

CITY PLANNING COMMISSION  
Austin, Texas

Regular Meeting -- February 11, 1969

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

Present

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

Absent

Sam Dunnam

Also Present

Hoyle M. Osborne, Director of Planning  
Richard Lillie, Assistant 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 February 3 and 4, 1969.

Present

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

Also Present

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

PUBLIC HEARINGS

C14-69-001      Ed Fleming: A to B  
2112-2116 West 49th Street

STAFF REPORT: The subject property, containing 7,514 square feet of land which is presently undeveloped, is located directly across the street from the Rosedale Elementary School. It is the staff's understanding that the proposed use for the site is a parking lot to serve adjoining commercial property having frontage

C14-69-001      Ed Fleming--contd.

onto Burnet Road. The subject property has recently been replatted and now adjoins property to the west, having frontage onto Burnet Road.

The area immediately to the north and west is zoned "A" Residence and developed predominantly with single-family homes. Burnet Road to the east is zoned and developed with a mixture of Commercial uses. Lynnwood Street is developed with a number of uses including apartments, fire station, restaurant and parking lot. Last month there was a request for "B" Residence, First Height and Area zoning for a parking lot on property to the north along Lynnwood Street located just south of existing apartment zoning. The staff has no objection to the requested change; however, West 49th Street with a present right-of-way of 50 feet should be widened to 60 feet which would require five feet from the subject site. The applicant should also be notified that 15 feet of his property fronting on Burnet Road will be needed for right-of-way purposes. The staff recommends that the request be granted, provided West 49th Street is made adequate.

#### TESTIMONY

##### WRITTEN COMMENT

Code

K      Charles P. Davis: Post Office Box 1628

AGAINST

##### PERSONS APPEARING AT HEARING

Code

A      Ed Fleming, Jr. (applicant)

#### SUMMARY OF TESTIMONY

Mr. Ed Fleming stated that he agrees with the recommendation by the staff that this should be granted; however, there is some question with regard to the right-of-way. He asked when the street is scheduled to be widened and if there is a possibility that the right-of-way could be dedicated after the area is developed and curb cuts put in. If the right-of-way is required for development, five parking spaces would be lost. He further stated that the right-of-way would have to be checked with the lessee and report back to the Commission.

Mr. Stevens advised the applicant that the dedication of right-of-way after development is unusual and would have to be discussed with Public Works.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate right-of-way of West 49th Street; however, they stated they would look with favor on the change, provided the street is made adequate, as the proper zoning for the site.

C14-69-001      Ed Fleming--contd.

At the Commission meeting, the staff reported a letter from Mr. Ed Fleming, trustee, offering to dedicate five feet of right-of-way along West 49th Street to the City for street widening purposes. Until such time as the land is actually needed for widening purposes they wish to reserve the right to park cars on the five foot strip.

Mr. Stevens explained that he has talked to the applicant and would like to accommodate the proposal inasmuch as he feels the problems came about due to a number of errors by the staff. The subject property was included in a re-subdivision of property, adjoining it to land fronting onto Burnet Road at which time the right-of-way needs for West 49th Street as well as Burnet Road were not obtained. This was not noticed at such time they applied for a building permit; therefore, they have proceeded to enter into a contract and lease and have a building underway which utilizes the subject property for parking purposes. If the proposal cannot be accommodated, five parking spaces would be eliminated. The staff recommends that the offer be recognized and the request granted. In the mean time, before the Council meeting, the staff can discuss the situation with the Legal Department to see what can be worked out in this respect. Mr. Stevens further stated that he would like to talk to the applicant with regard to right-of-way for Burnet Road but feels it should not be a consideration of this application even though it is a through lot. Fifteen feet of right-of-way will be needed for Burnet Road but this can be discussed at such time in the future that it will not involve the present project now underway and jeopardize their lease.

The Commission members agreed with the Committee recommendation that the requested zoning on the site is proper. They were cognizant of the letter from the applicant offering to dedicate right-of-way for West 49th Street at such time the land is actually needed for widening purposes and noted the fact that he is requesting the continued use of the land. They felt that zoning as requested should be granted if the right-of-way problem can be worked out satisfactorily with the City. It was then unanimously

VOTED: To recommend that the request of Ed Fleming for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 2112-2116 West 49th Street be GRANTED.

ABSTAINED: Mr. Hanks

C14-69-002      Daniel W. Ates, Jr.: C to C-2  
2410 South 1st Street

STAFF REPORT: The subject property contains 7,395 square feet of land and the stated purpose of the request is for a package store. The area immediately to the west is developed with single-family homes. Also to the west, abutting the dead-end of South 2nd Street is a pending request for "BB" Residence, First Height and Area zoning for low density apartment development. "C" Commercial zoning is established on both sides of South 1st Street and is developed with a mixture of uses, including a lounge, drive-in grocery, laundry, service station

C14-69-002 Daniel W. Ates, Jr. --contd.

and garage. There is a small neighborhood shopping center located at the intersection of Oltorf Street and South 1st Street. Gillis Playground is located directly across South 1st Street. The staff has no objection to the request inasmuch as this is a well-defined Commercial area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

A Harriet S. Owen (representing applicant)

#### SUMMARY OF TESTIMONY

Mrs. Harriet Owen, attorney for the applicant, had nothing to add to the report by the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as this is a well-defined commercial area.

The Commission concurred with the Committee recommendation and unanimously

VOTED: To recommend that the request of Daniel W. Ates, Jr. for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at 2410 South First Street be GRANTED.

C14-69-003 H. C. Bell, Jr.: A to LR  
2001-2009 Montopolis Drive  
6301-6303 Riverside Drive

STAFF REPORT: The subject property contains .48 acres of land and the request for "LR" Local Retail, First Height and Area zoning is for the stated purpose of a drive-in grocery store. The property is located at the intersection of what will be two major streets. Montopolis Drive is a long-collector street with a proposed right-of-way width of 70 feet. The plans are to widen Montopolis Drive south from the subject property 70 feet to Ben White Boulevard, which will require 10 feet of right-of-way from the subject property in order to bring the street to the planned standard. Riverside Drive, with a present right-of-way of 80 feet, is a major arterial street as designated in the Master Plan and a small triangular portion of the subject property will be needed for widening of the street. The staff feels that neighborhood facilities as permitted by the requested "LR" Local Retail zoning is best located at

C14-69-003      H. C. Bell, Jr.--contd.

intersections such as this and there is no objection to the intended use, provided the streets are made adequate. "C" Commercial zoning is established to the north along Riverside Drive and "LR" Local Retail zoning, fronting along the east side of Montopolis Drive adjoins the "C" Commercial district to the north.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

?            W. A. Irvin: 1013 East 38½ Street

NO OPINION

## SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Mr. Bill Irvin, Mission Secretary for the Austin Baptist Association, appeared at the hearing and explained that the church owns property to the north of Kasper Street, and they were not opposed to the "C" Commercial district as established in the immediate vicinity as the use of the property was explained to them; however, there would be concern for the subject property if it is used for a drive-in grocery because of the gathering of cars and teenagers. There is a small building on the church property and it was hoped that in time the property could be used for a youth center. If everything around the property goes to commercial it will be difficult to establish this type of development on the church property. He further stated that he does not want to object to anything that is progressive but he would like to talk to the applicants before the zoning is granted so that there can be some assurance as to how the property will be developed.

## 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 Montopolis and Riverside Drive; however, they stated they would look with favor on the requested change, provided the streets are made adequate, as it conforms to existing zoning in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of H. C. Bell, Jr. for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 2001-2009 Montopolis Drive and 6301-6303 Riverside Drive be DENIED.

ABSTAINED: Mr. Kinnan

C14-69-004      Bradfield-Cummins, Inc.: Int. A, Int. 1st to BB, 1st  
Rear of 6101-6305 Highland Hills Drive  
 6001 Shadow Mountain Drive

STAFF REPORT: This application covers approximately 18 acres of undeveloped land. The stated purpose is for apartment development. The staff presented a map of a large area showing the subject property in relation to the existing street system through the area. The major streets in the area are North Hills Drive to the north, Balcones Drive to the east, Mountain Climb Drive to the west, and Bull Creek Road (Ranch Road 2222) to the south. The subject property is part of a subdivision which is in the processing stage, entitled Highland Hills, Section 9, Phase 2. The final subdivision was submitted to the Planning Commission in December of 1968, and disapproved pending certain conditions. The subdivision covers approximately 25 acres and of this acreage approximately 18 acres is before the Committee for consideration of "BB" Residence, First Height and Area zoning. The subdivision proposes to intersect Shadow Mountain Drive with Highland Hills Drive and continue north and west into the subject property. The street is proposed to run with the length of the property with two connections to adjoining property, one being to the north toward North Hills Drive into property owned by Mr. David Barrow and the other being to the west or northwest again to a section of land owned by Mr. Barrow. Residential lots are proposed on the north side of Highland Hills Drive backing to the property under consideration. Property to the south of Highland Hills is developed with good-quality, single-family housing.

The elevation of Highland Hills Drive is approximately 825 feet above sea level. The elevation is pointed out because of the topography of the immediate area. The elevation of Dry Creek is approximately 750 feet. This means that from the street elevation down to the creek bottom, there is a drop of approximately 75 feet. In the rear of the residential lots proposed on the north side of Highland Hills Drive there is an immediate drop to a shelf, and then the elevation drops again to the creek area. There are two drops between Highland Hills Drive to the Creek with a total fall of approximately 75 feet. From the standpoint of shielding, the staff feels that the drop for the most part will shield the proposed apartment development from the single-family development existing to the south; however, the street pattern relates so directly to that which exists to the south of Highland Hills Drive and the area which has been developed that the traffic and the mixing of the apartments and residential development will be very obvious with both being served by the intersection of Highland Hills Drive and Shadow Mountain Drive. At the present time, the only access to the subject property from an existing dedicated street is through Shadow Mountain Drive which is a 50 foot residential street. There will be in time other connections to the north but there is presently only the one access. The streets proposed in the subdivision are proposed as 50 foot streets which is a residential street width. If there is to be a street layout for apartment development, the streets should have a minimum of 60 feet of right-of-way with no less than 40 feet of paving to accommodate the density. If the street system into the subject property could be entirely cut off from the single-family area to the south, using the bluff as a buffer or separator between the two types of uses, the staff could support the application but Shadow Mountain Drive is needed into and through the site to provide access for the residential area out to Commercial

C14-69-004 Bradfield-Cummins, Inc.--contd.

facilities and school facilities to the north. It is felt that the street must remain, but at the same time it interrelates the single-family area so closely to the multi-family area that it is felt that the latter would be a detriment to the first. If the Committee and the Commission feel that there is merit to changing the property or any part of the property the preference would be to limit such a change to the lowest part of the subdivision, elevation wise, and to require 60 foot streets.

There is "BB" Residence zoning to the north and "LR" Local Retail zoning at the intersection of Hart Lane and North Hills Drive, as well as a strip of "LR" Local Retail zoning south of North Hills Drive. There is a pending application by Mr. David Barrow to be heard next month, to bring additional land to the north for re-zoning to apartment zoning.

The staff referred to a map by the applicant indicating the existing and proposed development for the area and the street layout. Mr. Stevens explained that at the present time there is 38 acres of apartment zoning to the north, not counting the Commercial area, and Mr. Barrow proposes to bring in another 36 acres located along the Creek area and extending eastward to Balcones Drive for apartment zoning, and the applicant is requesting apartment zoning on approximately 18 acres, which makes a total of approximately 92 acres of land in this area proposed for apartment development, in addition to the proposed Commercial facilities. It is felt that the street system, as intended, will eventually improve as Hart Lane to the north is a 60 foot street connecting to Far West Boulevard and there will also be one additional street connecting to Balcones Drive. The flow of traffic will mainly be out Balcones Drive to North Hills and into the area in the direction of the subject property. Until the street system is completed and made adequate, the traffic will greatly increase on the residential streets going through the residential area, and the staff recommends that the zoning as exists on the site not be changed.

## TESTIMONY

## WRITTEN COMMENT

## Code

U	A. B. Luttrell: 6101 Shadow Mountain Drive	AGAINST
X	Michael M. Nesbit: 6208 Highland Hills Drive	AGAINST
P	Edward A. Kaufman: 6112 Highland Hills Drive	AGAINST
Q	Dr. and Mrs. E. B. Konecci: 6206 Highland Hills Drive	AGAINST
M	Keith Johnson: 6200 Highland Hills Drive	AGAINST
K	Jerry V. DeCamp: 6102 Highland Hills Drive	AGAINST
AA	Protestant Episcopal Church Council of the Diocese of Texas: 520 San Jacinto, Houston, Tex.	AGAINST
Z	Mr. and Mrs. R. L. Phillips, Jr.: 6304 Highland Hills Drive	AGAINST
AE	Mr. and Mrs. W. G. Worthen: 6108 Highland Hills Drive	AGAINST
S	Mr. and Mrs. Paul A. Loftin: 6307 Highland Hills Drive	AGAINST

C14-69-004 Bradfield-Cummins, Inc.--contd.

G	Mr. and Mrs. Donald H. Bunnell: 6307 Highland Hills Drive	AGAINST
W	Hal Nelson: 6300 Highland Hills Drive	AGAINST
?	Dr. M. James Moritz: 6308 Highland Hills Drive	AGAINST
?	Col. V. M. Wallace: 6307 Mountain Climb	AGAINST
?	Julian G. Martin: 5902 Highland Hills Drive	AGAINST
?	E. A. Murchinson, Jr.: 6309 Highland Hills Drive	AGAINST

## PERSONS APPEARING AT HEARING

## Code

A	Jeryl D. Hart (representing applicant)	
V	Mr. and Mrs. Earle F. McBride: 6001 Highland Hills Drive	AGAINST
S	Mr. and Mrs. Paul A. Loftin: 6307 Highland Hills Drive	AGAINST
U	Mr. and Mrs. A. B. Luttrell: 6101 Shadow Mountain Drive	AGAINST
X	Michael M. Nesbit: 6208 Highland Hills Drive	AGAINST
Z	Laura N. Phillips: 6304 Highland Hills Drive	AGAINST
G	Donald Bunnell: 6302 Highland Hills Drive	AGAINST
?	Mr. and Mrs. Neal Duniven: 5927 Highland Hills Drive	AGAINST
?	Mr. and Mrs. William Race: 5904 Tumbling Circle	AGAINST
?	Mr. and Mrs. Irving Dochen: 4201 Far West Boulevard	AGAINST
?	Mr. and Mrs. Arthur Gelernter: 7002 Northledge Drive	AGAINST
?	Mr. and Mrs. Donald R. Paul: 7194 Spurlock Drive	AGAINST
?	Mr. and Mrs. Roy S. Rodman: 5925 Highland Hills	AGAINST
?	Mr. and Mrs. L. W. Hudeens: 3912 Sierra Drive	AGAINST
?	Mr. and Mrs. Ralph O. Kehle: 5933 Highland Hills Drive	AGAINST
?	Mr. and Mrs. W. R. Muehlberger: 3507 Hillbrook Circle	AGAINST
?	Mr. and Mrs. S. K. Berberian: 6100 Shadow Mountain Drive	AGAINST
?	James M. Perdue, Jr.: 4016 Greystone	AGAINST
?	Mr. and Mrs. John W. Minor: 5708 Highland Hills Drive	AGAINST
?	Mrs. Sue Atkins: 5917 Highland Hills Drive	AGAINST
?	Wayne F. Rogers: 4104 Deepwoods	AGAINST
?	M. J. Finn: 7103 Spurlock	AGAINST
?	Mrs. Stephen Shlanta: 7102 Spurlock Drive	AGAINST
?	Mrs. Charles Beightler: 7007 Edgefield	AGAINST
?	Mrs. Joan Smith: 5959 Highland Hills Drive	AGAINST
?	Mrs. George H. Stanford: 3905 North Hills Drive	AGAINST
?	Irwin Salmanson: 5955 Highland Hills Drive	AGAINST
?	Jack Crier: 5253 Highland Hills Drive	AGAINST
?	W. Keith Johnson: 6200 Highland Hills Drive	AGAINST
?	John E. Fryman: 5903 Highland Hills Drive	AGAINST
?	Keith Young: 5919 Highland Hills Drive	AGAINST



C14-69-004      Bradfield-Cummins, Inc.--contd.

?	Dr. M. James Moritz: 6308 Highland Hills Drive	AGAINST
?	Mrs. Julian G. Martin: 5902 Highland Hills Drive	AGAINST
?	Mrs. William F. Bateman: 5937 Highland Hills Drive	AGAINST
?	Rev. T. H. Harvey: 5928 Highland Hills Drive	AGAINST
?	Mrs. Betty M. Williams: 5915 Highland Hills Drive	AGAINST
?	Harold B. Lawson: 7310 Mesa Drive	AGAINST
?	Earl A. and Cleo E. Clearley: 7101 Sungate Drive	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. Tom Bradfield appeared on behalf of this request and presented the following information: The 18 acres of land under consideration is only a part of the Highland Hills Area and even though it would seem to be a considerable amount of "BB" Residence zoning to put into this neighborhood it should be pointed out that it is only a part of a 250 acre area which has been in continuous development for approximately 10 years. The tract also adjoins Northwest Hills, which is a vast residential area. When multiple acres are discussed for "BB" Residence zoning, it is only those acres needing to be zoned to accommodate the sort of living which people say they want to do. It would be unrealistic to disregard the fact that people like to live in condominium, townhouses and apartments in a residential atmosphere. Mr. Bradfield stated that they are trying to perform their function as subdividers in trying to do what they feel is best to accommodate some of the people who wish to live in this area. The particular area under consideration is in a valley with the creek in the center, which is enclosed by a bluff on either side of the creek. The proposal is to zone the area in the valley below the bluff to "BB" Residence zoning which will not harm the existing residential area. It is felt that this will appeal to people who prefer apartment living to single-family residential living.

Mr. Bradfield explained that the lots are not apartment size and they intend to limit their application to fourplexes on each site. He stated that they are aware of the single-family area along the south side of Highland Hills Drive and they have retained the lots across Highland Hills Drive, unsold at this point, so that people will be fully aware of what is being developed in the valley. The lots on the north side of Highland Hills Drive are part of a subdivision in this area but are not included in the zoning application; however, there would be no objection to limiting the development on those lots to single-family development. The area to the south is the only area which is fully developed with single-family residences. Only in one or two cases is any of the residential development closer than 200 feet to any other property which is not proposed for "BB" Residence zoning, already zoned "BB" Residence or adjoining land which is still vacant and unimproved.

Mr. Hanks asked if the lots within the subject property will be restricted to fourplexes on each lot or if the density will be based on an over-all density for "BB" Residence zoning.

C14-69-004 Bradfield-Cummins, Inc.--contd.

Mr. Bradfield stated that there are approximately 38 lots in the subject tract and they are interested in having no greater density in the area than four units per lot. There are situations where builders may buy three lots together and there is no reason why they should not be permitted to build six units on two lots and perhaps use the lot in the middle for parking or beautification. The point is to hold the density to an average of fourplexes per lot.

Mr. Jeryl Hart, representing the applicant, explained that there is an existing natural buffer in the elevation difference between the residences on the south side of Highland Hills Drive and the proposed apartment development. He then presented to the Committee maps showing the difference in elevation and the locations of the proposed structures to be developed in the valley as compared to the existing residential structures along Highland Hills Drive. The development of the street will be contingent on the application for zoning on the property to the north owned by Mr. Barrow. It was originally intended that the application by Mr. David Barrow would be filed at the same time but due to a delay, Mr. Barrow's request will be heard next month. Mr. Barrow has indicated that as soon as the zoning is settled he would make definite plans to put the street system in, which would connect with the streets proposed on the subject site. Mr. Barrow has added the portion of his property at the west end of Shadow Mountain Drive to his application after he found that Mr. Bradfield wanted to apply for "BB" Residence along Shadow Mountain Drive so that there would be the same type of development on a continuous street. The area to the south of Highland Hills Drive is developed and the access to shopping facilities and to a considerable extent getting to the schools is back through the winding street system to the south. It is entirely possible that when the proposed street system is developed the traffic will flow through this area in order to get to the shopping facilities and schools. Hart Lane extends to Far West Boulevard which will be a direct connection to Mo-Pac when it is completed.

