance and the necessary annexation of the balance of the area that may be involved in the application. It is requested that the staff be given permission to give administrative approval when all the requirements have been accomplished.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Robert Sneed, attorney for the applicant, stated that the appearance of this request is the ninth time that a hearing has been held on this property by the Zoning Committee, Planning Commission or City Council. It is recognized that the question of the streets is something that has to be worked out. There is a legal question at the present time as to whether or not "No Name Street" is really a street. There is a deed to the State of Texas but there is a question by the Planning Department as to whether this is a street. Mr. Sneed stated that from a legal standpoint he feels that it is. He explained that one of the items they object to with regard to additional property is being annexed to the City. A 30 foot strip along the northern boundary line of the 10 acre tract is proposed as a street and the reason the street is shown as a 60 foot street is because of the fact that it abuts a school site. The school has not indicated by any statement or position as to whether they would or would not give a street or the 30 feet for widening of the street. It is proposed that the applicant give the 30 feet, which is his portion of a street, by an agreement that if the street was to go in at any time upon the request of the city the property would then be deeded to the City, and the owner would pay their half of the paving of the street. There is a subdivision matter that should be pointed out in that the 10 acre tract is moved 30 feet to the south. This means that there is a 30 foot strip of land outside

CP14-68-30 Kenneth S. Wendler--contd.

the city limits that would be a part of this project. The request by the Planning Department that the special permit not be granted until such time as the additional 30 feet is taken into the city and subsequently zoned would be an additional delay of 90 to 120 days. Mr. Sneed stated that they would file for the annexation of the remaining part of the tract and would then file an application for a zoning change which has in effect already been granted by reason of the fact that this has been a Master Plan consideration and change for the type of usage proposed. For this reason it is felt that the applicant has a right to obtain special permit approval even though 30 feet is outside the city limits. It is felt that the burden that is imposed by the recommendation of the staff is erroneous and unfair in view of the fact that the property is being pushed 30 feet toward the south. The basis and purpose has been approved by the Committee, Commission and the City Council and by the very nature of the votes taken, what is normally tried to be accomplished, has been accomplished and there is no reason from a legal or from a Planning or zoning standpoint that the Committee and the Commission cannot include within the special permit, so as it is applicable, a sliver of property that is outside the City. It is requested that the condition on the annexation of the 30 foot area be deleted and that the special permit be granted subject to final adoption of the Ordinance and zoning change by the City Council on the 10 acre tract and the approval of the subdivision plan by the Planning Commission.

Mr. Stevens stated that one of the conditions by the City Council on the zoning of the 10 acre tract was the subdivision. There is a preliminary filed on the property which proposes a street with 30 feet of the street being on the subject property and 30 feet being on the adjoining property. Approval of the street is an action the Subdivision Committee will have to take after considering the plan. The final determination of the location of the street will be decided by the Subdivision Committee. It is the staff's understanding that Mr. Sneed is requesting that the special permit be approved with a half street shown on the site plan only, and not necessarily with the location of the street. With regard to the unnamed street, the staff has checked with the County and the Director of Public Works and there is no evidence of the street being a city street or evidence of the County accepting it as a County street.

Mr. Sneed explained that a formal application has been made to the County to accept the conveyance of the street which will be shown as Willow Creek Hills Drive and then upon the annexation to the City of Austin, it will become a city street. With regard to the 30 foot strip they would like to have a contractual agreement with the City saying that they will, if it is ever required, convey the 30 foot strip for street purposes and pay the money required for their half of the street. Approval is requested of the site plan which may shift 30 feet more or less if required by the Subdivision Committee for the street. If 60 feet is required for the street the property may shift 60 feet. There is one concern and that is whether or not this project may be burdened with the entirety of the giving of the street which is needed only because there is adjacent public facilities which might be developed.

CP14-68-30 Kenneth S. Wendler--contd.

Mr. Thomas Watts, engineer for the developer, stated that the preliminary plan has been submitted after talking to the staff the result being one-half of a roadway proposed on the subject property because of the need for the school and the second roadway being provided to the south. It was previously determined that if the school did not need the street and did not want the street there would just be the street to the south and Oltorf Street.

Mr. Sneed stated that negotiations are being made with the Austin Independent School District and a suggestion was made that the applicant had tried to buy property from the school. They have indicated that they would not sell but would be willing to consider a trade of property. The adjoining property will probably never be developed with a school because of the nature and proximity of Del Valle School; however, the intention of the school is not known. It is their custom that the school district deed half of a roadway around the school site and the people they bought the property from would give their one-half of the street.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted subject to completion and compliance with departmental reports and authorized the staff to give administrative approval upon completion.

The Commission concurred with the Committee recommendation, and uananimously

VOTED: To APPROVE the request of Kenneth S. Wendler for a special permit for the erection of a 246 unit apartment dwelling group for property located at 1901-1943 Unnamed Street (County Road) 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 ten (10) days following the decision of the Planning Commission.