#### Arguments Presented AGAINST:

A number of people appeared in opposition to the request and presented the following information:

This is a well-established residential area in which the homeowners purchased homes with the assurance that the entire area would continue to be developed with single-family dwellings. Property owners should be protected from the encroachment of zoning changes into an area such as this. The streets in the area are narrow winding streets which are already overloaded and the proposed apartment development would only increase the traffic traveling through the area. The access to the subject property is totally inadequate. Children walk to and from the schools in the area and the increased traffic would present a hazard. If the change is granted on the site, it will set a precedent for the large amount of land which is still undeveloped. Apartment development would be detrimental to the existing residential area and depreciate the value of the homes. The subject property is located between bluffs and because of this, noise tends to travel a long distance which would be very disturbing to the nearby property owners. This is one of the most scenic areas of the city and the aesthetic value of the hills should be protected. There are flooding

C14-69-004      Bradfield-Cummins, Inc.--contd.

problems existing in the area because of the creek and the development of apartments would only tend to create further problems. People who live in apartments are transient and do not have the same interest in an area as the individual homeowners. The request should be denied as an encroachment into a well-established and well-maintained single-family area.

Arguments in REBUTTAL:

Mr. Bradfield stated that they will retain the property on the north side of Highland Hills Drive for single-family residential development. He said that in his opinion the proposal on the site is good planning and will not be detrimental to the neighborhood. He further stated that they would be willing to eliminate Shadow Mountain Drive so that there would be no connection between this section and Highland Hills Drive with the exception of Sierra Street which is a collector street. It is felt that this would be extremely shortsighted as it would eliminate through access to the school facilities to the north.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied as an intrusion into a residential area with an inadequate street system.

At the Commission meeting, the staff reported a letter from Mr. Tom Bradfield, requesting that this application be postponed. The reason as stated in the letter is that an application for a zoning change to the north will be presented to the Zoning Committee in about a month and they would like to be permitted to reappear before the Zoning Committee at that time when the interrelationship of street systems and neighborhood planning in the two applications may be more thoughtfully and thoroughly presented and studied.

The Commission was cognizant of the letter requesting postponement and unanimously

VOTED:      To POSTPONE this application.

C14-69-005      L. C. Reese: A to BB  
504 Swanee Drive

STAFF REPORT: The property under consideration contains 12,775 square feet of land which is presently developed with a two-family dwelling. The stated purpose of the request is for apartment development and if zoned as requested would permit approximately six units to be constructed on the site. The area is predominantly developed with single-family and two-family development. At the intersection of Swanee Drive and Guadalupe Street is "B" Residence zoning and to the south of this, along Kenniston Drive is "LR" Local Retail zoning. Along Airport Boulevard is a mixture of "GR" General Retail, "LR" Local Retail and "C" Commercial zoning. In 1968, "BB" Residence, First Height and Area zoning was granted to the north on two parcels of land fronting onto Guadalupe Street. In the latter part of 1968, an 11 acre tract of land located to the north of

C14-69-005 L. C. Reese--contd.

the subject site which is owned by the City of Austin was considered for the purpose of establishing the appropriate zoning at which time the Commission recommended that the property be developed with duplexes or with "BB" Residence development provided a 60 foot access was provided from the site to Guadalupe Street and subject to sanitary sewer facilities being adequate. The Commission felt that "BB" Residence zoning would be appropriate for the tract; however, the request is still pending. The subject property fronts onto Swanee Drive with a present right-of-way of 50 feet which should be widened to 60 feet in order to adequately serve the increased density. This would effect the subject site by five feet. If the street is made adequate, the staff recommends that the request be granted.

## TESTIMONY

## WRITTEN COMMENT

## Code

N	C. K. Jamison: 1401 Northridge Drive	FOR
Y	Willie Rolff, Jr.: 5212 Guadalupe Street	AGAINST
W	Adeline P. Riedel: 410 Kenniston	AGAINST

## PERSONS APPEARING AT HEARING

## Code

L. C. Reese (applicant)

## SUMMARY OF TESTIMONY

Mr. L. C. Reese was present at the hearing and presented a petition in favor of the change. He advised the Committee that the subject property has been sold subject to the requested zoning. He further stated that he is willing to provide the right-of-way for the street if it is necessary to have the zoning.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the offer of right-of-way from the applicant for the widening of Swanee Drive. In view of this they felt that the requested change should be granted, as the appropriate zoning for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of L. C. Reese for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 504 Swanee Drive be GRANTED.

C14-69-006 Tom M. Attal: A, 1st to C, 6th  
8544-8718 Burnet Road

STAFF REPORT: The property under consideration consists of 12.55 acres of land which is presently undeveloped. The stated purpose of the request is for

C14-69-006      Tom M. Attal--contd.

commercial development. There is an approved preliminary subdivision on the property which proposes lots fronting onto Burnet Road and the extension of Rockwood Lane out to Burnet Road from the west. The staff has been advised however, that as of today the preliminary subdivision recently approved will be withdrawn and revised to create two lots out of the area, one on each side of the proposed Rockwood Lane extension. The property fronts onto Burnet Road which is zoned for the most part "C" Commercial. Much of the area is already zoned "C" Commercial and this would conform to the existing pattern. The major concern of the staff is along the west side of the property which abuts new single-family residences. With some method to buffer or screen, preferably both, the staff feels that the zoning would be more compatible with the residential uses. Consideration should be given to a buffer area of approximately 60 feet which would permit enough area for two tiers of parking and some type of privacy or screening fence along the boundary. With the establishment of a buffer and screening, the staff recommends in favor of the change.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

A      Arthur E. Pihlgren (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, representing the applicant, stated that originally they submitted a subdivision application whereby the property was to be developed into lots facing onto Burnet Road with a depth of 200 feet. The applicant is proposing to build and complete Rockwood Lane through the site to Burnet Road. At the time the subdivision application was submitted there was an option on the rear portion of the property which would abut the lots that are platted facing onto Burnet Road. This option was for the sale of the property for apartment development. The option no longer exists and a new subdivision plat is being submitted on the property eliminating the platted lots whereby there would be two large tracts of ground on each side of Rockwood Lane when it is completed as projected through the site onto Burnet Road. There is no objection to establishing a "B" Residence buffer zoning against the residential property but it is felt that 60 feet is in excess of what has normally been provided between commercial and residential property. There is property up and down Burnet Road zoned "C" Commercial which is much deeper in depth off Burnet Road than the subject site. It is felt that a 40 foot, or no more than 50 foot buffer would be appropriate for this tract.

No one appeared in opposition to the request.

C14-69-006 Tom M. Attal--contd.

## 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 change if a 60 foot buffer of "B" Residence, First Height and Area zoning is established along the west property line backing to the existing residential property and subject to approval of the replatting of the subdivision.

Mr. Arthur Pihlgren appeared at the Commission meeting and stated that he previously indicated to the Zoning Committee that he would be in favor of granting a 50 foot strip of land for a buffer; however, the staff felt the buffer area should be 60 feet as this would allow two tiers of parking with a driveway in between. Mr. Pihlgren stated that there is approximately a 1600 or 1700 foot strip of ground that backs to the residential area, and in his opinion the 50 foot buffer should be adequate as there is very little commercial development that could be established on this property which would require two rows of parking and a driveway.

Mr. Pihlgren stated that in his opinion the 50 foot buffer area is more agreeable, but he would accept the 60 feet.

Mr. Hanks stated that when property is zoned for "C" Commercial it allows a much broader use of the property and there is good housing directly in back of this area that should be protected. It is felt that the 60 feet would be more adequate for the protection of the residential property owners rather than the 50 feet.

The Commission members agreed with Mr. Hanks and recommended that this request be denied; however, they felt that "C" Commercial, Sixth Height and Area with a 60 foot buffer of "B" Residence, First Height and Area zoning is appropriate zoning for the property.

It was then unanimously

VOTED: To recommend that the request of Tom M. Attal for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, Sixth Height and Area for property located at 8544-8718 Burnet Road be DENIED as requested but recommended that a change from "A" Residence, First Height and Area to "C" Commercial, Sixth Height and Area be GRANTED for the site, save and except the west 60 feet which is recommended for "B" Residence, First Height and Area.

C14-69-007 Tom M. Attal, et al: B to GR  
 7245-7261 Cameron Road  
 1400-1420 Reagan Hill Drive

STAFF REPORT: The subject property covers 61,215 square feet of land which is presently undeveloped. The stated purpose of the request is for Commercial development. The subject property was zoned "B" Residence, Second Height and Area in 1968, just before the apartment density in the Ordinance was revised,

C14-69-007 Tom M. Attal, et al--contd.

and the Second Height and Area portion was granted by the Council with a restrictive covenant limiting the density to the present First Height and Area requirements. When the Second Height and Area district is combined with "GR" General Retail zoning, the setback is reduced from 25 feet to 10 feet. In view of the fact that Cameron Road is a major arterial street with 120 feet of right-of-way and Reagan Hills Drive, with 60 feet of right-of-way serving high density apartment development to the east is also adequate, the staff feels that a 25 foot setback should be provided from both streets. Property adjoining to the north was recently zoned "GR" General Retail although the Ordinance is pending. "LR" Local Retail and "B" Residence zoning is established on the west side of Cameron Road and also to the south at the intersection of Cameron Road and St. Johns Avenue. In view of the existing "GR" General Retail and "LR" Local Retail zoning in the area, the staff feels that the request is appropriate and recommends that it be granted provided a 25 foot setback is required from both streets.

## TESTIMONY

## WRITTEN COMMENT

## Code

S Lester M. Sutherland: 1307 Fairbanks Drive  
M Lois Peavy: 1211 B. Radcliff

AGAINST  
AGAINST

## PERSONS APPEARING AT HEARING

## Code

A Arthur Pihlgren (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, representing the applicant, stated that there is no objection to restricting the setback to 25 feet from both streets.

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 zoning for the site and conforms to the existing zoning and development in the area. They further recommended that restrictive covenants providing for a 25 foot setback from Cameron Road and Reagan Hill Drive be submitted and accepted.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Tom M. Attal, et al for a change of zoning from "B" Residence, Second Height and Area to "GR" General Retail, Second Height and Area for property located at 7245-7261 Cameron Road and 1400-1420 Reagan Hill Drive be GRANTED.

C14-69-008      Henry E. Schmidt and Leon Whitney: B to GR  
2416-2510 East Ben White Boulevard

STAFF REPORT: The property under consideration covers 42,000 square feet of land which is presently undeveloped. The stated purpose of the request is for Commercial development. Mission Hills Drive which runs north of the subject property is developed with apartments, predominantly fourplex units. The area west of the subject property was rezoned in 1968 at which time the request was to roll the zoning back from "GR" General Retail to "B" Residence, First Height and Area for apartment development. The subject site was also involved in a Zoning change from Interim "A" Residence to "A" Residence, "B" Residence, and "LR" Local Retail Districts. This was done in connection with a subdivision entitled Mission Hills. Property to the north along Ventura Drive, Santa Monica and Santa Fe Drive is developed with single-family and two-family dwellings. The staff has no objection to the request and recommends that it be granted but would caution the applicant that all driveways must meet with the approval of the State Highway Department and Public Works.

#### TESTIMONY

WRITTEN COMMENT  
 Code

None

PERSONS APPEARING AT HEARING  
 Code

A      Richard C. Baker (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Richard Baker, attorney for the applicant, stated that they realize that the driveways must meet the approval of the State Highway Department and will obtain the approval prior to utilization of the property.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Henry E. Schmidt and Leon Whitney for a change of zoning from "B" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2416-2510 East Ben White Boulevard be GRANTED.



C14-69-009      Edwin J. Bomer: A, 1st to B, 2nd  
                  201-203 West 40th Street  
                  3912-3914 Avenue D

STAFF REPORT: The subject property contains two lots totaling 15,625 square feet. The stated purpose of the request is for apartment development. There have been numerous requests for "B" Residence, First and Second Height and Area zoning in this area all of which have been granted. The staff has no objection to the request. Several notices were received in opposition. It is recognized that there is opposition in the area but the staff feels that the requested zoning is appropriate for the area between West 45th and West 38th and Speedway westward to Guadalupe Street and is in line with recent recommendations by the Commission and the Council.

#### TESTIMONY

##### WRITTEN COMMENT

Code

AC            H. A. and Loma Merrick: 3909 Avenue C  
 AL            Mary D. Rawlings: 200 West 39th Street

FOR  
 AGAINST

##### PERSONS APPEARING AT HEARING

Code

A            C. A. Davis            (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. C. A. Davis, representing the applicant, indicated that he concurs with the recommendation by the staff.

No one appeared in opposition to the request.

#### COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Edwin J. Bomer for a change of zoning from "A" Residence, First Height and Area to "B" Residence, Second Height and Area for property located at 201-203 West 40th Street and 3912-3914 Avenue D be GRANTED.

C14-69-011      Howard S. Speir: A to BB  
                  6800-6806 Mira Loma Lane

STAFF REPORT: The staff reported that there are a number of property owners effected by this request who did not receive notices of the hearing and as a result, the application will have to be readvertized which will cause a month's delay.

C14-69-011      Howard S. Speir--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

?	A. J. Turner: 6805 Mira Loma Lane	AGAINST
?	Mr. and Mrs. George Wing: 2102 Marquette Lane	AGAINST
?	Joe P. Gooch: 6901 Mira Loma Lane	AGAINST
?	Mrs. Ed Idar: 6903 Mira Loma Lane	AGAINST
?	Laurin C. Currie: 6716 Haney Drive	AGAINST
?	Mrs. Louise Hohle: 6807 Mira Loma Lane	AGAINST

## SUMMARY OF TESTIMONY

Mr. Howard Spier was present and advised the Committee that this is the second time the request had to be postponed because of inadequate notice. He explained that he has been attempting to get this case heard since May, 1968, but realizes that it must be readvertized..

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the report by the staff that this request would have to be postponed because of inadequate notice to the effected property owners.

C14-69-012      Walter Ellison: A to BB  
2106-2110 Tillery Street

STAFF REPORT: This application covers one acre of land fronting onto Tillery Street which is presently developed with single-family dwellings. The stated purpose of the request is for apartment development. In 1968, property immediately to the north was zoned "BB" Residence, First Height and Area at which time right-of-way was required to widen Tillery Street. South of the subject site is a partially developed residential subdivision. The staff recognizes the difficult relationship between the residential development to the south and the large tracts to the north. The staff feels that "BB" Residence zoning is appropriate for the subject site but should not extend into the residential development. The area on the opposite side of Tillery Street, along Denver Avenue and south thereof, is "A" Residential and developed with sound single-family housing. Tillery Street, with a present right-of-way of 50 feet, extends from Manor Road south to 19th Street. If "BB" Residence zoning is established as requested Tillery Street should be widened to 60 feet which would require 10 feet from the subject site. It is unlikely that property on the opposite side of Tillery Street will convert to apartment development with the good quality housing existing. It is felt that the only benefit derived from the widening here is to hopefully widen Tillery Street from the subject property north to Manor Road to provide for 40 feet to 44 feet of paving to take care of some of the increased traffic that would be created from apartment zoning.

C14-69-012 Walter Ellison--contd.

The subject tract involves approximately one acre of land and if zoned as requested, approximately 21 two-bedroom units would be permitted. The site would be a difficult tract of land to develop for a residential subdivision as it is too narrow to extend a street through. In view of existing zoning to the north, the staff recommends that the request be granted, provided Tillery Street is made adequate.

## TESTIMONY

## WRITTEN COMMENT

Code

AK J. P. Stevens: 2035 Encino Circle  
AM Benoit Williams: 2005 Tillery

FOR  
FOR

## PERSONS APPEARING AT HEARING

Code

None

## SUMMARY OF TESTIMONY

No one appeared on behalf of this request.

Several nearby owners appeared to ask questions with regard to development permitted by the requested zoning.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of inadequate right-of-way of Tillery Street; however, they stated that they would look with favor on the request, subject to 10 feet of right-of-way being provided for the street, as a logical extension of existing zoning.

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

Mr. Smith pointed out that the subject property backs to an "A" Residential subdivision which is presently developed or being developed with homes in the price range of \$14,000 to \$22,000. All of the lots adjoining the subject property to the south are sold to people who intend to build homes in the very near future. He stated that in his opinion the Commission should carry out the policy previously set which is to require some type of buffer area between residential and apartment development. Some consideration of protection should be given to the residential property in this area in the form of a buffer strip of 20 to 50 feet.

C14-69-012 Walter Ellison--contd.

Mr. Stevens explained that the staff did not recommend a buffer area at the Zoning hearing as the lots back to the subject property and the site is a narrow tract of land with only 127 feet of width. Fencing provisions were mentioned at the hearing and the Commission could request the applicant to establish a setback area in which no buildings could be erected. The staff does feel that apartment zoning should stop at the subject property rather than continuing south along Tillery Street because of the existing single-family development.

The Commission discussed the surrounding area, the establishment of a buffer and fencing. They recognized that the applicant has offered right-of-way for Tillery Street but felt that the request should be denied at this time; however, they stated they would look with favor on the requested zoning subject to a shielding fence being provided and with the condition that the south 25 feet of the site be used for a separator or buffer and no building is located in that particular area. It was then unanimously

VOTED: To recommend that the request of Walter Ellison for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 2106-2110 Tillery Street be DENIED.

C14-69-013 Austin Development Co., Inc.: A to BB  
400-402 Kenniston Drive

STAFF REPORT: This site consists of 14,550 square feet of land which is presently developed with a single-family dwelling. The stated purpose of the request is for apartment development and if zoned as requested, approximately seven units would be permitted on the site. The immediate area along Kenniston Drive is developed predominantly with single-family dwellings. To the west, along Kenniston Drive, is "B" Residence, Second Height and Area zoning which was granted in 1967. When the "B" Residence, Second Height and Area zoning was established, the density requirements in the Ordinance were under consideration for a change. Even though Second Height and Area zoning was granted, the development on the property was restricted to one unit for every 1,000 square feet which is approximately the same density as now permitted under the "B" Residence, First Height and Area district. The staff has no objection to the request and feels that it is appropriate; however, Kenniston Drive, with a present right-of-way of 50 feet is inadequate and should be widened to 60 feet which will require five feet from the subject site. The street is a through street to the residential area located along Isabelle Drive. A drainage easement, which belongs to the City of Austin, runs between the east property line of the subject site and the west property line of the newer development fronting along Isabelle Drive. The staff recommends that the requested change be granted subject to adequate right-of-way for Kenniston Drive.

## TESTIMONY

## WRITTEN COMMENT

Code

AN

James E. West: 6807 Isabelle Drive

AGAINST

C14-69-013      Austin Development Co., Inc.--contd.

AA	Adeline P. Riedel: 410 Kenniston	FOR
AB	W. W. Riedel: 403 Kenniston Drive	FOR
G	Mr. and Mrs. R. W. Franke: 6803 Isabelle Drive	AGAINST
AM	E. B. Webb 403 Swanee	AGAINST

## PERSONS APPEARING AT HEARING

Code

L. C. Reese (rep. applicant)

## SUMMARY OF TESTIMONY

Mr. L. C. Reese, representing the applicant, explained that he has purchased the property under consideration subject to the requested zoning. It should be pointed out that there is an 80 foot buffer zone that belongs to the City between this property and the newer residential area along Isabelle Drive. He presented photographs of the area and a petition signed by the people in favor of the request. Mr. Reese further stated that the right-of-way is agreeable.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee was cognizant of the applicant's offer to dedicate the necessary right-of-way for Kenniston Drive. In view of this, they recommended that the request be granted as it is proper zoning for the site.

At the Commission meeting, the staff reported a letter from the applicant offering to dedicate the necessary right-of-way for Kenniston Drive.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Austin Development Co., Inc. for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 400-402 Kenniston Drive be GRANTED.

C14-69-014      CTK Corporation: 0 to GR  
 2316-2332 North Loop Boulevard  
 5101-5107 Woodview Avenue

STAFF REPORT: The property under consideration, containing 31,824 square feet is located at the intersection of Woodview Avenue and North Loop Boulevard. The stated purpose of the request is for a Mexican restaurant with the sale of beer for on premise consumption. To the north and west of the subject site is a well-developed residential area; however, to the south and east there is mixed zoning consisting of "LR" Local Retail, "GR" General Retail and "C" Commercial districts which are developed with a variety of uses. The most recent zoning history in the area was the establishment of "LR" Local

C14-69-014 CTK Corporation--contd.