CP14-68-31 Emerson and Company: 130 Unit Apartment Dwelling Group
 1173-1189 Harvey Street
 1184 Airport Boulevard

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified under Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 130 units, 245 off-street parking spaces, club and recreation area, and laundry and storage facilities. The subject property contains approximately 6.15 acres of land and is zoned "C" Commercial, First Height and Area. The site has access onto Harvey Street and there is also an outlet onto Airport Boulevard. The staff has no objection to the general development or layout of

CP14-68-31 Emerson and Company--contd.

the site as it is appropriate. Reports have not been received from several departments but the comments that are available are as follows:

Advanced Planning

- 1. Entry into Airport Boulevard subject to approval by Public Works and Traffic and Transportation.
- 2. Access from Harvey Street also subject to same approval.
- 3. Area of 180 square feet needed for each off-street parking space.

Health

Fire Prevention

- Waste Water System to be available.
- Install one fire hydrant near center parking area.

Tax Assessor

Electric

Traffic Engineer

Fire Protection

- Taxes not paid for 1965 and 1968.
- Electric easements at later date.
- O.K.
- The recommended fire hydrants are indicated in red.

We recommend that the fire hydrants be installed if possible before the structures are framed out so that we may be able to give better fire protection during construction.

Storm Sewer

- A drainage problem may arise if careful consideration is not given to disposal of drainage water along the south property line.

Office Engineer

Building Inspector

- Request for commercial driveway.
- Lot does not follow configuration of established lot lines shown on plat map. This might necessitate a subdivision.

How is the access drive at N.E. corner of project being handled? Is this an easement or supposed to be part of subject tract.

No building code approval.

Water and Sewer

- Sanitary sewer service available from existing 8" main across property.

The staff recommends approval subject to completion and compliance of departmental reports and requests permission to give administrative approval when the items are completed.

TESTIMONY

WRITTEN COMMENT
Code

None

CP14-68-31 Emerson and Company--contd.

PERSONS APPEARING AT HEARING

Code

None

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. W. R. Coleman, representing the applicant, stated that the requirements by the City appear to be the normal technical-type requirements that can be solved. He stated that with regard to the fire hydrants they are usually put in during construction and not before. Mr. Stevens explained that this suggestion is made for protection during construction and is based on two recent fires that have occurred in projects during construction.

Mr. Coleman explained that there is adequate ingress and egress into the site. The reason for the special permit is to separate the buildings in order to have green areas throughout the development. It is felt that the proposed development will be an asset to the area. This is a private non-profit type project which has nothing to do with Urban Renewal.

Mr. Leon Lurie, representing the Urban Renewal Agency, was present at the hearing and advised the Committee that the entire area from 12th Street south did comprise the Capitol City East General Neighborhood Renewal Plan which was approved by the City Council and also the federal government. It is a long range plan for the area and this particular area is zoned for the uses intended. The area was designated in the Capitol City East General Neighborhood Renewal Plan for multi-family dwelling unit type construction. The Glen Oaks Urban Renewal Project is located immediately to the west of this particular tract. There is adequate access to the property from Airport Boulevard which is a main thoroughfare that is adequate to handle the additional traffic generated by this particular tract. Mr. Lurie further stated that it is his understanding that there will be access into the property from Harvey Street which is located to the west. Twelfth Street, located to the north, is a 60 foot street at this time and is scheduled to be widened.

Mr. Lurie explained that one of the things they look for in the Urban Renewal Agency is private redevelopment in an area so that hopefully it would not have to be an Urban Renewal area. Certainly this proposal should have a tendency to generate some activity in the area whereas the multitude of structures in the area at this point appear to be substandard and many of them are in extremely bad condition. The area can be rejuvenated by some action of this particular nature and private money will be spent.

Arguments Presented AGAINST:

Several nearby property owners appeared to ask questions about the proposal. They stated they have had peace and harmony in this area and would have no objection to the request if there is some protection. Mr. Chester Brooks was present at the hearing and stated that he owns a lot at the corner of

CP14-68-31 Emerson and Company--contd.

12th and Harvey Streets. There is a building on the property but vandals have practically destroyed it. He stated that it is his understanding that Shaw's garage is right in the middle of the proposed Harvey Street and that his building encroaches into the City property. He stated that he would like to clarify the point as to whether Harvey will go through as proposed.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted subject to completion and compliance with departmental reports and authorized the staff to give administrative approval upon completion.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To APPROVE the request of Emerson and Company for a special permit for the erection of a 130 unit apartment dwelling group for property located at 1173-1189 Harvey Street and 1184 Airport Boulevard, 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 ten (10) days following the decision of the Planning Commission.

CP14-68-32 Cameron/Austin Ltd.: 52 Unit Apartment Dwelling Group
5208-5213 East Avenue (Cameron Road)

STAFF REPORT: This application has been filed as required under Section 5-C and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 52 units, 122 off-street parking spaces, one swimming pool and a restaurant. Several reports from the various City Departments have not been received but the comments available are as follows:

Advanced Planning

- 1. Construction over sanitary sewer easement must be approved by the Water and Sewer Department.
2. Parking space #121 is not adequate.
3. Parking layout in area of spaces 43-49 can be modified to gain two spaces.
4. Construction in area of drainage easement must be approved by Storm Sewer Division of Public Works.
5. Cameron Road is classified as a major arterial in the Austin Development Plan. The R.O.W. is now 60' but must be increased to 10-20' from the west side and 10' from the east.

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C14-68-32 Cameron/Austin Ltd.--contd.

Health
 Fire Prevention

Electric
 Tax Assessor
 Traffic Engineer
 Fire Protection

Office Engineer

Building Inspector

Water and Sewer

Storm Sewer

- Waste Water System to be available.
- Provide one fire hydrant near parking space #87.
- Electric easements at a later date.
- Taxes are paid through 1968.
- O.K.
- The recommended fire hydrant is indicated in red. We also recommend that the fire hydrant be installed before construction is started so that we will be able to give better fire protection, if the installation is possible first.
- Require request for commercial driveway.
- Plot plan complies.
- No building code approval.
- Sanitary sewer is available from existing 15" main across property, however, this main must be relocated so that it is not under the proposed buildings.
- A fire hydrant in the east parking lot with a six (6) inch main to serve the fire hydrant and a fire demand meter at Cameron Road on this main will be required to provide protection to this development.
- There is an existing open channel and drainage easement across the Northeast portion of the proposed development. To construct buildings in the easement, a reinforced-concrete box culvert of approved design must be built.

The staff recommends that the special permit be approved subject to completion and compliance with the departmental reports and requests permission to give administrative approval when the conditions have been complied with.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

CPL4-68-32 Cameron/Austin Ltd.--contd.

SUMMARY OF TESTIMONY

Mr. W. R. Coleman, representing the applicant, stated that in a lease they had made with the restaurant it was indicated that the City would ask for four feet of ~~widening~~ on an offset for Cameron Road but it was not known that 10 feet of right-of-way would be requested. There is a definite offset of 4.5 feet in the street and there is no objection to dedicating this as right-of-way. A permit has been requested by the restaurant on the front of the property and construction is basically underway at the present time. Mr. Coleman stated that he does object to the requirement of 10 feet but would be more than happy to grant the 4.5 feet.

Mr. Stevens explained that the City is trying to provide for the total right-of-way. Cameron Road in this area narrows to 60 feet and because of the home sites on the east side of Cameron Road, the majority of the right-of-way will come from the west side of the street. The staff recommends that 10 feet be required, but will check to see if a lesser amount would suffice.

Mr. Coleman indicated they could give another foot but they need 65 feet for people coming in and out. There is a creek in this particular area and drainage problems will have to be worked out.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted subject to completion and compliance with departmental reports and with the condition that five feet of right-of-way be required for Cameron Road. The Committee authorized the staff to give administrative approval upon completion.

The Commission concurred with the Committee recommendation that this request should be granted subject to completion and compliance with departmental reports and with the condition that 5 feet of right-of-way be required for future widening of Cameron Road and also with the staff determination of the feasibility of acquiring an additional 5 foot sidewalk and utility easement provided acquisition of such easement does not prevent the development of the property as proposed in the application. It was then unanimously

VOTED: To APPROVE the request of Cameron/Austin Ltd. for a special permit for the erection of a 52 unit apartment dwelling group for property located at 5208-5213 East Avenue (Cameron Road) be APPROVED subject to completion and compliance with departmental reports and with the condition that 5 feet of right-of-way be required for Cameron Road, 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 ten (10) days following the decision of the Planning Commission.

CP14-68-33 Joe Russo, Trustee: 309 Unit Apartment Dwelling Group
 7624 Chevy Chase Drive
 7513 Avenue G

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified under Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 309 units, 529 off-street parking spaces, two swimming pools, tennis courts, office and recreation building. A special permit for development was considered by the Planning Commission on the front portion of this area in 1968 which was granted subject to certain restrictions. The first restriction was that a solid cedar fence be provided on the west boundary line separating the development from the fairly well-developed single-family residences which front onto Eastcrest Drive. The second requirement was the planting of Ligustrums along the west property line, to be centered 6 feet apart to serve as a screen. The third requirement was that if carports were built all the lighting would be underneath the carports or in no case would the lights be higher than 6 feet. The staff requests that these same restrictions be carried out along the western boundary line of the property in order to separate the apartment development from the residential development. The request has been circulated to the various departments and the comments which have been received are as follows:

Health
 Electric

Fire Prevention

Fire Protection

Traffic Engineer
 Tax Assessor
 Advanced Planning

- Waste Water System to be available.
- Electric easement at later date--- underground planned.
- Follow recommendations of Fire Department.
- Recommended fire hydrants in Section II are indicated in red. Recommended fire hydrants in Section I have been submitted. We recommend that the fire hydrants be installed if possible before the structures are framed out so that we may give better fire protection during the construction period. Our trucks require at least a 25' turning radius.
- O.K.
- Taxes are due for 1968.
- 1. Parking appears to be inadequate-- 23 spaces short for each section.
- 2. Access to site is from one street only. The other access is by easement to I.H. 35. For 309 units the limited points of access can become a major problem.
- 3. The units located in the southwest section of the tract are only 7' from the property line and well developed single-family area. This distance does not appear to be adequate.

CP14-68-33 Joe Russo--contd.

Storm Sewer

Building Inspector

Office Engineer

Water and Sewer

- Show existing drainage easements.

Drainage facilities required.

- 1. Revised plot plan acceptable.

2. No building code approval.

- Require request for commercial drive-ways.

- Sanitary sewer is available from existing 8" main.