Retail, First Height and Area and "B" Residence, Second Height and Area zoning on property directly east of the site, which is developed with the Brown School. The subject property as well as the corner property located between North Loop Boulevard and Hancock Drive was before the Commission in 1967, at which time the Commission felt that "GR" General Retail zoning was appropriate for the corner tract and "O" Office zoning was appropriate for the northeast corner of Woodview and North Loop Boulevard which would serve as an adequate buffer between the Commercial development to the south and east and a single-family development to the northwest. It is still felt that "O" Office uses would be appropriate; however, the staff would be willing to recommend "GR" General Retail zoning if there is some form of a self-limiting restrictive covenant limiting the use of the property to a restaurant, and subject to the same requirements placed on the property at the time it was originally zoned "O" Office which were that driveways must be at least 60 feet from either the corner of Woodview or North Loop Boulevard and the site is to be used as one site rather than separate sites. Should these restrictions be placed on the property the staff would be in accord with the application for "GR" General Retail and with the self-imposed restrictions which would roll the zoning back from "GR" General Retail to "O" Office should the use of a restaurant discontinue. The applicant has submitted a letter agreeing to the following restrictions:

1. There will be no outdoor drive-in service.
2. There will be no neon signs.
3. Hedges will be used by a professional landscape architect as a buffer on the northern and western property lines.
4. Distance will be maintained from present property owners on Woodview Avenue in that the building will be located mostly on Lot 3 which removes it from Woodview Avenue by approximately 100 feet.
5. Entrance to the restaurant will be located on North Loop on the southeast corner of Lot 3 next to the Brown School property.
6. Built-in trash receptacles will be professionally engineered.
7. Odors will be controlled by the latest new modern equipment.
8. The exterior of the single-story building will be architecturally designed to fit the land and area.
9. There will be no suggestion of gawdy or flamboyant design but good taste and quiet decor will be maintained outside, inside and in the professionally designed interior court yard.
10. The hours of operation will be 11:30 to 1:00 P.M. and 5:00 to 9:00 P.M.
11. The parking lot will be serviced and the area will be designed to prevent the glare of headlights of vehicles using the parking area.

C14-69-014 CTK Corporation--contd.

The staff reiterated that the main concern is for the residences along Woodview Street and to the west. It is felt that there should be some sort of buffer between the residences to the north and the subject property.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

A Earl L. Caldwell, Jr. (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Earl Caldwell, Jr., representing the applicant, explained that there is a house immediately adjacent to the two lots under consideration. The plans are to put the building next to the Brown School Building which puts it on the northeast corner of the property and not near the housing. He further stated that they would be willing to go along with the recommendations by the staff.

Mr. Bob Lloyd, nearby property owner, appeared at the hearing and stated that he is not necessarily opposed to the change but there is concern about the amount of traffic that would be created as there are children in the area that walk to and from schools.

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 the same conditions previously imposed on the site by the City of Austin and also subject to the conditions as offered in writing by the applicant.

At the Commission meeting, the staff reported a letter from Mr. Caldwell, Jr., in addition to the letter previously submitted, in which he states that at any time the proposed use ceases to exist on the property the zoning will revert to "O" Office and also agreeing to adhere to the restrictions which they will self-impose.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of CTK Corporation for a change of zoning from "O" Office, First Height and Area to "GR" General Retail, First Height and Area for property located at 2316-2332 North Loop Boulevard and 5101-5107 Woodview be GRANTED.

C14-69-015      Hunter Schieffer: LR to C  
                     6401-6415 Manor Road  
                     3401-3409 Northeast Drive

STAFF REPORT: This request is for a change in zoning from "LR" Local Retail, First Height and Area to "C" Commercial, First Height and Area on a tract of land containing 23,700 square feet. The stated purpose is for a cat and dog hospital. The subject property is located on Manor Road and Northeast Drive and is presently developed with a service station on the corner portion of the site. The property is part of a strip of land which has been zoned, extending from Manor Road southeastward to its intersection with Springdale Road and the future expressway location. This was done with or in advance of the subdivision to the southwest of the property. All of the property along Manor Road that has been zoned Commercial, except for the older zoning closer to town, has been established for "LR" Local Retail, or "GR" General Retail uses. The most recent zoning in the area was the granting of "BB" Residence, First Height and Area in 1968, on property across the street at the corner of Northeast Drive and Manor Road. The property was also replatted to allow fourplex development. With the relationship of the subject property to the residential property to the west, the staff feels that the present zoning on the site is appropriate and there is no basis to support the request to change the zoning. "C" Commercial zoning is a very permissive and broad Commercial classification permitting the "LR" Local Retail uses as well as the intended use by special permit and a broad range of heavier uses. The staff recommends that the request be denied. The existing zoning is an appropriate Commercial classification which will provide for the shopping needs of this neighborhood. With regard to the proposed use of the site for a dog and cat hospital, even if the zoning is granted, the use would require special permit and approval by the Planning Commission of that particular project.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

N	E. L. Mayes: Route 1, Box 424	FOR
?	Dr. John W. Reilly: 6209 Hyside Drive	AGAINST
?	Mr. and Mrs. Gary L. Hammon: 3204 Hyclimb Circle	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

R	R. E. Simpson: 6301 Hyside Drive	AGAINST
A	Don Ferguson (representing applicant)	
?	E. C. Thomas: 6423 Burnet Road	FOR
?	Michael E. Seaquist: Box 35, Mason, Texas	FOR
?	Thomas A. Noonan: 7218 Gallagher, San Antonio, Texas	FOR
?	Charles H. Huff: 610 Brazos	FOR
?	G. L. Hammon: 3204 Hyclimb Circle	AGAINST
?	A. D. Opienla, Jr.: 6105 Hilawn Drive	AGAINST
?	D. M. Dalton: 6211 Hyside Drive	AGAINST
?	Ben Pinkston: 6213 Hyside Drive	AGAINST
?	Dr. John W. Reilly: 6209 Hyside Drive	AGAINST



C14-69-015      Hunter Schieffer--contd.

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. E. C. Thomas, representing the applicant, stated that the plans are to put a dog and cat hospital on the small 70 foot lot, backing to the residential property. The requested zoning as well as a special permit is needed in order to have the proposed use.

Dr. Michael E. Seaquist, presented plans of the proposal and stated that he is a veterinarian and he acquired his idea from a newly developed area in San Antonio entitled Colonies North. He stated that the plans are for a Spanish type completely enclosed animal clinic, that will be fully air-conditioned. There will be no outside runs and no outside cages. There will also be only two doors to the hospital, one in front and one in the rear and the walls will be thick.

Mr. Thomas Noonan, architect, commented that the structure was designed to fit in with the residential characteristics of the area and is actually projected at a cost of somewhat above \$20.00 per square foot. The building will be fully air-conditioned with acoustical insulation against any noise and have fresh air intakes and discharge. The proposed structure is to be 43 feet from the nearest property line of any house which is presently constructed. He emphasized the fact that this type of structure has been built in other areas and because it will be fully enclosed and air-conditioned, there should be no health hazard.

##### Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that this is a firmly established residential area. The proposed development would be a noise and health hazard to the area and should be denied. "LR" Local Retail zoning now existing on the site is appropriate as it allows a number of uses that would blend into the area. If the change is granted, a precedent will be set for other Commercial changes to follow.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented. Recognizing the single-family area to the west and the existing zoning and development to the south and north, they concluded that the zoning now existing on the site is appropriate as it will permit development of neighborhood shopping facilities, and felt that a change to "C" Commercial zoning would set a precedent. It was therefore recommended that the request be denied.

At the Commission meeting, the staff reported a letter from the applicant, requesting that this application be withdrawn.

The Commission

VOTED:      To ACCEPT the withdrawal of this application.

C14-69-016      Frank E. Montgomery: Int. A, Int. 1st to GR, 1st  
2444-2522 Riverside Drive

STAFF REPORT: This application covers a large undeveloped area consisting of 34 acres. The stated purpose of the request is for a regional shopping center. The area is basically developed with two zoning districts, one of which is "B" Residence zoning, established along Town Lake Circle and Elmont Drive and the other is "GR" General Retail zoning located along Riverside Drive. The area along Elmont Drive is presently developed with apartments under special permit provisions. This is an area which was before the Commission in the latter part of 1968, at which time it was recommended that the area from Pleasant Valley Road to Parker Lane and from Town Lake to Burleson Road be developed in some form of apartment development. The extension of Elmont Drive, which the staff feels is necessary, should be provided through the site to connect to Pleasant Valley Road. Pleasant Valley Road is a major arterial street with a present right-of-way of 120 feet with 44 feet of paving. Riverside Drive, with a present right-of-way of 80 feet, is designated in the Master Plan as an expressway which is scheduled to be widened to 200 feet. The applicant should be made aware of the fact that eventually 70 feet to 80 feet of right-of-way will be taken from the site. In view of the fact that this is an expressway location, it should be requested that the City Council determine the feasibility of acquiring the needed right-of-way. Some of the right-of-way to the west has been acquired through purchase, contract, or option. The staff recommends that the request be granted subject to the necessary right-of-way for Riverside Drive and the extension of Elmont Drive to Pleasant Valley Road.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

None

#### SUMMARY OF TESTIMONY

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

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied; however, they stated they would look with favor on the change subject to the dedication of the right-of-way and developing of Elmont Drive through the site. They recognized that Riverside Drive is a designated expressway, were cognizant of the need for 70 feet to 80 feet of right-of-way from the property and the Committee recommended that the City Council determine the feasibility of acquiring the necessary right-of-way, for Riverside Drive Expressway.

Mr. Frank Montgomery was present at the hearing and submitted a letter offering to dedicate and build Elmont Drive, at his expense, through the subject property

C14-69-016      Frank E. Montgomery--contd.

to Pleasant Valley Road. He stated that with regard to the right-of-way problems for Riverside Drive he would be willing to negotiate with the City on the widening needed for the expressway.

In view of the offer of dedication and developing of Elmont Drive through the site, the Commission felt the request should be granted as a logical extension of existing zoning and development. They recognized that Riverside Drive is designated as an expressway and recommended that the City Council determine the feasibility of acquiring the necessary right-of-way for this expressway. It was then unanimously

VOTED:      To recommend that the request of Frank E. Montgomery for a change of zoning from Interim "A" Residence, Interim First Height and Area to "GR" General Retail, First Height and Area for property located at 2444-2522 Riverside Drive be GRANTED.

C14-69-017      Mrs. Alma Ray Heep: A to B  
                  4625-4627 Depew Avenue  
                  1001-1005 East 47th Street

STAFF REPORT: This site contains 10,400 square feet of land which is located at the southwest corner of 47th and Depew Streets. The stated purpose of the request is for apartment development. There have been recent zoning changes in the area both to the south and north along Depew Avenue. "BB" Residence zoning, granted in 1968, is established at the corner of 46th and Depew Streets, as well as midway in the same block. All the recent changes in this immediate area have been to "BB" Residence, First Height and Area zoning. There is "C" Commercial zoning which has been established for a number of years between Depew Avenue and Red River Streets along West 47th Street. The staff recommends that the requested zoning be denied but that "BB" Residence, First Height and Area zoning be granted, as it conforms to existing and recently granted zoning in the area, subject to the streets being made adequate to handle apartment density and traffic. This will require five feet from the site for Depew Avenue as well as East 47th Streets. Both streets have a present right-of-way of 50 feet and should be widened to 60 feet with an ultimate paving width of 40 feet.

#### TESTIMONY

WRITTEN COMMENT  
 Code

None

PERSONS APPEARING AT HEARING  
 Code

Clarence Flournoy (rep. applicant)

C14-69-017 Mrs. Alma Ray Heep--contd.

## SUMMARY OF TESTIMONY

Mr. Clarence Flournoy, representing the applicant, stated that the subject property is directly across the street from property that is zoned "C" Commercial. He explained that on the tract to the north he already owns the first four lots. In the middle of the block there is another request for "B" Residence zoning. The proposal is to develop six units on the site and the "B" Residence zoning is needed. "BB" Residence zoning as recommended by the staff would only permit four units. There are actually two lots involved with a depth of 130 feet. The property is too valuable to be developed with only four units and the request is logical as it is across the street from Commercial zoning.

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 rights-of-way of East 47th and Depew Streets. They stated they would look with favor on the requested change, provided the street is made adequate, as the appropriate zoning for the site.

At the Commission meeting, the staff reported a letter from Mr. Clarence Flournoy, representing the applicant, offering to dedicate five feet of right-of-way for Depew Street. Mr. Stevens explained that the staff originally requested that right-of-way be provided for Depew Street as well as East 47th Street; however, the department has agreed with Mr. Flournoy to request right-of-way only for Depew Street inasmuch as East 47th Street is only two blocks long and right-of-way was not acquired when "C" Commercial zoning was established across the street. In view of this, the staff recommends that the offer of right-of-way for Depew Street be accepted and that this request be granted.

The Commission noted the offer of right-of-way for Depew Street and concurred with the Committee recommendation that the requested change is appropriate zoning for the site. It was then unanimously

VOTED: To recommend that the request of Mrs. Alma Ray Heep for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4625-4627 Depew Avenue and 1001-1005 East 47th Street be GRANTED.

C14-69-018 Kenneth L. Spielman: BB to B  
5113-5115 Lancaster Court  
1301-1303 East 52nd Street

STAFF REPORT: The subject property covers two lots totaling 13,700 square feet. The stated purpose of the request is for apartment development and if zoned as requested, approximately 14 one-bedroom units would be permitted. The immediate area is predominantly developed with single-family uses and apartments. To the West along Cameron Road there is mixed zoning consisting

C14-69-018 Kenneth L. Spielman--contd.

of "C" Commercial, "GR" General Retail and "B" Residence Districts. A special permit request to permit an apartment dwelling group is pending on "GR" General Retail property to the north along Cameron Road. Property at the northwest corner of East 52nd and Lancaster Streets was changed from "BB" Residence, First Height and Area to "O" Office, First Height and Area in 1966, for the purpose of permitting a dance studio. The Commission recommended against the "O" Office zoning at the time as an intrusion into a "BB" Residence district. The Municipal Airport is located to the south of East 51st Street and Airport Zoning regulations would permit a building structure to a height of only 20 feet to 25 feet; however, this should be clarified by the Building Inspector who serves as the airport zoning officer. In 1961, a request to change the zoning on the subject property from "A" Residence to "B" Residence, First Height and Area zoning was denied, but in 1963, the request to change the zoning to "BB" Residence, First Height and Area zoning was granted. There were five separate requests for "BB" Residence, Second Height and Area zoning in 1966 on individual tracts of land in this immediate area which were denied, and "BB" Residence, First Height and Area zoning was granted. Lancaster Court and East 52nd Streets both have 50 feet of right-of-way and should be widened to 60 feet. This will require five feet of right-of-way from the subject property for both streets. The staff feels that the requested zoning would be an intrusion into an established "BB" Residence area and recommends that the request be denied.

## TESTIMONY

## WRITTEN COMMENT

## Code

K	Mr. & Mrs. Paul Davis: 511 Lancaster Court	AGAINST
AC	Cyrus Miller: 1 Happy Hollow Lane	FOR
U	J. A. & Lila Henley: 5112 Lancaster Court	AGAINST
N	Glenn H. Foster: 205 Capital National Bank	FOR

## PERSONS APPEARING AT HEARING

## Code

A	John Selman (representing applicant)
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## SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that Mr. Spielman asked him to handle this request as he had a 13,700 square foot lot and the way it is situated it is impossible to develop even fourplexes on the lot. The property is located on a corner which makes it easier for access. There is "O" Office established diagonally across the street. There is always a problem when discussing zoning about the difference between classifications because of the size of the lots. The applicant is requesting a change in zoning as it is impractical and not economically feasible to build a seven unit project on this size lot. It should also be pointed out that it is more difficult to obtain financing for a six or seven unit project. Mr. Selman further stated that Mr. Rountree, Director of Public Works, has sent them an easement in which they want an aviation easement for everything 36 feet and over. The requested zoning only permits a height of 35 feet. It is obvious

C14-69-018      Kenneth L. Spielman--contd.

that this is a well-established apartment area and it is felt that the request is reasonable. There is no objection to the right-of-way needed.

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 rights-of-way of Lancaster Court and East 52nd Street. They stated they would look with favor on the requested change, provided the streets are made adequate, as the proper zoning for the site.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate the necessary right-of-way for future widening of Lancaster Court and East 52nd Street.

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

VOTED: To recommend that the request of Kenneth L. Spielman for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5113-5115 Lancaster Court and 1301-1303 East 52nd Street be GRANTED.

C14-69-019      Robert Higginbotham: A, 1st to C, 1st  
600-700 Elliott Street

STAFF REPORT: This application covers a large irregular-shaped tract of land containing 43,264 square feet. The stated purpose of the request is for a roofing and sheet metal business. The lots along this particular segment of Elliott Street are deep lots most of which are developed with single-family dwellings. To the west along Lamar Boulevard and adjoining the subject property is "C" Commercial zoning and across Lamar Boulevard is "GR" General Retail zoning. The subject property adjoins Commercial zoning and has a depth of 435 feet which is a difficult piece of land but the staff cannot support an extension of Commercial zoning that permits the use proposed on a residential type street. Elliott street, as well as Deen Avenue to the north, Guadalupe Street to the east and Beaver Street to the south are all residential streets with only 50 feet of right-of-way. As access is from Elliott Street and as this is a residential area, the staff feels that it would be an intrusion and recommends denial.

#### TESTIMONY

#### WRITTEN COMMENT

Code

V      C. G. Rogers: 51 North 3rd Street  
C      E. C. Bertling: 502 Elliott

FOR  
AGAINST

C14-69-019      Robert Higginbotham--contd.

PERSONS APPEARING AT HEARING

Code

A            John Selman (representing applicant)

SUMMARY OF TESTIMONY

Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that Mr. Higginbotham has a business that fronts onto Lamar Boulevard and it is his understanding that the subject property is to be used in conjunction with that business. He explained that he has not talked to the applicant regarding the problem of whether or not Elliott Street would be used for egress and ingress but the property is in the rear of his business. Property along Lamar Boulevard, adjoining the site to the west, is zoned "C" Commercial. This is not what would be called a nice type or modern type Commercial area as there are a number of outdoor storage areas for different businesses. He further stated that it is hoped that the proposed use could serve as a buffer and not endanger any of the property owners. The fencing in this area is all cyclone type fencing that can be seen through which is unsightly. Mr. Selman suggested that perhaps a six foot board fence could be placed on the property and across West Elliott Street, with possibly a gate into the area, and also that a 30 foot strip of the property could be used as a buffer of "A" Residential for at least 100 feet to be located along the East property line. This would create a type of buffer and there would also be a fence hiding some of the unsightly Commercial development that is already in the area.

Arguments Presented AGAINST:

Several nearby property owners appeared in opposition to the request and stated that it was their understanding that this area was to remain as residential. The development along Lamar Boulevard is unsightly and at times the odor is very bad. If the change is granted it will set a precedent on the streets in the area which are too narrow to handle the increased traffic.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting the staff reported a letter from Mr. John Selman, attorney for the applicant, requesting that this application be amended to delete the south 125 feet of Lots 7A and 7B of the resubdivision of Lot 7, Block 1, Fiskville School Addition. This amendment would thereby eliminate the zoning request of the property fronting onto West Elliott Street.

Mr. Stevens explained that the staff's main concern was the generation of commercial traffic onto a residential street and the intrusion into a well-established residential area. The requested amendment does remove the objection of commercial traffic onto Elliott Street.

C14-69-019      Robert Higginbotham--contd.

The Commission discussed the requested amendment, the proposed development on the site and the surrounding area, and felt the request should be denied as intrusion into a well-established residential area. It was then unanimously

VOTED: To recommend that the request of Robert Higginbotham for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 600-700 Elliott Street be DENIED.

C14-69-020      C. K. Jamison: A to B  
                   5307 Joe Sayers Avenue  
                   5306 Woodrow Avenue

STAFF REPORT: This application covers two lots containing 19,150 square feet of land and is located between Joe Sayers Avenue and Woodrow Avenue. There is "A" Residential zoning, developed with single-family and two-family dwellings, to the north and south. On the west side of Joe Sayers Avenue over to Burnet Road there is a mixed zoning pattern consisting of "LR" Local Retail, "B" Residence, and "BB" Residence, First and Second Height and Area. "B" Residence, First Height and Area zoning is pending on property to the north, along Woodrow Avenue and also to the south of North Loop Boulevard. In view of the existing zoning and development in the area, the staff feels that the request is logical extension of existing pattern; however, Joe Sayers Avenue with a present right-of-way of 50 feet should be widened to 60 feet which will require five feet from the subject site and Woodrow Avenue, also with a present right-of-way of 50 feet, is classified as a major arterial street scheduled to be widened to 80 feet which will require 15 feet from the subject site. The staff recommends the request be granted provided the streets are made adequate.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

AC	Dale Ossip Johnson: 3305 Whiteway Drive	FOR
N	Mrs. Mary E. Edwards: 5313 Woodrow Avenue	AGAINST
BA	Hale R. Wagner: 5309 Joe Sayers Avenue	FOR
Y	Teddy Henderson: 513 Scarbrough Building	FOR
V	Lawrence W. Golden: 4508 Spanish Oak Trail	AGAINST
W	Marin Gonzales: 5314 A. Woodrow	FOR

##### PERSONS APPEARING AT HEARING

###### Code

None	John Selman (representing applicant)	
A	Mrs. Joel Duhn: 5307 Joe Sayers Avenue	FOR



C14-69-020 C. K. Jamison--contd.