In order to have adequate fire protection six fire hydrants are required.

Three of these are included in the present contract for Chevy Chase, Section I.

The other three hydrants are required in Section II in the following locations:

(1) On the north-south street just south of building 20, (2)

at east end of building on the east and west street and (3) at the entrance to

the parking lot between the building on the south side of the east-west

street. A six inch main will be required from the main in Section I in

the north-south street to the east-west street and in the east west street

and southerly to connect to the existing twelve (12) inch main in Delmar.

Three fire demand meters are required, one where each main crosses the property line.

The staff reported that in addition to the other comments they would like to have clarified and placed on the plat, would be the easements going out to Interstate 35 so that there would be more than one means of ingress or egress to the property. On the original plan there were two proposed easements. One went north from the east boundary line of the tract to U. S. Highway 183 and the other extended east to Interstate 35. The staff would prefer to go to Interstate 35, and have it placed on the plat as one of the requirements. It is recommended that the special permit be approved subject to the requirements as indicated, completion and compliance with departmental reports, and requests permission to give administrative approval when the requirements have been met.

TESTIMONY

WRITTEN COMMENT

Code

None

PERSONS APPEARING AT HEARING

Code

None

CP14-68-33 Joe Russo--contd.

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. Richard Baker, attorney for the applicant, stated that with regard to the restrictions imposed on the first portion which has been approved there is no objection to continuing the restrictions on through the west side. It is realized that the easement to Interstate 35 is a necessity and was inadvertently left off the plan. Mr. Baker stated that this was the first time he was aware of the shortage of 46 parking spaces and they will have to undertake steps as necessary to rectify this problem. There will have to be some re-designing done within the structure. The proposal was checked with all the City departments prior to the time the special permit was filed because the contract had already been let on the basis of the special permit for Section 1 in the subdivision plan which had been approved on Chevy Chase. They are now in the process of putting in utilities, not only in Chevy Chase but also in the five acres under consideration, because the contract was already outstanding, and it was the advisable thing to do. With regard to the fire hydrants it was inserted in the contract that the fire hydrants be installed on the main lines as they were put in. This necessitated some rerouting of lines which worked out in a better development. There are also plans to put a solid fence across the south side where it borders the residential property along Delmar Avenue. Mr. Stevens asked if there are plans for any traffic to be brought out onto Avenue G. Mr. Baker explained that they are not going to bring any traffic onto Avenue G and the street will be fenced. There may be some questions from some of the reports with regard to fencing but the engineers for the project are trying to work out a "collapsible" facility so that it can be used as an emergency exit in the event of an emergency. This has been suggested by the Traffic and Fire Departments but the problem has not been resolved and it is felt that this should not be a condition of the special permit.

Arguments Presented AGAINST:

Mr. Max Ulrich, a nearby property owner, stated that he is speaking on behalf of a portion of the residents along Eastcrest Drive. He stated that the property owners in this area are concerned with the conditions and restrictions that were required on Section 1 and requested that the restrictions also be required in the approval of this special permit.

Mr. John Coates, Jr., adjoining property owner, stated that he is concerned about the height of the building located at the southwest corner of the tract in that there will be no privacy for the adjoining residential property if the structure is a two-story building. He asked how close the proposed building is to the property line and requested that there be some protection for the adjoining property.

Mr. Baker stated that it appears that the building is located 7 feet off of the property line and he assumes that the structure will be two stories in height. A buffer would be difficult as the property is landlocked and

CP14-68-33 Joe Russo--contd.

adequate circulation has to be worked out within the site itself. The reason the five acre tract is under consideration and was acquired is because it is virtually a landlocked tract of ground. Ingress and egress available to the site from Delmar and Avenue G was not determined by the Planning Department or anyone else to provide a sufficient means of circulation for the five acre tract to be developed. For this reason the owner contacted Mr. Russo to work out an egress and ingress to U. S. Highway 183 which could have been worked out on the back portion because there is a driveway through, but it could not work through the balance of the subdivision which is divided into five or six lots. To resolve this conflict and not have this land stagnated for all practical purposes or the necessity of the City having to open up additional streets to serve the property, Mr. Russo acquired this particular tract of land to develop with the proposed apartment development.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted subject to completion and compliance with departmental reports and on the condition that the site plan be amended to provide that the most westerly building in Section II be reduced to either one story in height or be located no closer than 30 feet from the west property line of the site, and authorized the staff to give administrative approval to the site plan when these conditions are met.

At the Commission meeting, the staff reported that there has been an amendment to the application regarding the most westerly building in Section II. The structure has been relocated, as recommended by the Committee, 51 feet from the west property line. There has also been a revision to the parking layout. In addition, Mr. Baker, attorney for the applicant, has filed a letter agreeing to build and maintain a solid six-foot rough cedar fence along the west property line, and to plant Ligustrums along the east side of said fence on six-foot centers. The letter also states that if Mr. Russo constructs carports along the west side of the property, the area shall be lighted by lights underneath the carports. Any other lights in the parking area on the west side shall be less than six feet.

Mr. Stevens explained that the set of restrictions offered by Mr. Baker are the same restrictions imposed on Section I of the original site plan. The staff recommends approval subject to completion and compliance with departmental reports and with the restrictions offered by Mr. Baker advised the Commission that the adjoining property owners requested that the same conditions required on the original special permit be continued on through the property and the applicant has agreed to continue the same pattern.

The Commission was cognizant of the amendment to the application regarding the relocation of the most westerly building to 51 feet from the west property line. They also noted the restrictions offered by Mr. Baker and concurred with the Committee recommendation that this request should be granted subject to completion and compliance with departmental reports, and authorized the staff to give administrative approval upon completion.

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CP14-68-33 Joe Russo--contd.

It was then unanimously

VOTED: To APPROVE the request of Joe Russo, Trustee for a Special Permit for the erection of a 309 Unit Apartment Dwelling Group to be located at 7624 Chevy Chase Drive and 7513 Avenue G, 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 ten (10) days following the decision of the Planning Commission.

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of December 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.

The Commission then

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

PRELIMINARY PLANS

C8-68-46 Northwest Hills, Northwest Oaks (Originally Northwest Hills, Section 12)
Greystone Drive and Rockcliff Drive

The staff reported that the six months approval of this preliminary plan has expired and the developer is requesting reapproval. There have been no changes in the plan and the staff recommends that the request be granted. The Commission then

VOTED: To REAPPROVE the preliminary plan of NORTHWEST HILLS, Northwest Oaks.

C8-67-89 Barton Hollow
Barton Hills Drive and Arrowhead

The staff reported that the six months approval of this preliminary plan has expired and the developer is requesting reapproval. There have been no changes in the plan and the staff recommends that the request be granted. The Commission then

VOTED: To REAPPROVE the preliminary plan of BARTON HOLLOW.

SUBDIVISION PLATS - FILED

C8-66-23 Craigwood, Section 1
 F. M. 969 and Craigwood

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

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

C8-66-102 North Acres, Section 4
 Walnut Bend Drive

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing and disapproved pending additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing the final plat of NORTH ACRES, Section 4, and DISAPPROVE pending the requirements as indicated.

C8-68-70 Creekside Terrace
 Springdale Road and Creekside Lane

The staff reported that this is the first appearance of this final plat before the Commission and departmental reports are still lacking. There is a request to eliminate the setback line on Lot 11 which is at the end of a dead-end street where there is a cul-de-sac. The lot is cramped for space in relation to the depth of the lot and the applicant is requesting a variance to eliminate the setback line from the plat so that he may have the prerogative of requesting a variance from the Board of Adjustment and not be in violation of the plat restriction. There is a sanitary sewer line across the rear of the lots which creates a problem between the sewer line and the normal setback line which is 25 feet. The surveyor for the owner has indicated that they may be able to comply with the setback if the Water and Sewer Department lets them build over the sewer line, but they do not want to be in violation of the plat if they cannot. There are two culs-de-sac in close proximity to each other and there is no relief that can be given by replatting or redesigning this particular lot. The staff recommends that the variance be granted and that this final plat be accepted for filing and disapproved pending additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To ACCEPT for filing the final plat of CREEKSIDE TERRACE, and DISAPPROVE pending the requirements as indicated, granting a variance to not require the setback line on Lot 11 to be shown on the plat.

C8-69-1 Northwest Terrace, Section 3
Thrush Drive

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST TERRACE, Section 3, pending the requirements as indicated.

C8-69-2 Shadow Park, Section 2
Greystone Drive

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of SHADOW PARK, Section 2, pending the requirements as indicated.

C8-69-7 Buckingham Place, Section 5
South First and King Edward Place

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BUCKINGHAM PLACE, Section 5, pending the requirements as indicated.

C8-68-72 Turtle Creek Estates, Section 1
Turtle Creek Boulevard and South First Street

The staff reported that several reports have not been received and recommended that this final plat be accepted for filing and disapproved pending completion of departmental reports, annexation and tax certificates for 1968. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of TURTLE CREEK ESTATES, Section 1, pending the requirements as indicated.

C8-69-8 Flournoy's Sweetbriar, Section 4
Flournoy Drive and Cedardale

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing and disapproved pending completion of departmental reports, tax certificates for 1968 and annexation. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of FLOURNOY'S SWEETBRIAR, Section 4, pending the items as indicated.

C8-68-101 Reagan Hill
Cameron Road north of Fairbanks

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

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

C8-68-73 North Creek
North Creek Drive and East Rundberg Lane

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing and disapproved pending the required annexation and completion of departmental reports. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTH CREEK, pending the items as noted.

C8-68-91 Phillips Mobil Home Estates
Doss Road

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of PHILLIPS MOBIL HOME ESTATES, pending completion of departmental reports.

C8-67-89 Barton Hollow
Barton Hills Drive and Arrowhead

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BARTON HOLLOW, pending the items as indicated.

C8-68-46 Northwest Hills, Northwest Oaks, Section 1
Greystone Drive and Hart Lane

The staff reported that several departmental reports have not been received and recommended that this final plat be accepted for filing and disapproved pending the required annexation, tax certificates for 1968 and completion of departmental reports.

C8-68-46 Northwest Hills, Northwest Oaks, Section 1--contd.

The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of NORTHWEST HILLS, Northwest Oaks, Section 1, pending the requirements as indicated.