## SUMMARY OF TESTIMONY

Mr. John Selman was present on behalf of this request and stated that his client owns the property fronting onto Woodrow Avenue. The adjoining property, fronting onto Joe Sayers Avenue is under contract. This entire area has changed and is now an apartment area. He further stated that he would discuss with the applicants the right-of-way requirements.

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 rights-of-way of Joe Sayers and Woodrow Avenue. They discussed the right-of-way and agreed that five feet of right-of-way should be provided from the site for future widening of Joe Sayers Avenue; however, they noted that 15 feet of right-of-way is needed for Woodrow Avenue and several other members felt that only 10 feet of right-of-way with an additional five 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 required for the widening of Woodrow Avenue and five feet is provided for the widening of Joe Sayers Avenue.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate the necessary right-of-way for the widening of Joe Sayers Avenue and Woodrow Avenue.

In view of the offer of right-of-way, the Commission felt 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 C. K. Jamison for a change of zoning from "A" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 5307 Joe Sayers Avenue and 5306 Woodrow Avenue be GRANTED.

C14-69-021 Joe H. Daywood: BB to B  
4712-4714 Depew Avenue

STAFF REPORT: This application consists of 10,240 square feet of land. The stated purpose of the request is for apartment development. There have been recent zoning considerations in this immediate area with the result being the establishment of "BB" Residence, First Height and Area zoning at four different locations. "BB" Residence, First Height and Area zoning has recently been granted on the subject property although the Ordinance is pending right-of-way. "C" Commercial zoning is established on property to the south between Red River and Depew Streets fronting onto the north side of East 47th Street. "BB" Residence zoning adjoins the subject site to the south.

C14-69-021 Joe H. Daywood: BB to B--contd.

In view of the recently granted and established "BB" zoning changes in the area, the staff feels that the "BB" Residence now pending on the property is the proper zoning for the site as well as the surrounding area, with the right-of-way being provided. The staff recommends that the request be denied as it would increase the density from approximately 20 units per acre to 40 units per acre which would double the density for the area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

G Edith M. Crider: 4802 Clarkson

FOR

##### PERSONS APPEARING AT HEARING

Code

None John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicants, advised the Committee that a tremendous number of students have been moving into this area because of the growth of the University. It is a good area for student housing as it is accessible. The point of consideration is whether or not the applicant can have five units on his property or 10 to 12 units as permitted under the requested zoning. There would be no objection to limiting, by restrictive covenant, the number of units on the property to 10. He said that it is difficult to understand why the applicant should not be allowed to develop his property with 10 units when he has the financing, can meet all the parking requirements, has easy access to the area and is located in a well-defined apartment area. The proposed development will not be detrimental or detract from any development in the area and should be granted.

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 Depew Avenue; however, they stated they would look with favor on the change, provided the street is made adequate, as the appropriate zoning for the site.

At the Commission meeting, the staff reported a letter from Mr. John Selman, attorney for the applicant, offering to dedicate the necessary right-of-way for the future widening of Depew Avenue.

In view of the offer of right-of-way, the Commission unanimously

VOTED: To recommend that the request of Joe H. Daywood for a change of zoning from "BB" Residence, First Height and Area to "B" Residence, First Height and Area for property located at 4712-4714 Depew Avenue be GRANTED.

C14-69-022      Marann Corporation: Int. A, Int. 1st and D, 6th to C, 6th  
                  9403-9417 Interregional Highway  
                  800-818 East Rundberg Lane

STAFF REPORT: The subject property, containing 54,145 square feet of undeveloped land, is located at the intersection of Interregional Highway 35 and East Rundberg Lane. The stated purpose of the request is for a service station. The area along this portion of the Expressway is predominantly undeveloped. Directly to the north of the site is a drive-in grocery and a small shopping complex with four or five separate enterprises. The streets in the area are adequate. East Rundberg Lane, designated in the Master Plan as a major arterial street, has a present right-of-way of 75 feet and Middle Fiskville Road, also designated as a major arterial street has 70 feet of right-of-way. The staff has no objection to the request and recommends that it be granted.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

None      Robert Sneed (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Robert Sneed, attorney for the applicant, adopted the recommendation by the staff and advised the Committee that the applicant has granted an option to purchase to Humble Oil and Refining Company for the entirety of the property. The option is conditioned upon the requested zoning change.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as a logical development for the site.

The Commission concurred with the Committee recommendation, and unanimously

VOTED:      To recommend that the request of Marann Corporation for a change of zoning from Interim "A" Residence, Interim First Height and Area and "D" Industrial, Sixth Height and Area to "C" Commercial, Sixth Height and Area for property located at 9403-9417 Interregional Highway and 800-818 East Rundberg Lane be GRANTED.

C14-69-023      Texas General Corporation: O to LR  
701-713 West 38th Street  
3700-3708 King Street

STAFF REPORT: This application covers 73,880 square feet of land, and the stated purpose is for the erection of a bank. There is a mixed zoning pattern in the area consisting of "LR" Local Retail and "A" Residence zoning around the site; "GR" General Retail and "C" Commercial zoning along Lamar Boulevard, and "C" Commercial zoning along Guadalupe Street. There is a special permit for a 96 unit apartment dwelling group on the site and the applicant has indicated that the permit will be withdrawn if the zoning is obtained for the bank. West 38th Street, designated as a major arterial street in the Master Plan, has 80 feet of right-of-way with approximately 44 feet of paving which is adequate. King Street has 27 feet of right-of-way and should be widened; however, the staff needs to check to see if right-of-way for the street was acquired from the site in an earlier zoning application in which the property was changed to "O" Office. If right-of-way was obtained at that time there would be no need for additional widening of the street. The staff has no objection to the requested zoning but would request that a 25 foot setback be maintained from West 38th Street and from King Street. "O" Office or "LR" Local Retail zoning combined with Second Height and Area reduces the required setback from 25 feet to 10 feet and it is felt that a 25 foot setback should be provided. The staff has no objection and feels that it is appropriate because of the traffic pattern and the existing zoning and development in the area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

Y

Mrs. M. L. Pearson: P. O. Box 1987

AGAINST

##### PERSONS APPEARING AT HEARING

Code

?

Joe R. Long: Westgate Building

FOR

#### SUMMARY OF TESTIMONY

Mr. Joe Long appeared at the hearing and stated that he represents the present owners of the property and Travis Bank and Trust who has purchased the property subject to rezoning. Mr. Long stated that he also represented the people who were involved in the change to "O" Office and in obtaining a special permit for an apartment dwelling group. There will be no difficulty in surrendering the special permit. He said that he cannot recall if right-of-way was dedicated for King Street when "O" Office zoning was granted but if not, there would be no objection to the right-of-way. At the time the property was rezoned, a 25 foot setback was required and there is no objection to maintaining that. Mr. Long explained that the original location was to be on 24th Street but the City decided to take additional right-of-way in order to straighten the street which made the site impractical for the bank as there was not enough area left in the lot. It is

C14-69-023 Texas General Corporation--contd.

felt that the request is in character with the development along 38th Street and the placing of a bank at this location would be a benefit to the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the requested zoning is appropriate for the site. They recommended that the request be granted, subject to provision of right-of-way for King Street if needed. It was further recommended that a 25 foot setback be required from West 38th and King Streets.

At the Commission meeting, the staff reported a letter from Mr. Joe Long, attorney for the applicants, stating that the applicant and prospective purchasers recognize the need for right-of-way for King Street and indicate their willingness to dedicate nine feet of right-of-way for this purpose. The letter further states that it is the intention of the purchasers to construct a bank building on the property in the near future and they request that the street be widened as soon as it is practicable in view of the additional right-of-way.

The staff explained that King Street has a present right-of-way of 32 feet and the dedication of nine feet from the subject property will bring the street to 41 feet. An additional nine feet required from the other side of the street in the future will bring the street to a standard 50 feet. Normally, streets serving this type of development are required to have 60 feet of right-of-way but because of the existing right-of-way and the development existing to the east of the street, it is felt that 50 feet will suffice. With regard to setback along West 38th and King Streets, the applicants are willing to provide the 25 foot setback along West 38th Street but feel that in view of the dedication of additional right-of-way for King Street, only 15 feet should be required for setback. The staff has no objection to the request inasmuch as the 15 foot setback along King Street and the additional nine feet of right-of-way will be a sufficient amount to protect the sight distance at the intersection.

The Commission was cognizant of the offer of right-of-way and felt that the request should be granted as it is the logical zoning for the site. They further recommended that a 25 foot setback be required from West 38th Street and a 15 foot setback be required from King Street, as agreed to by the applicants. It was then unanimously

VOTED: To recommend that the request of Texas General Corporation for a change of zoning from "O" Office, Second Height and Area to "LR" Local Retail, Second Height and Area for property located at 701-713 West 38th Street and 3700-3708 King Street be GRANTED.

ABSTAINED: Mr. Milstead.

C14-69-024      Douglas W. Terry: A, 1st and GR, 1st to GR, 5th  
 1307-1315 West Ben White Boulevard  
 4307-4315 Gillis Street

STAFF REPORT: The subject property contains 68,000 square feet and is located at the intersection of Ben White Boulevard and Gillis Street. The stated purpose of the application is for an office building and restaurant. The area is developed with a mixture of uses with the zoning to the south being "A" Residence, developed with single-family homes; however, immediately to the east and west is "GR" General Retail zoning. There is also "GR" General Retail zoning to the north of Ben White Boulevard which is developed with a drive-in grocery, used car lot and service station. To the west is another service station and the Southwood Shopping Center. There is no objection to the requested change as it is appropriate and would be a logical extension of the existing zoning; however, Gillis Street with a present right-of-way of 50 feet is a residential street which should be widened to a minimum of 60 feet requiring five feet of right-of-way from the site. The staff recommends in favor of the request provided the street is made adequate.

#### TESTIMONY

##### WRITTEN COMMENT

Code

P

William Joe Gage: 4505 Pack Saddle Pass

FOR

##### PERSONS APPEARING AT HEARING

Code

None

Russell Rowland (representing applicant)

F

J. M. Cameron: 4306 Banister Lane

FOR

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Russell Rowland appeared at the hearing and stated that although he is the agent for the owner of the subject property he is very much interested in this area as he has lived there for many years. He said that any development on the site will be something in line with the existing Southwood Shopping Center which has been a tremendous asset to South Austin. The majority of the people within 300 feet of the site have indicated that they have no objection to a change. It is realized that when an area is changed from residential to commercial that the streets should be widened and there is no objection to dedicating the necessary right-of-way if that is what it takes to get the requested zoning.

##### Arguments Presented AGAINST:

One nearby property owner appeared in opposition to the request and explained that he lives on the corner of Gillis and Casey Streets, adjoining the shopping center, and there is a great deal of trash in the area. It is not very convenient for a private homeowner to go out and gather trash from someone

C14-69-024 Douglas W. Terry--contd.

who is not taking care of their place. It is felt that if the proposed development on the property is permitted there will only be more trash dumped in the area for the homeowners to pick up. The only objection is that they do not keep commercial establishments clean.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented recognizing that the applicant has offered the necessary right-of-way for widening of Gillis Street, and recommended that the request be granted as a logical extension of existing zoning and development in the area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Douglas W. Terry for a change of zoning from "A" Residence and "GR" General Retail, First Height and Area to "GR" General Retail, Fifth Height and Area for property located at 1307-1315 West Ben White Boulevard and 4307-4315 Gillis Street be GRANTED.

C14-69-025 Raymond Foster and A. H. Simpson: A to C  
608-610 Beaver Street

STAFF REPORT: This application covers 15,862 square feet of land which is presently undeveloped. The stated purpose of the request is for warehouse development. To the east is an "A" Residence District developed with single-family dwellings. To the south, along San Jose Street is property which was subdivided for mobile homes and presently developed with a number of mobile homes. To the north, along Elliott Street, is a pending request for "C" Commercial, First Height and Area zoning which was heard by the Committee on February 3, 1969. The staff raises objections to this request as the property is served by a residential street and commercial use of the property would be inconsistent with the existing residential development on Beaver Street. Should the request be granted, right-of-way should be obtained, not only from the subject property but also from property to the west, as the street has only 50 feet of right-of-way and should be widened to 60 feet to handle the increased traffic generated by "C" Commercial zoning. The staff recommends that the request be denied as an intrusion into a residential area.

#### TESTIMONY

##### WRITTEN COMMENT

Code

W

Southwind Mobile Home Estates and Sales Inc.:  
P. O. Box 1215

AGAINST

##### PERSONS APPEARING AT HEARING

Code

None

C14-69-025 Raymond Foster and A. H. Simpson--contd.

## SUMMARY OF TESTIMONY

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

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Raymond Foster and A. H. Simpson for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 608-610 Beaver Street be DENIED.

C14-69-026 University Center Development Co.: B, 2nd and C, 2nd to C, 3rd  
2001-2013 Whitis Avenue  
 204-206 West 20th Street

STAFF REPORT: This application covers four lots totaling 34,750 square feet and is located at the northeast corner of Whitis Avenue and West 20th Street. The stated purpose of the request is for a parking garage. The proposal is made in conjunction with the proposed 29 story apartment complex which is to be located between Guadalupe and Whitis Streets along West 21st Street. This is a mixed area which has a number of different patterns, not only zoning districts but also in regard to Height and Area Districts. "C" Commercial, Third Height and Area is established to the south along West 19th Street and to the west along Guadalupe and San Antonio Streets. "B" Residence, Second Height and Area is established to the south and southwest along West 20th Street and also to the northwest along San Antonio Street, West 21st Street and West 22nd Street. To the north, along West 24th Street is high-rise apartment development which is zoned "C" Commercial, Fourth Height and Area. There have been a number of zoning requests granted for "C" Commercial, Fourth Height and Area zoning within this area. The staff feels the request is appropriate in regard to the "C" Commercial zoning which is established on a portion of the property and also in regard to the existing Fourth Height and Area District located directly west of the site along Whitis Avenue.

## TESTIMONY

## WRITTEN COMMENT

## Code

A	Dr. Ben Uppright: 2500 Kenmore Court	FOR
Z	Mrs. Paula M. Steinle: 1909 University Avenue	AGAINST
Y	Mrs. Sarah Schwartzberg: South Texas Building San Antonio, Texas	FOR
E	Horance Barnhart, Jr.: 707 Rio Grande	FOR



C14-69-026 University Center Development--contd.

## PERSONS APPEARING AT HEARING

Code

None Terry Bray (representing applicant)

## SUMMARY OF TESTIMONY

Mr. Terry Bray, representing the applicant, stated that there are plans to develop a 29 plus story apartment dwelling group on the six lots just west of the subject property. He explained that they ran into a problem in providing the parking. They originally anticipated excavating and providing underground parking but because of the rock formations which were encountered beneath the tract on which the high rise will be built this could not be done very easily. It was concluded that it would be much better and quicker to build a parking structure on the subject property along with the construction of the highrise to the east. It is presently anticipated that the parking structure will be six stories. There is a request for 734 parking spaces which would be difficult to provide under the existing zoning of "C" Commercial, Second Height and Area which is established on a portion of the site. There may possibly be a need for additional parking and there may have to be some rearrangement of the structure to even provide for the 734 parking spaces under the requested zoning. "C" Commercial, Third Height and Area zoning is requested in order to provide for the flexibility needed for the development.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of University Center Development Co. for a change in zoning from "B" Residence and "C" Commercial, Second Height and Area to "C" Commercial, Third Height and Area for property located at 2001-2013 Whitis Avenue and 204-206 West 20th Street be GRANTED.

C14-69-027 Mrs. Myrtle Vaughan: A to O  
3401 Glenview Avenue  
1604-1606 West 34th Street

STAFF REPORT: This is a request for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area on a 7,800 square foot lot located at the northeast intersection of West 34th Street and Glenview Avenue. The stated purpose of the request is for an office building. "A" Residence zoning, predominantly developed with single-family homes, is

C14-69-027      Mrs. Myrtle Vaughan--contd.

established to the south and west of the site; however, to the north along West 35th Street there is a mixed zoning pattern ranging from "BB" Residence to "GR" General Retail and "C" Commercial. "O" Office zoning, established on property at the northeast corner of Kerbey Lane and West 34th Street in 1965, is developed with an office building. A request for "O" Office zoning was denied on property at the northwest corner of Kerbey Lane and West 34th Street in 1962, but a request for the same zoning was granted in 1967. The staff has no objection to the requested change but would like to point out the need for right-of-way along Glenview Avenue which is only 50 feet wide and should be widened to 60 feet in order to handle the possible traffic increase due to office zoning. This would require five feet of right-of-way from the subject site. The staff recommends that the request be granted at such time as the street is made adequate.

#### TESTIMONY

##### WRITTEN COMMENT

Code

W	Stella M. Hofheinz: Post Office Box 1987	FOR
AB	Mrs. G. L. Howell: 3312 Kerbey Lane	FOR

##### PERSONS APPEARING AT HEARING

Code

None      Arthur Pihlgren (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. Arthur Pihlgren, representing the applicant, stated that there is no objection to dedicating five feet of right-of-way for future widening of Glenview Street and will present a letter to this effect before the Planning Commission meeting.

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 Glenview Street. They stated they would look with favor on the request, provided the street is made adequate, as a logical extension of existing zoning pattern.

At the Commission meeting, Mr. Pihlgren, representing the applicant, submitted a letter offering to dedicate five feet of right-of-way for Glenview Street.

In view of the offer of dedication, the Commission unanimously

VOTED: To recommend that the request of Mrs. Myrtle Vaughan for a change of zoning from "A" Residence, First Height and Area to "O" Office, First Height and Area for property located at 3401 Glenview Avenue and 1604-1606 West 34th Street be GRANTED.

C14-69-028      Mrs. T. J. Hemphill: A to LR  
                  818-824 Park Place  
                  2900-2904 Red River Street

STAFF REPORT: This is a request for a zoning change to "LR" Local Retail, First Height and Area zoning on a 42,550 square foot tract of land located between Red River Street and Hampton Road, fronting onto Park Place. The stated purpose of the request is for a retail establishment as permitted by the requested zoning. To the north of the subject property is "B" Residence zoning, developed with apartment, "O" Office zoning and "LR" Local Retail zoning is established at the intersection of East 30th Street and Red River Street and developed with a restaurant. "C" Commercial zoning exists across the street to the east and the University of Texas Law School is located to the south of Park Place. A major intersection is proposed for Park Place and Red River Street. Park Place will be widened to a 90 foot thoroughfare which will cross Red River Street and extend east to the Interregional Highway. In view of the existing zoning and development, the staff feels that the requested change is appropriate as long as the streets are adequate. Red River Street, with a present right-of-way of 60 feet is scheduled to be widened to 70 feet which will require five feet from the subject site. Hampton Road with a present right-of-way of 50 feet, is a short street that should be widened to 60 feet because of the existing and proposed development. It is felt that the 10 feet of additional right-of-way needed for the site should come from the subject property. The widening needed for Park Place will come from the south side of the street which belongs to the University of Texas. The staff recommends that the request be granted if widening for the streets is provided.

#### TESTIMONY

##### WRITTEN COMMENT

Code

S                    William Lash Garrard: 2914 Hampton Road                    FOR

##### PERSONS APPEARING AT HEARING

Code

None                John Selman (representing applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that he has discussed with his client the right-of-way and she is willing to give five feet on Red River Street but the 10 feet of right-of-way needed for Hampton Road is a little strong. He said that 50 feet of right-of-way for Hampton Road should be adequate. When 10 feet of right-of-way is taken from a tract having 160 feet of frontage, it means that approximately 1600 feet is required which involves a considerable amount of money. The applicant could possibly give five feet of right-of-way with a five foot easement. Mr. Selman further stated that the land in this area is very expensive but he would talk to his client about the right-of-way needed for Hampton Road.

No one appeared in opposition to the request.

C14-69-028 Mrs. T. J. Hemphill--contd.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be denied because of the inadequate rights-of-way of Hampton Road and Red River Street. They stated they would look with favor on the request, provided the streets are made adequate, as appropriate zoning for the area.

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 the widening of Red River Street and 10 feet of right-of-way for Hampton Road.

Mr. Stevens explained that he has discussed the right-of-way problem of Red River Street with the Urban Arterial Committee and it is recommended that the right-of-way for Red River Street should angle, starting with five feet to the north, angling in to 10 feet at the south where it intersects Park Place. It is recognized that there will be considerable movement on Hampton Road but it is felt that in view of the extra widening needed for Red River, that only five feet of right-of-way, rather than the 10 as originally requested, would suffice. This has not been discussed with Mr. Selman, but he indicated at the Zoning hearing that they would prefer to dedicate only five feet for Hampton Road.