DISQUALIFIED: Mr. Kinnan

C8-68-113 Lakeway, Section 13
Electra and Snapper

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of LAKEWAY, Section 13, pending completion of departmental reports.

C8-69-9 Rosewood Village, Section II
Morris Street and Conway Court

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of ROSEWOOD VILLAGE, Section II, pending completion of departmental reports.

SUBDIVISION PLATS - CONSIDERED

The staff reported that several departmental reports have not been received and recommended that the following final plats be disapproved pending additional easements, fiscal arrangements and completion of departmental reports. The Commission then

VOTED: To DISAPPROVE the following final plats pending additional easements, fiscal arrangements and completion of departmental reports:

- C8-65-33 Cavalier Park, Section 1 - Amended
F. M. 969 and Regency Drive
- C8-67-70 Highland Hills, Section 9, Phase 2
Shadow Mountain Drive and Indian Cove
- C8-68-25 Balcones Village, Section 3, Phase A
Balcones Club Drive
- C8-68-48 Country Club Gardens, Section 1
Montopolis Drive and Marigold Terrace
- C8-68-75 Whispering Oaks, Section 1
Manchaca Road
- C8-68-88 Balcones Village, Section 3, Phase B
Balcones Club Drive
- C8-68-93 N. W. Hills, Mesa Oaks, Phase 5-B
Mesa Drive and Myrick Drive

SHORT FORM PLATS - CONSIDERED -- contd.

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

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

C8-68-107 N. W. Hills, Section 11, Block B
 North Hills Drive and East Hills Drive

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

C8-68-50 Pecksho Heights
 South First Street south of Dittmar Lane

The staff reported that one departmental report is still lacking and there is a request to change the name of the subdivision to O. H. Pool Subdivision, Section 2. Pecksho Heights was the original name of the subdivision but the property has been purchased by Mr. Pool and he is requesting that the name be changed. The staff recommends that the name change be granted and that the plat be disapproved pending completion of departmental reports. The Commission then

VOTED: To APPROVE the name change to O. H. POOL SUBDIVISION, Section 2, and DISAPPROVE pending completion of departmental reports.

C8-68-94 Blue Hills Estates
 Thomas Springs Road

The staff reported that this final plat is being revised to some extent which will require redistribution and new reports from all of the departments. It is recommended that the plat be disapproved pending redistribution and new departmental reports. The Commission then

VOTED: To DISAPPROVE the final plat of BLUE HILLS ESTATES, pending redistribution, receipt of departmental reports, and completion and compliance with departmental reports.

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

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

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

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

The staff recommended disapproval of this final plat pending the required additional easements, fiscal arrangements, completion of departmental reports and percolation tests for clearance by the Health Department. The Commission then

VOTED: To DISAPPROVE the final plat of THE SPANISH TRACE, pending the requirements as indicated.

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

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

VOTED: To DISAPPROVE the final plat of KIRBY ADDITION, pending the requirements as noted.

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

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

VOTED: To DISAPPROVE the final plat of BARTON TERRACE, Section 6, pending the items as indicated.

C8-68-109 Highland Hills, N.W., Section 7
Far West Boulevard and Chimney Corner

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

VOTED: To DISAPPROVE the final plat of HIGHLAND HILLS N. W., Section 7, pending the requirements as indicated.

C8-68-117 Westover Villa
Honeysuckle Trail

The staff recommended disapproval of this final plat pending additional easements, fiscal arrangements, completion of departmental reports and legal clearance on a plat restriction which the Water and Sewer Department is asking to be put on the plat. The Commission then

VOTED: To DISAPPROVE the final plat of WESTOVER VILLA, pending the items as indicated.

The staff reported that all requirements of the Ordinance have been met and recommended that the following final plats be approved. The Commission then

VOTED: To APPROVE the following final plats:

C8-68-51 Willow Springs, Section 1
Woodward Street and Willowrun Drive
C8-68-85 Capitol View Estates
Bluff Springs Road

SHORT FORM PLATS - FILED

C8s-69-4 Hyde Park Addition, Section 2, Resub.
West 39th Street

The staff recommended that this short form plat be accepted for filing and disapproved pending a required deed reference on the plat. The Commission then

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of HYDE PARK ADDITION, Section 2, Resub., pending a deed reference on the plat.

C8s-69-5 Resub. Lot 6, Manchaca Estates
Miles Avenue and Cannonleague

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

VOTED: To ACCEPT for filing and DISAPPROVE the short form plat of Resub. Lot 6 MANCHACA ESTATES, pending completion of departmental reports.

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 recommends approval. The Commission then

VOTED: To APPROVE the following short form plats:

C8s-68-203 V. H. Norwood Subdivision
Salina Street and East 17th Street
C8s-68-201 Barton Village, Section 3
Barton Skyway and Skyway Circle
C8s-69-2 Marks Addition
Cameron Road and East St. Johns
C8s-66-150 C. L. Angell Addition, Resub.
Clubview Avenue and Langham Street
C8s-68-177 Frontier Village, Section 3, Resub.
Frontier Trail and Western Trail

C8s-68-194 Freeman Subdivision
 I. H. 35 and Middle Fiskville Road

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance and recommended approval with a note that gas is available if all owners apply at the same time. The Commission then

VOTED: To APPROVE the short form plat of FREEMAN SUBDIVISION.

C8s-68-222 Wooten Terrace, Section 3, Resub.
 Fireside Drive

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 WOOTEN TERRACE, Section 3, Resub., pending completion of departmental reports.

C8s-68-224 Elmhurst Resub., Lot 13-17
 Taylor Gaines and Summit

The staff recommended disapproval of this short form plat pending completion of departmental reports and additional right-of-way. The Commission then

VOTED: To DISAPPROVE the short form plat of ELMHURST RESUB. Lot 13-17, pending the items as indicated.

C8s-68-225 Bouldin Addition, Resub.
 South First Street and Barton Springs Road

The staff reported that all departmental reports have been completed and all requirements of the Ordinance have been met; however, there is a variance required on the width of Lot 1-A. This is a two lot short form located just off of the southwest corner of Barton Springs Road and South First Street. A variance is involved on the frontage of Lot 1-A, which fronts onto Barton Spings Road. This is a relatively large lot at the rear but it has only a 25 foot access out to Barton Springs Road. The purpose of this short form is to create two lots on which an apartment project is proposed. A letter has been received requesting that the variance be granted. This will also necessitate action by the Board of Adjustment in that the Zoning Ordinance requires 50 feet at the building line which is 25 feet back from the street. The subdivider has provided by plat a building setback line at the rear end of the neck portion of Lot 1-A and put a restriction on the face of the plat that no building will be built within the front portion of said Lot 1-A; however, this does not change the relationship to the Zoning Ordinance. The staff recommends disapproval of the short form plat pending action by the Board of Adjustment on Lot 1-A and requests permission to give administrative approval if the Board grants the variance.

C8s-68-225 Bouldin Addition, Resub.--contd.

Mr. Dunnam stated that if the building setback line is at the south of the narrow neck and someone were to place a building in that area there would be no access to the rear of the property. He said that in his opinion the setback line should be required on the plat for a certain distance behind the neck portion of this particular lot. This is a fairly intensive area and it is not unreasonable to expect that there will be more intensive development.

Mr. Foxworth advised the Commission that the front portion of the lot which is the neck, is zoned "C-2" Commercial and if the entire lot were zoned commercial and used in this manner the variance would not be required.

Mr. Stevens explained that the establishment of the setback line on the plat would be a very limiting factor in the event the property is consolidated in the future and it is felt that this should not be required.

After further discussion, a majority of the Commission

VOTED: To DISAPPROVE the short form plat of BOULDIN ADDITION, Resub., pending Board of Adjustment action on the width of the lot at the building line, granting a variance on the width of Lot 1-A, and authorized the staff to give administrative approval when completed.

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

NAY: Messrs. Dunnam and Hazard

ABSENT: None

C8s-68-226 Puryear Addition
U. S. Highway 81

The staff reported that this is a one tract short form located on U. S. Highway 81. There is a problem involved in that a variance is required on the signature of the adjoining owner. A letter has been received from the surveyor requesting that the variance be granted inasmuch as the owner of the remaining portion of the tract has been contacted and has declined to join in the platting. In view of this, the staff recommends that the variance be granted and that this short form plat be disapproved pending completion of departmental reports. It was then

VOTED: To DISAPPROVE the short form plat of PURYEAR ADDITION, pending completion of departmental reports, granting a variance on the signature of the adjoining owner.

C8s-69-1 Tobin and Johnson, Resub.
Pecos Street and Bonnie Road

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 TOBIN AND JOHNSON, Resub., pending completion of departmental reports.

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

The staff reported that all departmental reports have been received with the exception of one, and the reports reflect that there are additional easements and fiscal arrangements required. This is a two lot short form located at the southwest corner of the intersection of Banyon Street and North Lamar Boulevard, which has been before the Commission previously and disapproved pending completion of departmental reports and provision for a 30 foot setback line from Banyon Street across both lots abutting the street. This was in connection with a provision required by the Planning Commission many years previously on the north side of the street and on to the west along Banyon Street. This street was originally scheduled to be an 80 foot street as the abutting property was zoned for industrial uses and the Subdivision Ordinance requires an 80 foot right-of-way for an industrial street. Due to the fact that the street is dead-end and there was no provision for the westerly continuation of the street, the Planning Commission granted a variance to leave the right-of-way at 50 feet but to require a 30 foot setback on both sides of the street therefrom. The owners of the property now wish to have this condition removed on Lot 1. It is the staff's understanding that plans have been submitted to the Building Inspector's Office and Public Works and the building location as well as the driveway locations have been approved with the building being located 10 feet from Banyon Street. They are willing to retain the 30 foot setback line on Lot 2.

Mr. Edgar Jackson was present on behalf of this request and explained that Graybar has purchased this entire piece of property and has submitted their plans to the Public Works Department and the Building Inspector. The plans providing a 10 foot setback for the building have been approved. They will have an excess of 110 feet to the rear which is identified as Lot 2 and are not objecting to the 30 feet on this lot. It is requested that the variance be granted on the 30 foot setback so that the original 10 foot setback can be retained.