The Commission was cognizant of the offer of rights-of-way by the applicant and noted that the staff recommends that the right-of-way on Red River Street start at five feet to the north and then angle to 10 feet to the south, and that only five feet of widening is now requested for Hampton Road. They instructed the staff to advise Mr. Selman that the letter offering right-of-way for Red River and Hampton Streets should be modified as recommended by the staff. The Commission agreed with the Committee that the requested zoning is appropriate for the site and recommended that the request be granted. It was then unanimously

VOTED: To recommend that the request of Mrs. T. J. Hemphill for a change of zoning from "A" Residence, First Height and Area to "LR" Local Retail, First Height and Area for property located at 818-824 Park Place and 2900-2904 Red River Street be GRANTED.

C14-69-029 Edward R. Rathgeber, Jr.: Int. A, Int. 1st to BB, 1st (as amended)  
5702-6000 South 1st Street

STAFF REPORT: This application is for a change of zoning from Interim A, Interim First Height and Area to "B" Residence, First Height and Area on approximately 12.07 acres of land which is undeveloped. The stated purpose of the request is for apartment development. This area was before the Subdivision Committee recently for subdivision consideration under the name of Turtle Creek Estates. The layout of the subdivision is shown on the staff report in dashed form and all the property with the exception of the subject property is in final form. The subject property was part of the preliminary and the part to the north of what is proposed as Turtle Creek Drive or

C14-69-029 Edward R. Rathgeber, Jr.--contd.

Flournoy Drive, a collector street extending westerly to a proposed school site, was held in abeyance. The part to the south of the street was approved for lots as shown on the staff report. Mr. Rathgeber has indicated that on the property to the north of the proposed Turtle Creek Drive there is a depth problem with the land west of South 1st Street to the creek that has made the use of the land difficult. The staff agrees that there are certain difficulties in laying out a subdivision to fully utilize to the best advantage land of this shape and depth. There is a smaller area along the creek not included as part of the application, and it is the applicant's thought that this could be used as a private park or open space.

It was first thought that this area might be acceptable for townhouse development but after checking into it, Mr. Rathgeber felt that townhouse development was not the proper use of the property and declined to use it that way. The staff does not fully disagree with the applicant as it may be difficult to plat 20 foot lots and create a successful townhouse subdivision at this location along South 1st Street. The next thought was to put low-density apartments in this strip and the staff realizes that there are good reasons for this type of development but at the same time there are problems with this kind of layout as the property fronts onto South 1st Street and is directly across the street from recent single-family development. Sweetbriar Residential Subdivision covers the area east of South 1st Street extending from Bramble Drive at the north to the south of Flournoy Drive. The staff feels that it is difficult to support apartment development directly across the street from single-family residential development. It is felt that duplex development would probably be a good use of the land; although, there is still the open area to the rear that would be difficult to utilize. The lots would be extremely deep for duplex or rental type lots. The staff feels that instead of starting strip apartment zoning along South 1st Street it would be better to limit the development to the area north of the proposed Turtle Creek Drive or Flournoy Drive to "BB" Residence, First Height and Area. The staff recommends that if apartment zoning is granted the applicant provide a common access or easement drive parallel to South First Street which would limit the number of driveways. There is concern about having an apartment building on each lot that would have individual driveways providing ingress and egress to South First Street. The staff also recommends a shielding fence be erected along South First Street for the benefit of the single-family development across South First Street.

There is a practical problem involved with regard to notification of effected property owners. The residential property east of South First Street is coded "G" and legally the notices for this request were sent to the developer who is listed as code "G"; however, the lots have been sold fairly recently and it is questionable as to whether the new owners and occupants receive notice of a request which is unfortunate as the owners of those lots will be most directly effected by the development on the subject property.

C14-69-029      Edward R. Rathgeber, Jr.--contd.

The recommendation by the staff is basically that the "A" Residence zoning remain unless there are certain provisions which would lower the density and provide fencing along South First Street with parallel access easements to shield the apartments and limit locations of ingress and egress. With these provisions, the staff could recommend "BB" Residence zoning on the portion of the property north of the proposed Turtle Creek Drive.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

None      John B. Selman (representing applicant)

None      Dick Rathgeber (applicant)

#### SUMMARY OF TESTIMONY

Mr. John Selman, attorney for the applicant, stated that he agrees with the recommendation by the Staff. He requested that the case should be amended to "BB" Residence, First Height and Area zoning for all of the property north of the proposed Turtle Creek Drive, and that all of the property south of this street be deleted as the applicant feels that the southern portion can be developed with duplexes. By having a driveway that is parallel with South First Street it will also have the effect of being an additional buffer. South First Street has 80 feet of right-of-way and the residences east of South First Street have a setback of 25 feet. By combining the 25 foot setback for the residences, the 80 feet of right-of-way for the street, 20 feet of area for a driveway and another 25 foot setback for the development on the subject property, there will be a total separation of approximately 150 feet from the front of the proposed development to the residential development directly across the street. The area north of the proposed Turtle Creek Drive can be subdivided and used for fourplexes and the area south of the proposed street can be used for duplex development. The applicant will work out driveway locations off South First Street in the overall plan.

Mr. Rathgeber was present at the hearing and stated that one of the reasons that he is bringing this property in now is that Turtle Creek Drive extends west to an elementary school which will open next September. He said that they initiated the action to go ahead and get this street put in now as the school had very little access. There is no objection to developing duplexes on the southern portion of the property as there is not a depth problem and a street can be put in without any difficulty.

No one appeared in opposition to the request.

C14-69-029 Edward R. Rathgeber, Jr.--contd.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee accepted the request to amend the application by deleting that portion of the property south of the proposed Turtle Creek Drive and requested "BB" Residence, First Height and Area zoning on the remaining portion of the site. They felt that the request as amended should be granted subject to fencing and shielding along South First Street with a common access easement or driveway limiting the points of egress and ingress onto South First Street as offered by the applicant.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Edward R. Rathgeber, Jr. 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 5702-6000 South First Street be GRANTED.

C14-69-030 Austin Land Investments, Inc.: Int. A, Int. 1st to BB, 1st  
Rear of 3221-3509 Clawson Road

STAFF REPORT: This application covers 29.45 acres of undeveloped land. The stated purpose of the request is for apartment development. This area has been previously considered for both subdivision and zoning by the Subdivision Committee and Zoning Committee and the zoning pattern and street pattern as indicated on the staff report results from those considerations. The area to the south, extending to Bannister Lane, and presently zoned "BB" Residence, First Height and Area, is part of the area previously considered and part of the same subdivision. Through the area there is a 70 foot collector street extending from Bannister Lane to Clawson Road. The "BB" Residence zoning to the south permits approximately 20 apartment units per acre. Property along the western edge of the existing "BB" Residence area is a part of this subdivision and it is the staff's understanding that it is to be developed with duplexes. There is also a tier along Clawson Road and abutting the subject site that is not included in the request. The area extending from Clawson Road to Bannister Lane which has been considered before includes approximately 92 acres of land. The property now under consideration is the remaining portion of that entire area with the exception of the lots along Clawson Road and those lots on the cul-de-sac to the west of the existing "BB" Residence District. The subject property was included in an approved preliminary plan and part of the property is in final subdivision form. This of course could be changed and would have to be changed if the Commission sees merit in zoning the subject property for apartment purposes. The layout as now proposed on the subject property is residential for either single-family or two-family development and the streets as proposed are 50 foot streets with a proposed 30 feet of paving. The streets connect to existing residential streets and continue northerly to Lightsey Road which is an east-west arterial street. The staff feels that this much land for apartment purposes even at 20 units per acre is permitting a population density of approximately 1500 families. It is felt that the traffic generated by this amount of development would be a considerable burden on Bannister Lane

C14-69-030 Austin Land Investments, Inc.--contd.

and Clawson Road. Lightsey Road is designated as a major arterial street in the Master Plan but it is not completed at this time. Therefore, most of the people occupying these units will have to use Bannister Lane or Clawson Road. The staff feels that the facilities street wise are inadequate to support this type of development. It is also felt that the proposed development could have a detrimental influence on the character of the surrounding properties. Property to the north, between the property under consideration and Lightsey Road, is developed with single-family developments. Across Clawson Road to the west the property is for the most part single-family development on large acreage tracts. Clawson Road is narrow in width with county-type paving and bar ditches, and has grade problems and is a rolling or hilly-type street. Because the amount of traffic generating from this number of units would overload the streets, and be a detriment to the surrounding residential area, the staff recommends that the zoning be denied and the plan as set forth through subdivision and zoning be held too.

## TESTIMONY

## WRITTEN COMMENT

## Code

D	William G. Barnes, Jr.: 3402 Clawson Road	AGAINST
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## PERSONS APPEARING AT HEARING

## Code

None	John Selman (representing applicant)	
?	Howard Clark: 3203 South Oak Drive	AGAINST
?	Mrs. Joe Cline: 3308 Clawson Road	AGAINST

## SUMMARY OF TESTIMONY

## Arguments Presented FOR:

Mr. John Selman, attorney for the applicant, stated that after discussing this application with the people involved, they purposely put a buffer around the area so that there would be duplexes around a portion of the area, the railroad serving as a buffer to the east, and the "BB" Residence zoning would be to the south. If the zoning is granted there will have to be an amendment to the overall plans to increase the street size to 60 feet in width to comply. It is realized that like any area in town which is not developed there are some street problems in access to and from the area but the statement by the staff about this location are the same statements that could be made about 29th Street by the University some 30 years ago, and for some reason the traffic has still gotten over 29th Street and people are still able to get in and out of the area. It is realized that the property under consideration is a large tract but it will not be developed overnight. Approximately 300 duplex units could be developed on the property without a change in zoning. It is also realized that when this many people are in one area there may be problems of ingress and egress but the only way to get these solved are to put in the streets. Mr. Selman referred to an article



C14-69-030 Austin Land Investments, Inc.--contd.

in the Texas Business Review emphasizing the growth of apartment development in Texas. He explained that there are a tremendous number of people interested in close-in apartment living. Apartment living in Austin is growing tremendously and there has to be some place provided for this type of development. This area is the kind of area people are looking for, as it is beautiful, has good access and is available to the core areas. The subject property is well protected as there are buffers around the area and the request is only a continuation of the zoning existing to the south.

**Arguments Presented AGAINST:**

A number of people appeared in opposition to the request and stated that the development as proposed would overcrowd and change the residential character of the area and they would like it to remain as it is. The streets in the area are narrow and cannot handle the additional amount of traffic that would be generated. There are already traffic problems from Clawson Road as it is an inadequate "roller coaster" type street on which there have already been a number of accidents. The proposed development will only increase the hazard now existing. The access into the area is also limited as there are only one or two outlets available at the present time.

**COMMENTS AND ACTION BY THE COMMITTEE**

The Committee accepted the request to withdraw this application.

At the Commission meeting, the staff reported that Mr. John Selman, attorney for the applicant, has requested that this application be postponed rather than withdrawn.

The Commission accepted the request and

VOTED: To POSTPONE this application.

C14-69-031 Edwin H. Golden: A to C  
3905 Wadford Street

STAFF REPORT: This site consists of 6,500 square feet of land fronting onto Wadford Street. The stated purpose is for commercial use. This is an older area located just north of Ben White Boulevard and is developed for the most part with single-family homes. "C" Commercial zoning is established to the east along South Congress Avenue and along Ben White Boulevard. The major concern of the staff is related to right-of-way situation. Wadford Street has only 50 feet of right-of-way and should be widened to 60 feet. The subject property was part of a subdivision a few years ago, in which the applicant gave five feet of right-of-way. At that time the street was only 45 feet wide. It is requested that five feet of right-of-way be provided from the site for future widening and at a later date an additional five feet would be requested from the other side of the street. The staff has no objection to the request as it is a logical extension of existing zoning on two sides of the property.

C14-69-031      Edwin H. Golden--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

F            Camilo and Juanita Cantu: 206 Ben White  
 A            Mrs. Cora H. Carothers: 4315 Avenue C

FOR

FOR

## PERSONS APPEARING AT HEARING

Code

None            Edwin H. Golden (applicant)

## SUMMARY OF TESTIMONY

Mr. Golden was present on behalf of this request and stated that he will dedicate five feet of right-of-way as requested in order to increase the right-of-way. He further stated that he previously dedicated five feet of widening from the subject site several years ago.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and was cognizant of the applicant's oral offer of right-of-way for Wadford Street. In view of this, they felt the request should be granted as a logical extension of existing zoning.

At the Commission meeting, the staff reported that a letter offering to dedicate the necessary right-of-way for Wadford Street has not been received.

The Commission agreed that the request is a logical extension of existing zoning but recommended that the request be denied because of the inadequate right-of-way of Wadford Street. It was then unanimously

VOTED:      To recommend that the request of Edwin H. Golden for a change of zoning from "A" Residence, First Height and Area to "C" Commercial, First Height and Area for property located at 3905 Wadford Street be DENIED.

C14-69-032      Joseph C. Cortinas: A to GR  
                  2604 South 1st Street  
                  603 Herndon Lane

STAFF REPORT: This application covers two lots totaling 12,500 square feet having frontage onto Herndon Lane and South 1st Street. The stated purpose of the request is for retail development. This is an area of mixed zoning uses. On the east side of South 1st Street is "GR" General Retail and "C" Commercial zoning, which is developed with a variety of uses. On the west side of South 1st Street, south of Herndon Street is predominantly single-family development which extends south approximately two blocks to a "GR"

C14-69-032 Joseph C. Cortinas--contd.

General Retail and "B" Residence District. To the north of Herndon Street there is "C" Commercial zoning which is developed with different uses including a pending request for "C-2" Commercial District which would permit a package store. The staff has no objection to some form of a change along South 1st Street as it is felt that "A" Residence zoning is no longer appropriate for property which fronts onto a street that carries approximately 6500 cars daily and is developed with commercial uses. The staff recommends that "O" Office, First Height and Area zoning, be established for the property fronting onto South 1st Street as opposed to "GR" General Retail zoning. The staff also recommends that the zoning requested for the lot fronting onto Herndon Lane be denied as an intrusion into a well-developed and defined residential area.

## TESTIMONY

## WRITTEN COMMENT

Code

AE	Anna L. Abadie Reeside: 6437 31st Street Nw,	FOR
	Washington, D. C.	
Z	Harry E. Montandon: 2412 North Interregional	FOR
	Highway	

## PERSONS APPEARING AT HEARING

Code

None

## SUMMARY OF TESTIMONY

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

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that the zoning as requested should be denied but that "O" Office, First Height and Area should be granted on the portion of the property fronting onto South First Street as the appropriate zoning for the site. They further stated that they would look with favor on granting "O" Office, First Height and Area zoning for the remaining portion of the property fronting onto Herndon Street provided the street is made adequate.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Joseph C. Cortinas for a change of zoning from "A" Residence, First Height and Area to "GR" General Retail, First Height and Area for property located at 2604 South 1st Street and 603 Herndon Lane be DENIED but that "O" Office, First Height and Area be GRANTED for the property located at 2604 South 1st Street.

C14-69-033      Walter Wendlandt: A to BB  
505-507 East 39th Street

STAFF REPORT: This site contains 10,950 square feet of land fronting onto West 39th Street which is a 60 foot street. The stated purpose of the request is for apartment development. The area is predominantly developed with single-family homes and even though this is an older section of town, the homes are well maintained. The staff questions at this time the request for "BB" Residence zoning and feels that the request would be an intrusion into a well-developed and well-defined residential area. The staff is cognizant of the apartment zoning to the north at Duval and 40th Streets and to the south at 38th and Duval; however, the area to the north was zoned many years ago and the area to the south was zoned in 1968, and was in keeping with an area study made by the Commission in which the area south of 38th Street west of Duval Street was recommended for medium density apartment zoning such as "B" Residence, First Height and Area. There is "B" Residence zoning existing to the east of Peck Street but the area is developed with a park. The staff would not object to the request if all of the property owners in this particular area indicated a willingness for a change, and if the rezoning occurred on a more comprehensive basis rather than piece-meal zoning one lot at a time. The staff recommends that the request be denied as an intrusion into a well-developed residential area.

#### TESTIMONY

##### WRITTEN COMMENT

###### Code

AB	Rev. Raymond Light: 1226 Oriole Lane, Garland, Tx.	FOR
V	E. W. Hunt: 510 East 39th	AGAINST
AM	Marion Ross: 219 Littlefield Building	AGAINST
Y	Genice M. Kennedy: 509 East 39½ Street	AGAINST

##### PERSONS APPEARING AT HEARING

###### Code

V	E. W. Hunt: 510 East 39th	AGAINST
None	Walter Wendlandt (applicant)	
AA	Arthur R. Larivee: 512 East 39th Street	AGAINST
?	Ray L. Walker: 507 East 39th Street	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Walter Wendlandt was present at the hearing and stated that the subject property contains approximately 11,000 square feet and if zoned as requested would allow five units to be constructed on the site. It should be pointed out that East 39th Street is a 60 foot street and there is an alley in the rear of the property. This is an older neighborhood and even though there are some nice homes in the area there are some homes that are run down and in many instances the homes are not owner occupied. The lot adjoined to the east has only 7,000 square feet and is developed with three or four units. Throughout this entire area there are duplexes and similar type rental units.

C14-69-033      Walter Wendlandt--contd.

Mr. Wendlandt stated that in his opinion an area zoning study would be in order for the area from 38th to 40th Streets and from Duval to the golf course. He said that he has talked to several people in the area who have indicated they would have gone along on this zoning application but are not prepared to develop their property at this time and did not want to dedicate right-of-way for Duval at this time. The changing of this area to apartment development is only a matter of time. The property is in the geographical center of the city and is close to the University. Mr. Wendlandt stated that in his opinion the application is reasonable but if the Zoning Committee would recommend an area study he would withdraw and hold the request in abeyance pending the study.

## Arguments Presented AGAINST:

Three nearby property owners appeared in opposition to the request. They stated that this is a residential area and apartment development as proposed would only congest the street creating a hazard for children in the area.

## COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Walter Wendlandt for a change of zoning from "A" Residence, First Height and Area to "BB" Residence, First Height and Area for property located at 505-507 East 39th Street be DENIED.

C14-69-034      Edwin H. Golden: C to C-2  
Rear of 4007 Wadford Street  
Rear of 114-116 West Ben White Boulevard

STAFF REPORT: This application covers a small area containing 980 square feet. The stated purpose is to permit a lounge or tavern. The "C-2" Commercial zoning district has been generally restricted to well-defined and well-developed commercial areas by the Commission. The staff feels that the 980 square foot tract, which covers the building itself, is in a well-developed commercial area located at the intersection of South Congress Avenue and Ben White Boulevard. The area has been before the Commission previously for consideration of "C" Commercial zoning which was granted. There is a request for "C" Commercial zoning pending on property to the south for a drive-in theater. It is felt that right-of-way for Wadford Street should be widened but right-of-way is not requested as the area is already zoned commercially and the particular site in question does not front onto Wadford Street. The staff recommends that the request be granted.

C14-69-034 Edwin H. Golden--contd.

## TESTIMONY

## WRITTEN COMMENT

Code

F Camilo and Juanita Cantu: 206 Ben White Boulevard FOR

## PERSONS APPEARING AT HEARING

Code

Edwin Golden (applicant)

## SUMMARY OF TESTIMONY

Mr. Edwin Golden was present at the hearing and stated that he previously dedicated right-of-way for Wadford Street when the entire area was zoned "C" Commercial.

No one appeared in opposition to the request.

## COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be granted as this is a well-defined Commercial area.

The Commission concurred with the Committee recommendation, and unanimously

VOTED: To recommend that the request of Edwin H. Golden for a change of zoning from "C" Commercial, First Height and Area to "C-2" Commercial, First Height and Area for property located at the rear of 4007 Wadford Street and the rear of 114-116 West Ben White Boulevard be GRANTED.

## SPECIAL PERMITS

CP14-69-001 Max Kaplan: 181 Unit Apartment Dwelling Group  
 5634-5736 Cameron Road  
 1105-1123 Reinli Street

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 181 units, 310 off-street parking spaces, one swimming pool, storage facilities, and two laundry rooms. The subject property contains approximately 5.11 acres of land which is presently zoned "C" Commercial, First Height and Area. The site plan has been circulated to the various departments and the comments are as follows:

## Fire Protection

- Recommended fire hydrants and mains are indicated in red. We recommend that the fire hydrants be installed

CP14-69-001 Max Kaplan: 181 Unit Apartment Dwelling Group--contd.