Mr. Foxworth stated that originally there was objection to this. The building they propose on the property could be built without subdivision and the permit has been cleared by Public Works and Building Inspection as far as driveway and building location is concerned. The only requirement that imposes the 30 foot restriction is the attempt to subdivide the property. With this in mind and knowing that they could build without a subdivision, the staff recommends the variance be granted on Lot 1. The Commission then

VOTED: To DISAPPROVE the short form plat of GRAYBAR ADDITION, pending additional easements, fiscal arrangements and completion of departmental reports, granting a variance on the setback line on Lot 1-A.

ADMINISTRATIVE APPROVAL

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

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

<u>C8s-68-223</u>	<u>Balcones Summit, Resub.</u>
	<u>Ceberry Drive and Summit Boulevard</u>
<u>C8s-69-3</u>	<u>Third Resub. of South Lamar Square</u>
	<u>Lamar Square Drive</u>

OTHER BUSINESS

R140 PLANNING COMMISSION - General

Mr. Dunnam advised the Commission that he is a member of the Transportation Committee and recommended that the Commission members read the report which has recently been approved. He explained that in the near future Austin will have a major expressway system which will change the City and the flow of traffic to a great extent. He said that there will likely be a considerable amount of money spent but in his opinion there should be concern about what happens along the sides of the expressway system and what its final aesthetic impact will be on the City. He stated that he is particularly concerned about the control of signs and billboards along the expressways. There is a problem when a major expressway is put through as the property immediately adjacent to it becomes less desirable for residential use. There is a high volume of traffic and some pollution of air and because of this, commercial zoning and development tends to be established. Many properties along the expressway, even where there is no major interchange, will be purchased by advertising companies or individuals wanting the rental from high signs. These signs are very valuable and the property owners can get a great deal of money from them yet there is no question that this tends to junk up property which is not a good thing for the City. Mr. Dunnam further explained that it is his personal conviction that sign control should be considered before the expressways are created and built and feels that this should be a matter for consideration by the Planning Commission.

It is realized that property along an expressway is no longer desirable for residential property and some consideration should be given to what can be done with this property. There has been study in Washington and around the country by architectural and planning firms as well as people inside and outside of the Government as to what can be done economically in the way of justification to the property owner and at the same time still protect the pleasant scenery along the expressway routes. One of the most practical suggestions made is the concept of the scenic easement. The scenic easement is the purchase or in certain cases rental, by a public body to property owners along major expressways who were it not for this kind of scenic compensation would certainly claim they had been damaged in some way. The point could be

R140

PLANNING COMMISSION - General--contd.

made that the property along the expressway has been altered by the expressway coming through and yet the property owners were not able to receive any kind of economic benefit because of the ban of signs. The scenic easement would allow a property owner the full use of his property as long as there were no signs and this would provide the aesthetic control for the community. For this control imposed on property there could be a just compensation paid to the property owner. Mr. Dunnam further stated that he would like for the Planning Department or the Legal Department to make inquiries into the scenic easement or other means for sign control for consideration by the Planning Commission so that a recommendation can be made to the City Council that is fair and just to the property owners and at the same time protect the aesthetic values of the City along the expressways which are about to be created.

R141

RULES AND REGULATIONS

The staff advised the Commission that there is a problem with regard to approval of final plats as a result of the one meeting a month schedule which requires dual action by the Planning Commission when a plat first appears before the Commission. The one meeting a month schedule effectively eliminates the seven day poll provision established by the Commission and results in the subdivider having to wait an extra month or until the next meeting of the full Commission to get approval of a final plat which has been disapproved pending by the Commission at a prior meeting.

As a result, the staff recommends that the Rules and Regulations be amended as follows:

"When a subdivision plat has been considered and disapproved by the Commission because of engineering, survey, administrative and/or fiscal requirements, the Chairman and Secretary of the Commission and the Director of Planning may authorize the recording of said plat upon compliance with the requirements of the Commission."

The Rules and Regulations provide that amendments may be made by the Commission at any regular or special meeting called for that purpose upon the affirmative vote of five (5) members provided any such amendment is proposed at a preceding meeting and that all members have been formally notified thereof.

The Commission members were in favor of the proposed amendment and recognized that final action would be required at the next meeting.

C10-69-1(a)STREET VACATION

Avalon Street

The staff reported a letter from Mr. J. M. Patterson, Jr., representing the Austin Independent School District, requesting the vacation of Avalon Street west of Hampton Road. The street has never been in existence on the ground. The request has circulated the various City Departments and there is no objection to the closing of the street and no need for the retention of any

C10-69-1(a) STREET VACATION--contd.

easements. There is a question in that the staff does not know what the two foot strip is on the south side nor is it known whether the owners of Lots 4, 5, 6 and 7 would have any interest as far as participating in the request. The staff recommends that the street be vacated if cleared by the Legal Department. The Commission unanimously

VOTED: To recommend that Avalon Street west of Hampton Road be VACATED.

REPORTS

SUBDIVISION APPROVAL BY TELEPHONE POLL

C8-68-5 Garden Villa Estates
Garden Villa Lane and Aubrey Drive

The staff reported that a majority of the Commission had been polled by telephone on December 23, 1968, and a majority of the Commission had

VOTED: To APPROVE the final plat of GARDEN VILLA ESTATES.

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

Hoyle M. Osborne
Executive Secretary