## Fire Protection--contd.

and put in operation before construction is started if possible so that we may be able to offer better fire protection. The fire hydrants should be set in pea gravel to better the drainage and the distance from the ground to the center of the 4" opening should be 18". Bridges in the driveways should be strong enough to support the weight of our fire apparatus. Our trucks require at least a 25' turning radius.

Office Engineer

Storm Sewer

Director of Public Works

Traffic Engineer

Building Inspector

Health

Advanced Planning

Electric

Tax Assessor

Water and Sewer

Fire Prevention

- Require request for commercial driveways.
- Plan complies with requirements.
- Driveway locations meet with our approval; however, we will need request for and approval of same before construction begins.
- Okay.
- 1. This plot plan complies with Zoning. There is one parking area along Cameron Road where four parking spaces are called for and there is room for only 3. However, I count 312 spaces and only 307 are required.
- 2. No building code approval.
- Waste Water System to be Available.
- Satisfactory if driveways are approved by Traffic & Transportation and Public Works. It appears that the driveways on Cameron Road that are off-set from Ridgehaven and Lakewood could be lined up with the streets or off-set adequately.
- Electric easements at later date - okay.
- 5.22 Acres of Lots 47 & 48, Duval Heights Parcel No: 2-2414-0219. Taxes are not paid for the 1968. Prior years are paid.
- Sanitary sewer available from Capital Plaza main to west of property.
- Follow fire department recommendations.

CP14-69-001 Max Kaplan: 181 Unit Apartment Dwelling Group--contd.

Mr. Stevens pointed out that the ingress and egress into the subject property is slightly off-set from the street intersecting Cameron Road on the other side. It is felt that the street should be even more off-set or completely lined up with the streets on the other side. Reinli Street is a 70' collector street extending from Cameron Road to Interstate 35 and Cameron Road is an 80 foot street. The subject property is located next to the Capital Plaza Shopping Center. Subject to the conditions as outlined, the staff recommends approval.

#### TESTIMONY

##### WRITTEN COMMENT

Code

None

##### PERSONS APPEARING AT HEARING

Code

Jack Goodman (representing applicant)

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. Jack Goodman, representing the applicant, was present at the hearing and stated that they will comply with all of the items but there is a question with regard to two of the comments. One is the number of parking spaces. Mr. Goodman stated that it is his understanding that there are 310 spaces on the site, but there are two spaces that are areas devoted to ingress and egress to the stairways. He indicated the location of the four parking spaces that was questioned by the Building Inspector and stated that there is enough distance from the property line to the building line to adequately maintain the spaces, and they would like to request that the four spaces be left in that location at this time unless they are in violation. The second point is with regard to the off-set in ingress and egress. He asked why they should be required to line up the streets across Cameron Road, and explained that if the location of the two major entrances are required to be moved it will delete some of the parking spaces. If the entrances are moved further apart there will be a problem serving the parking lot and also getting enough parking spaces.

Mr. Stevens stated that generally speaking there will be 309 cars in the project and the entrances will in fact be intersections. Usually a slight off-set is considered to contribute to a hazard at an intersection. Normally there should be a 125 foot off-set from the center line.

Mr. Goodman again stated that if the two entrances are required to be moved it will eliminate some of the parking and be detrimental to the project. It may possibly be better to have all the traffic entering into a "T" intersection. There is one other consideration in that the neighbors across



CP14-69-001 Max Kaplan: 181 Unit Apartment Dwelling Group--contd.

Cameron Road have raised questions about the possibility of a privacy fence along Cameron Road. Mr. Goodman explained that he has given this some thought and in his opinion it would be an excellent suggestion and they would like to voluntarily provide a fence between the driveways of some 200 plus feet.

Mr. Stevens indicated that this would be acceptable as long as the fence is arranged so that it will not obstruct any view of the traffic.

Arguments Presented AGAINST:

Mr. Gayle Taylor appeared at the hearing and stated that he owns property directly across the street from the site at the intersection of Cameron Road and Larkwood Drive. He stated that his driveway is onto Cameron Road and it would be his preference if the entrances onto the subject property were in line with the streets across Cameron Road.

Mr. Lee Ellington, nearby property owner, requested that the spot lights of the parking area be facing away from Cameron Road so as not to shine across the street.

Mr. Goodman stated that the applicant has no intention of putting any exterior lights in the parking lot except at strategic corners of ingress and egress to the site. He indicated that he was still concerned with the problem of relocating the entrances and exists and felt that this should not be a requirement.

Mr. Stevens explained that the relocation of the entrances was only a suggestion by the staff as the driveway locations as submitted on the site plan have been approved by Public Works and the Traffic Department.

COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information and concluded that this request should be approved as submitted, including a fence along Cameron Road, subject to compliance with departmental reports.

At the Commission meeting, the staff requested permission to give administrative approval when all of the departmental requirements have been met and noted on the site plan.

The Commission then

VOTED: To APPROVE the request of Max Kaplan for a special permit for the erection of a 181 unit dwelling group on property located at 5634-5736 Cameron Road and 1105-1123 Reinli Street, authorizing the staff to give administrative approval when all requirements have been met and the chairman to sign the necessary resolution.

CP14-69-001 Max Kaplan: 181 Unit Apartment Dwelling Group--contd.

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

CP14-69-002 Bob Bailey, et al: 84 Unit Apartment Dwelling Group  
5619-5715 Airport Boulevard (State Highway 29)

STAFF REPORT: This application has been filed as required under Section 6 and according to the procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 84 units, 168 off-street parking spaces, a furniture store, one swimming pool, and laundry facilities. The property consists of 153,920 square feet of land which is presently zoned "C" Commercial, First Height and Area. The furniture store will be the larger building located close to Airport Boulevard. A request was submitted to the Board of Adjustment for a variance from the off-street parking requirements for the furniture store inasmuch as the Ordinance would require 81 spaces for this particular project. Based on the structure being a furniture store and having a long lease on the property, the Board of Adjustment approved the request with 24 parking spaces being adequate. The 24 spaces for the furniture store plus the required parking for the apartment development makes a total of 168 spaces that are required. There are a number of questions concerning the site plan and there will be some modifications necessary. The staff would like to discuss this with the applicant before the regular Planning Commission meeting to see if some of the problems can be solved. The site plan has been circulated to the various City departments and the comments are as follows:

Office Engineer:

- 1. Clarification of approach road.
- 2. How will entrance from highway intersection of approach road be designed.

Mr. Bailey has talked to the Director of Public Works as well as the Highway Department concerning the approach. There will be an approach road or driveway extending from the north line of the subject property northward a distance of approximately 450 feet through public property out to the present roadway at U. S. Highway 290 at a point approved by the State Highway Department and the Director of Public Works for the City of Austin. The existing roadway for U. S. Highway 290 will be widened to an expressway width and an interchange is planned for U. S. Highway 290 and Airport Boulevard which will require the applicant to adjust his approach road at the time the new facilities are built.

Tax Assessor:

- 2-2512-0440 SE Part of Lot 36 and all of Lot 37 Duval Heights. Taxes are paid through 1968.

Electric

- Electric easements at later date. Okay.

CP14-69-002 Bob Bailey, et al: 84 Unit Apartment Dwelling Group--contd.

Traffic Engineer

- Indicated aisles for traffic circulation are only wide enough for one-way movement. If this is the idea, spaces #20-27 need to be aligned in the opposite direction if they are to be used. Otherwise, looks okay.

Building Inspector

- 1. The Board of Adjustment has approved the furniture store erection with 24 off-street parking spaces subject to it continuing use as a furniture store.

The apartment construction requires 144 parking spaces for a total of 168 spaces.

This exact number is indicated on plot plan. However, the entire parking layout is extremely congested and several spaces apparently could not work, i.e. space 161, 27, 82, 20, 141, virtually all spaces located on corners.

Water and Sewer

- 2. Approach road back to Airport Boulevard needs approval.
- 3. No Building Code approval.
- A sanitary sewer main is proposed in drainage ditch at south property line.

Fire hydrants are required from the existing 8 inch water main in Highway 290 in front of the property at approximately the south corner and in the sidewalk area. This will require a 6 inch main from Airport Boulevard in the south parking area to this fire hydrant at the southeast corner, then the 6 inch main should proceed southerly in or along the drainage easement and connect to the 6 inch main in East 56th Street.

Health  
Fire Prevention

- Waste Water System to be Available.
- The proposed furniture store should be equipped with automatic sprinklers in accordance with Article 14 City of Austin Fire Code.

CP14-69-002 Bob Bailey, et al: 84 Unit Apartment Dwelling Group--contd.

Storm

- The existing channel through the development needs to be concrete lined to use existing easement. Drainage facilities are required under parking area crossings and Northwest approach road to Highway 290. Adequate flow area needs to be maintained under pedestrian bridges.

Fire Protection

- Recommended fire hydrants are indicated in red. Recommend that the fire hydrants be installed and in operation before the construction is started so that we may be able to render better fire protection. That the 4" opening face the driveways and be 18" from center of the 4" opening to the ground with pea gravel around the base of the valve to give the hydrant better drainage.

Director of Public Works

- Driveway locations meet with our approval; however, will need request for and approval of same before construction begins. The off-street parking appears to be very "tight". We would suggest that the off-street parking be restudied as it does not appear to be workable.

Advance Planning

- 1. Driveway and parking plan should be modified to provide better circulation and parking.
- 2. Loading area appears to be inadequate.

There is no objection from the standpoint of the existing zoning and the proposed development, but the site plan should comply with departmental requirements concerning circulation, arrangement of parking and other questions raised. The staff recommends that this special permit be referred to the full Commission or approved pending compliance with departmental reports.

TESTIMONY

WRITTEN COMMENT

Code

None

CP14-69-002      Bob Bailey, et al: 84 Unit Apartment Dwelling Group--contd.

PERSONS APPEARING AT HEARING

Code

Bob Bailey (applicant)

Sam Phillips: 4400 North Lamar Boulevard

SUMMARY OF TESTIMONY

Mr. Bob Bailey was present on behalf of this request and stated that they have purchased a 3.5 acre tract of land that had some very old buildings developed on it. The buildings have been torn down and the land cleaned up. He advised the Committee that they had been working with the State and the City for the past six weeks in getting the approach across the State property to tie in with Middle Fiskville Road. The engineering is being done at the present time, and will be put in at the time construction is started on the project. The flow of traffic and the number of parking spaces has been a problem. He explained that they have studied the problem and have come up with eight additional parking spaces which also improves the size of the driveways and the arrangement of the parking situation. The existing zoning on the property would allow the development of 140 apartment units without a special permit but it is felt that the plans as proposed will not overcrowd the property and will be something to be proud of. It is felt that this is the future center of Austin with the four lane interchange at I. H. 35 and U. S. Highway 290 and the overpass that will eventually go over Airport Boulevard. The approach road that is being put in will be approximately 450 feet long with 24 feet of paving. There is a proposal from the State that when the access roads for the overpass are put in they will give the property access on and off of the access road. Mr. Bailey presented photographs of the furniture store that will be built and explained that it is an Ethan Allan Furniture House that will consist of approximately 17,000 or 18,000 square feet. The apartments will be studio type apartments of the townhouse variety and the architecture will tie in with the architecture of the furniture store. He explained that they have worked with the various City departments on this project and feel that the request should be granted.

Mr. James Holman appeared at the hearing and stated that he owns 2.5 acres of land adjoining the subject property and he is in favor of the request as it will help the area.

No one appeared in opposition to the request.

COMMENTS AND ACTION BY THE COMMITTEE

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

At the Commission meeting, the staff reported that all departmental requirements have been met and recommended that this special permit be approved.

CP14-69-002 Bob Bailey, et al: 84 Unit Apartment Dwelling Group--contd.

It was then unanimously

VOTED: To APPROVE the request of Bob Bailey for a special permit for the erection of an 84 unit apartment dwelling group and furniture store on property located at 5619-5715 Airport Boulevard (State Highway 29) and authorized the chairman to sign the necessary resolution.

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

CP14-69-003 John H. Baker: 121 Unit Apartment Dwelling Group  
3445-3501 North Hills Drive

STAFF REPORT: This application has been filed as required under Section 5 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 121 units, 17 carports, 315 off-street parking spaces, 2 swimming pools, 1 community house, and 2 storage facilities. The subject site consists of 8.62 acres of land which is presently zoned "LR" Local Retail and "B" Residence, First Height and Area. The subject property is included in the Northwest Hills, Section 11, Subdivision and the final subdivision status is pending. One of the conditions of the approval of the special permit would be that the subdivision be completed. The site plan has circulated to the various departments and the comments are as follows:

Electric

- Electric easements at later date--  
underground utilities okay.

Building Inspector

- 1. 315 parking spaces are required. This office can locate only 291 plus 12 located behind 12 spaces within carports. These 12 cannot be counted as this is stacked parking. Parking okay by Dick Jordan as revised 2-18-69.
- 2. There appears to be quite a drainage area through this project. However, I suppose the drainage engineer will comment on this.
- 3. Cannot determine this property to be zoned or subdivided.
- 4. No Building Code approval.

CP14-69-003 John H. Baker: 121 Unit Apartment Dwelling Group--contd.

- Tax Assessor
- 9-1-3501-0101 Taxes are not paid for 1968. Prior taxes are paid.
  - 9-1-3501-0102 Taxes are not paid for 1968. Prior taxes are paid.
  - 9-1-3501-0103 Exempt from taxation. (Church)
  - 9-1-3501-0107 Taxes are not paid for 1968. Prior taxes are paid.
- Health
- Water and Sewer
- Waste Water System to be available
  - Sanitary Sewer is available from Valley Road and Hart Lane.
- Two additional fire hydrants are required with the building layout as shown on the plat. One fire hydrant will be located in the middle of the block on the most northerly east-west drive, and another fire hydrant will be located at the corner where the center north-south drive turns west. This will require a six inch cast iron main from Valley Road in the northerly east-west drive to the fire hydrant and also in the north-south drives to the existing 12 inch main in Hart Lane. A fire demand meter will also be required at both property line crossings. It is also recommended that the driveway be opened into Hart Lane. This would allow free circulation of fire fighting equipment.
- Fire Protection
- I wish to follow the recommendations made by A. Abbe.
- We do recommend that the fire hydrants be installed and made serviceable before construction on the apartments is started,

CP14-69-003 John H. Baker: 121 Unit Apartment Dwelling Group--contd.

Traffic Engineer

Fire Prevention

Storm Sewer  
Fire Protection

Director of Public Works

Office Engineer

Advance Planning

- if possible, so that we will be able to render better fire protection, if it is needed during the construction period.
- Head-in parking along East Hill Drive should be removed (with the exception of carport spaces) as indicated. Entrance to complex on North Hills Drive should be widened to forty (40) feet as indicated to facilitate two-way movement at that point.
  - Follow fire department recommendations.
  - Plan complies with requirements.
  - We recommend that the drive to Valley Road be changed by shifting the buildings or that a fire hydrant be installed as indicated by the red dot. We also recommend that the drive be opened into Hart Lane, if possible, so that we might have use of the existing fire hydrant on Hart Lane for fire protection of the buildings on the interior drive.
  - Driveway locations meet with our approval; however, we will need request for and approval of same before construction begins. Also, we need development plan to scale before consideration can be given to head-in and back-out parking on East Hill Drive as plan submitted indicates that there may not be sufficient depth for the off-street parking.
  - Driveway locations okay--require separate request.
  - 1. Head-in parking is not desirable along East Hill Drive--suggest modification.
  - 2. Parallel parking spaces tend to congest driveways--suggest modification.



CP14-69-003 John H. Baker: 121 Unit Apartment Dwelling Group--contd.

3. Care must be taken in building up mounds at driveway and street intersections so adequate sight distance is maintained.
4. Full number of off-street parking spaces required by Zoning Ordinance must be provided.

The staff recommends approval of the special permit, pending compliance with departmental requirements and subject to the subdivision being recorded.

## TESTIMONY

## WRITTEN COMMENT

Code

None

## PERSONS APPEARING AT HEARING

Code

John H. Baker: 3923 Sierra Drive (applicant)	FOR
Tommy Thompson: 11723 Hillcorft, Houston	FOR
John Riggs: 614 Regal, Houston	FOR
D. Wayne McDonnell: 6519 Brompton	FOR
Don R. Reimers: 1418 Marshall St., Houston	FOR
Kennneth R. Gerrard: 7203 Spurlock Dr.	AGAINST
Steve M. Brynum: 4021 Far West	AGAINST
James E. Brown: 4002 North Hills Dr.	AGAINST
Mrs. R. Montgomery: 7202 Spurlock	AGAINST
Mrs. R. D. Werneburg: 5711 Highland Hills Dr.	AGAINST
Mr. & Mrs. W. R. Muehlberger: 3507 Hillbrook Cir.	AGAINST
F. H. Broneon: 3809 Rockledge	AGAINST
Mrs. J. H. Chelleus: 3900 Rockledge	AGAINST
Mrs. Martha H. Robbins: 3902 Rockledge Dr.	
(And Mr.)	AGAINST

## SUMMARY OF TESTIMONY

Mr. Baker was present on behalf of this request and explained that the subdivision is being held up by lack of letter of credit from the owner whom the property is being purchased from; however, it is his understanding that the letter has now been submitted and will be processed. He stated that with regard to the other matters they will be happy to work with the staff on any problems involved. Mr. Baker stated that they were of the opinion from the Building Inspectors Office that the arrangement submitted would be acceptable, but if it is not, it will be reconsidered so as to make it acceptable.

No one appeared in opposition to the request.

CP14-69-003     John H. Baker: 121 Unit Apartment Dwelling Group--contd.

COMMENTS AND ACTION BY THE COMMITTEE

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

The Commission concurred with the Committee recommendation that this request should be approved subject to compliance with departmental reports. It was then unanimously

VOTED: To approve the request of John H. Baker for a special permit for the erection of a 121 Unit Apartment Dwelling Group on property located at 3445-3501 North Hills Drive, pending compliance with departmental reports and authorized the Chairman to sign the necessary resolution when the requirements have been met.

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

CP14-69-004     J. B. Holmans: 68 Unit Apartment Dwelling Group  
3920-3923 Far West Boulevard

STAFF REPORT: This application has been filed as required under Section 5-C and in accordance with procedures as specified in Section 10-B of the Zoning Ordinance of the City of Austin, Texas. Proposed is an apartment dwelling group containing 68 units, 180 off-street parking spaces and 1 swimming pool. The subject property consists of 4.36 acres of land which is presently zoned "GR" General Retail, First Height and Area which is a retail classification permitting the use as proposed. It should be pointed out that apartments can be developed on the site without a special permit if only one structure is built because of the existing "GR" General Retail zoning. The purpose of the special permit is to permit multi-structures on the tract. The property is in the process of being subdivided and was actually recorded as a one lot commercial site located at the corner of Far West Boulevard and the proposed Chimney Corners. It is the staff's understanding that the property at the intersection, which is not included in the special permit, will be used for commercial purposes and the property abutting the proposed commercial area having frontage onto Far West Boulevard and proposed Chimney Corners which is the subject property will be used for the apartment development.

The special permit procedures provided for in the Ordinance requires review and approval of an exact site plan by the Planning Commission. The Zoning Ordinance requires that in granting or denying an application for a special permit, the Planning Commission take into consideration the following factors:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.

CPI4-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

- b. Safety from fire hazard, and measures for fire control.
- c. Protection of adjacent property from flood or water damage.
- d. Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.
- e. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- f. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
- g. Adequacy of parking, as determined by requirements of this Ordinance for off-street parking facilities in the USE DISTRICT in which the site is located; location of ingress and egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.
- h. Such other measures as will secure and protect public health, safety, morals, and general welfare.

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

Storm Sewer  
Traffic Engineer  
Electric  
  
Building Inspector

- Plan complies with requirements.
- Okay.
- Electric easements at later date--Okay.
- 1. Plot plan complies with ordinance.
- 2. Subdivision creating this lot apparently has not been approved. I understand it is currently being processed and that the subject tract will be in an area already zoned "GR". If this is accurate application will be in order.
- 3. Perpetual ingress, egress easement between subject lot and lot next door - east to

CPI4-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

Health  
Water & Sewer

Tax Assessor  
Fire Prevention

Fire Protection

Advance Planning

Director of Public Works

Office Engineer

- be recorded and copy of same submitted with building plans.
- 4. No building code approval.
- Waste Water System to be Available.
- Sanitary sewer will be available in Farwest Boulevard and Chimney Corners. Will require one fire hydrant to be installed in median on south side of the parking lot across from Group 6. This will require a 6 inch main in the parking lot from Far West Boulevard to Chimney Corners with a fire demand meter at each property line crossing.
- Taxes are paid through 1968.
- Follow Fire Department recommendations.
- Recommended fire hydrants and mains are indicated in red. We recommend that the fire hydrant be installed and be in usable condition before the construction is started so that we may give better fire protection during dates of construction.
- The base valve of the fire hydrant should be set in pea gravel to give better drainage and the openings should face the drive. The distance from the ground to the center of the 4" opening is recommended to be 18".
- An agreement covering the common driveway must be legally established on property to be acceptable as shown.
- Driveway locations meet with our approval; however, we will need request for and approval of same before construction begins. The names "Cambridge Walk", "Westminster Lane", etc., conflict with existing street names. This would cause some house number problems.
- Not Approved, require true-scale lay-out! The street names within this complex must not be used!

CP14-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

Office Engineer--contd.

- See memo from Director of Public Works.

Far West Boulevard, a major arterial street with 100 feet of right-of-way, goes from Balcones Drive extending westerly through the property to eventually tie in to Bull Creek Road (Ranch Road 2222). The street presently has 44 feet of paving and the curb basis is 28 feet from the pavement back to the property line on this particular property. Subject to the requirements being met, the staff has no basis to recommend against the request and therefore, recommends that the special permit be approved. The chairman reiterated that the special permit is not a question of zoning as the zoning is established and does permit the building of apartments on this tract of land.

#### TESTIMONY

#### WRITTEN COMMENT

Code

None

#### PERSONS APPEARING AT HEARING

Code

J. B. Holmans (applicant)	FOR
Mrs. R. Montgomery: 7202 Spurlock	AGAINST
Mr. & Mrs. R. D. Werneburg: 5711 Highland Hills Dr.	AGAINST
F. H. Broneon: 3409 Rockledge	AGAINST
Mrs. J. H. Chelew: 3900 Rockledge	AGAINST
Mr. & Mrs. Leroy R. Robbins: 3902 Rockledge Dr.	AGAINST
Arturo Arauzo (Dr.): 6210 Highland Hills Dr.	AGAINST
Mr. & Mrs. Harold A. Wolf: 7004 Edgefield Dr.	AGAINST
Mr. & Mrs. Donald Lee Davis: 4015 Far West Blvd.	AGAINST
Mr. & Mrs. William P. Thorp: 7116 Sungate Dr.	AGAINST
Mr. & Mrs. R. T. Spencer, Jr.: 7200 Lamplight Lane	AGAINST
Col. & Mrs. Ralph J. Pearson: 4001 Greystone Dr.	AGAINST
Mr. & Mrs. William S. Sullivan: 4000 Greystone Dr.	AGAINST
Mr. & Mrs. Stanley W. Helms: 7109 Sungate Dr.	AGAINST
Mr. & Mrs. Errett Cummings: 3917 North Hills Dr.	AGAINST
Mr. & Mrs. Earl J. Nesbitt: 4106 Honeycomb Rock Circle	AGAINST
Mr. & Mrs. Donald R. Paul: 7104 Spurlock Dr.	AGAINST
Dr. & Mrs. Walter Ducloux: 7009 Edgefield Dr.	AGAINST
W. P. Ludwig, Jr.: 7303 Mesa Dr.	AGAINST
Charles S. Beightler: 7007 Edgefield Dr.	AGAINST
Mr. & Mrs. Wann Langston: 4001 Rockledge	AGAINST
E. T. Horridge: 7207 Waterline	NO OPINION
Mrs. Russell L. Curtis, Jr.: 3805 Rockledge Dr.	AGAINST
Mrs. Jus. Lopreato: 4008 Knollwood	AGAINST
Mrs. Luther W. Thompson, Jr.: 4011 Knollwood Dr.	AGAINST
Ray H. Thurmond: 4209 Far West Blvd.	AGAINST
Mrs. R. F. Anderson: 4109 North Hills Dr.	AGAINST
E. B. Coplen: 7112 Sungate	AGAINST

CP14-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

L. F. Huebner: 7113 Sungate Dr.	AGAINST
John Minor: 5708 Highland Hills Dr.	AGAINST
James B. Unruh: 7108 Running Rope	AGAINST
Roger E. Shields: 4007 Far West Blvd.	AGAINST
J. F. Hisle: 7203 Sungate Dr.	AGAINST
Dr. R. F. Anderson: 4109 North Hills Dr.	AGAINST
Doris M. Haertig: 7108 Sungate Dr.	AGAINST
Mrs. Bruce B. Conway: 7006 Northledge Dr.	AGAINST
Mrs. Stephen Shlanta: 7102 Spurlock	AGAINST
J. S. Payne: 4305 Cat Hollow	AGAINST
Joan Matheny: 7210 Running Rope	AGAINST
Mr. & Mrs. Irving Dochen: 4201 Far West Blvd.	AGAINST
Earl A. & Cleo E. Cearley: 7101 Sungate Dr.	AGAINST

#### SUMMARY OF TESTIMONY

##### Arguments Presented FOR:

Mr. J. B. Holmans was present on behalf of this request and stated that he lives in this area and has a personal interest in developing what is best for the community. He said that he has traveled all over the state looking for townhouse development that would give the neighborhood the best feeling. Mr. Holmans presented an artist's conception of the proposed development and explained that the units will be approximately 55 feet back from Far West Boulevard. A sidewalk will also be provided so that when the school is built the children can use the sidewalk to get by the development. There will be approximately 1,800 to 2,000 square feet in the units with two car garages, enclosed patios, brick walls and a great deal of lighting.

Mr. Holmans stated that "GR" General Retail zoning exists on the site and he could build the proposed development without a special permit if the structures are tied together with a roof overhang. It is felt that the tying of the structures together would create a fire hazard and would not be as attractive to the area.

##### Arguments Presented AGAINST:

A large number of people appeared at the hearing in opposition to this request and presented the following information: The people in the area are not only opposed to the proposed development on the site but also object to the existing "GR" General Retail zoning. An attempt has been made to follow the normal procedures required to request a rollback in zoning but in this case it is impossible as there are only 2 or 3 houses located within 200 feet of the property and the property immediately abutting the site is owned by Bradfield-Cummings. The Ordinance requirement of the owners of 50% of the property in order to request a rollback in zoning, cannot be met in this instance as some of the area is still outside the City. All the residential homeowners in this area very strongly object to this request and feel that it should be denied. There is a moral issue involved in the zoning as the proposed

CP14-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

development would ruin the value of the existing homes and the traffic generated would be hazardous to the children in the area. People who live in apartments do not take the same interest in the area as individual homeowners and there should be adequate protection for the homeowner. They stated that when people purchased their homes in the area they were assured that this would be a residential area and no one was aware of the zoning or plans on the subject property. When the zoning on the site was changed, no one in the area was notified and there was no publication of the change. The people present concurred that the Committee should be requested to consider this special permit with the possibility of reviewing the zoning.

Mr. Stevens explained that it would be possible for a developer to come in and zone and set aside an area for commercial, in advance of building up an area in order to establish a pattern. When the property is considered for zoning it does not prevent anyone from coming to the meeting and voicing their opinion. Notices advertising a request are sent to property owners within 300 feet of the site although the legal requirement is only 200 feet.

Mr. H. Wolff, one of the nearby property owners, stated that the people in the area feel that there was not due consideration in rezoning the property and it is requested that the Committee look into the legal aspects of getting the zoning changed before any action is taken on this special permit.

Mr. Roger Shields stated that the issue is more fundamental than whether the development on the property should be multi-family or single-family. It appears that there is no legal recourse in the zoning inasmuch as there is no way that the owners of at least 50% of the property within 200 feet of the site can petition for a change in zoning. Government is a thing of today and should not be bound by actions taken in 1966 (i.e. the zoning change). The concern is what happens today and as interested parties in this it is suggested that due consideration be given to the schools and the development which presently exists in the area at this time. The question is not with regard to the development, but is with regard to whether the land should have been zoned in the first place, and it is requested that this be one of the major considerations.

#### COMMENTS AND ACTION BY THE COMMITTEE

The Committee reviewed the information presented and concluded that this request should be continued to the full Commission meeting pending an opinion from the Legal Department with regard to zoning on the site.

At the Commission meeting, the Director of Planning reported that the City Attorney has reviewed this question with regard to the existing zoning on the property and has reported to him. Mr. Osborne explained that it is his understanding that the issue is over what process can be initiated for a zoning change on the subject property. First, the property owner could request a zoning change. Second, for those people in the surrounding area, the Ordinance provides for a legal petition by which a zoning change can be

CP14-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

initiated by the owners of at least 50% of the property within 200 feet of the site. Mr. Osborne stated that it is his understanding that owners of 50% of the property within 200 feet are not so requesting a change and only those principally within this area are in a position of doing so. Therefore, the property owners in the surrounding area that are objecting to the special permit or to the existence of the "GR" General Retail zoning are not in a position to legally require a hearing from the Planning Commission or City Council for rezoning. The third method is that by which either the Council or in turn the Planning Commission can follow. The City Council can refer to the Planning Commission and the Commission can decide whether or not to set a hearing on its' own, or the Commission may initiate such.. In other words, it is the prerogative of the Commission, encompassed in the Zoning Ordinance, to initiate a zoning hearing on any property within the City. The Planning Commission has done this on a number of occasions principally dealing with areas in which there are changes going on in the nature of the area and when the change is from a more restrictive change to a less restrictive type zoning. Examples of this is in the area of 29th and 34th Streets, Lamar Boulevard and Guadalupe Streets and along Ben White Boulevard. The prerogative of initiation in this form is with the Planning Commission. Mr. Osborne advised the Commission that there is on the agenda a letter from the property owners within this area asking that the Commission give consideration to initiating a zoning change on the subject property. The special permit for a special permit dwelling group on the property which is presently zoned "GR" General Retail is in order and in view of this the staff has to recommend that the request be approved as provided for in the Ordinance.

Mr. Brown explained that the Zoning Committee heard the entire case at the zoning hearing except for the clarification of the zoning problem and asked if the case should be reheard at this time.

The Commission was of the opinion that the request should be reheard inasmuch as some of the members were not present at the zoning hearing and therefore,

VOTED: To rehear this application.

At the request of the Commission, the staff reviewed the departmental comments. Mr. Stevens explained that the subdivision on the property has been approved and is now a matter of record. Subject to compliance with departmental reports and the noting of the conditions on the site plan, the staff recommends the request be granted.

The Commission was of the opinion that this special permit should be granted as meeting all of the requirements of the Ordinance at the present time, subject to compliance with departmental reports.



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CPI4-69-004 J. B. Holmans: 68 Unit Apartment Dwelling Group--contd.

It was then unanimously

VOTED: To APPROVE the request of J. B. Holmans for a special permit for the erection of a 68 unit apartment dwelling group on property located at 3920-3923 Far West Boulevard, subject to compliance with departmental reports and authorized the chairman to sign the necessary resolution when the requirements are completed.

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

R146 SUBDIVISION COMMITTEE

The Committee Chairman reported action taken on the subdivisions at the meeting of January 27, 1969, and requested that this action be spread on the minutes of this meeting of the Planning Commission.

The Staff reported that no appeals have been filed from the decision of the Subdivision Committee and that no subdivisions were referred to the Commission. It was then

VOTED: To ACCEPT the attached report and to spread the action of the Subdivision Committee of January 27, 1969, on the minutes of this meeting.

SUBDIVISION PLANS - FILED & CONSIDERED

C8-68-108 Quail Creek, Section 3  
Rundberg Lane and Collingsfield

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

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of QUAIL CREEK, Section 3, pending the items as indicated.

C8-68-115 Brawner's Subdivision, Section 2  
Lightsey Road and Indian Springs

The staff reported that several 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. It was then

VOTED: To ACCEPT for filing and DISAPPROVE the final plat of BRAWNER'S SUBDIVISION, Section 2, pending the requirements as indicated.

C8-69-4      Glenwood Square  
                  Lansing Drive and Richmond Avenue

The staff reported that several reports have not been received and recommended that this final plat be accepted for filing and disapproved pending the required fiscal arrangements, completion of departmental reports, annexation and a restrictive note on the plat pertaining to lots 41 & 42. It was then

VOTED:      To ACCEPT for filing and DISAPPROVE the final plat of GLENWOOD SQUARE, pending the requirements 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:

C8-68-6      Westover Hills, Section 3, Phase 7  
                  Honeysuckle Trail  
C8-68-70      Creekside Terrace  
                  Springdale Road and East 51st Street  
C8-68-107      Northwest Hills, Section 11, Block B  
                  North Hills Drive and East Hills Drive  
C8-68-68      La Hacienda Estates, Section 2  
                  Hudson Bend Road and Beacon Drive  
C8-68-94      Blue Hill Estates  
                  Thomas Springs Road  
C8-69-1      Northwest Terrace, Section 3  
                  Thrush Drive

C8-68-101      Reagan Hills  
                  Cameron Road north of Fairbanks Drive

The staff reported that the final plat of Reagan Hills was before the Commission at the last regular meeting at which time it was accepted for filing and disapproved pending completion of departmental reports. At this time, because of extenuating circumstances, the staff is recommending that the previous action be rescinded. There is a revision to the plan in preliminary form that the staff is recommending for consideration of approval. Mr. Foxworth explained that Cameron Road is being made a Farm to Market Road by the State Highway Department and the only crossover in this vicinity, as shown on the revised plan, is at the existing location of Coronado Hills Drive, and the cul-de-sac shown on this revised plan, comes out to intersect Cameron Road at the crossover. The revision is being made due to the fact that this will be the only crossover in this vicinity on Cameron Road, although there will be one further to the north and to the south approximately in the vicinity of the next street which is developed. It is the staff's understanding that the Highway Department will not permit any sort of "U" turning movement which would allow access to this subdivision. The only way the Highway Department would go along was to revise the plan and bring the street out to the point where the crossover is to be provided directly in line with Coronado Hills Drive to the east of Cameron Road. This is agreeable with the owner although the ownership has

C8-68-101 Reagan Hills--contd.

changed since the last preliminary was approved. The staff recommends that the Commission rescind the last action on this subdivision which was to accept for filing and disapprove pending completion of departmental reports and at the same time approve the revised preliminary plan subject to compliance with departmental requirements and in so doing it should be noted that the cul-de-sac exceeds 400 feet maximum length which requires a variance.

Mr. Milstead stated that the problem on this subdivision previously was traffic generation and asked how this would be effected by the revised plan.

Mr. Foxworth explained that the front of the property is zoned "LR" Local Retail and the balance of the tract is zoned "B" Residence which would permit approximately 800 apartment units, exclusive of the area zoned "LR" Local Retail. When the subdivision was originally considered there was concern about the traffic generation for this many units onto a cul-de-sac street. At that time there was no information as to where the crossovers were going to be. The location of the crossovers is now available and due to this, the staff recommended a revision to the original plan to the extent of what the final plan shows now. Inasmuch as there will be no "U" turning movement allowed and the only other access would be to go around the Interregional to Bluestein Boulevard, the staff is recommending approval of the revised plan. After further discussion, the Commission unanimously

VOTED: To RESCIND the previous action to accept for filing and disapprove this final plat; and to ACCEPT and APPROVE the revised preliminary plan of REAGAN HILLS, subject to compliance with department reports, granting a variance on the length of the cul-de-sac.

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

The staff recommended disapproval of this final plat pending the report from the Health Department. The Commission then

VOTED: To DISAPPROVE the final plat of LAKEWAY, Section 12, pending the report from the Health Department.

C8-68-117 Westover Villa  
Honeysuckle Trail

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

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

## SHORT FORM PLATS - FILED AND CONSIDERED

C8s-69-14      Creekside, Resub. Lot 1-9, Block H  
                  Brookhollow Drive and Coronado Hills Drive

The staff reported that departmental reports have not been received and 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 CREEKSIDE, Resub. Lot 1-9, Block H, pending completion of departmental reports.

C8s-69-15      Magness-Robinson Subdivision  
                  Old Oak Hill Road - Bee Cave Road

The staff reported that this is the first appearance of this short form plat and all departmental reports are complete and all requirements of the Ordinance met. It is recommended that this short form plat be accepted for filing and approved. It was then

VOTED:      To ACCEPT for filing and APPROVE the short form plat of MAGNESS-ROBINSON SUBDIVISION.

C8s-69-16      Chrysler Addition  
                  Blackson Lane and I. H. 35

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

VOTED:      To ACCEPT for filing and DISAPPROVE the short form plat of CHRYSLER ADDITION, pending completion of departmental reports.

C8s-69-17      Eubank Acres, Section 2, Resub.  
                  Caddo Street and Indianhead Drive

The staff reported that this short form plat has complied with all departmental reports and all requirements of the Ordinance except for a variance involving the signature of the adjoining owner. A letter has been received from the applicant stating that an attempt was made to get the adjoining owner to participate but he refused. In view of this, the staff recommends that the short form plat be approved and that the variance be granted. It was then

VOTED:      To APPROVE the short form plat of EUBANK ACRES, Section 2, Resub., granting a variance on the signature of the adjoining owner.

C8s-69-19      Mission Hill, Section 3, First Resub.  
                  Mission Hill Drive

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

C8s-69-19 Mission Hill, Section 3, First Resub.--contd.

It was then

VOTED: To APPROVE the short form plat of MISSION HILL, Section 3, First Resub.

C8s-69-22 Southlund Park, Section 1, Resub.  
Bluebonnet Lane and Kerr Street

The staff reported that this short form plat has met all requirements except for a clearance from the gas company and it involves a variance on the signature requirements of the adjoining owner. A letter has been received stating that an attempt was made to get the adjoining owner to participate but he refused. In view of this, the staff recommends that the short form plat be disapproved pending the clearance from the Gas Company and the variance be granted. It was then

VOTED: To DISAPPROVE the short form plat of SOUTHLUND PARK, Section 1, Resub., pending the clearance from the Gas Company, and granting a variance on the signature of the adjoining owner.

## ADMINISTRATIVE APPROVAL

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

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

<u>C8s-68-185</u>	<u>Barnhart Addition</u>
	St. John's Avenue
<u>C8s-68-195</u>	<u>St. Anthony Village, Section 2, Resub.</u>
	Georgian Drive and Lola Lane
<u>C8s-68-207</u>	<u>St. James Baptist Church</u>
	East 19th and Redwood
<u>C8s-68-213</u>	<u>Graybar Addition</u>
	Banyon Street and North Lamar
<u>C8s-68-219</u>	<u>Golden Square, Resub. Lot 2</u>
	Hancock Drive
<u>C8s-69-5</u>	<u>Wolsch Subdivision</u>
	Miles Avenue and Cannonleague
<u>C8s-69-9</u>	<u>Woolridge Drive Addition</u>
	Woolridge Drive and West 29th Street
<u>C8s-69-13</u>	<u>Passmore &amp; Stenger Addition</u>
	Ridgewood Road and Vance Lane
<u>C8s-69-18</u>	<u>Kanewske Subdivision</u>
	West 35th Street

## OTHER BUSINESS

R141      RULES AND REGULATIONS

Consideration of amendment to rules and regulations pertaining to approval of final plats

The Director of Planning recommended that the following amendment to the Planning Commission Rules and Regulations be adopted:

Amend Section IV DUTIES OF OFFICERS, paragraph 3 as follows:

The Chairman, and the secretary as provided by statute, shall sign all subdivision plats. In case of emergency the executive secretary may sign as the secretary.

Amend Section V MEETINGS, Paragraph 1, sentence 1 as follows:

Regular meetings of the Commission shall be held the second Tuesday of every month at 7:00 p.m. unless otherwise decided by the Commission.

Amend Section XIV SUBDIVISION PLATTING RULES AND REGULATIONS, by adding, after Paragraph 1 and before Short Form Procedure Subdivisions, the following:

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 Commission unanimously

VOTED: To amend the Planning Commission's Rules and Regulations as recommended by the staff.

R146      MASTER PLAN COMMITTEE

Recommendations of Master Plan Committee

The Director of Planning reported that the Regional Planning Commission is required to review and recommend on all federally assisted projects including highway projects within the region and because of the proposals which are specifically within the City of Austin, it was felt that it should be reviewed by the Master Plan Committee and in turn the Planning Commission.

Mr. Osborne presented the proposal for the intersection of North Lamar Boulevard, U. S. Highway 183 and Anderson Lane, showing the proposed grade separation and interchange. He explained that it is basically a three level situation of free movement for U. S. Highway 183, through movement at the lowest level for North Lamar Boulevard and a frontage road at the intermediate level. The issue

R146                      MASTER PLAN COMMITTEE--contd.

particularly considered by the Master Plan Committee was that of the turning movements and general access to Anderson Lane. It was noted to the Master Plan Committee that the traffic volumes for Anderson Lane, forecasted in the 1980 to 1990 period, would be between 20,000 and 25,000 cars per day. The Traffic Engineer, Mr. Joe Ternus, had raised the issue of potential through movement or easier movement either through the intersection or through an additional Anderson Lane connection to the northwest. The recommendation of the Master Plan Committee was in effect to recognize and in general accept the provision of the interchange but also that consideration be given at this time providing for the free flow of traffic from U. S. Highway 183 to Anderson Lane so that at a future date, the additional free movement can be constructed. They recognized that at the present time this type of system would be developed and utilized. The Highway Department is required to have a public hearing which was originally set for February 11th; however, the hearing on this proposal has been postponed to March 21, 1969.

Mr. Brown stated that if it can be avoided, Anderson Lane should not be brought in to the intersection of U. S. Highway 183 and Lamar Boulevard as the resulting "mix-master" of the interchange would create difficulty for people navigating the interchange even if they know where they are going and if they do not know where they are going, it will be even more difficult. He said that in his opinion Anderson Lane should be brought into U. S. Highway 183 at some point other than the intersection.

The Commission discussed the proposed interchange of U. S. Highway 183, North Lamar Boulevard and Anderson Lane and the free flow of traffic. They were of the opinion that through traffic from Anderson Lane to U. S. Highway 183 should be provided through means of an intersection with Lamar Boulevard and U. S. Highway 183. After further discussion, the Commission unanimously

VOTED: To accept the provision of the interchange but to recommend the consideration of through traffic of Anderson Lane with U. S. Highway 183 at some other location or some other alternative than a five-way interchange.

Mr. Osborne presented maps of I. H. 35 redevelopment plans from Airport Boulevard to U. S. Highway 290 and reviewed the interchange provisions for I. H. 35, Airport Boulevard and U. S. Highway 290 and the interchange provisions for I. H. 35, East 51st Street and Cameron Road. He explained that the State Highway Department will have a public hearing on this proposal and after the hearing, it will be submitted to the Bureau of Public Roads and hopefully construction will begin early next year.

Mr. Milstead asked if funds are available for this project? Mr. Osborne explained that although the project is within the City of Austin there will only be State and Federal funds used. With regard to the U. S. Highway 183 and Lamar Boulevard interchange, the City will be involved only in land acquisition and will not participate in the cost of construction. Mr. Osborne advised the Commission that the Master Plan Committee endorsed the idea of the project without endorsing this

R146                    MASTER PLAN COMMITTEE--contd.

specific design. He noted that the U. S. Highway 290 and Airport Boulevard interchange will require adequate signs to show directions to the intersection. They also felt that the East 51st Street and Cameron Road interchange should be carefully reviewed to see if it could be improved.

The Commission discussed the Interstate 35 modification particularly with regard to the flow of traffic through the interchange provisions of U. S. Highway 290 and Airport Boulevard. There was particular concern about the large amount of existing and proposed development at this location, and the effect of the interchange on this development. They discussed the desirability of a loop around the existing and proposed development and suggested that this be given further consideration. The Commission concurred with the Master Plan Committee to endorse the idea of the project without endorsing the specific design and noted that U. S. Highway 290 and Airport Boulevard will require adequate signs to show the directions through the intersections and that the East 51st Street and Cameron Road intersection should be reviewed to see if it can be improved. After further discussion, the Commission

VOTED:        To endorse the general concept of the I. H. 35 redevelopment plan from Airport Boulevard to U. S. Highway 290 as indicated.

ABSTAINED:   Messrs. Milstead, Kinnan and Hazard

R1440                    ZONING ORDINANCE

Report on proposed amendment to Zoning Ordinance regarding special permit for apartment dwelling groups

Mr. Osborne presented a report on a proposed amendment to the Zoning Ordinance regarding special permits for apartment dwelling groups and stated that the staff is recommending that apartment dwelling groups be removed from the special permit requirement and that the conditions for multi-building apartment development be spelled out in the Zoning Ordinance and that it be placed in the category of a "Conditional Use." There are two primary reasons for this recommendation, one of which is that the special permit requirement creates a situation in which the neighborhood if notified objects to a particular request but finds itself powerless to do anything about it. Second, is that the special permit is usually designed to permit a unique kind of use into a rather unusual situation. The special permit does not actually deal with the use of apartment dwelling groups but deals with building-type situations. It is felt that the same procedure can be accomplished through an administrative type procedure which would involve a departmental review and if necessary, a Planning Commission review.

Mr. Osborne presented an outline of proposed regulations of mobile homes and trailers and briefly reviewed the existing requirements. He explained that the staff is recommending the following:

1. Permit mobile homes to be placed on individual residential lots subject to:



R1440 ZONING ORDINANCE--contd.

- a. Compliance with Zoning regulations (1 residential structure, setback, side yard, etc.)
- b. Compliance with building, plumbing and electrical codes. This would include a foundation and permanent attachment to the foundation.
2. Permit mobile homes and trailers for occupancy in trailer parks. These would be construed as temporary uses and not be subject to all building and related regulations. Trailer parks would be permitted only in "O" and less restricted zoning districts.
3. Prohibit the storing of trailers in the front or side yard areas in residential districts. Storage of a trailer on a residential lot would be subject to a permit issued by the Building Official requiring the trailer to be placed in the "backyard". The action of the Building Official would be subject to appeal to the Board of Adjustment.

The Commission briefly discussed the suggestions and agreed to further consider the proposals at a later date.

R1441 ZONING ORDINANCE: Sidewalk Requirements

Consideration of report to the City Council on sidewalk requirement and development proposal

Mr. Osborne advised the Commission that the City Council and the City Manager have requested a report concerning requirements for sidewalks both in new subdivisions and in existing areas of the City. In general, the report will recommend sidewalks in new subdivisions along major streets, commercial areas and in the vicinity of schools. The only way sidewalks can be established in existing areas of the City is with the City working with the private developer.

The Commission members asked to receive the report when completed on the sidewalk requirements.

C2-69-1 AUSTIN DEVELOPMENT PLAN

Consideration of conditions in North Lamar area relative to Master Plan

The Director of Planning presented a map of the area north of Rutland Drive, south of Kramer Lane and west of Lamar Boulevard. He explained that there is residential development along Neans Drive which is solidly built up, retail-type businesses along McPhail Street and additional residential development west of Newmont Road along Fauntleroy Trail. Industrial and semi-industrial development is beginning to occur in the North Meadows Subdivision which is located north of the residential area along Neans Drive. Industrial and semi-industrial development is beginning to occur in very extensive amounts coming back off U. S. Highway 81 or North Lamar Boulevard in considerable depth. The department is receiving requests to clear out and permit the connection of

C2-69-1 AUSTIN DEVELOPMENT PLAN--contd.

utilities for warehousing, industrial, and heavy commercial non-retail type businesses extending all the way back to the North Meadows Subdivision. This is in effect the beginning of an industrial area. The Master Plan shows all of the immediate area as low-density residential development. Most of the lots are 68' x 135' deep and in some instances two lots are being put together. North Meadows Subdivision, which is approved, proposes streets with 50 feet of right-of-way and there is beginning to be a moderate amount of truck movement in the area. The City is not in a position to automatically release any of the requests for utilities as the Master Plan designation is low density residential which prohibits the City from serving any industrial development. The issue seems to be in what form this area should be brought up for consideration in hearing by the Planning Commission as the pressure is on in the area for industrial-type development.

The Commission discussed the conditions and development occurring in this area and felt that the area should be brought in for Master Plan consideration. It was then

VOTED: To instruct the staff to consider the area north of Rutland Drive, south of Kramer Lane and along Lamar Boulevard for a Master Plan consideration.

Mr. Osborne advised the Commission that changes within the Burnet Road and U. S. Highway 183 area warrant consideration for a possible change in the Master Plan. On the south side of new U. S. Highway 183 there is currently the Electro-Mechanics Company, a small plant facility for capital aggregates and several other warehousing, contracting and open storage uses scattered through the area. To the south of old U. S. Highway 183 is the Crushed Stone Works and truck storage. The area north of new U. S. Highway 183 is designated in the Master Plan as Industrial. In addition to the dozen industrial and semi-industrial uses there are 50 to 75 houses in this strip in the medium cost range. There is an individual requesting consideration for industrial utilities on property in the northern portion of this strip which brings up the issue of whether or not this area should be considered for Master Plan change. At this point, the staff is reluctant to recommend any of the area for industrial purposes. The staff could submit this proposal to the Master Plan Committee so that they can determine whether or not it should be brought up for hearing.

The Commission agreed that they should look at the area before determining whether or not the change should be considered. After further discussion, it was unanimously

VOTED: To pursue this matter after a field inspection of the area.

C14L-69-1      ZONING CONSIDERATION

Consideration of request by Northwest area property owners for initiation of zoning change proposal by the Planning Commission

The Director of Planning explained that as a result of a special permit hearing on property located at 3920 Far West Boulevard and the notices sent out, the people in this area have become aware of the "GR" General Retail zoning, granted in 1966, on the 9.7 acres of land located at Far West Boulevard and Chimney Corners which is owned by Bradfield-Cummins. The people in this area apparently feel that a series of changes have occurred within the area, basically the development of additional single-family homes in the immediate vicinity, the beginning of the development of a school and other elements. As a result of these changes six property owners have submitted a letter, supported by the "petition" containing the signatures of over 200 people living within approximately five blocks of the "GR" General Retail area, requesting that the Commission initiate consideration in hearing on a change of zoning on this property from the present "GR" General Retail to either "BB" or "A" Residence which is in effect a request for a rollback in zoning. The people in the area are not in a position because of legal stipulations to legally petition and require the City to do this. It is the position of the Commission to determine whether or not there should be a hearing on the zoning matter. Based on "Section 31, Paragraph B" of the Zoning Ordinance, the Commission may from time to time initiate any such change in the text or designation of the Zoning Ordinance that it feels is desirable or warranted. If the Commission feels that consideration of a zoning change is warranted, the general hearing procedure would be the same as for a normal zoning application. The hearing by the Zoning Committee would be three weeks from this date and the hearing by the Planning Commission would be four weeks from now and in turn the request would then proceed to the City Council. The Commission cannot act on the zoning issue at this time but can determine whether there should be a hearing.

Mr. Hanks asked if the original request for "GR" General Retail zoning on the property was conducted in the manner it should have been and given the zoning in the development of the property in the proper procedure.

Mr. Osborne explained that as far as the City is concerned, the zoning on the property occurred through proper procedure. There are issues that both parties are aware of, in that the application for rezoning occurred during the period of time when the request for annexation was before the City Council so that the two procedures of annexation and zoning were going on simultaneously. The City Attorney has advised that the Ordinance granting the zoning on the property has been adopted by the City of Austin.

Mrs. Charles Beightler, 7007 Edgefield Drive, was present at the hearing and read the following letter:

The application for an "Apartment Dwelling Group" Special Permit by Mr. J. B. Holmans at 3920 Far West Boulevard has brought to the attention of many people in the Northwest Hills and Highland Hills Northwest Subdivisions the existence of "GR" General Retail zoning on the 9.7 acres of land at Far West Boulevard and Chimney Corners Drive. This is generally identified as the Bradfield-Cummins property.

C14L-69-1      ZONING CONSIDERATION--contd.

This property was annexed to the City and zoned "GR" in 1966, prior to any substantial development of the surrounding area. The Master Plan of the City indicated that this was to be an area of low density residential development (principally single-family housing). It was recognized that about 100 acres to the east encompassed by the former crushed stone pit would be developed in commercial, office and other non-residential uses and that apartments might be built in the vicinity of the proposed Mo-Pac Boulevard. The great majority of people who have bought homes and are living in the area have recognized these general plans but not the 9.7 acres of "GR" zoning.

At present, the elementary school on Far West Boulevard and Northledge Drive is under construction. This school is intended to serve the residential neighborhood. New homes have been built and sold on Far West, Northledge, Edgefield, Spurlock and Lamp-light, to mention those very close to the "GR" zoning. It is apparent that changes have occurred in the neighborhood since 1966 which have made it a single-family residential area and that apartments and general retail activities would constitute a blight on the residential development, a traffic hazard to the children attending the elementary school and that there is a substantial amount of land that is designated or zoned for commercial purposes less than one-quarter mile to the east of the Bradfield-Cummins "GR" zoned tract.

In view of these conditions and changes that have occurred, we wish to request that the Planning Commission of the City of Austin initiate a proposal and hearing for a change of zoning from "GR" General Retail to "BB" or "A" Residence on the 9.7 acres located at 3900 to 3966 Far West Boulevard. Such action may be taken by the Planning Commission under provisions of Section 31, Paragraph (b) of the Zoning Ordinance of the City of Austin. In addition to those of us submitting this letter, we are enclosing a general petition supporting this action by over 200 residents of the area immediately around the subject property.

Mr. Harold Wolff, nearby property owner, stated that one of the Planning Commission members asked whether or not the zoning granted in 1966 is legal, and the City Attorney has advised that it is. He stated that some of the people in the area have sought legal counsel and have been advised that the zoning may not be legal, in view of the fact that the zoning hearing took place prior to the property being annexed to the City. Mrs. Roland Freund urged the Commission to consider a "rollback" in zoning as this is a very fine residential area and it would be a tragedy for the people who have invested their money in lovely homes to have the value brought down by the development of apartments adjacent to the area.

C14L-69-1      ZONING CONSIDERATION--contd.

Mr. Julian Martin stated that he is temporary chairman of the newly organized Northwest Austin Homeowners Association and explained the relationship of this organization to this request. He stated that the first purpose of this association is to seek a Master Plan study by appropriate City Officials for Commission and Council approval for the total area bounded by FM 2222 on the south and west, Spicewood Springs Road on the north and Balcones Drive on the east. The second purpose is to oppose zoning changes in the area to anything other than single-family residences, pending the approval of the Master Plan study. The third purpose is to study the fairness of the Master Plan study as it is finally proposed and to present the homeowners case, if necessary, on any detail that is within this study.

Mr. Ralph Pearson stated that in his opinion the issue is not whether the zoning is good or bad but is whether or not the question of rolling the zoning back should be opened. It is assumed that the zoning was done legally and properly with a full hearing at that time. People in this area are only asking that the Commission open the question of reconsideration so that there will be a hearing in which all the interested people are appraised of what is happening. The property owners feel that the people they purchased their homes from have not kept faith. Mr. Roger Shields, 4007 Far West Boulevard, stated that any firm decision made to reject any further consideration of the zoning changes would be a harmful precedent to make in that action which is irrevocable is not in keeping with our philosophy of government. One of the reasons for the Commission is because there is a continuing development and change. It is realized that decisions and commitments may be made based on existing zoning but it should be asserted that the businessman is in business, he makes profit and he takes a risk. It should be submitted that each individual homeowner should not have to go to City Hall and go through all the records on all vacant land to see how it is zoned.

Mr. Arthur Pihlgren explained that he has always been in favor of strict planning in the highest and best use for property whereby adjoining property owners are not offended or hurt by development of property. A number of other people who objected to the zoning on this property lose track of the fact that when Mo-Pac Boulevard is completed about 90 or 95 percent of the area to the north, west and south of the site will be using Far West Boulevard as ingress and egress to and from their residential area. The property is located directly across from the elementary school site which is soon to be developed. It should be pointed out that the highest and best use of land across from the school is not high-type residential development because of the tremendous amount of traffic coming in and out of the school area. Chimney Corners Drive will be a wide collector street from Far West Boulevard going north to Spicewood Springs Road. Due to the terrain fronting onto Balcones Trail, the bluff and the high area, there are no plans for any street to come into Mo-Pac until Spicewood Springs Road which is a distance of approximately 8 or 10 city blocks.

Mr. Rogan Giles, attorney for Bradfield-Cummins, explained that he has first hand knowledge of an instance in which the Planning Commission took it upon themselves to initiate a zoning change in the area between Lamar Boulevard,

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Guadalupe Street, West 29th and West 24th Streets because of the fact that there was a continuing procession of changes brought in for apartment zoning and it became apparent that the area should be considered from an overall basis rather than piece-meal. In order to be more efficient and demand certainty to the future of this area, the Commission initiated a zoning change which eventually resulted in a restrictive classification for the area; however, if the area now under consideration is considered for a change after the existing zoning has been established for only two or two and one-half years, it will be exactly the reverse situation and the Commission will be creating a "Pandora's Box" of difficulties not only in this particular area but all over the City of Austin. The establishment of a retail classification on this piece of property has been a matter of public record which has been available to anyone who was interested in building in the area. The school locations, Far West Boulevard and the proposed Mo-Pac Boulevard locations have been known for quite some time.

It is obvious that commitments on this property have already been made on the strength of the existing "GR" General Retail zoning. This is a vested right in itself for the Bradfield-Cummins interest. They have not tried to hold back or make a secret of anything proposed and there has been no deception. The issue in this matter is that the Planning Commission is being asked to go in and reconsider an area that was changed as recently as two to two and one-half years ago on the basis that some of the property owners feel that there have been changes in the area. It should be pointed out that the location of the schools, Far West Boulevard, and Mo-Pac Boulevard have not changed since the time the requested zoning was granted.

Mr. Giles stated that it is his understanding that there is no one within 200 feet of this property who lived there or owned the property when the zoning classification was granted. Every single property owner within 200 feet of the site has acquired property since the zoning was granted and they could have made themselves aware of the existing zoning. It is felt that there will be problems created not only in this area but all over Austin if the Commission considers rezoning this property as the developers, people providing loans, and builders depend on the certainty of zoning.

Mr. McNeil stated that the question of legality has been raised and asked if the zoning was legal when granted. Mr. Glenn Cortez, Acting City Attorney, stated that with respect to the legality as he understands the fact situation the property was inside the City limits at the time the zoning became effective, and the zoning statute was complied with to the extent that it was applicable. It is also the presumption of validity of all ordinances and laws therefore it is the position of the Legal Department that this is a valid legal zoning Ordinance at the present time.

Mr. Tom Bradfield was present at the hearing and stated that they acquired the property by contract on March 26, 1956, and filed for record the first subdivision restriction on February 2, 1965. Those restrictions and a schematic

C14L-69-1      ZONING CONSIDERATION--contd.

plan which was on record with the City at that time made reference to the 9.7 acres now under consideration and pointed out very carefully to all the owners that this property would be set aside for multi-family and commercial use. He explained that the same clause appeared in every subdivision section they have developed since that time. The zoning change was accomplished on November 10, 1966, after most of the people in the neighborhood had a 21 month notice of intentions for the site. There has been a tremendous amount of planning done for this area and from the very first the plans were accommodated to Far West Boulevard. A north-south thoroughfare street has been planned which would take children further north of the property directly to the elementary school. Numerous layouts were rejected before a plan was accepted that would be best for the area and all of the plans have been made based on the zoning which was accomplished 2½ years ago. Mr. Bradfield further stated that they planned the entire 60 acres rather than subdivision by subdivision. He presented an artist's conception of the proposed development at this location and explained that apartment development is proposed around the fringe of the area and a small neighborhood type shopping center is planned for the balance of the property.

Mr. Smith stated that inasmuch as the Commission is not deciding on whether or not to roll the zoning back at this point he feels that the affected property owners should be allowed to have a chance to protest in a legal manner by whatever means they have. He emphasized that this does not mean he approves or disapproves of the existing zoning but feels that the property owner should be given the opportunity to express their views. It is regrettable that this type situation has to develop and it means there must be a need for revision in the Ordinance in order to prevent this from happening again. Mr. Smith further stated that in his opinion the Commission should suggest to the Council that there be a revision in the Ordinance whereby a sign would be required on property that is zoned in this manner so that people in that area would know the zoning before development occurs.

Mr. Taniguchi stated that there are times when mixed use could be compatible when adjacent to each other if there were some sort of procedure for design review; however, at the present time there is no procedure available. He stated that in his opinion since there is no procedure for design review the Commission should allow a hearing on the zoning question of this property so that all of the problems can be brought out and discussed to see if there is a possible way of solving them that would be satisfactory to both parties. He further stated that he would like to propose that in cases of this nature that when commercial or residential use goes in next to a residential area that it would require a design review.

Mr. McNeil stated that in his opinion to reconsider zoning which has been established for a relatively short time and when plans have been made on the existing zoning would be setting a precedent for the same type situation in other areas. He stated that he feels that the Commission is morally bound to stand by the recommendation previously made.

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A majority of the Commission members agreed with Mr. McNeil and after further discussion

VOTED: To DENY the request to reconsider the zoning on property located at 3920 Far West Boulevard.

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

NAY: Messrs. Hazard, Smith and Taniguchi

ABSENT: Mr. Dunnam

## REPORTS

## SUBDIVISION APPROVAL BY TELEPHONE POLL

The Planning Commission, on January 21, 1969, gave final approval of the following subdivision by telephone poll:

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

ADJOURNMENT: The meeting was adjourned at 11:45 p.m.

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Hoyle M. Osborne  
Executive Secretary